

**ANNUAL REPORT
AND
STATEMENT OF AFFAIRS**

2003-2004

Queensland Law Reform Commission
September 2004

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Queensland Law Reform Commission
September 2004

COMMISSIONERS

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

Members: **Mr P D T Applegarth SC**
Ms A Colvin
Ms H A Douglas
Mr B J Herd
Ms R A Hill
Mr G W O'Grady

SECRETARIAT¹

Director: **Ms P A Cooper**

Secretary: **Mrs S Pickett**

Senior Research Officer: **Ms C E Riethmuller**

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20 September 2004

The Honourable Rod Welford MP
Attorney-General and Minister for Justice
18th Floor
State Law Building
50 Ann Street
BRISBANE QLD 4000

Dear Attorney

I have pleasure in presenting to you the Annual Report of the Queensland Law Reform Commission for the year to 30 June 2004.

The year under review has been one of continuity for the Commission, with no changes in membership. The stability provided by a full complement of members has given the Commission a much needed period of consolidation, and has enabled it to operate effectively and productively.

During the reporting period the Commission released a Report on damages in an action for wrongful death (including draft legislation prepared by the Office of Parliamentary Counsel), a Discussion Paper on the abrogation of the privilege against self-incrimination and an Information Paper reviewing the law in relation to the final disposal of a dead body. Significant progress was also made in the Uniform Succession Laws Project, with a Supplementary Report on family provision due for completion in July. Details of current references are set out at pages 4 to 12 of this Report.

In April, I represented the Commission at the Australasian Law Reform Agencies Conference hosted by the New Zealand Law Commission. The conference, on the topic "Access to Justice - Rhetoric or Reality", was attended by delegates from over forty law reform agencies and other bodies involved in law reform in Australia, New Zealand, the Pacific region, south-east Asia, Africa, North America and the United Kingdom. The keynote address was presented

by His Excellency Tuiloma Neroni Slade, Judge of the International Criminal Court at the Hague, on the subject of "Law Reform Potential in the Pacific Area".

The conference presents a unique and invaluable opportunity to view the law reform process in a multi-cultural context and from a wide range of diverse perspectives. It is to be hoped that the Commission's future funding will allow more members to participate in the conference and to develop their understanding of the role of law reform in a rapidly changing global environment.

Yours sincerely

Justice Roslyn Atkinson
Chairperson

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Annual Report

2003-2004

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 recommendations for reform, based on extensive research, public consultation, impartiality, equity and social justice. The Commission's recommendations are contained in its final Reports, which are presented to the Attorney-General for tabling in Parliament.

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, one Administrative Officer and the Commission Secretary.

THE WORK OF THE COMMISSION

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

- The National Uniform Succession Laws Project
 - (a) Family Provision
 - (b) Administration of Estates of Deceased Persons
- Damages in an Action for Wrongful Death (The effect of entering into, or of the prospect of entering into, a financially supportive cohabitation relationship, and the effect of the likelihood of divorce or separation on the assessment of damages in a wrongful death claim)
- Abrogation of the Privilege Against Self-Incrimination
- A Review of the Law in Relation to the Final Disposal of a Dead Body

These references are discussed in more detail at pages 4-12 of this Report.

RECENT PUBLICATIONS OF THE COMMISSION

As at 30 June 2004, a total of 57 reports, 58 working papers and 37 miscellaneous papers had been completed.

The Commission completed 4 publications during the reporting period. They were:

- Discussion Paper, *The Abrogation of the Privilege Against Self-Incrimination* (WP 57, August 2003)
- *Annual Report and Statement of Affairs 2002-2003* (September 2003)
- Report, *Damages in an Action for Wrongful Death: The effect of entering into, or of the prospect of entering into, a financially supportive cohabitation relationship, and the effect of the likelihood of divorce or separation on the assessment of damages in a wrongful death claim* (R 57, November 2003)
- Information Paper, *A Review of the Law in Relation to the Final Disposal of a Dead Body* (WP 58, June 2004).

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 website (<http://www qlrc.qld.gov.au>).

MEETINGS OF THE COMMISSION

During the reporting period 11 meetings of the full Commission were held.

BENEFITS

The annual remuneration for part-time members of the Commission who are not members of the judiciary is \$15,158.² During the reporting period, that amount was paid to Mr P Applegarth SC, Ms A Colvin, Mr B J Herd and Mr G O'Grady.

Ms H Douglas took unpaid leave from the Commission for the period January 2004 to June 2004. Consequently, the amount of \$7,579 was paid to her during the reporting period.

INTERNET ACCESS

The Queensland Law Reform Commission launched its website in March 1998. The site address is: <http://www qlrc.qld.gov.au>

Current publications of the Commission are available on the website. Facilities have also been provided for the submission of orders for copies of Commission publications.

In the months from July 2003 to June 2004 a total of 21,012 user sessions were recorded.

²

Judicial members of the Commission do not receive any additional remuneration.

Current projects

UNIFORM SUCCESSION LAWS

The Commission continues to lead 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 Commission, as the co-ordinating agency, 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 National Committee is presently comprised of representatives from the ACT Law Reform Commission, the Australian Law Reform Commission, the New South Wales Law Reform Commission, the Northern Territory Department of Justice, the Tasmania Law Institute, the Victorian Law Reform Commission and the State Solicitor's Office of Western Australia.

The project has been divided into four stages:

- wills;
- family provision;
- administration of estates; and
- intestacy.³

Wills

In December 1997, the National Committee completed its *Consolidated Report to the Standing Committee of Attorneys General on the Law of Wills* (MP 29). That Report included model legislation to be used as the basis for reform by individual States and Territories. The model legislation made provision for court-authorized wills for minors who understand the implications of making a will, as well as for people (including minors) who lack testamentary capacity. It also included a number of provisions to give greater effect to a testator's intentions, and to remove some of the technical grounds on which wills have in the past been invalidated.

The *Wills Act* (NT), which commenced on 1 March 2001, is based closely on the model wills legislation. The *Wills Act 1997* (Vic) is also largely consistent with the model wills legislation.

3

The New South Wales Law Reform Commission has assumed responsibility for this stage of the project.

Family provision

In December 1997, the National Committee also completed its *Report to the Standing Committee of Attorneys General on Family Provision* (MP 28). The two main areas to which changes were recommended were eligibility to apply for family provision and the property out of which provision may be ordered.

Legislation in most Australian jurisdictions specifies various categories of persons who may apply for family provision. The National Committee recommended that three categories of persons should be able to apply for provision:

- the husband or wife of the deceased person;
- a non-adult child of the deceased person; and
- a person for whom the deceased person, having regard to certain specified criteria, had a responsibility to make provision.

The last of these categories was based on the eligibility provision of the *Administration and Probate Act 1958* (Vic), where this is the sole basis on which a person's eligibility may be established.

The National Committee also recommended the adoption of provisions, based on the *Family Provision Act 1982* (NSW), to enable the court to designate certain property as part of the "notional estate" of the deceased and to order that provision be made out of the property so designated.

During the reporting period, the National Committee has substantially completed a Supplementary Report on Family Provision. That Report will include model legislation, which is being finalised by the New South Wales Parliamentary Counsel's Office, to give effect to the recommendations made in the original report and to the further recommendations made in the Supplementary Report. It will also examine changes to the law of family provision that have occurred since the original report was completed, and explain any differences between the original recommendations and the provisions contained in the model legislation.

It is anticipated that the Supplementary Report, including the model legislation, will be completed in July 2004.

Administration of estates of deceased persons

The three main areas being examined in relation to the administration of estates of deceased persons are:

- general issues of administration;
- the resealing of interstate and foreign grants; and

- the recognition of interstate grants without the need for resealing.

General issues of administration

Among the general issues of administration being reviewed by the National Committee are the appointment and removal of personal representatives, the powers, duties and liabilities of personal representatives, the vesting of property on the death of a person, the order of payment of debts in an insolvent estate, the application of assets towards the payment of debts in a solvent estate, and the payment of legacies.

A Discussion Paper examining these issues was released in 1999: *Administration of Estates of Deceased Persons* (MP 37).

Resealing of interstate and foreign grants

At present, when a person dies leaving property in two or more jurisdictions, it is necessary for a personal representative to be authorised to administer the deceased's estate in each jurisdiction in which the deceased left property. That authority may take the form of an original grant made by the Supreme Court of the jurisdiction in which the property is situated. Alternatively, it may be possible to have a grant that has been made in one jurisdiction resealed by the Supreme Court of another jurisdiction, in which case the resealed grant has effect as if it were an original grant made by the latter Court.

In December 2001, the Commission released a Discussion Paper that examined the law in relation to the resealing of grants: *Recognition of Interstate and Foreign Grants of Probate and Letters of Administration* (WP 55). That Discussion Paper proposed a uniform procedure for the resealing of grants made in other Australian jurisdictions or overseas.

Recognition of interstate grants without the need for resealing

The National Committee is also considering whether it is desirable to enable certain Australian grants to be automatically recognised within another Australian jurisdiction without having to be resealed. In the Discussion Paper, *Recognition of Interstate and Foreign Grants of Probate and Letters of Administration* (WP 55), it was proposed that, where a grant had been made in the Australian State or Territory in which the deceased was domiciled at the time of death, that grant should have effect in all other Australian States and Territories as if it had been resealed in those jurisdictions.

Final report

Work has commenced on the final report on the administration of estates of deceased persons, which will contain the National Committee's recommendations in relation to the three areas outlined above. It is anticipated that the final report, including model administration legislation, will be completed in June 2005.

DAMAGES IN AN ACTION FOR WRONGFUL DEATH

On 19 December 2003, the Attorney-General tabled the Commission's Report No 57, *Damages in an Action for Wrongful Death: The effect of entering into, or of the prospect of entering into, a financially supportive cohabitation relationship, and the effect of the likelihood of divorce or separation on the assessment of damages in a wrongful death claim.*

The Report included draft legislation to give effect to the recommendations of the Commission.

The Commission was asked to examine:

... 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.

When a person dies as a result of a wrongful act of another person, certain people can sue the wrongdoer for compensation for the death of the deceased. This is known as a wrongful death action.

Damages in a wrongful death action are based on the financial value of the support and services that the deceased would have been expected to provide to the claimants if he or she had not been killed. A wrongful death action does not provide compensation for the grief and sorrow that the claimants have suffered. The process of assessing damages in a wrongful death claim is intended to ensure that the surviving spouse and children of the deceased receive adequate financial compensation, whilst at the same time guarding against

overcompensation. This calculation involves a consideration of various contingencies. For example, if the deceased had lived, the level of financial support or services he or she provided to the claimants may, for a number of reasons, have been less than anticipated. The calculation must also take into account future events which may affect the level of compensation to which the claimants are entitled.

In the past, in an action for the benefit of a surviving spouse (including an eligible de facto partner), the estimated value of the loss of financial support and loss of services resulting from the wrongful death may have been discounted to take into account the possibility that the surviving spouse may, after the damages had been paid, have entered into a new relationship of financially supportive cohabitation. However, the practice of discounting a surviving spouse's damages for the prospect that he or she will enter a new financially supportive relationship has been widely criticised.

The Commission's major recommendations in relation to the terms of reference are summarised below.

The effect of a possible future relationship

The Commission recommended that, in a claim by a surviving spouse, no account should be taken of the possibility of the surviving spouse forming a future relationship of financially beneficial cohabitation and that the discount for the possibility of a surviving spouse forming a future relationship of financially beneficial cohabitation be formally abolished by legislation.

The Commission considered that taking account of the possibility that the surviving spouse may form a relationship of financially beneficial cohabitation is a highly speculative exercise, and that the inquiries necessary to determine such a possibility are intrusive and demeaning to a surviving spouse. The Commission was also of the view that the practice of discounting for the possibility of a future relationship of cohabitation is based on outdated assumptions about the nature of domestic and family relationships. The Commission considered that these matters outweighed the greatest argument in support of the discount, that is, the risk of overcompensation to the surviving spouse and consequential injustice to the defendant.

The effect of a subsequent relationship

The Commission recommended that, where there is evidence that the surviving spouse has actually married or formed a de facto relationship subsequent to the death of the deceased, any monetary support and domestic services resulting from that relationship should be able to be taken into account in the assessment of the surviving spouse's damages.

The Commission considered that, in such cases, the monetary support and/or domestic services already derived from the relationship of cohabitation would

be largely ascertainable at the time of the assessment of damages. However, the Commission acknowledged that, as any future benefit expected to be received from the relationship is uncertain, it should not be assumed that the financial support and services received from the relationship would necessarily continue into the future.⁴ Accordingly, when the monetary support and domestic services received, or the future benefits expected to be received, from an actual relationship are calculated, other contingencies must be considered and taken into account.

The majority of Commission members were also of the view that an intention by the surviving spouse to form a relationship of cohabitation should have no effect on the assessment of a surviving spouse's damages. The majority of Commission members considered that this decision would reduce the need for speculation and inquiry into the personal life of the surviving spouse, and would encourage certainty, simplicity and consistency in the conduct of wrongful death claims.

The possibility of separation or divorce

The Commission recommended that there be no legislative change to the common law concerning the effect, on the assessment of damages of a surviving spouse, of the possibility of the relationship between the surviving spouse and the deceased ending in divorce or separation.

Claims made on behalf of a child

In the view of the Commission, a claim on behalf of a child of the deceased should be considered independently of the status of the relationship, if any, between the surviving parent and the deceased or of the relationship or the possibility of a relationship between the surviving parent and any other person. Further, the Commission was of the view that, in a claim on behalf of a child of the deceased for damages for wrongful death, any monetary benefits and/or domestic services the child has received, or may receive, from any person other than the deceased, should be irrelevant to the assessment of the child's damages.

ABROGATION OF THE PRIVILEGE AGAINST SELF-INCRIMINATION

In June 2002 the Attorney-General, the Hon R Welford MP, requested the Commission to conduct a review of Queensland legislative provisions that abrogate the common law privilege against self-incrimination. The Commission's terms of reference are:

The privilege against self-incrimination (which applies to both documents and oral testimony) is sometimes abrogated by statute. Sometimes the statutory

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This is consistent with the view of the majority of the High Court in *De Sales v Ingrilli* (2002) 212 CLR 338.

provisions contain both use and derivative use immunities and on other occasions only a use immunity. Sometimes the use immunity applies only to criminal proceedings and on other occasions to any proceedings. The Queensland Law Reform Commission is requested to:

- Examine the various statutory provisions abrogating the privilege in Queensland.
- Examine the bases for abrogating the privilege.
- Recommend whether there is ever justification for the abrogation of the privilege and, if so, in what circumstances and before what type of forum.
- If there are circumstances and forums where the abrogation may be justified, recommend whether the abrogation be accompanied by both a use and derivative use immunity, especially having regard to the limitations that a derivative use immunity may have on subsequent prosecutions.
- Recommend whether these immunities should apply to subsequent criminal proceedings only or to all subsequent proceedings (including civil or disciplinary proceedings).
- If there are circumstances and forums where the abrogation may be justified, recommend an appropriate statutory formula which can be used to rationalise existing provisions and as a model for future provisions.

To assist it to identify relevant provisions, the Commission wrote to the head of each government department seeking information about provisions in legislation administered by that department. The Commission asked for identification of provisions which abrogated the privilege, and for information about whether the abrogation was accompanied by either a use or derivative use immunity and whether, in the view of the department, the abrogation should continue. The Commission is grateful for the co-operation it received throughout the year from departmental heads and officers. As a result of its own research and of information provided by the various departments, the Commission identified a significant number of provisions that have the effect of abrogating the privilege.

In modern democratic societies, the privilege against self-incrimination is regarded as a significant factor in the protection of individual liberties. However, it is clear that public policy considerations have sometimes resulted in the importance of the privilege being weighed against the need to ensure that an investigating authority is able to obtain information about the facts of a particular situation. The right of an individual to refuse to provide information that is self-incriminatory may be displaced, in whole or in part, by the perceived strength of the public interest in issues raised by the investigation. In such a situation, a tension inevitably arises between the need to regulate and the very real prospect of diminished individual rights.

Legislation that abrogates the privilege against self-incrimination therefore raises a number of important issues in relation to the circumstances in which and the extent to which abrogation may be justified. Where it is considered that the public interest in obtaining information might outweigh the public interest in upholding the privilege, questions also arise as to the safeguards that might need to be implemented to minimise the potentially adverse effects of the abrogation on the rights of an individual.

In August 2003 the Commission released a Discussion Paper (WP 57) briefly outlining the history and the nature of the privilege against self-incrimination, and identifying existing Queensland legislative provisions that abrogate, or may have the effect of abrogating, the privilege. The Discussion Paper also considered some general issues raised by the privilege against self-incrimination and by the existing Queensland provisions.

Twelve submissions were received in response to the Discussion Paper. The Commission thanks those respondents for their participation and for their contribution to the formulation of the Commission's recommendations.

Work is now well-advanced on a final Report. It is anticipated that the Report, including draft legislation for implementing the Commission's recommendations, will be presented to the Attorney-General in the first half of the 2004-2005 financial year.

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

In December 2003 the Attorney-General, the Hon R Welford MP, requested the Commission to conduct a review of the law in relation to the final disposal of a dead body. The Commission's terms of reference are:

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

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

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

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

In June 2004, the Commission published an Information Paper for consultation purposes. The Information Paper outlines the legal rights and obligations and the common practices in relation to the disposal of dead bodies in Queensland. The Paper considers issues such as whether diverse beliefs and customs are able to be sufficiently accommodated in the disposal of dead bodies in Queensland, and what should happen where there is a dispute regarding the disposal of a dead body, including whether a person who may have caused the death of another should be allowed to arrange for the disposal of the deceased's body. The right to dispose of ashes or cremated remains is also discussed in this Paper.

The closing date for submissions is 30 September 2004.

Who's who at the Commission

MEMBERS

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

1 January 2002 - 20 December 2004

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

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

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

Mr P D T Applegarth SC BA LLB (Hons) BCL (Oxon)

21 December 2001 - 20 December 2004

Mr Applegarth was admitted as a solicitor in 1983. In 1985 he was awarded the degree of Bachelor of Civil Law from the University of Oxford. He has practised at the Queensland Bar since 1986 and was appointed a Senior Counsel in 2000.

Mr Applegarth lectures at the Queensland University of Technology, Griffith University and the Bar Practice Centre on subjects which include defamation law and Federal Court practice. Between 1998 and 2001 Mr Applegarth was a member of the Board of Legal Aid Queensland. He is, and has been for many years, an Executive Member of the Queensland Council for Civil Liberties.

Ms A Colvin BA LLB (Hons)

21 December 2001 - 20 December 2004

Ms Colvin was admitted as a solicitor of the Supreme Court of Victoria in 1990 and of the Supreme Court of Queensland in 1992.

She has worked as a solicitor at the Aboriginal and Torres Strait Islander Legal Service and at Queensland Advocacy Inc. She has also been a case manager at the National Native Title Tribunal.

She is currently a conference registrar at the Administrative Appeals Tribunal and a member of the Mental Health Review Tribunal.

Ms H A Douglas BA LLB LLM

21 December 2001 - 20 December 2004

Ms Douglas was admitted as a barrister and solicitor in 1990 and practised criminal law, firstly at a Melbourne law firm and then from 1992 at the Aboriginal Legal Service in Alice Springs.

Since 1996 Ms Douglas has worked at Griffith University Law School, where she is a lecturer. Her teaching areas currently include technology and the law and criminal law. For five years Ms Douglas co-ordinated a pre-law program for Aboriginal students. She is the author of a number of articles and publications.

Ms Douglas has been a member of the management committees at Fitzroy Legal Service, Women's Legal Resource Centre (Melbourne), Domestic Violence Legal Help (Alice Springs) and Caxton Legal Service.

Mr B J Herd BA LLB (Hons)

15 November 2002 - 20 December 2004

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

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

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

Ms R A Hill LLB (Hons) - Full time member

30 September 2002 - 29 September 2005

Ms Hill is a barrister of the Supreme Court of Queensland. She has wide experience in criminal law and associated areas, including victim-offender conferencing and juvenile justice. She has been appointed to a variety of legal and policy positions working to senior government officers and members of the judiciary, and has tutored in law at the Queensland University of Technology.

In 1997, Ms Hill was appointed the Senior Deputy Registrar, Court of Appeal. At the time of her appointment to the Commission, she was acting Registrar at the Guardianship and Administration Tribunal.

Mr G W O'Grady BSc LLB LLM

21 December 2001 - 20 December 2004

Mr O'Grady was admitted to practice as a barrister of the Supreme Court of Queensland in 1983 and is admitted to the High Court of Australia. He is also a barrister and solicitor of the Supreme Court of Vanuatu.

Prior to commencing full-time practice at the Bar, Mr O'Grady was a lecturer in law at the University of Queensland for several years. He continued as a part time law lecturer at that university until 1992.

His legal interests include personal injury law, company law, taxation, bankruptcy and commercial law, including trade practices, and he has published numerous papers and articles and contributed to several books in these areas.

SECRETARIAT

Penny Cooper BA LLB LLM - Director

Ms Cooper is admitted to practice as a barrister of the Supreme Court of Queensland.

Initially, 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.

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, of which she has been President since 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) - Senior Research Officer

Ms Riethmuller graduated with First Class Honours in Law from the University of Queensland in 1986, and was admitted to practice as a solicitor of the Supreme Court of Queensland in 1988.

Ms Riethmuller worked as a solicitor at Minter Ellison, practising in the areas of commercial litigation and professional indemnity litigation, before being appointed as Director of the Commission in September 1994. Upon Ms Cooper's return to that position in August 1997, Ms Riethmuller was appointed to the position of Senior Research Officer.

Ms Riethmuller is a member of the Human Research Ethics Committee of the Queensland Institute of Medical Research.

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.

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 was elected as a Director of the Brisbane Turf Club Ltd in October 2003.

Cathy Green BSc LLB - Legal Officer

Mrs Green served two periods of secondment at the Commission before being appointed on a permanent basis in May 2002.

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

Mrs Green graduated with a Bachelor of Laws degree from the Queensland University of Technology in 1996, 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 and as a research officer at the Parliamentary Library.

Terri Bastiani - Administrative Officer

Ms Bastiani is 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	Date of Report	Date Report Tabled	Background Papers	Legislation Implementing the Commission's Recommendations (in whole, in part, or with alterations)
R 57	Damages in an Action for Wrongful Death: The effect of entering into, or the prospect of entering into, a financially supportive relationship, and the effect of the likelihood of divorce or separation on the assessment of damages in a wrongful death claim	November 2003	19.12.03	WP 56 2002	
R 56	Vicarious Liability	December 2001	11.04.02	WP 48 1995	
R 55	The Receipt of Evidence by Queensland Courts: The Evidence of Children (Part 2)	December 2000	05.04.01	WP 53 1998	<i>Evidence (Protection of Children) Amendment Act 2003</i> (Act 55 of 2003. Assent 18.09.03)
R 55	The Receipt of Evidence by Queensland Courts: The Evidence of Children (Part 1)	June 2000	03.07.00	WP 53 1998	<i>Criminal Law Amendment Act 2000</i> (Act 43 of 2000. Assent 13.10.00)
R 54	The Role of Justices of the Peace in Queensland	December 1999	31.05.00	WP 51 1998 WP 54 1999	
R 53	Review of the <i>Limitation of Actions Act 1974</i> (Qld)	September 1998	22.12.98	WP 49 1997 WP 50 1997	
R 52	The Law of Wills	December 1997	23.12.97	MP 10 1994 WP 46 1995 MP 15 1996 MP 19 1996 MP 29 1997	

No.	Title	Date of Report	Date Report Tabled	Background Papers	Legislation Implementing the Commission's Recommendations (in whole, in part, or with alterations)
R 51	Consent to Health Care of Young People Vols 1, 2, & 3	December 1996	30.04.97	MP 2 1993 MP 6 1993 MP 7 1993 WP 42 1994 MP 14 1995 WP 44 1995 WP 44A 1995 MP 17 1996	
R 50	Minors' Civil Law Capacity	December 1996	25.03.97	WP 45 1995	<i>Residential Tenancies Amendment Act 1998</i> (Act 29 of 1998. Assent 18.5.98)
R 49	Assisted and Substituted Decisions: Decision-Making by and for People with a Decision-Making Disability Vols 1, 2, & 3	June 1996	07.08.96	WP 43 1995 WP 43A 1995 WP 38 1992 MP 1 1991	<i>Powers of Attorney Act 1998</i> (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	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	<i>The 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>	08.10.93	16.11.93	MP 4 1993 MP 5 1993	No changes recommended
R 44	De Facto Relationships	30.06.93	15.07.93	WP 36 1991 WP 40 1992	<i>Property Law Amendment Act 1989</i> (Act 89 of 1999. Assent 21.12.99)
R 43	The <i>Bail Act 1980</i>	28.06.93	15.07.93	WP 35 1991 WP 41 1993	

No.	Title	Date of Report	Date Report Tabled	Background Papers	Legislation Implementing the Commission's Recommendations (in whole, in part, or with alterations)
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>	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)
R 38	Report on the <i>Oaths Act</i>	31.03.89	07.06.90	WP 31 1988	
R 37	Report on a Bill to Amend the <i>Property Law Act 1974</i>	17.09.87	07.06.90	WP 30 1986	<i>Property Law Act Amendment Act</i> (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	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	25.10.85	07.06.90	WP 28 1984	
R 34	Report on a Bill to Establish Limited Liability Partnerships	22.01.85	07.06.90	WP 27 1984	<i>Partnership (Limited Liability) Act 1988</i> (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	26.10.84	07.06.90	WP 26 1984	
R 32	Report on a Bill to Consolidate, Amend and Reform the <i>Supreme Court Acts</i> and Ancillary Acts Regulating Civil Proceedings in the Supreme Court	1982	07.06.90	WP 24 1982	
R 31	Report on an Examination of the Imperial Statutes in Force in Queensland	23.09.81	07.06.90	WP 23 1979	<i>Imperial Acts Application Act 1984</i> (Act 70 of 1984. Assent 12.10.84)
R 30	Report on a Draft Associations Incorporation Act	01.02.80	07.06.90	WP 22 1978	<i>Associations Incorporation Act 1981</i> (Act 74 of 1981. Assent 7.10.81)

No.	Title	Date of Report	Date Report Tabled	Background Papers	Legislation Implementing the Commission's Recommendations (in whole, in part, or with alterations)
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)
R 28	Report on Matters Arising out of the Report of the Committee of Inquiry into the Enforcement of the Criminal Law in Queensland (The Lucas Inquiry)	17.05.79	07.06.90	Nil	
R 27	Proposals to Amend Practices of Criminal Courts	08.12.78	07.06.90	WP 19 1977	
R 26	Report on an Examination of the Procedure and Practice in Children's Courts and on a Bill to Amend the <i>Children's Services Act 1965-1977</i>	30.08.78	07.06.90	WP 15 1976	
R 25	Report on an Examination of the Law Relating to Bail in Criminal Proceedings	10.08.78	20.09.78	WP 20 1978	<i>Bail Act 1980</i> (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	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	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	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	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	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	Date of Report	Date Report Tabled	Background Papers	Legislation Implementing the Commission's Recommendations (in whole, in part, or with alterations)
R 16	Report on a Bill to Consolidate, Amend and Reform the Law Relating to Conveyancing, Property, and Contract and to Terminate the Application of Certain Imperial Statutes	28.02.73	07.06.90	WP 10 1972	<i>Property Law Act 1974</i> (Act 76 of 1974. Assent 1.11.74)
R 15	The Commission's Second Report on Statute 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	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	24.04.72	09.08.72	WP 8 1971	<i>The Money Lenders Act 1916</i> was repealed (from May 1989) by the <i>Credit Act 1987</i> .
R 12	Report on a Bill to Establish an Appeal Costs Fund	21.04.72	09.08.72	Nil	<i>Appeal Costs Fund Act 1973</i> (Act 51 of 1973. Assent 22.10.73)
R 11	Report on Statute 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	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	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	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	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	Date of Report	Date Report Tabled	Background Papers	Legislation Implementing the Commission's Recommendations (in whole, in part, or with alterations)
R 6	Report on a Review of: <i>The Statute of Frauds, 1677</i> (29 Car II c 3); <i>The Statute of Frauds Amendment Act, 1828</i> (9 Geo IV c 14); <i>The Statute of Frauds and Limitations of 1867</i> (Qld) (31 Vic No 22); <i>The Sale of Goods Act of 1896</i> (Qld) (60 Vic No 6) (Sect 7)	08.06.70	26.08.71	WP 4 1970	<i>Statute of Frauds 1972</i> (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	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	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	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	26.02.70	07.06.90	WP 1 1969	

Appendix 2

Publications relating to Working Papers

No.	Title	Date of Paper	Related Papers
WP 58	A Review of the Law in relation to the Final Disposal of a Dead Body	June 2004	
WP 57	The Abrogation of the Privilege Against Self-Incrimination	August 2003	
WP 56	Damages in an Action for Wrongful Death: The Effect of Entering into, or the Prospect of Entering into, a Financially Supportive Relationship, and the Effect of the Likelihood of Divorce or Separation on the Assessment of Damages in a Wrongful Death Claim	June 2002	R 57 2003
WP 55	Recognition of Interstate and Foreign Grants of Probate and Letters of Administration	December 2001	
WP 54	The Role of Justices of the Peace in Queensland	May 1999	R 54 1999 WP 51 1998
WP 53	The Receipt of Evidence by Queensland Courts: The Evidence of Children	December 1998	R 55 Part 1 2000 R 55 Part 2 2000
WP 52	The Receipt of Evidence by Queensland Courts: Electronic Records	August 1998	
WP 51	The Role of Justices of the Peace in Queensland	February 1998	R 54 1999 WP 54 1999
WP 50	Review of the <i>Limitation of Actions Act 1974</i> (Qld)	December 1997	R 53 1998 WP 49 1997
WP 49	Review of the <i>Limitation of Actions Act 1974</i> (Qld)	April 1997	R 53 1998 WP 50 1997
WP 48	Vicarious Liability	July 1995	R 56 2001
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	April 1995	R 50 1996
WP 44	Consent to Medical Treatment of Young People	May 1995	R 51 1996
WP 44A	Consent to Medical Treatment of Young People: Summary of Recommendations	May 1995	R 51 1996
WP 43	Assisted and Substituted Decisions: Decision-making by and for People with a Decision-making Disability	February 1995	R 49 1996 WP 38 1992
WP 43A	Assisted and Substituted Decisions: Summary of Recommendations	February 1995	R 49 1996 WP 38 1992
WP 42	Female Genital Mutilation	July 1994	R 47 1994
WP 41	The Bail Act	February 1993	R 43 1993 WP 35 1991

No.	Title	Date of Paper	Related Papers
WP 40	De Facto Relationships	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	
WP 38	Assisted and Substituted Decisions: Decision-making for People Who Need Assistance Because of Mental or Intellectual Disability	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	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	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	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>	29.02.88	R 38 1989
WP 30	Working Paper on a Bill to Amend the <i>Property Law Act 1974-1985</i>	18.12.86	R 37 1987
WP 29	Working Paper on a Bill to Alter the Civil Jurisdiction of the District Court of Queensland	12.04.85	R 36 1985
WP 28	Working Paper on Legislation to Review the Role of Juries in Criminal Trials	30.11.84	R 35 1985
WP 27	Working Paper on a Bill to Establish Limited Partnerships	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	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	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	05.03.82	R 32 1982
WP 23	Working Paper in relation to an Examination of the Imperial Statutes in Force in Queensland	13.08.79	R 31 1981
WP 22A	Supplementary Paper on a Draft Associations Incorporation Act	05.02.79	R 30 1980 WP 22 1978
WP 22	Working Paper on a Draft Associations Incorporation Act	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

No.	Title	Date of Paper	Related Papers
WP 19	Working Paper on Proposals to Amend the Practice of Criminal Courts in Certain Particulars	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	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>	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	18.12.75	R 22 1978
WP 13	Working Paper on a Bill to Consolidate, Amend and Reform the Law of Evidence	13.06.75	R 19 1975
WP 12	Working Paper on a Bill to Amend the Criminal Code in Certain Particulars	30.07.74	R 17 1974
WP 11	Working Paper on a Bill to Amend and Consolidate the Law Relating to Limitation of Actions	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	10.04.72	R 16 1973
WP 9	Working Paper on the Law Relating to Perpetuities and Accumulations	24.02.71	R 7 1971
WP 8	Working Paper on a Bill to Consolidate and Amend the Law Relating to Money Lending	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	04.01.71	R 9 1971
WP 6	Working Paper in Relation to an Examination of the Law Relating to Interest on Damages	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	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)	04.03.70	R 6 1970
WP 3	Working Paper on the Proposed Abolition of the Distinction between Wilful Murder and Murder	19.12.69	R 2 1970
WP 2	Working Paper on a Bill to Consolidate the Law Relating to Arbitration	19.12.69	R 4 1970

No.	Title	Date of Paper	Related Papers
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	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 website at <http://www.qlrc.qld.gov.au>

REPORTS

No.	Title	Date	Price	GST	Total
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	8.50	.90	9.40
2.	Abolition of the Distinction between Wilful Murder and Murder	1970	7.60	.70	8.30
3.	Report on <i>The Common Law Practice Acts 1867-1964</i> (Section 2): Illegitimate Children	1970	7.60	.70	8.30
4.	Report on a Bill to Consolidate the Law Relating to Arbitration	1970	8.10	.80	8.90
5.	Report on a Bill to Make Provision for the Abatement of Litter and Other Purposes	1970	7.60	.80	8.40
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	8.00	.80	8.80
7.	Report on the Law Relating to Perpetuities and Accumulations	1971	7.80	.80	8.60
8.	Report on the Law Relating to Trusts, Trustees, Settled Land and Charities	1971	14.10	1.40	15.50
9.	Report in Relation to the Provisions of the <i>Fatal Accidents Acts</i> with a View to the Elimination of Anomalies	1970	7.60	.80	8.40
10.	Report in Relation to an Examination of the Law Relating to Interest on Damages	1971	7.60	.80	8.40
11.	Report on Statute Law Revision	1972	8.30	.80	9.10
12.	Report on a Bill to Establish an Appeal Costs Fund	1972	8.10	.80	8.90
13.	Report on a Bill to Consolidate and Amend the Law Relating to Money Lending	1972	8.50	.90	9.40
14.	Report on a Bill to Amend and Consolidate the Law Relating to Limitation of Actions	1972	8.10	.80	8.90

No.	Title	Date	Price	GST	Total
15.	The Commission's Second Report on Statute Law Revision	1972	7.60	.80	8.40
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	19.10	1.90	21.00
17.	Report on a Bill to Amend the Criminal Code in Certain Particulars	1974	7.80	.80	8.60
18.	The Commission's Third Report on Statute Law Revision	1975	7.70	.80	8.50
19.	Report on the Law Relating to Evidence	1975	11.80	1.20	13.00
20.	Report on the Law of Succession and Other Allied Considerations in Relation to Illegitimate Persons	1975	8.20	.80	9.00
21.	Reform of the Law of Rape	1976	7.70	.80	8.50
22.	Report on the Law Relating to Succession	1978	10.50	1.00	11.50
23.	Report on a Review of the <i>Pawnbrokers Act 1849-1971</i>	1978	7.80	.80	8.60
24.	Report on the Law Relating to Actions Against the Crown	1978	8.10	.80	8.90
25.	Report on an Examination of the Law Relating to Bail in Criminal Proceedings	1978	8.50	.90	9.40
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	7.70	.80	8.50
27.	Proposals to Amend the Practice of Criminal Courts in Certain Particulars	1978	8.50	.90	9.40
28.	Report on Matters Arising out of the Report of the Committee of Inquiry into the Enforcement of Criminal Law in Queensland	1979	7.80	.80	8.60
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	8.20	.80	9.00
30.	Report on a Draft Associations Incorporation Act	1980	8.70	.90	9.60
31.	Report on an Examination of the Imperial Statutes in Force in Queensland	1981	8.50	.90	9.40
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	12.70	1.30	14.00
33.	Report on a Bill to Prevent the Avoidance of Civil Liability in Cases of Death or Personal Injury Caused by Negligence	1984	7.60	.80	8.40
34.	Report on a Bill to Establish Limited Liability Partnerships	1985	7.80	.80	8.60

No.	Title	Date	Price	GST	Total
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	15.40	1.60	17.00
36.	Report on a Bill to Alter the Civil Jurisdiction of the District Court of Queensland	1985	8.90	.90	9.80
37.	Report on a Bill to Amend the <i>Property Law Act 1974-1986</i>	1987	8.90	.90	9.80
38.	Report on the <i>Oaths Act</i>	1989	12.30	1.20	13.50
39.	Henry VIII Clauses	1990	8.10	.80	8.90
40.	Consolidation of the <i>Real Property Acts</i>	1991	11.80	1.20	13.00
41.	The Protection of Statements made to Religiously Ordained Officials	1991	7.60	.80	8.40
42.	Intestacy Rules	1993	11.80	1.20	13.00
43.	The Bail Act 1980	1993	10.40	1.10	11.50
44.	De Facto Relationships	1993	18.20	1.80	20.00
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	12.30	1.20	13.50
46.	The <i>Freedom of Information Act 1992</i> : Review of Secrecy Provision Exemption	1994	15.40	1.60	17.00
47.	Female Genital Mutilation	1994	11.30	1.20	12.50
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	8.60	.90	9.50
49.	Assisted and Substituted Decisions: Decision-making by and for People with a Decision-making Disability	1996			
	Vol 1: Full Report		25.40	2.60	28.00
	Vol 2: Draft Legislation		15.40	1.60	17.00
	Vol 3: Summary		no charge	-	-
50.	Minors' Civil Law Capacity	1996	no charge	-	-
51.	Consent to Health Care of Young People Vol 1: The Law and the Need for Reform Vol 2: The Commission's Legislative Scheme Vol 3: Summary of the Commission's Report	1996	no charge	-	-
52.	The Law of Wills	1997	no charge	-	-

No.	Title	Date	Price	GST	Total
53.	Review of the <i>Limitation of Actions Act 1974</i> (Qld)	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	-	-
56.	Vicarious Liability	2001	no charge	-	-
57.	Damages in an Action for Wrongful Death: The effect of entering into, or the prospect of entering into, a financially supportive relationship, and the effect of the likelihood of divorce or separation on the assessment of damages in a wrongful death claim	2003	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	8.40	.80	9.20
2.	Working Paper on a Bill to Consolidate the Law Relating to Arbitration	Working Paper	1969	8.00	.80	8.80
3.	Working Paper on the Proposed Abolition of the Distinction between Wilful Murder and Murder	Working Paper	1969	7.60	.80	8.40
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	8.00	.80	8.80
5.	Working Paper on a Bill to Consolidate and Amend the Law Relating to Trusts, Trustees, and Settled Land	Working Paper	1970	12.30	1.20	13.50
6.	Working Paper in Relation to an Examination of the Law Relating to Interest on Damages	Working Paper	1971	7.50	.80	8.30
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	7.60	.80	8.40
8.	Working Paper on a Bill to Consolidate and Amend the Law Relating to Money Lending	Working Paper	1971	10.00	1.00	11.00
9.	Working Paper on the Law Relating to Perpetuities and Accumulations	Working Paper	1971	7.80	.80	8.60
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	11.80	1.20	13.00
11.	Working Paper on a Bill to Amend and Consolidate the Law Relating to Limitation of Actions	Working Paper	1972	8.10	.80	8.90
12.	Working Paper on a Bill to Amend the Criminal Code in Certain Particulars	Working Paper	1974	8.00	.80	8.80

No.	Title	Type	Date	Price	GST	Total Price
13.	Working Paper on a Bill to Consolidate, Amend and Reform the Law of Evidence	Working Paper	1975	11.80	1.20	13.00
14.	Working Paper on a Bill to Consolidate and Amend the Law of Succession and the Administration of Estates	Working Paper	1975	10.40	1.10	11.50
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	8.20	.80	9.00
16.	Working Paper on a Bill to Amend the <i>Pawnbrokers Act 1849-1971</i>	Working Paper	1976	7.70	.80	8.50
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	7.80	.80	8.60
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	7.70	.80	8.50
19.	Working Paper on Proposals to Amend the Practice of Criminal Courts in Certain Particulars	Working Paper	1977	9.50	1.00	10.50
20.	Working Paper on a Bill to Amend the Law in Relation to Bail	Working Paper	1978	8.40	.80	9.20
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	7.80	.80	8.60
22.	Working Paper on a Draft Associations Incorporation Act	Working Paper	1978	11.40	1.10	12.50
22A.	Supplementary Paper on a Draft Associations Incorporation Act	Working Paper	1979	7.80	.80	8.60
23.	Working Paper in relation to an Examination of the Imperial Statutes in Force in Queensland	Working Paper	1979	9.50	1.00	10.50
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	12.30	1.20	13.50

No.	Title	Type	Date	Price	GST	Total Price
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	8.10	.80	8.90
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	7.60	.80	8.40
27.	Working Paper on a Bill to Establish Limited Liability Partnerships	Working Paper	1984	11.40	1.10	12.50
28.	Working Paper on a Bill to Review the Role of Juries in Criminal Trials	Working Paper	1984	12.70	1.30	14.00
29.	Working Paper on a Bill to Alter the Civil Jurisdiction of the District Court	Working Paper	1985	8.50	.90	9.40
30.	Working Paper on a Bill to Amend the <i>Property Law Act 1974-1985</i>	Working Paper	1986	8.60	.90	9.50
31.	Working Paper on a Bill in Respect of an Act to Replace the <i>Oaths Act 1867-1981</i>	Working Paper	1988	12.70	1.30	14.00
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	20.50	2.00	22.50
33.	Henry VIII Clauses	Working Paper	1990	8.10	.80	8.90
34.	Working Paper on Statute Law Revision	Working Paper	1991	8.50	.90	9.40
35.	To Bail or Not to Bail - A Review of Queensland's Bail Law	Discussion Paper	1991	11.40	1.10	12.50
36.	Shared Property	Discussion Paper	1991	11.80	1.20	13.00
37.	Intestacy Rules	Working Paper	1992	8.40	.80	9.20
38.	Assisted and Substituted Decisions	Discussion Paper	1992	17.70	1.80	19.50
39.	Personal Property Securities: A Blueprint for Reform	Discussion Paper	1992	10.00	1.00	11.00
40.	De Facto Relationships	Working Paper	1992	18.60	1.90	20.50
41.	The Bail Act	Working Paper	1993	10.00	1.00	11.00
42.	Female Genital Mutilation	Draft Report	1994	9.50	1.00	10.50
43.	Assisted and Substituted Decisions	Draft Report	1995	22.70	2.30	25.00
		Draft Legislation	1995	12.70	1.30	14.00

No.	Title	Type	Date	Price	GST	Total Price
43A.	Assisted and Substituted Decisions: Summary of Recommendations	Draft Report: Summary	1995	7.80	.80	8.60
44.	Consent to Medical Treatment of Young People	Discussion Paper	1995	19.10	1.90	21.00
44A.	Consent to Medical Treatment of Young People: Summary of Recommendations	Discussion Paper: Summary	1995	7.70	.80	8.50
45.	Minors' Civil Law Capacity	Draft Report	1995	10.00	1.00	11.00
46.	Uniform Succession Laws for Australian States and Territories: Issues Paper No 1 - The Law of Wills	Working Paper	1995	10.00	1.00	11.00
47.	Uniform Succession Laws for Australian States and Territories: Issues Paper No 2 - Family Provision	Working Paper	1995	11.40	1.10	12.50
48.	Vicarious Liability	Discussion Paper	1995	11.40	1.10	12.50
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	-	-
55.	Recognition of Interstate and Foreign Grants of Probate and Letters of Administration	Discussion Paper	2001	no charge	-	-
56.	Damages in an Action for Wrongful Death: The effect of entering into, or of the prospect of entering into, a financially supportive cohabitation relationship, and the effect of the likelihood of divorce or separation on the assessment of damages in a wrongful death claim	Issues Paper	2002	no charge	-	-
57.	The Abrogation of the Privilege Against Self-Incrimination	Discussion Paper	2003	no charge	-	-
58.	A Review of the Law in relation to the Final Disposal of a Dead Body	Information Paper	2004	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
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

No.	Title	Date	Price	GST	Total Price
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	-	-
32.	Evidence and Technology - Institute for Information Management Ltd - Discussion on Evidence and Technology	May 1998	no charge	-	-
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*⁵

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)	12.07.96 - 19.03.98
The Honourable Mr Justice J D M Muir	20.03.98 - 19.03.01 15.06.01 - 31.12.01
The Honourable Justice R G Atkinson*	01.01.02 - 20.12.04

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 - 28.12.01
Ms R A Hill	30.09.02 - 29.09.05

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 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 (later the Honourable Justice P D McMurdo)	22.05.95 - 21.05.01
Mrs D A Mullins SC (later the Honourable Justice D A Mullins)	12.07.96 - 11.07.99 01.10.99 - 30.09.02
Mr P M McDermott RFD	12.07.96 - 11.07.99

Professor W D Duncan	26.09.97 - 25.09.00
Ms S C Sheridan	26.09.97 - 25.09.00
Mr W G Briscoe*	04.02.00 - 30.08.01
Mr P D T Applegarth SC	21.12.01 - 20.12.04
Ms A Colvin	21.12.01 - 20.12.04
Mr G W O'Grady	21.12.01 - 20.12.04
Ms H A Douglas	21.12.01 - 20.12.04
Mr B J Herd	15.11.02 - 20.12.04

COMMISSION SECRETARY

Mr F N Albietz	March 1969 - August 1969
Mr K J Dwyer	September 1969 - November 1980
Mr D M Hensler	December 1980 - June 1982
Mr L A J Howard	July 1982 - June 1990
Mr M J Richards	July 1990 - September 1991
Mrs S P Fleming	January 1992 - September 2000
Mrs S Pickett	September 2000 to the present

Appendix 5

Financial information⁶

	1997/98 Budget	1998/99 Budget	1999/2000 Budget	2000/01 Budget	2001/02 Budget	2002/03 Budget	2003/04 Budget
Base Allocation: Salaries	\$418,600	\$412,000	\$432,200	\$487,800	\$510,500	\$487,000	\$502,700
Administration costs	\$55,400	\$60,000	\$82,950	\$60,900	\$43,000	\$75,600	\$81,396
Salary related taxes	\$19,000	\$18,000	\$20,000	\$17,300	\$19,500	\$22,000	\$22,500
Departmental specials	\$36,000	\$43,000	6,000	\$27,000	\$16,000	\$18,500	\$0
Plant and equipment Purchase and maintenance	\$0	\$0	\$3,100	\$3,000	\$0	\$0	\$0
Capital Works	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total base and departmental special allocations	\$529,000	\$533,000	\$544,250	\$596,000	\$589,000	\$603,100	\$606,596
Treasury Specials - EB Funding, LSL	\$23,000	\$0	\$0	\$0	\$0	\$0	\$0
Superannuation	\$34,000	\$56,000	\$58,000	\$50,000	\$44,700	\$50,600	\$52,600
Property Maintenance	\$158,000	\$171,000	\$170,750	\$173,000	\$179,300	\$171,200	\$174,496
	\$744,000	\$760,000	\$773,000	\$819,000	\$813,000	\$824,900	\$833,692

⁶ This information is presented in summary form only. The Commission's budget allocation and expenditure are included in the audited accounts of the Department of Justice and Attorney-General.

Statement of affairs

2003-2004

This Statement of Affairs is 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 is therefore an agency under the *Freedom of Information Act 1992*.

Section 18(2) of the *Freedom of Information Act 1992* prescribes the material that 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 no requests 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 that 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 that are currently available free of charge are identified in Appendix 3.

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

Other documents held by the Commission are:

- administration files relating to the day to day work of the Secretariat;
- agendas 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 QLD 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-three dollars and fifty cents (\$33.50) 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 twenty cents (20c) per page.

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

A charge IS NOT payable for access to a document that 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 QLD 4003

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

Details of Applicant

Name	
Address	
Telephone	Fax:

Details of Information Requested

--

(Signature)

(Date)

RECEIPT DETAILS

Fees Received \$ _____

Receipt Number _____

Received by _____

Date _____