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**ANNUAL REPORT
AND
STATEMENT OF AFFAIRS**

2000-2001

Queensland Law Reform Commission
August 2001

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Printed by: Major Offset Printers

**ANNUAL REPORT
AND
STATEMENT OF AFFAIRS**

2000-2001

Queensland Law Reform Commission
August 2001

COMMISSIONERS¹

Chairman: The Hon Mr Justice J D M Muir*

**Members: The Hon Justice D A Mullins
Mr W G Briscoe
Prof W D Duncan*
Assoc Prof P J M MacFarlane
Mr P D McMurdo QC*
Ms S C Sheridan***

SECRETARIAT

Director: Ms P A Cooper

Secretary: Ms S Pickett

Senior Research Officer: Ms C E Riethmuller

**Legal Officers: Miss M T Collier
Mrs C A Green (part-time)
Ms K Schultz (part-time)
Ms C M Treloar (part-time)**

**Administrative Officers: Ms T L Bastiani
Mrs L J Kerr**

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¹

An asterisk indicates that the member did not hold office throughout the entire reporting period. The terms of individual members are set out at pp 14-16 of this Report.

28 August 2001

The Hon R Welford MP
Attorney-General and Minister for Justice
Level 18, State Law Building
50 Ann Street
BRISBANE QLD 4000

Dear Attorney

I am pleased to present to you the Annual Report of the Queensland Law Reform Commission for the year to 30 June 2001.

The Commission congratulates you on your appointment in February 2001, and looks forward to a fruitful and co-operative relationship with you.

Unfortunately, the Commission's work has been hindered to some extent throughout the year by vacancies in its membership. Of the six part-time members, the appointments of Professor WD Duncan and Ms S Sheridan expired on 25 September 2000, and the appointment of Mr PD McMurdo QC expired on 21 May 2001. None of these positions had been filled by the end of the reporting period. In addition, my own term as Chairman came to an end on 19 March 2001 and my reappointment did not take effect until 15 June. Such extended vacancies deprive the Commission of the benefit of input from a fund of not only knowledge across a wide spectrum of legal issues but also extensive practical experience.

Nonetheless the reporting period was a productive one for the Commission. It has commenced work on a review of the rule that, in a claim by a surviving spouse for the wrongful death of a partner, damages must be discounted to take account of the possibility that the surviving spouse may enter into a new financially supportive relationship. A report on vicarious liability is nearing completion and, in the Uniform Succession Laws reference where the Commission has the lead role in the National Committee on Uniform Succession Laws, significant progress has been made on a paper about the recognition of interstate and foreign grants of probate and administration. These references all involve issues that have the potential to affect the lives of many members of the Queensland community. The Commission also published and presented to you Part 2 of its report on *The Receipt of Evidence by Queensland Courts: The Evidence of Children*, which contains the Commission's recommendations for a general scheme for facilitating the giving of evidence by child witnesses, to ensure that they are not unfairly disadvantaged by their age and inexperience and that they are able to give their evidence effectively. A summary of the work undertaken by the Commission in 2000-2001 is set out at pages 6-13 of this Report.

In September 2000, Mrs Suzanne Fleming resigned as Secretary of the Commission, a position she had occupied for almost ten years. I take this opportunity to publicly acknowledge not only her effective and efficient administrative skills, but her commitment and loyalty to the Commission. Mrs Fleming's budgetary management enabled the Commission to gain the maximum benefit from its limited resources in times of considerable financial constraints.

The level of funding provided to the Commission continues to be a matter of some concern. In the last five years, between the 1995-1996 financial year and the present, the Commission's total budget allocation has increased by just under \$200,000, from \$621,400 to \$819,000. However, of that increase, an amount of \$173,000 was required to meet property maintenance costs that had not previously been incurred. During the same five year period, salary costs increased by \$100,000. As a result, the amount that the Commission was able to allocate for administrative costs was reduced by one third, from \$93,070 in 1995-1996 to \$60,900 in the present financial year. The Commission was unable to make any allocation of funds for community consultation. That will also be the situation under the Commission's present budget allocation for the 2001-2002 financial year. The Commission regards the ability to consult effectively with community members and organisations throughout regional and rural areas of Queensland as essential to its work of reviewing current laws to ensure that they are just and accessible and appropriate in the light of contemporary conditions. In the view of the Commission, the inability to engage in such consultation has the potential to undermine the relevance of its recommendations and hence the Commission's credibility.

I take this opportunity to thank the members and staff of the Commission for their commitment and continued contribution to law reform in Queensland.

Yours sincerely

John Muir
Chairman

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APPENDIX 1

**QUEENSLAND LAW REFORM COMMISSION PROCEDURES FOR REQUESTS UNDER
THE *FREEDOM OF INFORMATION ACT 1992*51**

ANNUAL REPORT

2000-2001

MISSION STATEMENT

The mission of the Queensland Law Reform Commission is to meet the needs of the Queensland community by reviewing areas of law in need of reform, and making to Parliament through the Attorney-General recommendations for reform, based on extensive research, public consultation, impartiality, equity and social justice.

CONSTITUTION OF THE COMMISSION

The Law Reform Commission is an independent statutory body which is constituted under the *Law Reform Commission Act 1968*.

FUNCTION OF THE COMMISSION

The function of the Law Reform Commission as provided in the *Law Reform Commission Act 1968* is to keep under review the law applicable to Queensland with a view to its systematic development and reform having regard to its codification, the elimination of anomalies and of obsolete and unnecessary enactments, the reduction of the number of separate enactments, and generally the simplification and modernisation of the law.

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* provides that each person appointed to be a member shall 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.

SECRETARIAT

The role of the Secretariat is to provide the Commission with high quality and effective administrative, secretarial and research support, to ensure that the

Commission's resources are effectively deployed in support of the Commission, and to meet Commission timetables with respect to provision of research material, publishing and printing, payment of accounts and provision of management information to the Commission. The Secretariat consists of the Director, the Senior Research Officer, two full-time Legal Officer positions, two Administrative Officers and the Commission Secretary.

COMMUNICATION

The Commission's premises are located at: Level 7, State Law Building, 50 Ann Street, Brisbane, 4000. The address for correspondence is: PO Box 13312, George Street Post Shop, Brisbane Q 4003.

Phone: (07) 3247 4544. Fax: (07) 3247 9045.

The e-mail address is: law_reform_commission@jag.qld.gov.au

The Internet home page address is: <http://www.qlrc.qld.gov.au>

FIFTH PROGRAM

A Fifth Program of References was received from the Attorney-General in June 1996. It was subsequently modified as a result of consultation between the Commission and the Attorney-General. It now comprises the following items:

1. Review of the role of Justices of the Peace in Queensland in particular the desirability of maintaining this office in the light of a changing society.
2. Review of the law on the enforcement of judgments for debts and fines.
3. Review of the *Limitation of Actions Act 1974*, with a view to potential amendment in order to:
 - give due recognition to the enhanced capacity of the medical profession to indicate the cause of disease and injury arising from events occurring outside current limitation periods for the bringing of actions;
 - overcome difficulties caused by the general rule that a limitation period commences when the cause of action accrues;
 - provide for situations of latent damage to property or latent loss or damage resulting from reliance on negligent advice;

- simplify the legislation by providing for a limitation period of general application.
4. Review the capacity of the judicial system, both in its criminal and civil aspects, to receive into evidence information stored and conveyed in electronic, magnetic or similar form.
 5. Review of the capacity of the judicial system to properly receive the evidence of children.
 6. Review of the law of real property, in particular easements and covenants.
 7. Review of the law relating to choses in action - particularly assignments.
 8. Review of the *Common Law Practice Act 1867*.
 9. Completion of the Uniform Succession Laws project for Australia as requested by the Standing Committee of Attorneys General.
 10. Review of the *Justices Act 1886* and the *Magistrates Court Act 1921* with a view to amalgamation of these Acts.
 11. Review whether the damages recoverable by the spouse or child of a deceased person in a wrongful death claim should be affected by -
 - (a) in the case of a claim by the spouse:
 - (i) the remarriage of the spouse or the spouse's entry into a relationship of financially supportive cohabitation;
 - (ii) the prospects of the spouse's remarriage or of the spouse's entry into a relationship of financially supportive cohabitation; or
 - (iii) the possibility that the relationship between the spouse and the deceased might have ended in divorce or might otherwise have ended;
 - (b) in the case of a claim by the child:
 - (i) the remarriage of the surviving parent or the surviving parent's entry into a relationship of financially supportive cohabitation;
 - (ii) the prospects of the surviving parent's remarriage or of the surviving parent's entry into a relationship of financially supportive cohabitation; or

- (iii) the possibility that the relationship between the surviving parent and the deceased might have ended in divorce or might otherwise have ended.²

COMPLETED PROGRAMS

First Program	Approved in August 1969.
Second Program	Approved on 15 February 1973.
Third Program	Approved on 8 September 1983.
Fourth Program	Approved in September 1990.

Only one item from the Fourth Program remains outstanding i.e. Examine the law of vicarious responsibility, with particular reference to: (a) parent/child relationships; (b) teacher/pupil relationships; (c) employer/employee relationships; (d) adult supervisor/child relationships. It is anticipated that the final report in this reference will be presented to the Attorney-General late in 2001.

RECENT PUBLICATIONS OF THE COMMISSION

As at 30 June 2001, 55 reports, 54 working papers and 37 miscellaneous papers have been completed. The *Law Reform Commission Act 1968* requires that all formal reports submitted by the Law Reform Commission to the Attorney-General be tabled in Parliament.

The Commission completed 2 publications during the year. They were:

- The Receipt of Evidence by Queensland Courts: The Evidence of Children (R 55 Part 2)
- Annual Report 1999-2000.

A list of all available Reports, Working Papers and Miscellaneous Papers produced by the Queensland Law Reform Commission is included in this Report at Appendix 3.

Most current publications of the Commission are available on the Commission's home page.

²

This reference was added to the Fifth Program by letter from the Attorney-General to the Commission dated 5 July 2000.

MEETINGS OF THE COMMISSION

During the reporting period 13 meetings of the full Commission were held.

BENEFITS

In 1990, the Governor in Council determined that the annual remuneration for part-time members of the Commission who are not members of the judiciary should be \$12,600. In the reporting period, this amount was paid to Mr Briscoe. The terms of Professor Duncan and Ms Sheridan expired on 25 September 2000. The term of Mr McMurdo QC expired on 21 May 2001. These members received a pro rata payment for the period of their appointment.

INTERNET HOME PAGE

The Queensland Law Reform Commission launched its home page in March 1998. The site address is: [http://www.qlrc.qld.gov.au](http://www qlrc.qld.gov.au)

All current publications of the Commission are available on the home page. Facilities have been provided for the lodgment of submissions in relation to the Commission's current references, as well as for the lodgment of orders for copies of Commission publications.

During its first year of operation, the Commission's home page had 2,617 visitors. The number of visitors increased during 1999 to 9,650. In the reporting year, 18,698 visitor sessions were recorded at an average of 51 per day. The majority of visitor sessions (40.49%) were from Australia. Overseas users accounted for 35.8% of visitor sessions, while 23.7% of visitor sessions were of unknown origin.

CURRENT REFERENCES

The Evidence of Children

In April 2001, the Attorney-General and Minister for Justice, the Hon R Welford MP, tabled the Commission's Report 55 Part 2 - *The Receipt of Evidence by Queensland Courts: The Evidence of Children*. The recommendations set out in this part of the Report represent the Commission's general scheme for facilitating the evidence of child witnesses. Because of a request by previous Attorney-General, the Hon Denver Beanland MLA, that the Commission have regard to the Sturgess Report on sexual offences committed against children,³ the Commission gave some emphasis in its recommendations to cases involving allegations of child abuse, and other particular situations where, in the view of the Commission, a child witness may feel especially vulnerable.

In formulating its recommendations, the Commission was guided by three objectives:

- to preserve the integrity of a child's evidence to the greatest extent possible;
- to reduce distress or trauma experienced by a child witness as a result of having to give evidence; and
- to ensure, in a criminal matter, that an accused against whom evidence is given by a child witness receives a fair trial.

The recommendations were made in the context of the existing adversarial system of justice. Although a number of submissions received by the Commission argued that the present adversarial nature of court proceedings is inappropriate for child witnesses, especially in child abuse prosecutions, the Commission was of the view that it would not be desirable or practicable to recommend the adoption of a different system only for certain kinds of cases or for certain categories of witnesses. However, the Commission recognised the difficulties facing children who give evidence in adversarial proceedings, and its recommendations are intended to mitigate those difficulties consistently with the interests of justice.

Some of the recommendations contained in Part 2 of the Report (for example, the power to restrict inappropriate cross-examination and to prevent an unrepresented accused from cross-examining a child witness in person) were previously published in Report 55 Part 1 (June 2000) and have already been implemented by the *Criminal Law Act Amendment Act 2000*.

³

Sturgess DG, QC, Report, *An Inquiry into Sexual Offences Involving Children and Related Matters* (November 1985).

The remaining recommendations include:

- Extension of the present provision in section 93A of the *Evidence Act 1977* (Qld) relating to admissibility of an out-of-court statement made by a child witness.
- Extension of assistance presently allowed by section 21A of the *Evidence Act 1977* (Qld): for example, an entitlement for child witnesses under the age of 16 to use closed-circuit television to give evidence in criminal proceedings for offences of a sexual or violent nature, and in civil proceedings arising from such offences and in proceedings for domestic violence orders. The court should also have a discretion to allow the use of closed-circuit television by 16 and 17 year olds who qualify as a special witness within the definition in section 21A. In those kinds of cases a child witness under the age of 16 should also have an automatic entitlement to the presence of a support person while he or she gives evidence. The court should have a discretion to allow a support person to be present for a witness who is 16 or 17 years of age and who is a special witness.
- A facility to pre-record the evidence of a child witness for use at committal, trial or on a retrial or appeal.
- A restriction on the right of the defence to cross-examine a complainant or other prosecution witness who is a child at a committal proceeding for a charge of a sexual offence or an offence of violence, unless there are substantial reasons for requiring the child to undergo cross-examination.
- Abolition of the “common knowledge” rule in relation to child witnesses and provision for admissibility of expert evidence in relation to certain issues relating to child witnesses.
- Amendment of the *Freedom of Information Act 1992* (Qld) to make it more difficult to obtain material used in prosecution of child abuse cases for improper purposes.
- Measures to increase professional awareness of issues affecting the ability of children to give evidence.

Some of the Commission’s recommendations do not require any change to the law. Rather, they involve a review of practices and procedures, or of administrative policies. The implementation of other recommendations will involve legislative amendment.

The Commission acknowledges that, since it started its research and consultation on this reference, some progress has already been made towards improving the conditions under which child witnesses give evidence. However, much remains to be done and, although some of the Commission’s recommendations involve a

commitment to expenditure, many others could be implemented at relatively little cost.

The Commission intends to supplement its general scheme by a further report about the position of a number of special categories of child witness. That report will deal with witnesses who may be under some kind of disadvantage in addition to their age and vulnerability, as a result of which they may need further consideration beyond the general scheme put forward in Part 2 of the Report to ensure that they are able to give evidence effectively. These witnesses would include, for example, indigenous children and children from non-English speaking backgrounds, and children with a physical or mental disability which affects the way that they give evidence. It will also deal with children who are accused of having committed a criminal offence, and consider whether the general scheme should apply to them, or whether the general scheme should be modified in its application.

Uniform Succession Laws

The Commission continues to lead and co-ordinate the Uniform Succession Laws Project, which was initiated by the Standing Committee of Attorneys General with a view to developing uniform succession laws for the Australian States and Territories.

In 1995, the Queensland Law Reform Commission, as co-ordinator of the project, asked the then Queensland Attorney-General to request his counterparts in each Australian jurisdiction to nominate a person or agency to represent that jurisdiction on a National Committee for Uniform Succession Laws. The purpose of the National Committee was to guide the project. Nominees were subsequently appointed in each Australian jurisdiction. The National Committee still retains members from most jurisdictions.

At the outset of the project, the National Committee agreed that the project should be undertaken in four stages:

- wills;
- family provision (testator's family maintenance);
- administration and probate; and
- intestacy rules.

In December 1997, the National Committee reported to the Standing Committee of Attorneys General on the first two stages of this project (see *Consolidated Report to the Standing Committee of Attorneys General on the Law of Wills* (MP 29) and *Report to the Standing Committee of Attorneys General on Family Provision* (MP 28)). The Consolidated Wills Report included draft model legislation. The Family Provision Report included drafting instructions. To date, the Office of the

New South Wales Parliamentary Counsel has made significant progress in drafting the model legislation for family provision, although a number of issues are still to be finalised. The recommendations contained in the Consolidated Wills Report have been substantially implemented in the Northern Territory by the enactment of the *Wills Act* (NT), which commenced on 1 March 2001.

In 1998, the National Committee turned its attention to the administration of estates. In June and November 1998, the National Committee held joint meetings with the registrars of probate from most Australian jurisdictions. The National Committee recognised that the registrars would be able to make an invaluable contribution to the development of its recommendations in this area because of their practical experience with the issues relating to this stage of the project.

In June 1999, the National Committee produced a Discussion Paper on *Administration of Estates of Deceased Persons* (MP 37). This paper contained the National Committee's preliminary proposals. It also raised a number of specific issues on which submissions were sought. It is anticipated that the National Committee will report to the Standing Committee of Attorneys General on this part of the project in 2002.

The remaining part of the third stage of the project will address the recognition of interstate and foreign grants of probate and letters of administration. A draft Discussion Paper on this topic has been prepared for the National Committee by Associate Professor Handford of the Law School, University of Western Australia, pursuant to a grant to the Queensland Law Reform Commission from the Queensland Department of Justice and Attorney-General. Associate Professor Handford was previously the Executive Officer and Director of Research of the Law Reform Commission of Western Australia and, until 1997, was the Western Australian representative on the National Committee. In his role with the Law Reform Commission of Western Australia, Associate Professor Handford had the carriage of that Commission's reference on the recognition of interstate and foreign grants of probate and letters of administration in the 1980s. It is anticipated that the National Committee will publish this paper in the second half of 2001.

Vicarious Liability

The terms of this reference were to examine the law of vicarious responsibility, with particular reference to:

- (i) parent/child relationships;
- (ii) teacher/pupil relationships;
- (iii) employer/employee relationships;
- (iv) adult supervisor/child relationships.

Preliminary consultations were held with a number of organisations and individuals prior to the publication of a Discussion Paper. Following this, a notice was placed in *The Courier-Mail* inviting submissions on the issues examined in the Discussion Paper. A number of submissions were received and these have been considered by the Commission. In January 2000 the Commission agreed that an outline of developments in the law since the publication of the Discussion Paper should be distributed to the respondents to that paper, together with an invitation to make any further comments in the light of those developments.

Vicarious liability concerns those situations where the law holds one person liable for the misconduct of another, although the first person is free from any personal blameworthiness or fault. The most common situation is in the area of employment, where an employer is vicariously liable for the torts of an employee committed during the course of his or her employment. Generally, in these circumstances, the employer is liable jointly with the employee and will usually be the party liable to pay any damages awarded to the person injured.

The Commission is considering four issues in the employment context.

First, at common law, although an employer is generally vicariously liable for the torts of an employee, a principal is not vicariously liable for the torts of an independent contractor. In some situations it is not clear whether a worker is an employee or an independent contractor - for example where a person undertakes delivery work, on contract, solely for one company. He or she may even wear the uniform of that company and, to the outside observer, may appear to have the status of an employee. In these circumstances, unless the worker is in fact regarded by the courts as an employee, the company will not be vicariously liable for any damage caused by the worker. The Commission received a number of submissions on this issue and is considering whether the current law is adequate in this regard.

Second, at common law, an employer who "lends" an employee to a third party remains vicariously liable for any damage arising from a tort committed by the employee, unless the lending employer can prove that the employee had become an employee *pro hac vice* - an employee "for the time being" or "for the occasion" - of the third party. The Commission is considering whether there is a need for a change in the law in this area.

Third, the common law currently provides that, where an employee is performing a duty conferred on the employee not by the employer but by law (for example, under an Act of Parliament) and the employee exercises an independent discretion in the performance of that duty, the employer (usually a government or statutory authority) is not vicariously liable for the tortious conduct of that employee. The operation of the common law in this area has been subject to criticism and the Commission is considering the matter as part of this reference.

Fourth, the common law provides that, where an employer has been found to be vicariously liable for the acts or omissions of an employee, the employer has a right to be indemnified by the employee, unless the employer has required the employee

to engage in activity that was in breach of the employment contract or of the law. To a certain extent, the right of an employer to sue an employee (and so recover the amount of damages the employer has had to pay) is restricted by statute and by government policy in relation to Crown employees. However, the Commission is considering the matter in respect of those cases where the common law allows such an action.

In relation to parents, the common law position is that a parent is not generally vicariously liable for damage caused by the acts of his or her children, although a parent may be liable for a breach of some personal duty, such as a failure to properly supervise a child. This is not the case in some overseas jurisdictions which make parents vicariously liable. This matter raises important issues of public interest, not the least being the impact on a family, if an uninsured parent who is not at fault, has to meet a large damages claim for the negligence of a son or daughter.

Like parents, teachers and adult supervisors are not vicariously liable for the wrongs done by their students or those in their charge. In the case of adult supervisors, the Commission recognises the voluntary contributions made by many leaders, coaches, guides and trainers. The impact that a change in the law might have on these contributions is a matter the Commission recognises must be taken into account when considering the question of vicarious liability.

The Commission expects that the final report for this reference will be presented to the Attorney-General in late 2001.

Damages in an Action for Wrongful Death

In July 2000 the Commission was requested to review whether the damages recoverable by a spouse or child of a deceased person in a wrongful death claim should be affected by -

- (a) in the case of a claim by a spouse:
 - (i) the remarriage of the spouse or the spouse's entry into a relationship of financially supportive cohabitation;
 - (ii) the prospects of the spouse's remarriage or entry into a relationship of financially supportive cohabitation;
 - (iii) the possibility that the relationship between the spouse and the deceased might have ended in divorce or might otherwise have ended; or

- (b) in the case of a claim by a child:
 - (i) the remarriage of the surviving parent or the surviving parent's entry into a relationship of financially supportive cohabitation;
 - (ii) the prospects of the surviving parent's remarriage or of the surviving parent's entry into a relationship of financially supportive cohabitation; or
 - (iii) the possibility that the relationship between the surviving parent and the deceased might have ended in divorce or might otherwise have ended.

The conferral of the reference followed comments made by Atkinson J in the Queensland case of *Row v Willtrac Pty Ltd* [1999] QSC 359.

Where a person wrongfully causes the death of another person, an action can be brought for the benefit of the surviving spouse (including a de facto spouse), parent and/or child of the deceased. This action is called a wrongful death action. In such an action, damages may be claimed for the loss of financial support and the loss of services resulting from the death.

The current position in Queensland is that a court, when assessing the damages to be awarded for the loss of support and services, must consider the likelihood of the surviving spouse (or in the case of a claim by a child, the surviving parent) entering into another relationship. The reason for taking this into account is that the surviving spouse (or parent) may receive financial support or services from the new relationship, thus reducing the extent of the loss occasioned by the death of the deceased. On this argument, a failure to discount would result in the claimant being over-compensated. However, the exercise has been said to be “distasteful”, “degrading” and “speculative”.

A similar consideration applies in relation to divorce or separation. If the relationship between the surviving spouse (or parent) and the deceased had been likely to end in divorce, then this fact must be taken into account. A failure to do so may result in the claimant receiving damages for loss of financial support or services in circumstances where this support may have stopped in any case. Likewise, if the surviving spouse (or parent) has in fact remarried or entered into a relationship of financially supportive cohabitation then consideration must be given to the likelihood of that new relationship breaking down.

The Commission proposes to release an Issues Paper in relation to this reference in 2002. That paper will seek comments and submissions from persons and organisations with an interest in the area, and will consider the following matters:

- the action for wrongful death and the nature of the remedy including relevant statutory provisions;
- the rationale for the principle concerning discounting based on remarriage of the surviving spouse, or the prospects of the surviving spouse’s entry into a relationship of financially supportive cohabitation;
- the rationale for the principle concerning discounting based on the possibility that the relationship between the surviving spouse and the deceased may have ended in divorce or separation, or that any new relationship formed by the surviving spouse may end in divorce or separation;
- criticisms of the principle of taking divorce or separation or the likelihood of entry into a financially supportive relationship of cohabitation into account when assessing damages for wrongful death;

- the impact of the principle of discounting where the claimant is a child of the deceased;
- the position in other jurisdictions and some options for consideration.

WHO'S WHO AT THE COMMISSION

MEMBERS

The Hon Mr Justice J D M Muir - BA LLB Chairman

20 March 1998-19 March 2001

15 June 2001-31 December 2001

The Honourable Mr Justice Muir was appointed as a Judge of the Supreme Court of Queensland in 1997. His Honour was previously Queen's Counsel with an extensive commercial practice.

Mr Justice Muir is a member of the Centre for Commercial and Property Law Advisory Panel (QUT), the Committee of the Bar Practice Centre and a Judicial Member of the Land Appeal Court.

The Hon Justice D A Mullins, BCom LLB (Hons) LLM (Adv)

12 July 1996-11 July 1999

1 October 1999-30 September 2002

Justice Mullins has Bachelors' degrees in Commerce and Law from the University of Queensland and, in 1987, graduated with a Master of Laws which was upgraded to Master of Laws (Advanced) in 1999.

Justice Mullins was admitted as a solicitor in 1980 and worked for a Brisbane law firm for four years. She was then admitted as a barrister and was in private practice in Queensland from June 1984 until her appointment as a Judge of the Supreme Court of Queensland on 16 March 2000. Her practice at the Bar was predominantly in matters in the commercial and property areas and in estates. Justice Mullins was made a Senior Counsel in 1998. She was a part-time member of the Queensland Building Tribunal from December 1994 until March 2000.

Wayne Briscoe LLB (Hons) MA (Calif)

4 February 2000-3 February 2003

Mr Briscoe graduated with Honours in Law from the University of Tasmania in 1979. He has a Master's degree in Criminal Justice from the California State University, Sacramento. He was awarded the Butterworths prize in

Criminology in 1978 and the Sir Henry Baker Memorial Fellowship in 1982 for study into Juvenile Justice in Tasmania.

Mr Briscoe has worked as a barrister and solicitor in Hobart. He was Research Director and full-time member of the Law Reform Commission of Tasmania from 1984 to 1988 and Defender of the Fund of the Marshall Islands Nuclear Claims Tribunal from 1988 to 1990.

Mr Briscoe has lectured and tutored in various subjects at the University of Tasmania Law School, Murdoch Law School in Perth and the Queensland University of Technology Law School.

He was Senior Research Officer of the Law Reform Commission of Western Australia from 1991 to 1993.

Mr Briscoe initially joined the Queensland Law Reform Commission on 4 January 1993 as a full-time member. He resigned on 4 June 1999 and was re-appointed as a part-time member on 4 February 2000. Mr Briscoe is Principal Research Officer with the Queensland Criminal Justice Commission.

Professor W D Duncan LLB (Qld) LLM (Lond)

26 September 1997-25 September 2000

Admitted as a solicitor in 1970, Professor Duncan has held the Allen, Allen and Hemsley Chair in Property Law at the Queensland University of Technology since 1990, having previously practised as a solicitor and lectured full-time and part-time in law at the University of Queensland.

Professor Duncan is the author, co-author and editor of a number of books upon the subjects of real property, conveyancing, commercial law and allied subjects and is currently a Director of the Centre for Commercial and Property Law at the Queensland University of Technology. He is a consultant to Allen, Allen and Hemsley, Solicitors, Sydney and Brisbane.

Peter MacFarlane BA (Flin) BLegS (Macq) LLM (Syd) - Full time member

10 January 2000-9 January 2003

Associate Professor Peter MacFarlane is on secondment from the Queensland University of Technology Law School where he lectured in the areas of Torts, Medico-Legal Issues and Professional Responsibility. He is author and co-author of a number of books and articles, including contributions to *The Laws of Australia* (LBC) and *Halsbury's Laws of Australia* (Butterworths). He has held positions on a number of editorial boards including the *Torts Law Journal* (1995-1998) and the *Qld Annual Review*

(1993-1994). Associate Professor MacFarlane has been admitted to practice as a barrister in New South Wales and Queensland. He is a current member of the Public Panel of Assessors under the *Health Practitioners (Professional Standards) Act 1999* (Qld), and a member and deputy chair of the Radiation Advisory Council.

Philip McMurdo QC, BCom LLB (Hons)

22 May 1995-21 May 2001

Mr McMurdo graduated from the University of Queensland with degrees in Commerce and Law. In 1977 he was admitted to practice as a solicitor. He worked as a solicitor with a Brisbane law firm for two years until his admission as a barrister in March 1980. He has practised at the Queensland Bar since that date. In 1980 and 1981 he was a part-time lecturer and tutor at the Law School of the Queensland Institute of Technology (now the Queensland University of Technology).

Mr McMurdo is a member of the Trade Practices Committee and the Intellectual Property Law Committee of the Law Council of Australia. He is a lecturer at the Queensland Bar Practice Centre and a teacher at courses conducted by the Australian Institute of Advocacy.

Suzanne Sheridan BA LLB

26 September 1997-25 September 2000

Ms Sheridan is a practising solicitor and a Brisbane based partner of national law firm Minter Ellison. She was admitted to practice as a solicitor in 1985. Ms Sheridan comes from a background as a commercial litigator and in recent years has focused on providing advice to private sector clients and to government bodies and authorities on administrative law matters. Ms Sheridan also has a particular interest in the health care area and remains a commercial litigation specialist.

SECRETARIAT

Penny Cooper BA LLB (UQ) LLM (UQ) - Director

Ms Cooper was appointed as Principal Legal Officer of the Commission in 1991. In 1994, she was appointed as a full-time Commission member for a period of three years. Upon the expiration of that period, she resumed her role within the Commission Secretariat. She holds the degrees of Bachelor of Arts, Bachelor of Laws and Master of Laws from the University of Queensland. She is admitted to practice as a barrister of the Supreme Court of Queensland.

Prior to her appointment at the Commission, Ms Cooper tutored and lectured in law at the University of Queensland. She has a continuing interest in tertiary education, particularly of young women, through her involvement with the Council of the Women's College within the University of Queensland, to which she was elected in 1986. She was elected Deputy President of the Council in 1990 and President in 1995.

Ms Cooper has presented numerous papers in Queensland and at national and international conferences on topics related to Commission references.

Claire Riethmuller BA LLB (Hons) (UQ) - Senior Research Officer

Ms Riethmuller graduated with First Class Honours in Law from the University of Queensland in 1986, having been awarded the Women Lawyers' Association Prize.

Ms Riethmuller was admitted to practice as a solicitor of the Supreme Court of Queensland in 1988, and worked as a solicitor at Minter Ellison, practising in the areas of commercial litigation and professional indemnity litigation, before joining the Commission.

In September 1994 Ms Riethmuller was appointed as Director of the Commission. Upon Ms Cooper's return to that position in August 1997, Ms Riethmuller was appointed to the position of Senior Research Officer.

Suzanne Fleming - Commission Secretary

Prior to her appointment as Secretary of the Commission in January 1992, Mrs Fleming was the Business Manager of a Brisbane independent secondary college. She was a member of the executive of the Association of School Business Administrators, Queensland and was the representative of the Association of Independent Schools Queensland on the Workplace Health and Safety Industry Sub Committee, School and Child Care Advisory Group.

Mrs Fleming received an Australia Day Achievement Award in 1996 for her contribution to the Queensland Law Reform Commission and the Department of Justice.

She resigned as Secretary of the Commission in September 2000.

Sharyn Pickett - Commission Secretary

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

Michelle Purcell - Acting Commission Secretary

Ms Purcell was appointed Acting Secretary of the Commission in February 2001, during Ms Pickett's absence on leave. She has been a member of the staff of the Department of Justice and Attorney-General since July 1992. At the time of her appointment she was a Finance Officer in the Property Services Division of the Department.

Mary Collier LLB (QUT) - Legal Officer

Miss 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 accepted a position in Human Resources with the Queensland Police Service where she remained until her commencement with the Commission.

Miss Collier is presently studying towards a Graduate Diploma of Applied Finance with the Securities Institute of Australia.

Cathy Green BSc (UQ) LLB (QUT) - Legal Officer

Mrs Green joined the Secretariat from 4 September to 22 December 2000 on secondment from her position in the Parliamentary Library.

She graduated with a Bachelor of Science degree from the University of Queensland in 1984. 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, having been awarded the Justin Geldard Memorial Prize. 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 for a number of years.

Karen Schultz BA (Hons) LLB (Hons) (UQ) LLM (QUT) - Legal Officer

Ms Schultz was one of the Commission's inaugural research staff in 1991. Previously to that, she was Associate to the Honourable Mr Justice RH Matthews of the Queensland Supreme Court, and later a solicitor at what is now Allen, Allen & Hemsley (Brisbane). Ms Schultz left the Commission to carry out research for the Litigation Reform Commission and the Court of Appeal from 1992 to 1996; she returned to the Queensland Law Reform Commission in May 1997 in a part-time capacity.

At university, Ms Schultz was awarded the Brisbane School of Arts Prizes 1984 (shared), the PJ McDermott and IM Burns Memorial Prize 1986, and the Securities Prize 1988. Having had various part-time appointments in law at the Queensland University of Technology and the University of Queensland, Ms Schultz is currently pursuing a PhD and teaching at the TC Beirne School of Law at the University of Queensland. Her current teaching specialties are constitutional law, jurisprudence, equity and environmental law.

Cheryl Ann Treloar BCom LLB (Hons) Grad Dip Lib & Inf Studies - Legal Officer

Ms Treloar was admitted as a solicitor of the Supreme Court of Queensland in 1994. Prior to joining the Commission in February 1998 she worked as a solicitor in private practice and as a Research Fellow in Law at Griffith University. She has a post-graduate qualification in Library Science from the Queensland University of Technology.

Lisa Kerr and Terri Bastiani - Administrative Officers

The Commission's Administrative Officers are Mrs Lisa Kerr and Ms Terri Bastiani.

The Administrative Officers are responsible for a wide range of secretarial and administrative functions of the Commission, including the word processing and desk top publishing involved in the production of the majority of the Commission's publications.

APPENDIX 1

LEGISLATIVE ACTION ON REPORTS

No.	Title	Program Item	Date of Report	Date Report Tabled	Background Papers	Legislation Implementing the Commission's Recommendations (in whole, in part, or with alterations)
R 55	The Receipt of Evidence by Queensland Courts: The Evidence of Children (Part 2)	5-5	December 2000	05.04.01	WP 53 1998	
R 55	The Receipt of Evidence by Queensland Courts: The Evidence of Children (Part 1)	5-5	June 2000	03.07.00	WP 53 1998	<i>Criminal Law Amendment Act 2000</i> (Act 43 of 2000. Assent 13.10.00)
R 54	The Role of Justices of the Peace in Queensland	5-1	December 1999	31.05.00	WP 51 1998 WP 54 1999	
R 53	Review of the <i>Limitation of Actions Act 1974</i> (Qld)	5-3	September 1998	22.12.98	WP 50 1997 WP 49 1997	
R 52	The Law of Wills	5-9	December 1997	23.12.97	MP 10 1994 WP 46 1995 MP 15 1996 MP 19 1996 MP 29 1997	
R 51	Consent to Health Care of Young People Vols 1, 2, & 3	4-4	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	4-1	December 1996	25.03.97	WP 45 1995	

No.	Title	Program Item	Date of Report	Date Report Tabled	Background Papers	Legislation Implementing the Commission's Recommendations (in whole, in part, or with alterations)
R 49	Assisted and Substituted Decisions: Decision-Making by and for People with a Decision-Making Disability Vols 1, 2, & 3	4-10	June 1996	07.08.96	WP 43 1995 WP 43A 1995 WP 38 1992 MP 1 1991	<i>Powers of Attorney Act 1998</i> (Act 22 of 1998. Assent 14.5.98) <i>Guardianship and Administration Act 2000</i> (Act 8 of 2000. Assent 20.4.00)
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> (Act 85 of 1994. Assent 2.12.94)
R 47	Female Genital Mutilation	4-4	16.09.94	18.10.94	MP 7 1993 WP 42 1994	<i>Criminal Law Amendment Act 2000</i> (Act 43 of 2000. Assent 13.10.00)
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> (Act 34 of 1994. Assent 12.08.94)
R 45	The Assessment of Damages in Personal Injury and Wrongful Death Litigation: Griffiths v Kerkemeyer Section 15C <i>Common Law Practice Act 1867</i>	4-9	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</i> (Act 89 of 1999. Assent 21.12.99)
R 43	The Bail Act 1980	-	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> (Act 54 of 1997. Assent 16.10.97)
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>	3-3	March 1991	07.04.91	WP 32 1990	<i>Land Title Act 1994</i> (Act 11 of 1994. Assent 07.03.94)
R 39	Henry VIII Clauses	-	29.06.90	05.12.90	WP 33 1990	<i>Legislative Standards Act 1992</i> (Act 26 of 1992. Assent 01.06.92)

No.	Title	Program Item	Date of Report	Date Report Tabled	Background Papers	Legislation Implementing the Commission's Recommendations (in whole, in part, or with alterations)
R 38	Report on the <i>Oaths Act</i>	3-7	31.03.89	07.06.90	WP 31 1988	
R 37	Report on a Bill to Amend the <i>Property Law Act 1974</i>	3-4	17.09.87	07.06.90	WP 30 1986	<i>Property Law Act Amendment Act</i> (Act 54 of 1990. Assent 03.09.90)
R 36	Report on a Bill to Alter the Civil Jurisdiction of the District Court of Queensland	3-10	20.12.85	07.06.90	WP 29 1985	<i>District Courts Act and Other Acts Amendment Act 1989</i> (Act 40 of 1989. Assent 05.05.89)
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	3-1	25.10.85	07.06.90	WP 28 1984	
R 34	Report on a Bill to Establish Limited Liability Partnerships	3-5	22.01.85	07.06.90	WP 27 1984	<i>Partnership (Limited Liability) Act 1988</i> (Act 78 of 1988. Assent 11.11.88)
R 33	Report on a Bill to Prevent the Avoidance of Civil Liability in Cases of Death or Personal Injury Caused by Negligence	3-14	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	2-A.1	1982	07.06.90	WP 24 1982	
R 31	Report on an Examination of the Imperial Statutes in Force in Queensland	2-B.1	23.09.81	07.06.90	WP 23 1979	<i>Imperial Acts Application Act 1984</i> (Act 70 of 1984. Assent 12.10.84)
R 30	Report on a Draft Associations Incorporation Act	2-A.8	01.02.80	07.06.90	WP 22 1978	<i>Associations Incorporation Act 1981</i> (Act 74 of 1981. Assent 7.10.81)
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> (Act 59 of 1984. Assent 15.5.84)

No.	Title	Program Item	Date of Report	Date Report Tabled	Background Papers	Legislation Implementing the Commission's Recommendations (in whole, in part, or with alterations)
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	2-A.2	08.12.78	07.06.90	WP 19 1977	
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>	2-A.2	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> (Act 35 of 1980. Assent 14.5.80)
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> (Act 2 of 1980. Assent 31.3.80)
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> (Act 12 of 1984. Assent 27.2.84)
R 22	Report on the Law Relating to Succession	2-A.7	24.02.78	09.10.79	WP 14 1975	<i>Succession Act 1981</i> (Act 69 of 1981. Assent 7.10.81)
R 21	Reform of the Law of Rape	A.2	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> (Act 30 of 1978. Assent 8.6.78)
R 19	Report on the Law Relating to Evidence	A.4	14.11.75	11.03.76	WP 13 1975	<i>Evidence Act 1977</i> (Act 47 of 1977. Assent 3.10.77)
R 18	The Commission's Third Report on Statute Law Revision	Stat Law Revision	17.03.75	22.03.75	Nil	<i>Acts Repeal Act 1975</i> (Act 35 of 1975. Assent 17.9.75)
R 17	Report on a Bill to Amend the Criminal Code in Certain Particulars	A.2 (2nd)	19.12.74	27.02.75	WP 12 1974	<i>The Criminal Code and the Justices Act Amendment Act 1975</i> (Act 27 of 1975. Assent 15.5.75)

No.	Title	Program Item	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	B.1	28.02.73	07.06.90	WP 10 1972	<i>Property Law Act 1974</i> (Act 76 of 1974. Assent 1.11.74)
R 15	The Commission's Second Report on Statute Law Revision	Stat Law Revision	22.12.72	20.03.73	Nil	<i>Acts Repeal Act 1973</i> (Act 46 of 1973. Assent 22.10.73)
R 14	Report on a Bill to Amend and Consolidate the Law Relating to Limitation of Actions	A.5	02.10.72	20.03.73	WP 11 1972	<i>Limitation of Actions Act 1974</i> (Act 75 of 1974. Assent 1.11.74)
R 13	Report on a Bill to Consolidate and Amend the Law Relating to Money Lending	A.3	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	A.10	21.04.72	09.08.72	Nil	<i>Appeal Costs Fund Act 1973</i> (Act 51 of 1973. Assent 22.10.73)
R 11	Report on Statute Law Revision	Stat Law Revision	21.04.72	09.08.72	Nil	<i>New South Wales (Termination of Application) Acts 1973</i> (Act 1 of 1973. Assent 11.4.73)
R 10	Report in Relation to an Examination of the Law Relating to Interest on Damages	A.9	10.09.71	09.08.72	WP 6 1971	<i>Common Law Practice Act Amendment Act 1972</i> (Act 34 of 1972. Assent 21.12.72)
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	A.6	10.09.70	09.08.72	WP 7 1971	<i>Common Law Practice Act Amendment Act 1972</i> (Act 34 of 1972. Assent 21.12.72)
R 8	Report on the Law Relating to Trusts, Trustees, Settled Land and Charities	A.1.7	16.06.71	09.08.72	WP 5 1970	<i>Trusts Act 1973</i> (Act 24 of 1973. Assent 19.4.73)
R 7	Report on the Law Relating to Perpetuities and Accumulations	A.7	24.05.71	26.08.71	WP 9 1971	<i>Perpetuities & Accumulations Act 1972</i> (Act 9 of 1972 Assent 15.12.72) (later incorporated into the <i>Property Law Act 1974</i>)

No.	Title	Program Item	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)	A.1	08.06.70	26.08.71	WP 4 1970	<i>Statute of Frauds 1972</i> (Act 12 of 1972. Assent 15.12.72) (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> (Act 28 of 1971. Assent 22.04.71)
R 4	Report on a Bill to Consolidate the Law Relating to Arbitration	B.7	08.06.70	26.08.71	WP 2 1969	<i>Arbitration Act 1973</i> (Act 34 of 1973. Assent 22.04.71)
R 3	<i>The Common Law Practice Acts, 1867 to 1964</i> (Section 2): Illegitimate Children	A.6	20.03.70	08.09.70	Nil	<i>Common Law Practice Act Amendment Act 1970</i> (Act 44 of 1970. Assent 21.12.70)
R 2	Abolition of the Distinction between Wilful Murder and Murder	1-A.8	16.03.70	08.09.70	WP 3 1969	<i>The Criminal Code and the Offenders Probation and Parole Act Amendment Act 1971</i> (Act 41 of 1971. Assent 25.10.71)
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	1-A.2	26.02.70	07.06.90	WP 1 1969	

APPENDIX 2

PUBLICATIONS RELATING TO WORKING PAPERS

No.	Title	Program Item	Date of Paper	Related Papers
WP 54	The Role of Justices of the Peace in Queensland	5.1	May 1999	R 54 1999 WP 51 1998
WP 53	The Receipt of Evidence by Queensland Courts: The Evidence of Children	5.5	December 1998	R 55 Part 1 2000 R 55 Part 2 2000
WP 52	The Receipt of Evidence by Queensland Courts: Electronic Records	5.4	August 1998	
WP 51	The Role of Justices of the Peace in Queensland	5.1	February 1998	R 54 1999 WP 54 1999
WP 50	Review of the <i>Limitation of Actions Act 1974</i> (Qld)	5.3	December 1997	R 53 1998 WP 49 1997
WP 49	Review of the <i>Limitation of Actions Act 1974</i> (Qld)	5.3	April 1997	R 53 1998 WP 50 1997
WP 48	Vicarious Liability	4.2	July 1995	
WP 47	Uniform Succession Laws for Australian States and Territories: Issues Paper No 2 - Family Provision	-	June 1995	MP 28 1997
WP 46	Uniform Succession Laws for Australian States and Territories: Issues Paper No 1 - The Law of Wills	-	June 1995 (originally published July 1994)	MP 29 1997 R 52 1997
WP 45	Minors' Civil Law Capacity	4-1	April 1995	R 50 1996
WP 44	Consent to Medical Treatment of Young People	4-4(a)	May 1995	R 51 1996
WP 44A	Consent to Medical Treatment of Young People: Summary of Recommendations	4-4(a)	May 1995	R 51 1996
WP 43	Assisted and Substituted Decisions: Decision-making by and for People with a Decision-making Disability	4-4(b)	February 1995	R 49 1996 WP 38 1992
WP 43A	Assisted and Substituted Decisions: Summary of Recommendations	4-4(b)	February 1995	R 49 1996 WP 38 1992
WP 42	Female Genital Mutilation	4-4(a)	July 1994	R 47 1994
WP 41	The Bail Act	-	February 1993	R 43 1993 WP 35 1991
WP 40	De Facto Relationships	4-9	September 1992	R 44 1993 WP 36 1991
WP 39	Personal Property Securities Law: A Blueprint for Reform (produced jointly with the Victorian Law Reform Commission)	-	August 1992	

No.	Title	Program Item	Date of Paper	Related Papers
WP 38	Assisted and Substituted Decisions: Decision-making for People Who Need Assistance Because of Mental or Intellectual Disability	4-4(b)	July 1992	R 49 1996 WP 43 1995
WP 37	Intestacy Rules	-	July 1992	R 42 1993
WP 36	Shared Property: Resolving Property Disputes between People Who Live Together and Share Property	4-9	October 1991	R 44 1993 WP 40 1992
WP 35	To Bail or Not to Bail - A Review of Queensland's Bail Law		March 1991	R 43 1993 WP 41 1993
WP 34	Working Paper on Statute Law Revision	2-A.1	08.03.91	
WP 33	Henry VIII Clauses	-	10.02.90	R 39 1990
WP 32	Working Paper on a Bill in Respect of an Act to Reform and Consolidate the <i>Real Property Acts</i> of Queensland	3-3	1989	R 40 1991
WP 31	Working Paper on a Bill in Respect of an Act to Replace the <i>Oaths Act 1867-1981</i>	3-7	29.02.88	R 38 1989
WP 30	Working Paper on a Bill to Amend the <i>Property Law Act 1974-1985</i>	3-4	18.12.86	R 37 1987
WP 29	Working Paper on a Bill to Alter the Civil Jurisdiction of the District Court of Queensland	3-10	12.04.85	R 36 1985
WP 28	Working Paper on Legislation to Review the Role of Juries in Criminal Trials	3-1	30.11.84	R 35 1985
WP 27	Working Paper on a Bill to Establish Limited Partnerships	3-5	31.07.84	R 34 1985
WP 26	Working Paper on a Bill to Prevent the Avoidance of Civil Liability in Cases of Death or Personal Injury Caused by Negligence	3-14	1984	R 33 1984
WP 25	Working Paper on a Bill to Amend the <i>Real Property Acts</i> with respect to the Provisions Relating to Writs of Execution, Bills of Encumbrance and Bills of Mortgage, and Caveats	2-A.3	1982	
WP 24	Working Paper on a Bill to Consolidate, Amend and Reform the <i>Supreme Court Acts</i> and Ancillary Acts Regulating Civil Proceedings in the Supreme Court	2-A.1	05.03.82	R 32 1982
WP 23	Working Paper in relation to an Examination of the Imperial Statutes in Force in Queensland	2-A.1	13.08.79	R 31 1981

No.	Title	Program Item	Date of Paper	Related Papers
WP 22A	Supplementary Paper on a Draft Associations Incorporation Act	2-A.8	05.02.79	R 30 1980 WP 22 1978
WP 22	Working Paper on a Draft Associations Incorporation Act	2-A.8	08.12.78	R 30 1980 WP 22A 1979
WP 21	Working Paper on a Bill to Repeal the <i>Second Hand Wares Act of 1921</i> and to Update Legislation Concerning Dealers and Collectors	-	17.04.78	R 29 1980
WP 20	Working Paper on a Bill to Amend the Law in Relation to Bail	-	24.02.78	R 25 1978
WP 19	Working Paper on Proposals to Amend the Practice of Criminal Courts in Certain Particulars	2-A.2	05.12.77	R 27 1978
WP 18	Working Paper on a Bill to Remove Anomalies Presently Existing with Respect to Civil Liability for Animals and to Rationalize the Existing Rules of the Common Law for Damage Done by Animals	2-A.5	30.09.77	
WP 17	Working Paper on an Examination of the Law Relating to Actions Against the Crown and the Replacement of the <i>Claims Against Government Act of 1866</i>	-	06.07.77	R 24 1978
WP 16	Working Paper on a Bill to Amend the <i>Pawnbrokers Act 1849-1971</i>	-	23.12.76	R 23 1978
WP 15	Working Paper on an Examination of the Procedure and Practice in Children's Courts and to Amend the <i>Children's Services Act 1965-1974</i>	2-A.2	23.12.76	R 26 1978
WP 14	Working Paper on a Bill to Consolidate and Amend the Law of Succession and the Administration of Estates	2-A.7	18.12.75	R 22 1978
WP 13	Working Paper on a Bill to Consolidate, Amend and Reform the Law of Evidence	2-A.4	13.06.75	R 19 1975
WP 12	Working Paper on a Bill to Amend the Criminal Code in Certain Particulars	2-A.2	30.07.74	R 17 1974
WP 11	Working Paper on a Bill to Amend and Consolidate the Law Relating to Limitation of Actions	1-A.5	21.06.72	R 14 1972
WP 10	Working Paper on a Bill to Consolidate, Amend and Reform the Law Relating to Conveyancing, Property, and Contract and to Determine the Application of Certain Imperial Statutes	1-B.1	10.04.72	R 16 1973

No.	Title	Program Item	Date of Paper	Related Papers
WP 9	Working Paper on the Law Relating to Perpetuities and Accumulations	1-A.7	24.02.71	R 7 1971
WP 8	Working Paper on a Bill to Consolidate and Amend the Law Relating to Money Lending	1-A.3	20.04.71	R 13 1972
WP 7	Working Paper in Relation to an Examination of the Provisions of the <i>Fatal Accidents Acts</i> with a View to the Elimination of Anomalies	1-A.6	04.01.71	R 9 1971
WP 6	Working Paper in Relation to an Examination of the Law Relating to Interest on Damages	1-A.9	04.01.71	R 10 1971
WP 5	Working Paper on a Bill to Consolidate and Amend the Law Relating to Trusts, Trustees, and Settled Land	1-A.1	22.10.70	R 8 1971
WP 4	Working Paper 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); and <i>The Sale of Goods Act of 1896</i> (Qld) (60 Vic No 6) (Sect 7)	1-A.1	04.03.70	R 6 1970
WP 3	Working Paper on the Proposed Abolition of the Distinction between Wilful Murder and Murder	1-A.8	19.12.69	R 2 1970
WP 2	Working Paper on a Bill to Consolidate the Law Relating to Arbitration	1-B.7	19.12.69	R 4 1970
WP 1	Working Paper 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	1-A.2	03.11.69	R 1 1970

APPENDIX 3

LIST OF PUBLICATIONS

The prices of all Commission publications are subject to change without notice. Current publications are available on the Commission's home page @ <http://www.qlrc.qld.gov.au>

REPORTS

No.	Title	Date	Price	GST	Total Price
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	1970	7.90	.80	8.70
2.	Abolition of the Distinction between Wilful Murder and Murder	1970	7.00	.70	7.70
3.	Report on <i>The Common Law Practice Acts 1867-1964</i> (Section 2): Illegitimate Children	1970	7.00	.70	7.70
4.	Report on a Bill to Consolidate the Law Relating to Arbitration	1970	7.50	.75	8.25
5.	Report on a Bill to Make Provision for the Abatement of Litter and Other Purposes	1970	7.20	.70	7.90
6.	Report on a Review of: <i>The Statute of Frauds, 1677; The Statute of Frauds Amendment Act, 1828; The Statute of Frauds and Limitations of 1867</i> (Qld); and <i>The Sale of Goods Act 1896</i> (Qld) (Sect 7)	1970	7.50	.75	8.25
7.	Report on the Law Relating to Perpetuities and Accumulations	1971	7.30	.75	8.05
8.	Report on the Law Relating to Trusts, Trustees, Settled Land and Charities	1971	13.40	1.35	14.75
9.	Report in Relation to the Provisions of the <i>Fatal Accidents Acts</i> with a View to the Elimination of Anomalies	1970	7.20	.70	7.90
10.	Report in Relation to an Examination of the Law Relating to Interest on Damages	1971	7.00	.70	7.70
11.	Report on Statute Law Revision	1972	7.70	.75	8.45
12.	Report on a Bill to Establish an Appeal Costs Fund	1972	7.50	.75	8.25
13.	Report on a Bill to Consolidate and Amend the Law Relating to Money Lending	1972	7.90	.80	8.70
14.	Report on a Bill to Amend and Consolidate the Law Relating to Limitation of Actions	1972	7.50	.75	8.25
15.	The Commission's Second Report on Statute Law Revision	1972	7.00	.70	7.70

No.	Title	Date	Price	GST	Total Price
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	1973	18.00	1.80	19.80
17.	Report on a Bill to Amend the Criminal Code in Certain Particulars	1974	7.40	.75	8.15
18.	The Commission's Third Report on Statute Law Revision	1975	7.20	.70	7.90
19.	Report on the Law Relating to Evidence	1975	11.00	1.10	12.10
20.	Report on the Law of Succession and Other Allied Considerations in Relation to Illegitimate Persons	1975	7.60	.75	8.35
21.	Reform of the Law of Rape	1976	7.20	.70	7.90
22.	Report on the Law Relating to Succession	1978	9.80	1.00	10.80
23.	Report on a Review of the <i>Pawnbrokers Act 1849-1971</i>	1978	7.40	.75	8.15
24.	Report on the Law Relating to Actions Against the Crown	1978	7.50	.75	8.25
25.	Report on an Examination of the Law Relating to Bail in Criminal Proceedings	1978	8.00	.80	8.80
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>	1978	7.20	.70	7.90
27.	Proposals to Amend the Practice of Criminal Courts in Certain Particulars	1978	8.00	.80	8.80
28.	Report on Matters Arising out of the Report of the Committee of Inquiry into the Enforcement of Criminal Law in Queensland	1979	7.40	.75	8.15
29.	Report on a Bill to Repeal <i>The Second-hand Wares Act of 1921</i> and to Update Legislation Concerning Dealers and Collectors	1980	7.60	.75	8.35
30.	Report on a Draft Associations Incorporation Act	1980	8.00	.80	8.80
31.	Report on an Examination of the Imperial Statutes in Force in Queensland	1981	8.00	.80	8.80
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	11.90	1.20	13.10
33.	Report on a Bill to Prevent the Avoidance of Civil Liability in Cases of Death or Personal Injury Caused by Negligence	1984	7.20	.70	7.90
34.	Report on a Bill to Establish Limited Liability Partnerships	1985	7.40	.75	8.15
35.	Report on a Bill to Amend and Reform The Jury Act, The Justices Act and The Criminal Code insofar as those Acts Relate to Committal Proceedings and Trial by Jury in Criminal Courts	1985	14.30	1.45	15.75
36.	Report on a Bill to Alter the Civil Jurisdiction of the District Court of Queensland	1985	8.30	.85	9.15

No.	Title	Date	Price	GST	Total Price
37.	Report on a Bill to Amend the <i>Property Law Act 1974-1986</i>	1987	8.30	.85	9.15
38.	Report on the <i>Oaths Act</i>	1989	11.70	1.15	12.85
39.	Henry VIII Clauses	1990	7.60	.75	8.35
40.	Consolidation of the <i>Real Property Acts</i>	1991	11.20	1.10	12.30
41.	The Protection of Statements made to Religiously Ordained Officials	1991	7.20	.70	7.90
42.	Intestacy Rules	1993	11.20	1.10	12.30
43.	The Bail Act 1980	1993	9.80	1.00	10.80
44.	De Facto Relationships	1993	17.00	1.70	18.70
45.	The Assessment of Damages in Personal Injury and Wrongful Death Litigation: Griffiths v Kerkemeyer Section 15C <i>Common Law Practice Act 1867</i>	1993	11.40	1.15	12.55
46.	The <i>Freedom of Information Act 1992</i> : Review of Secrecy Provision Exemption	1994	14.40	1.45	15.85
47.	Female Genital Mutilation	1994	10.60	1.05	11.65
48.	De Facto Relationships: Claims by Surviving De Facto Partners under the <i>Common Law Practice Act 1867</i> for Damages for Wrongful Death	1994	8.00	.80	8.80
49.	Assisted and Substituted Decisions: Decision-making by and for People with a Decision-making Disability Volume 1: Full Report Volume 2: Draft Legislation Volume 3: Summary	1996	24.00 14.60 no charge	2.40 1.45 no charge	26.40 16.05 no charge
50.	Minors' Civil Law Capacity	1996	no charge	-	-
51.	Consent to Health Care of Young People Volume 1: The Law and the Need for Reform Volume 2: The Commission's Legislative Scheme Volume 3: Summary of the Commission's Report	1996	no charge	-	-
52.	The Law of Wills	1997	no charge	-	-
53.	Review of the <i>Limitation of Actions Act 1974 (Qld)</i>	1998	no charge	-	-
54.	The Role of Justices of the Peace in Queensland	1999	no charge	-	-
55.	The Receipt of Evidence by Queensland Courts: The Evidence of Children (Part 1)	2000	no charge	-	-
55.	The Receipt of Evidence by Queensland Courts: The Evidence of Children (Part 2)	2000	no charge	-	-

WORKING PAPERS

No.	Title	Type	Date	Price	GST	Total Price
1.	Working Paper 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	Working Paper	1969	7.90	.80	8.70
2.	Working Paper on a Bill to Consolidate the Law Relating to Arbitration	Working Paper	1969	7.50	.75	8.25
3.	Working Paper on the Proposed Abolition of the Distinction between Wilful Murder and Murder	Working Paper	1969	7.00	.70	7.70
4.	Working Paper 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); and <i>The Sale of Goods Act of 1896</i> (Qld) (60 Vic No 6) (Sect 7)	Working Paper	1970	7.50	.75	8.25
5.	Working Paper on a Bill to Consolidate and Amend the Law Relating to Trusts, Trustees, and Settled Land	Working Paper	1970	11.30	1.15	12.45
6.	Working Paper in Relation to an Examination of the Law Relating to Interest on Damages	Working Paper	1971	7.00	.70	7.70
7.	Working Paper in Relation to an Examination of the Provisions of <i>The Fatal Accidents Acts</i> with a View to the Elimination of Anomalies	Working Paper	1971	7.10	.70	7.80
8.	Working Paper on a Bill to Consolidate and Amend the Law Relating to Money Lending	Working Paper	1971	9.10	.90	10.00
9.	Working Paper on the Law Relating to Perpetuities and Accumulations	Working Paper	1971	7.30	.75	8.05
10.	Working Paper on a Bill to Consolidate, Amend and Reform the Law Relating to Conveyancing, Property, and Contract and to Determine the Application of Certain Imperial Statutes	Working Paper	1972	11.10	1.10	12.20
11.	Working Paper on a Bill to Amend and Consolidate the Law Relating to Limitation of Actions	Working Paper	1972	7.50	.75	8.25

No.	Title	Type	Date	Price	GST	Total Price
12.	Working Paper on a Bill to Amend the Criminal Code in Certain Particulars	Working Paper	1974	7.40	.75	8.15
13.	Working Paper on a Bill to Consolidate, Amend and Reform the Law of Evidence	Working Paper	1975	10.90	1.10	12.00
14.	Working Paper on a Bill to Consolidate and Amend the Law of Succession and the Administration of Estates	Working Paper	1975	9.90	1.00	10.90
15.	Working Paper on an Examination of the Procedure and Practice in Children's Courts and to Amend the <i>Children's Services Act 1965-1974</i>	Working Paper	1976	7.60	.75	8.35
16.	Working Paper on a Bill to Amend the <i>Pawnbrokers Act 1849-1971</i>	Working Paper	1976	7.20	.70	7.90
17.	Working Paper on an Examination of the Law Relating to Actions Against the Crown and the Replacement of the <i>Claims Against Government Act of 1866</i>	Working Paper	1977	7.40	.75	8.15
18.	Working Paper on a Bill to Remove Anomalies Presently Existing with Respect to Civil Liability for Animals and to Rationalize the Existing Rules of the Common Law for Damage Done by Animals	Working Paper	1977	7.20	.70	7.90
19.	Working Paper on Proposals to Amend the Practice of Criminal Courts in Certain Particulars	Working Paper	1977	8.80	.90	9.70
20.	Working Paper on a Bill to Amend the Law in Relation to Bail	Working Paper	1978	7.80	.80	8.60
21.	Working Paper on a Bill to Repeal the <i>Second Hand Wares Act of 1921</i> and to Update Legislation Concerning Dealers and Collectors	Working Paper	1978	7.30	.75	8.05
22.	Working Paper on a Draft Associations Incorporation Act	Working Paper	1978	10.50	1.05	11.55
22A.	Supplementary Paper on a Draft Associations Incorporation Act	Working Paper	1979	7.40	.75	8.15
23.	Working Paper in relation to an Examination of the Imperial Statutes in Force in Queensland	Working Paper	1979	9.00	.90	9.90

No.	Title	Type	Date	Price	GST	Total Price
24.	Working Paper on a Bill to Consolidate, Amend and Reform the <i>Supreme Court Acts</i> and Ancillary Acts Regulating Civil Proceedings in the Supreme Court	Working Paper	1982	11.50	1.15	12.65
25.	Working Paper on a Bill to Amend the <i>Real Property Acts</i> with respect to the Provisions Relating to Writs of Execution, Bills of Encumbrance and Bills of Mortgage, and Caveats	Working Paper	1982	7.50	.75	8.25
26.	Working Paper on a Bill to Prevent the Avoidance of Civil Liability in Cases of Death or Personal Injury Caused by Negligence	Working Paper	1984	7.10	.70	7.80
27.	Working Paper on a Bill to Establish Limited Liability Partnerships	Working Paper	1984	10.70	1.05	11.75
28.	Working Paper on a Bill to Review the Role of Juries in Criminal Trials	Working Paper	1984	11.90	1.20	13.10
29.	Working Paper on a Bill to Alter the Civil Jurisdiction of the District Court	Working Paper	1985	7.90	.80	8.70
30.	Working Paper on a Bill to Amend the <i>Property Law Act 1974-1985</i>	Working Paper	1986	8.00	.80	8.80
31.	Working Paper on a Bill in Respect of an Act to Replace the <i>Oaths Act 1867-1981</i>	Working Paper	1988	11.80	1.20	13.00
32.	Working Paper on a Bill in Respect of an Act to Reform and Consolidate the <i>Real Property Acts</i> of Queensland	Working Paper	1989	19.30	1.95	21.25
33.	Henry VIII Clauses	Working Paper	1990	7.50	.75	8.25
34.	Working Paper on Statute Law Revision	Working Paper	1991	7.90	.80	8.70
35.	To Bail or Not to Bail - A Review of Queensland's Bail Law	Discussion Paper	1991	10.60	1.05	11.65
36.	Shared Property	Discussion Paper	1991	11.20	1.10	12.30
37.	Intestacy Rules	Working Paper	1992	8.00	.80	8.80
38.	Assisted and Substituted Decisions	Discussion Paper	1992	16.70	1.65	18.35
39.	Personal Property Securities: A Blueprint for Reform	Discussion Paper	1992	9.60	.95	10.55
40.	De Facto Relationships	Working Paper	1992	17.50	1.75	19.25
41.	The Bail Act	Working Paper	1993	9.50	.95	10.45

No.	Title	Type	Date	Price	GST	Total Price
42.	Female Genital Mutilation	Draft Report	1994	8.70	.85	9.55
43.	Assisted and Substituted Decisions	Draft Report	1995	21.30	2.15	23.45
		Draft Legislation	1995	12.00	1.20	13.20
43A.	Assisted and Substituted Decisions: Summary of Recommendations	Draft Report: Summary	1995	7.40	.75	8.15
44.	Consent to Medical Treatment of Young People	Discussion Paper	1995	17.60	1.75	19.35
44A.	Consent to Medical Treatment of Young People: Summary of Recommendations	Discussion Paper: Summary	1995	7.20	.70	7.90
45.	Minors' Civil Law Capacity	Draft Report	1995	9.50	.95	10.45
46.	Uniform Succession Laws for Australian States and Territories: Issues Paper No 1 - The Law of Wills	Working Paper	1995	9.40	.95	10.35
47.	Uniform Succession Laws for Australian States and Territories: Issues Paper No 2 - Family Provision	Working Paper	1995	10.50	1.05	11.55
48.	Vicarious Liability	Discussion Paper	1995	10.70	1.05	11.75
49.	Review of the <i>Limitation of Actions Act 1974</i> (Qld)	Information Paper	1997	no charge	-	-
50.	Review of the <i>Limitation of Actions Act 1974</i> (Qld)	Discussion Paper	1997	no charge	-	-
51.	The Role of Justices of the Peace in Queensland	Issues Paper	1998	no charge	-	-
52.	The Receipt of Evidence by Queensland Courts: Electronic Records	Issues Paper	1998	no charge	-	-
53.	The Receipt of Evidence by Queensland Courts: The Evidence of Children	Discussion Paper	1998	no charge	-	-
54.	The Role of Justices of the Peace in Queensland	Discussion Paper	1999	no charge	-	-

MISCELLANEOUS PAPERS

No.	Title	Date	Price	GST	Total Price
1.	Steering Your Own Ship - Assisting People Who are Unable to Make Decisions for Themselves	1991	5.00	.50	5.50
2.	Consent by Young People to Medical Treatment	1993	5.00	.50	5.50
3.	Section 48 <i>Freedom of Information Act</i>	1993	5.00	.50	5.50

No.	Title	Date	Price	GST	Total Price
4.	Griffiths v Kerkemeyer	1993	5.00	.50	5.50
5.	Exclusions of Benefits from the Assessment of Wrongful Death - Section 15C <i>Common Law Practice Act</i>	1993	5.00	.50	5.50
6.	Circumcision of Male Infants	1993	5.00	.50	5.50
7.	Female Genital Mutilation	1993	5.00	.50	5.50
7A.	Submission to House of Representatives Standing Committee on Legal and Constitutional Affairs - <i>Inquiry into the Crimes (Child Sex Tourism) Amendment Bill 1994</i>	1994	5.00	.50	5.50
8.	De Facto Relationships: Claims by Surviving De Facto Partners under the <i>Common Law Practice Act 1867</i> for Damages for Wrongful Death	1994	5.00	.50	5.50
9.	A Bill to Consolidate, Amend and Reform the <i>Supreme Court Acts</i> and Ancillary Acts Regulating Civil Proceedings in the Supreme Court	1990	5.00	.50	5.50
10.	First Issues Paper - The Law of Wills	1994	5.00	.50	5.50
11.	Enforcement of Judgments in Debt	1983	5.00	.50	5.50
12.	<i>Real Property Acts</i>	-	5.00	.50	5.50
13.	Problems Relating to Passing of Risk between Vendor and Purchaser	1984	5.00	.50	5.50
14.	Consent to Medical Treatment of Young People: Submission to Queensland Health on Review of the <i>Health Act 1937</i> - New Population Health Legislation for Queensland	1995	5.00	.50	5.50
15.	Uniform Succession Laws: Wills	1996	5.00	.50	5.50
16.	Uniform Succession Laws: The Effect of the Lex Situs and Mozambique Rules on Succession to Immovable Property	1996	5.00	.50	5.50
17.	Consent to Medical Treatment of Young People: Medical Examinations in Cases of Suspected Child Abuse	1996	5.00	.50	5.50
18.	<i>Health Services Act 1991</i> , Section 62: Submission to Queensland Health and Others	1996	5.00	.50	5.50
19.	National Committee for Uniform Succession Laws: Report to SCAG - The Law of Wills NOT FOR PUBLIC DISTRIBUTION	1996	not available	-	-
20.	Uniform Succession Laws: Law of Wills - Outstanding Issues NOT FOR PUBLIC DISTRIBUTION	1997	not available	-	-
21.	Uniform Succession Laws: Family Provision - Summary of Submissions to Issues Paper NOT FOR PUBLIC DISTRIBUTION	1997	not available	-	-

No.	Title	Date	Price	GST	Total Price
22.	Minutes of the Meeting of the National Committee for Uniform Succession Laws NOT FOR PUBLIC DISTRIBUTION	April 1997	not available	-	-
23.	Minutes of the Meeting of the National Committee for Uniform Succession Laws (Teleconference) NOT FOR PUBLIC DISTRIBUTION	May 1997	not available	-	-
24.	Submission to Attorney-General and Minister for Justice: Powers of Attorney Bill 1997 NOT FOR PUBLIC DISTRIBUTION	July 1997	not available	-	-
25.	Submission to Attorney-General and Minister for Justice: Succession Amendment Bill 1997 (Intestacy Rules) NOT FOR PUBLIC DISTRIBUTION	July 1997	not available	-	-
26.	Minutes of the Meeting of the National Committee for Uniform Succession Laws (Teleconference) NOT FOR PUBLIC DISTRIBUTION	Aug 1997	not available	-	-
27.	Australasian Law Reform Agencies Conference: Record of Proceedings NOT FOR PUBLIC DISTRIBUTION	Sept 1995	not available	-	-
28.	National Committee for Uniform Succession Laws: Report to the Standing Committee of Attorneys General on Family Provision	Dec 1997	no charge	-	-
29.	National Committee for Uniform Succession Laws: Consolidated Report to the Standing Committee of Attorneys General on the Law of Wills	Dec 1997	no charge	-	-
30.	Uniform Civil Procedure Rules: Submission on Probate and Administration	Feb 1998	no charge	-	-
31.	Minutes of the Meeting of the National Committee for Uniform Succession Laws (Teleconference) NOT FOR PUBLIC DISTRIBUTION	Nov 1997	not available	-	-
32.	Evidence and Technology - Institute for Information Management Ltd - Discussion on Evidence and Technology	May 1998	no charge	-	-
33.	Minutes of the Meeting of the National Committee for Uniform Succession Laws and Registrars of Probate NOT FOR PUBLIC DISTRIBUTION	June 1998	not available	-	-
34.	Submission to Attorney-General - Guardianship NOT FOR PUBLIC DISTRIBUTION	May 1998	not available	-	-
35.	Minutes of the Meeting of the National Committee for Uniform Succession Laws (Teleconference) NOT FOR PUBLIC DISTRIBUTION	Oct 1997	not available	-	-
36.	Minutes of the Meeting of the National Committee for Uniform Succession Laws (Teleconference) NOT FOR PUBLIC DISTRIBUTION	May 1998	not available	-	-

No.	Title	Date	Price	GST	Total Price
37.	National Committee for Uniform Succession Laws: Discussion Paper, Administration of Estates of Deceased Persons	June 1999	no charge	-	-

APPENDIX 4

**HOLDERS OF OFFICE UNDER THE *LAW REFORM*
*COMMISSION ACT 1968***⁴

CHAIRPERSON

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)	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)	12.07.97-19.03.98
The Honourable Mr Justice J D M Muir	20.03.98-19.03.01 15.06.01-31.12.01

FULL-TIME 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

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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	10.01.00-09.01.03

PART-TIME 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 Mr 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	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	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*	04.02.00-03.02.03

COMMISSION SECRETARY

Mr F N Albietz	19.03.69-August 1969
Mr K J Dwyer	September 1969-November 1980
Mr D M Hensler	December 1980-December 1982
Mr L A J Howard	July 1982-June 1990
Mr M J Richards	July 1990-September 1991
Mrs S P Fleming	January 1992-22.09.00
Ms S Pickett	25.09.00 to the present

APPENDIX 5

FINANCIAL INFORMATION

	94/95 Budget	95/96 Budget	96/97 Budget	97/98 Budget	98/99 Budget	99/2000 Budget	2000/01 Budget
Base Allocation: Salaries	\$355,030	\$378,820	\$345,000	\$418,600	\$412,000	\$432,200	\$487,800
Administration costs	\$93,070	\$130,960 ⁵	\$120,000	\$55,400	\$60,000	\$82,950	\$60,900
Salary related taxes	\$19,100	\$17,720	\$19,500	\$19,000	\$18,000	\$20,000	\$17,300
Departmental specials	\$50,000	\$13,200	\$46,000	\$36,000	\$43,000	6,000	\$27,000
Plant and equipment Purchase and maintenance	\$1,000	\$22,700	\$500	\$0	\$0	\$3,100	\$3,000
Capital Works	\$0	\$11,000	\$0	\$0	\$0	\$0	\$0
Total base and departmental special allocations	\$518,200	\$574,400	\$531,000	\$529,000	\$533,000	\$544,250	\$596,000
Treasury Specials - EB Funding, LSL				\$23,000			
Superannuation	\$45,000	\$47,000	\$34,000	\$34,000	\$56,000	\$58,000	\$50,000
Property Maintenance ⁶	\$0	\$0	\$98,200	\$158,000	\$171,000	\$170,750	\$173,000
	\$563,200	\$621,400	\$633,200	\$744,000	\$760,000	\$773,000	\$819,000

⁵ A departmental special allocation was provided to the Commission in 1993/94 and in 1994/95 for the Commission's printing and postage costs. In 1995/96 the base allocation provided to the Commission was adjusted to meet the costs and the special allocation was withdrawn.

⁶ In December 1996, the Government decided to move the Commission from the Central Courts Building to the State Law Building. As a result, an allocation towards the property maintenance costs was provided to the Commission.

STATEMENT OF AFFAIRS

2000-2001

This is the ninth Queensland Law Reform Commission Statement of Affairs to be published in accordance with the requirements of the *Freedom of Information Act 1992*. The Queensland Law Reform Commission is required to complete the Statement of Affairs as it is an “agency” as defined by the Act.

Section 8(1) of the *Freedom of Information Act 1992* defines “agency” to mean “a department, local government or public authority”. The term “public authority” is defined in section 9(1)(a) of the Act to mean:

- (a) a body (whether or not incorporated) that -
 - (i) is established for a public purpose by an enactment.

The Queensland Law Reform Commission was established under the *Law Reform Commission Act 1968*, and therefore is an agency under the *Freedom of Information Act 1992*.

Section 18(2) of the *Freedom of Information Act 1992* prescribes the material which must be contained in an agency’s Statement of Affairs. These have been addressed individually.

During the past twelve months the Queensland Law Reform Commission received one request for information to be released pursuant to the *Freedom of Information Act 1992*.

There have been no requests for statements of reasons pursuant to the *Judicial Review Act 1991*.

Section 18(2)(a) requires “a description of the agency’s structure and functions”.

The Commission

The structure and functions of the Queensland Law Reform Commission are as defined in the following provisions of the *Law Reform Commission Act 1968*:

3. Constitution of Commission

- (1) A Law Reform Commission shall be constituted in accordance with this Act.
- (2) The Commission must consist of at least 3 members, who may be full-time or part-time members.
- (3) So long as there are 2 or more members, no act or proceeding of the Commission or of any member shall be vitiated by reason only that, at the time when the act or proceeding was done taken or commenced, there was a vacancy in the office of any member.

4. Members of Commission

- (1) Each person appointed to be a member shall -
 - (a) 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; and
 - (b) be appointed by the Governor in Council by Gazette notice -
 - (i) in the case of the holder of judicial office - for the term fixed by the Governor in Council; and
 - (ii) in any other case - for a term of not more than 3 years fixed by the Governor in Council.
- (1A) A member holds office on the terms not provided for by this Act as are determined by the Governor in Council.
- (2) A member whose term of office has expired shall be eligible for re-appointment.
- (3) A member is to be appointed under this Act, and not under the *Public Service Act 1996*.
- (4) An officer of the public service who is appointed as a member may hold the appointment in conjunction with the public service office held by the officer.

...

10. Functions and duties of Commission

- (1) The function of the Commission shall be to take and keep under review all the law applicable to the State 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.

- (2) To remove any doubt, it is declared that the law applicable to the State includes both substantive law and procedural law, including, for example, court rules.
- (3) For the purposes of carrying out its functions, the Commission shall -
 - (a) receive and consider any proposal for the reform of the law which may be made or referred to it;
 - (b) at the request of the Minister, provide assistance to any department or instrumentality of the Government by undertaking the examination of any particular branch of the law and making recommendations for the reform of that branch of the law to bring it into accord with current conditions;
 - (c) prepare and submit to the Minister from time to time, or at the request of the Minister at any time, a program for the examination, in order of priority, of different branches of the law for the purposes of reform, consolidation or statute law revision;
 - (d) undertake, pursuant to approval by the Minister of any program, and in accordance with the approved order of priority, the examination of particular branches of the law, and the formulation of recommendations for reform, consolidation or statute law revision;and may for these purposes hold and conduct such inquiries as it thinks fit, and inform itself on any matter in such manner as it thinks fit.
- (4) The Minister may vary -
 - (a) any program submitted to the Minister by the Commission by adding or deleting or making such alteration to any particular branch or branches of the law as the Minister thinks fit; and
 - (b) the order of priority on any such program.
- (5) For the purpose of assisting the Commission to formulate a program or recommendation the Commission may publish its working and discussion papers and such other papers as it thinks fit and may circulate those papers to such persons as it thinks fit.
- (6) Any programs of and recommendations formulated by the Commission and approved by the Governor in Council shall be laid before Parliament.

The Secretariat

The function of the Commission's Secretariat is to provide quality administrative, research and secretarial services to the Queensland Law Reform Commission, in particular:

- to ensure that the Commission's budget is disbursed effectively and efficiently and in compliance with the Financial Management Standards;
- to ensure the efficient and effective provision of accurate research services;

- to draft material for consideration by Commissioners for inclusion in Commission publications;
- to provide accurate and timely word processing and clerical services to the Commission;
- to arrange Commission meetings, formulate agendas, and distribute meeting material;
- to provide an accurate record of the decisions made at Commission meetings;
- to provide efficient, courteous and timely responses to Ministerial, Governmental and citizen correspondence;
- to process, promote and disseminate publications emanating from the Commission;
- to develop, implement, monitor and evaluate operational strategies for the Commission; and
- to assess critically the Commission's operating procedures and implement methods for improvement.

Section 18(2)(b) requires “a description of the ways in which the agency’s functions (including, in particular, its decision-making functions) affect members of the community”.

Section 18(2)(c) requires “a description of any arrangements that exist to enable members of the community to participate in the formulation of the agency’s policy and the exercise of the agency’s functions”.

Generally, the decision-making functions of the Queensland Law Reform Commission have no direct effect on the public. The decisions of the Queensland Law Reform Commission affect members of the community only if, or when, the recommendations made by the Commission are incorporated into the law of Queensland.

The Commission uses consultative processes in the majority of the references undertaken. Members of the community are invited to make written submissions in response to Discussion Papers and Working Papers published by the Queensland Law Reform Commission. Calls for written submissions are made via the media, or by circulation of Commission publications to interested parties. Occasionally, open forums are held. All submissions are considered by the Commission.

The *Law Reform Commission Act 1968* provides:

11. Powers of Commission

- (1) For the purposes of any inquiry under this Act by the Commission, a member shall have the powers, authorities, protections and immunities, conferred on a commissioner by the *Commissions of Inquiry Act 1950*, and the chairperson or member presiding shall have the powers and authorities conferred on a chairperson of a commission within the meaning of those Acts.
- (2) The provisions of the *Commissions of Inquiry Act 1950* shall, with necessary changes, apply to and in respect of any such inquiry and to and in respect of any witness or person summoned by or appearing before the Commission.

Officers have contact with members of the public in the process of obtaining submissions for the Commission and in the distribution of the publications of the Commission. In the consultative processes, Commissioners, the Director, the Senior Research Officer and the Legal Officers fulfil an educational function by addressing meetings, providing media interviews and preparing written outlines of the Commission's work in hand. The Commission informs members of the public about the current law which is the subject of a Commission reference, the need for reform and the options for reform.

Section 18(2)(d) requires "a description of the various kinds of documents that are usually held by the agency, including -

- (i) the kinds of documents that are available for inspection at the agency (whether or not as part of a public register) under an enactment other than this Act, whether or not inspection of any such document is subject to a fee or charge; and**
- (ii) the kinds of documents that are available for purchase from the agency; and**
- (iii) the kinds of documents that are available from the agency free of charge".**

Section 18(2)(e) requires "a description of the literature available from the agency by way of subscription services or free mailing lists".

The findings and recommendations of the Queensland Law Reform Commission are presented to the Attorney-General as Reports in printed form.

Once the Reports have been tabled in Parliament by the Attorney-General, they are available for general distribution to anyone who wishes to be placed on the mailing list.

The Working Paper series of publications, which includes working papers, issues papers, discussion papers, and draft reports, is distributed to those who have indicated an interest in the particular reference. Some recipients and/or agencies have requested that they receive a copy of all Queensland Law Reform Commission publications. The Miscellaneous Papers series of publications is distributed only to those with whom the Commission needs to consult on a particular matter.

All Queensland Law Reform Commission Working Papers, Issues Papers, Discussion Papers and Reports are available to members of the public. Current documents are supplied free of charge. A small charge is made for the supply of older publications. Although inspection of these publications is possible, it is not the norm. A complete list of documents available to date is set out in Appendix 3. Those publications which are currently available free of charge are identified in Appendix 3.

Current publications may also be accessed free of charge on the Commission's home page.

Other documents held by the Commission are:

- administration files relating to the day to day work of the Secretariat;
- agenda and minutes of Law Reform Commission meetings;
- submissions (some of which are made in confidence) relating to references undertaken by the Commission;
- correspondence files relating to the references undertaken by the Commission;
- research material;
- curriculum vitae and resumes from persons interested in gaining employment within the Commission;
- financial reports and expenditure reports for the Queensland Law Reform Commission;
- personnel files of Queensland public servants currently employed in the Secretariat;
- Annual Reports.

Section 18(2)(f) requires "a list of all boards, councils, committees and other bodies constituted by 2 or more persons that -

- (i) are a part of, or that have been established for the purpose of advising, the agency; and**
- (ii) whose meetings are open to the public or the minutes of whose meetings are available for public inspection”.**

There are no such boards, councils or committees associated with the Queensland Law Reform Commission.

Section 18(2)(g) requires “a description of the arrangements that exist to enable a member of the community to obtain access to the agency’s documents and to seek amendment of the agency’s documents concerning the person’s personal affairs”.

Section 18(2)(h) requires “a description of the agency’s procedures in relation to the giving of access to the agency’s documents and to the amendment of the agency’s documents concerning the personal affairs of a member of the community, including -

- (i) the designation of officers to whom inquiries should be made; and**
- (ii) the addresses at which applications under this Act should be lodged”.**

Members of the community may make application under the *Freedom of Information Act 1992* by completing the appropriate application form, a copy of which is included in this Statement of Affairs. Applications under the Act should be addressed to:

The Director
Queensland Law Reform Commission
P O Box 13312, George Street Post Shop
BRISBANE Q 4003

The initial application will be reviewed by the Director.

APPENDIX 1

QUEENSLAND LAW REFORM COMMISSION PROCEDURES FOR REQUESTS UNDER THE *FREEDOM OF INFORMATION ACT 1992*

All applications for information under the *Freedom of Information Act 1992* must immediately be handed to the Director for consideration. It is the role of the Director, under the delegated authority of the Chairperson, to determine whether or not the request can be approved. FOI decisions will not be made by other members of staff.

An applicant applying for access to a document that does NOT concern the applicant's personal affairs must pay an application fee of thirty-one dollars (\$31) at the time the application is made.

If any charge is payable in excess of the application fee, the applicant will be notified of this at the time of being advised that the application has been approved. The charge must be paid before access is granted.

A4 size photocopies of documents shall be charged at fifty cents (50c) per page.

An application fee IS NOT payable for access to a document which concerns the applicant's personal affairs.

A charge IS NOT payable for access to a document which concerns the applicant's personal affairs.

The applicant must be notified of the receipt of the request not later than 14 days after the application is received.

If a person has directed an application under this Act to the wrong agency, it is the duty of the agency to assist the person to direct the application to the appropriate agency or Minister.

QUEENSLAND LAW REFORM COMMISSION

FOI - REQUEST FOR INFORMATION

To: FOI Designated Officer
Queensland Law Reform Commission
P O Box 13312, George Street Post Shop
BRISBANE Q 4003

I hereby make application under the *Freedom of Information Act 1992* for access to documents. Relevant details are:

Details of Applicant

<u>Name</u>	
<u>Address</u>	
Telephone	Fax:

Details of Information Requested

--

(Signature)

(Date)

RECEIPT DETAILS

Fees Received \$ _____

Receipt Number _____

Received by _____

Date _____