



**ANNUAL REPORT
AND
STATEMENT OF AFFAIRS**

2004–2005

Queensland Law Reform Commission
September 2005

**ANNUAL REPORT
AND
STATEMENT OF AFFAIRS**

2004–2005

Queensland Law Reform Commission
September 2005

COMMISSIONERS¹

Chairperson: The Hon Justice R G Atkinson

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

SECRETARIAT²

Director: Ms C E Riethmuller

Secretary: Mrs S Pickett

Principal Legal Officer: Mrs C A Green

**Legal Officers: Ms M T Collier
Ms P L Rogers**

Administrative Officer: Ms T Bastiani

The Commission's premises are located on the 7th Floor, 50 Ann Street, Brisbane.

The postal address is PO Box 13312, George Street Post Shop, Qld 4003.

Telephone (07) 3247 4544. Facsimile (07) 3247 9045.

Email address: LawReform.Commission@justice.qld.gov.au

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

¹

An asterisk indicates that the member held office for only part of the reporting period. The terms of individual members are set out at pp 16–18 of this Report.

²

As at 30 June 2005.

Queensland Law Reform Commission

ABN: 13 846 673 994

PO Box 13312, George Street Post Shop, Brisbane, Q 4003

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

Email address: LawReform.Commission@justice.qld.gov.au

2 September 2005

The Honourable Linda Lavarch 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 2005.

The year under review has been a productive one for the Commission. The Commission published its final Report on *The Abrogation of the Privilege Against Self-incrimination*, which included draft legislation to give effect to the Commission's recommendations. It also published a Supplementary Report on *Family Provision*, which updated the earlier Report of the National Committee for Uniform Succession Laws, and included model family provision legislation for the Australian States and Territories. The Commission also published a Discussion Paper that examines the *Peace and Good Behaviour Act 1982* and, in particular, the extent to which the Act is effective in protecting people from various breaches of the peace.

In addition, the Commission made substantial progress towards completing final reports on its other references: the review of the uniform Evidence Acts (which the Commission received during the reporting period); the review of the law in relation to the administration of the estates of deceased persons (which will complete the third stage of the Uniform Succession Laws Project); and the review of the law in relation to the final disposal of a dead body.

The Commission was very pleased to see the enactment during the reporting period of the *Justice and Other Legislation Amendment Act 2004*, which

implemented the recommendations made by this Commission in its 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.*

The year has generally been one of continuity within the Commission. With the exception of Mr Peter Applegarth SC, who did not seek reappointment, the terms of all other part-time members were renewed in December 2004 for another three years. The Commission has since welcomed Mr John Bond SC, who has been appointed to fill the vacancy created by Mr Applegarth's departure. The other important change within the Commission was the resignation of Ms Robyn Hill from the position of full-time member in March this year. I would like to acknowledge the expertise and commitment that both Mr Applegarth SC and Ms Hill brought to their respective roles, and to record the Commission's thanks to them.

I would also like to acknowledge the significant contribution made to the Commission over many years by Ms Penny Cooper, who retired as the Commission's Director in January 2005. Ms Cooper held that position from 1991, with the exception of the period from 1994 to 1997 when she served as a full-time member of the Commission. During her time at the Commission, Ms Cooper had the carriage of a number of significant references on behalf of the Commission – in particular, the references on *Assisted and Substituted Decisions* and, more recently, *The Abrogation of the Privilege Against Self-incrimination*.

It has been a pleasure to work with the members and staff of the Commission during the past year, and I look forward to the appointment of the new full-time member in the near future.

Yours sincerely

Justice Roslyn Atkinson
Chairperson

Table of contents

| | |
|---|-----------|
| ANNUAL REPORT | 1 |
| MISSION STATEMENT | 1 |
| CONSTITUTION OF THE COMMISSION..... | 1 |
| FUNCTION OF THE COMMISSION | 1 |
| MEMBERS | 1 |
| SECRETARIAT | 1 |
| THE WORK OF THE COMMISSION | 2 |
| RECENT PUBLICATIONS OF THE COMMISSION..... | 2 |
| MEETINGS OF THE COMMISSION | 3 |
| BENEFITS | 3 |
| INTERNET ACCESS..... | 3 |
| CURRENT PROJECTS | 4 |
| UNIFORM SUCCESSION LAWS..... | 4 |
| Wills..... | 4 |
| Family provision | 5 |
| Administration of estates of deceased persons | 6 |
| General issues of administration..... | 6 |
| Resealing of interstate and foreign grants | 6 |
| Recognition of interstate grants without the need for resealing | 6 |
| Final report..... | 7 |
| Intestacy..... | 7 |
| ABROGATION OF THE PRIVILEGE AGAINST SELF-INCRIMINATION | 7 |
| A REVIEW OF THE LAW IN RELATION TO THE FINAL DISPOSAL OF A DEAD BODY | 9 |
| A REVIEW OF THE <i>PEACE AND GOOD BEHAVIOUR ACT 1982</i> | 11 |
| A REVIEW OF THE UNIFORM EVIDENCE ACTS | 13 |
| WHO'S WHO AT THE COMMISSION | 16 |
| MEMBERS | 16 |
| SECRETARIAT | 19 |
| | |
| APPENDIX 1 | 21 |
| LEGISLATIVE ACTION ON REPORTS | 21 |
| | |
| APPENDIX 2 | 27 |
| PUBLICATIONS RELATING TO WORKING PAPERS | 27 |
| | |
| APPENDIX 3 | 31 |
| LIST OF PUBLICATIONS | 31 |
| REPORTS | 31 |
| WORKING PAPERS | 35 |
| MISCELLANEOUS PAPERS | 38 |

| | |
|--|-----------|
| APPENDIX 4 | 40 |
| HOLDERS OF OFFICE UNDER THE <i>LAW REFORM COMMISSION ACT 1968</i> | 40 |
| CHAIRPERSON | 40 |
| FULL-TIME MEMBERS..... | 40 |
| PART-TIME MEMBERS..... | 41 |
| COMMISSION SECRETARY | 42 |
| | |
| APPENDIX 5 | 43 |
| FINANCIAL INFORMATION | 43 |
| | |
| STATEMENT OF AFFAIRS | 44 |
| | |
| APPENDIX 1 | 51 |
| QUEENSLAND LAW REFORM COMMISSION PROCEDURES FOR REQUESTS UNDER THE <i>FREEDOM OF INFORMATION ACT 1992</i> | 51 |

Annual Report

2004–2005

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, and 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 must be a person appearing to the Governor in Council to be suitably qualified by the holding of judicial office or by experience as a barrister or as a solicitor or as a teacher of law in a University.

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 Principal Legal Officer, two Legal Officers, the Commission Secretary, and one Administrative Officer.

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 (including the resealing of interstate and foreign grants of probate and letters of administration); and
 - (c) Intestacy;
- Abrogation of the privilege against self-incrimination;
- A review of the law in relation to the final disposal of a dead body; and
- A review of the *Peace and Good Behaviour Act 1982*.

These references are discussed in more detail at pages 4–15 of this Report.

RECENT PUBLICATIONS OF THE COMMISSION

As at 30 June 2005, a total of 59 reports, 59 working papers and 37 miscellaneous papers had been completed.

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

- Report, *Family Provision: Supplementary Report to the Standing Committed of Attorneys General* (R 58, July 2004), published on behalf of the National Committee for Uniform Succession Laws;
- *Annual Report and Statement of Affairs 2003–2004* (September 2004);
- Report, *The Abrogation of the Privilege Against Self-incrimination* (R 59, December 2004);
- Discussion Paper, *A Review of the Peace and Good Behaviour Act 1982* (WP 59, March 2005).

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 at <[http://www.qlrc.qld.gov.au](http://www qlrc qld gov au)>.

MEETINGS OF THE COMMISSION

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

BENEFITS

The remuneration for part-time members of the Commission who are not members of the judiciary was \$15,158 per annum until 20 December 2004. From 21 December 2004, this amount increased to \$16,581 per annum.³

During the reporting period, Ms A Colvin, Mr B Herd and Mr G O'Grady were paid on this basis. Mr P Applegarth SC and Mr J Bond SC – who were members for only part of the reporting period – each received a prorata payment of the relevant amount.

INTERNET ACCESS

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

The Commission's current and recent publications are available on its website. The Commission is presently in the process of making its older publications available on its website. It is anticipated that, during the next reporting period, all past publications will be available online.

In the months from July 2004 to June 2005 a total of 30,509 user sessions were recorded on the Commission's website.

3

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 Reform 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.

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.

It is anticipated that a Bill to give effect to the 1997 Wills Report will be introduced into the Queensland Parliament later this year.

Family provision

In December 1997, the National Committee also completed its *Report to the Standing Committee of Attorneys General on Family Provision* (MP 28). In July 2004, the National Committee completed a Supplementary Report on Family Provision (R 58).

The Supplementary Report included model legislation, prepared 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 also examined changes to the law of family provision that had occurred since the original report was completed, and explained any differences between the original recommendations and the provisions contained in the model legislation.

The two main areas to which changes have been recommended are 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 has recommended that four categories of persons should be able to apply for provision:

- the husband or wife of the deceased person;
- a person who was, at the time of the deceased person's death, the de facto partner (or equivalent, as may be applicable in the enacting jurisdiction) 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.

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 possible 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 on a preliminary basis 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 is well advanced 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, which will include model administration legislation, will be completed during the 2005–2006 reporting period.

Intestacy

The law in relation to intestacy applies when a person dies without leaving a will, or without leaving a will that disposes of all the person's property. It determines how the person's property is to be shared among the person's spouse or partner, children and other relations (if any).

In April 2005, the New South Wales Law Reform Commission published an Issues Paper, *Uniform Succession Laws: intestacy (IP 26)*, which examines the intestacy laws of the Australian States and Territories.

It is anticipated that the National Committee's final report on intestacy will be completed in the second half of 2005.

ABROGATION OF THE PRIVILEGE AGAINST SELF-INCRIMINATION

In June 2002, the Commission received a reference to review Queensland legislative provisions that abrogate the common law privilege against self-incrimination. The 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 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.

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 the many 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.

The Commission's final Report (R 59) was completed in December 2004. The Commission's main recommendations, which concerned both the abrogation of the privilege against self-incrimination and the abrogation of the related penalty privilege, were as follows:

- Legislation should not abrogate the privileges unless abrogation is both justified and appropriate having regard to certain specified factors.

- The privileges should be able to be abrogated only by an express abrogation provision, and not by implication or by conferring on a person or body the powers of a commission of inquiry under the *Commissions of Inquiry Act 1950* (Qld).
- Unless legislation provides expressly to the contrary, where an individual discloses information under an abrogation provision, the disclosed information should not be able to be used in evidence in any proceeding against the individual, except in proceedings that relate to the falsity of the information.
- Legislation should not grant a derivative use immunity unless there are exceptional circumstances.
- In the absence of an express provision to the contrary, the penalty privilege should be available in non-judicial proceedings and investigations, as well as in judicial proceedings.
- A corporation should not be entitled to claim either privilege.

The Report included draft legislation to give effect to these recommendations. To increase legislative consistency, the Report also included a model provision for use in future legislation that abrogates either or both of the privileges.

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

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

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

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

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

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

In June 2004, the Commission published an Information Paper for consultation purposes. The Information Paper outlined the legal rights and obligations and the common practices in relation to the disposal of dead bodies in Queensland. The Paper considered 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 was also discussed in this Paper.

The Commission is required to provide its final Report by 30 June 2006.

A REVIEW OF THE *PEACE AND GOOD BEHAVIOUR ACT 1982*

In 2004, the Commission received a reference to review of the *Peace and Good Behaviour Act 1982*. The terms of reference are:

1. I, ROD WELFORD, Attorney-General and Minister for Justice refer the *Peace and Good Behaviour Act 1982* (the Act) to the Queensland Law Reform Commission (the Commission) for review pursuant to section 10 of the *Law Reform Commission Act 1968*, including but not limited to:
 - whether the Act provides an appropriate, easily accessible and effective mechanism for protection of the community from breaches of the peace;
 - if the Commission considers the Act does not provide an appropriate, easily accessible and effective mechanism:
 - (a) what amendments should be made to make it appropriate, easily accessible and effective; or
 - (b) should a new mechanism be established.
2. In undertaking this reference I ask the Commission to have regard to:
 - the procedure in the Act for a complainant to seek a Peace and Good Behaviour order from the Magistrates Court which requires:
 - a complaint made to a justice of the peace about threatened conduct;
 - the justice of the peace issuing a summons for the defendant's appearance in court or a warrant of apprehension if the justice of the peace is satisfied that it is reasonable for the complainant to be in fear of the defendant; and
 - the Magistrate making an order on the appearance of the defendant in response to the summons or warrant;
 - the grounds for obtaining a summons, warrant and an order which require:
 - (a) the defendant to have threatened to assault or to do bodily injury to the complainant or to any person under the care of the complainant (which includes the defendant getting another person to threaten the complainant); or

- (b) the defendant to have threatened to destroy or damage any property of the complainant (which includes the defendant getting another person to threaten the complainant); and
 - (c) the complainant to be in fear of the defendant;
- a proposed additional basis for obtaining a summons, warrant and order which would permit a complainant to apply for an order where the defendant's conduct causes the complainant apprehension or fear of personal violence or violence against property but the defendant's conduct falls short of an actual threat;
 - the protection provided against domestic violence by the *Domestic and Family Violence Protection Act 1989* and the expansion of that Act's jurisdiction in 2002 to cover many persons who might have otherwise sought an order under the Act;
 - issues that have been raised about the effectiveness of the Act in addressing the needs of the community in terms of protecting individuals against breaches of the peace. In particular that:
 - the ambit of conduct covered by the Act is not appropriate being either too wide or too restrictive;
 - the process to obtain an order is complex;
 - the filing fee prevents many people from seeking orders;
 - it is difficult to enforce orders which means that the orders are ineffectual.
3. In performing its functions under this reference, the Commission is asked to prepare, if relevant, draft legislation based on the Commission's recommendations.
 4. The Commission is to report to the Attorney-General and Minister for Justice by 31 July 2005.

In March 2005, the Commission released a Discussion Paper, which considered the provisions of the *Peace and Good Behaviour Act 1982* (Qld), as well as comparable legislation in other Australian jurisdictions, and raised a number of issues for consideration. For the purposes of preparing the Discussion Paper, the Commission sought preliminary information from a number of people and organisations with experience in the operation of the Act, including the Chief Magistrate; the Commissioner of Police; Legal Aid Queensland, the Dispute Resolution Branch of the Department of Justice and Attorney-General, the Justices of the Peace Branch of the Department of Justice and Attorney-General, the Caxton Legal Centre Inc and various private organisations representing Queensland justices of the peace.

The release of the Discussion Paper was accompanied by a call for submissions, which was published in *The Courier-Mail*, in a national law journal, in various publications of peak bodies with an interest in this area of the law, and on the Queensland government website 'ConsultQld'.

Many of the stakeholders who provided preliminary information to the Commission have also made submissions in response to the issues raised in the Discussion Paper.

The Commission has consulted with a wide range of people and organisations in relation to the issues raised in the review – in particular, with numerous community legal services, disability advocacy services, domestic violence resource workers, tenancy advocacy organisations, and peak representative bodies for employers and employees. A number of interested individuals have also made submissions.

The Commission is grateful to all respondents for their contribution to the review.

The date for the completion of the Report has been extended, and the Commission is now required to provide its final report, including any draft legislation, by 31 December 2005.

A REVIEW OF THE UNIFORM EVIDENCE ACTS

In March 2005, the Commission received a reference to review the uniform Evidence Acts. The purpose of the reference was to enable the Commission to participate in a review of the uniform Evidence Acts that is presently being undertaken by the Australian Law Reform Commission in conjunction with the New South Wales Law Reform Commission and the Victorian Law Reform Commission, which have also received references to review the uniform Evidence Acts.

The terms of the Commission's reference are:

1. I, ROD WELFORD, Attorney-General and Minister for Justice, having regard to:
 - the importance of maintaining an efficient and effective justice system in which clear and comprehensive laws of evidence play a fundamental role;
 - the experience gained from almost a decade of operation of the *Evidence Act 1995* (Cth) and the *Evidence Act 1995* (NSW) (the uniform evidence act);
 - the desirability of achieving greater clarity and effectiveness and promoting greater harmonisation of the laws of evidence in Australia;

- the fact that the Australian Law Reform Commission is reviewing the *Evidence Act 1995* (Cth), in association with the New South Wales Law Reform Commission which is reviewing the *Evidence Act 1995* (NSW), with a view to producing agreed recommendations; and
- the desirability of having involvement in that review;

refer to the Queensland Law Reform Commission, for review pursuant to section 10 of the *Law Reform Commission Act 1968* (Qld), the uniform evidence act.

2. In carrying out its review of the uniform evidence act, the Commission is to have particular regard to:
 - (a) the following topics, which have been identified as areas of particular concern:
 - (i) the examination and re-examination of witnesses, before and during proceedings;
 - (ii) the hearsay rule and its exceptions;
 - (iii) the opinion rule and its exceptions;
 - (iv) the coincidence rule;
 - (v) the credibility rule and its exceptions; and
 - (vi) privileges, including client legal privilege;
 - (b) the different approaches adopted by the uniform evidence act and the *Evidence Act 1977* (Qld) in relation to the matters outlined above, and the advantages and disadvantages of those approaches;
 - (b) the relationship between the *Evidence Act 1977* (Qld) and other Queensland legislation regulating the laws of evidence; and the extent to which, if at all, the fact that areas of evidence law are dealt with in other legislation poses any significant disadvantages to the objectives of clarity, effectiveness and uniformity; and
 - (c) recent legislative and case law developments in evidence law, including the extent to which common law rules of evidence continue to operate in areas not covered by the uniform evidence act and the *Evidence Act 1977* (Qld);
 - (d) the application of the rules of evidence contained in the uniform evidence act and the *Evidence Act 1977* (Qld) to pre-trial procedures; and
 - (e) any other related matters.

3. In undertaking this reference, the Commission is to work in association with the Australian Law Reform Commission and the New South Wales Law Reform Commission with a view to producing agreed recommendations for inclusion in the Australian Law Reform Commission's proposed June 2005 Discussion Paper.
4. The Commission is to provide a report to the Attorney-General on its review of the uniform evidence act by 31 July 2005.

The reference provides an important opportunity for the Commission to have input into the recommendations that the Australian Law Reform Commission will ultimately include in its final report, which it is required to deliver by 5 December 2005.

The reference does not entail a review of the uniform Evidence Acts as a whole, but of the specific issues mentioned in the terms of reference. The Commission's review has therefore focused on the issues that are likely to be of particular concern to Queensland, and the identification of key differences between the uniform Evidence Acts and the law in Queensland. The Commission has examined the advantages and disadvantages of these differing approaches with a view to identifying particular provisions that would require further review if Queensland were to consider adopting the uniform Evidence Acts, or that may not be appropriate for adoption in Queensland.

Because of the very short time frame for the reference, the Commission retained the services of Ms Wendy Harris, a lecturer in evidence law at the Queensland University of Technology.

During the reporting period, Ms Harris attended a workshop organised by the Australian Law Reform Commission, in conjunction with the New South Wales and Victorian Law Reform Commissions, to consider proposals that were to be included in the Australian Law Reform Commission's forthcoming Discussion Paper, *Review of the Uniform Evidence Acts* (DP 69, June 2005). Substantial progress was also made towards completing the Commission's final Report.

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 2007

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, a Hearing Commissioner for the Human Rights and Equal Opportunity Commission and a member of the Social Security Appeals Tribunal.

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

Mr 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 that 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.

Mr J K Bond SC BCom LLB (Hons)

17 March 2005–16 March 2008

Mr Bond was admitted to the Queensland Bar in 1987. He has been in private practice at the Queensland Bar since then. He was appointed as a Senior Counsel for the State of Queensland in 1999. He has also been admitted to practice in New South Wales, South Australia, Western

Australia and in the Northern Territory. He is entitled to practice in the Federal and High Courts.

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

Ms A Colvin BA LLB (Hons)

21 December 2001–20 December 2007

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 and a member of the Mental Health Review Tribunal.

She is currently a conference registrar at the Administrative Appeals Tribunal.

Ms H A Douglas BA LLB LLM

21 December 2001–20 December 2007

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 2007

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 2002–10 March 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 2007

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

Claire Riethmuller BA LLB (Hons)—Director

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

Ms Riethmuller worked as a solicitor at Minter Ellison, practising in the areas of commercial litigation and professional indemnity litigation, before joining the Commission in September 1994.

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

Cathy Green BSc LLB—Principal Legal Officer

Mrs Green served two periods of secondment at the Commission before being appointed as a Legal Officer on a permanent basis in May 2002. Since March 2005, Mrs Green has acted as the Commission's Principal Legal Officer.

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.

Mary Collier LLB— Legal Officer

Ms Collier graduated with a Bachelor of Laws degree from the Queensland University of Technology in 1994. From 1995 to 1998 she worked with Insurance Broker, Gordon Wilson and Associates, gaining extensive experience in corporate insurances, specialising in marine insurance risks. In 1999 she accepted a position in Human Resources with the Queensland Police Service, where she remained until her commencement with the Commission.

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

Paula Rogers BA LLB (Hons)—Legal Officer

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

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

Ms Rogers commenced work at the Commission in 2005 on a leave of absence from Allens Arthur Robinson.

Sharyn Pickett—Commission Secretary

Mrs 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.

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 59 | The Abrogation of the Privilege Against Self-incrimination | December 2004 | 08.03.05 | WP 57 2003 | |
| R 58 | Family Provision: Supplementary Report to the Standing Committee of Attorneys General | July 2004 | 22.09.04 | MP 28 1997 WP 47 1995 | |
| R 57 | Damages in an Action for Wrongful Death: The effect of entering into, or the prospect of entering into, a financially supportive relationship, and the effect of the likelihood of divorce or separation on the assessment of damages in a wrongful death claim | November 2003 | 19.12.03 | WP 56 2002 | <i>Justice and Other Legislation Amendment Act 2004, Part 24 (Act 43 of 2004)</i> |
| R 56 | Vicarious Liability | December 2001 | 11.04.02 | WP 48 1995 | <i>Justice and Other Legislation Amendment Act 2004, Part 19 (Act 43 of 2004)</i> |
| R 55 | The Receipt of Evidence by Queensland Courts: The Evidence of Children (Part 2) The Receipt of Evidence by Queensland Courts: The Evidence of Children (Part 2A) – Summary of Recommendations | December 2000 | 05.04.01 | WP 53 1998 | <i>Evidence (Protection of Children) Amendment Act 2003 (Act 55 of 2003)</i> |
| R 55 | The Receipt of Evidence by Queensland Courts: The Evidence of Children (Part 1) | June 2000 | 03.07.00 | WP 53 1998 | <i>Criminal Law Amendment Act 2000 (Act 43 of 2000)</i> |
| R 54 | The Role of Justices of the Peace in Queensland | December 1999 | 31.05.00 | WP 51 1998 WP 54 1999 | |
| R 53 | Review of the <i>Limitation of Actions Act 1974</i> (Qld) | September 1998 | 22.12.98 | WP 49 1997 WP 50 1997 | |

| No. | Title | Date of Report | Date Report Tabled | Background Papers | Legislation Implementing the Commission's Recommendations (in whole, in part, or with alterations) |
|------|--|----------------|--------------------|--|--|
| R 52 | The Law of Wills | December 1997 | 23.12.97 | MP 10 1994 WP 46 1995 MP 15 1996 MP 19 1996 MP 29 1997 | |
| 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) |
| 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) <i>Guardianship and Administration Act 2000</i> (Act 8 of 2000) |
| 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) |
| 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) |
| R 46 | The <i>Freedom of Information Act 1992</i> Review of Secrecy Provision Exemption | 22.03.94 | 22.03.94 | MP 3 1993 | <i>Freedom of Information (Review of Secrecy Provisions Exemption) Amendment Act 1994</i> (Act 34 of 1994) |

| No. | Title | Date of Report | Date Report Tabled | Background Papers | Legislation Implementing the Commission's Recommendations (in whole, in part, or with alterations) |
|------|---|----------------|--------------------|--------------------------|--|
| R 45 | The Assessment of Damages in Personal Injury and Wrongful Death Litigation: 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) |
| R 43 | The <i>Bail Act 1980</i> | 28.06.93 | 15.07.93 | WP 35 1991 WP 41 1993 | |
| R 42 | Intestacy Rules | 07.06.93 | 15.07.93 | WP 37 1992 | <i>Succession Amendment Act 1997</i> (Act 54 of 1997) |
| 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) |
| R 39 | Henry VIII Clauses | 29.06.90 | 05.12.90 | WP 33 1990 | <i>Legislative Standards Act 1992</i> (Act 26 of 1992) |
| 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) |
| 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) |
| 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) |
| 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 | |

| No. | Title | Date of Report | Date Report Tabled | Background Papers | Legislation Implementing the Commission's Recommendations (in whole, in part, or with alterations) |
|------|--|----------------|--------------------|-------------------|--|
| 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) |
| 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) |
| 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) |
| 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) |
| 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) |
| 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) |
| 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) |
| 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) |
| 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) |

| No. | Title | Date of Report | Date Report Tabled | Background Papers | Legislation Implementing the Commission's Recommendations (in whole, in part, or with alterations) |
|------|--|----------------|--------------------|-------------------|--|
| 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) |
| 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) |
| 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) |
| 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) |
| 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) |
| 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) |
| 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) |
| 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) |
| 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) |
| 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) |
| 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) (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) |
| 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) |
| 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) |
| 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) |
| 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 59 | A Review of the <i>Peace and Good Behaviour Act 1982</i> | March 2005 | |
| 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 | R 59 2004 |
| 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 | Reference withdrawn |
| 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 | R 58 2004 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 |

| No. | Title | Date of Paper | Related Papers |
|--------|---|----------------|--------------------------|
| WP 41 | The Bail Act | February 1993 | R 43 1993 WP 35 1991 |
| 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 |

| No. | Title | Date of Paper | Related Papers |
|-------|---|---------------|----------------|
| WP 20 | Working Paper on a Bill to Amend the Law in Relation to Bail | 24.02.78 | R 25 1978 |
| WP 19 | Working Paper on Proposals to Amend the Practice of Criminal Courts in Certain Particulars | 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 |

| No. | Title | Date of Paper | Related Papers |
|------------|--|----------------------|-----------------------|
| WP 2 | Working Paper on a Bill to Consolidate the Law Relating to Arbitration | 19.12.69 | R 4 1970 |
| WP 1 | Working Paper on the Law Relating to Relief from Forfeiture of Leases and to Relief from Forfeiture of an Option to Renew and Certain Aspects of the Law Relating to Landlord and Tenant | 03.11.69 | R 1 1970 |

Appendix 3

List of publications

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

REPORTS

| No. | Title | Date | Price (inclusive of GST) |
|-----|---|------|--------------------------|
| 59. | The Abrogation of the Privilege Against Self-incrimination | 2004 | – |
| 58. | Family Provision: Supplementary Report to the Standing Committee of Attorneys General | 2004 | – |
| 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 | – |
| 56. | Vicarious Liability | 2001 | – |
| 55. | The Receipt of Evidence by Queensland Courts: The Evidence of Children (Part 1) | 2000 | – |
| | The Receipt of Evidence by Queensland Courts: The Evidence of Children (Part 2) | 2000 | – |
| | The Receipt of Evidence by Queensland Courts: The Evidence of Children (Part 2A) – Summary of Recommendations | 2000 | – |
| 54. | The Role of Justices of the Peace in Queensland | 1999 | – |
| 53. | Review of the <i>Limitation of Actions Act 1974</i> (Qld) | 1998 | – |
| 52. | The Law of Wills | 1997 | – |
| 51. | Consent to Health Care of Young People | | |
| | Vol 1: The Law and the Need for Reform | 1996 | – |
| | Vol 2: The Commission's Legislative Scheme | 1996 | – |
| | Vol 3: Summary of the Commission's Report | 1996 | – |
| 50. | Minors' Civil Law Capacity | 1996 | – |
| 49. | Assisted and Substituted Decisions: Decision-making by and for People with a Decision-making Disability | | |
| | Volume 1: Full Report | 1996 | 30.50 |
| | Volume 2: Draft legislation | 1996 | 18.50 |
| | Volume 3: Summary | 1996 | – |

| No. | Title | Date | Price (inclusive of GST) |
|-----|--|------|--------------------------------|
| 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 | 10.50 |
| 47. | Female Genital Mutilation | 1994 | 13.50 |
| 46. | The <i>Freedom of Information Act 1992</i> : Review of Secrecy Provision Exemption | 1994 | 18.50 |
| 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 | 15.00 |
| 44. | De Facto Relationships | 1993 | 21.50 |
| 43. | The Bail Act 1980 | 1993 | 12.50 |
| 42. | Intestacy Rules | 1993 | 14.00 |
| 41. | The Protection of Statements made to Religiously Ordained Officials | 1991 | 9.00 |
| 40. | Consolidation of the <i>Real Property Acts</i> | 1991 | 14.00 |
| 39. | Henry VIII Clauses | 1990 | 9.60 |
| 38. | Report on the <i>Oaths Act</i> | 1989 | 15.00 |
| 37. | Report on a Bill to Amend the <i>Property Law Act 1974–1986</i> | 1987 | 11.00 |
| 36. | Report on a Bill to Alter the Civil Jurisdiction of the District Court of Queensland | 1985 | 11.00 |
| 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 | 18.50 |
| 34. | Report on a Bill to Establish Limited Liability Partnerships | 1985 | 9.30 |
| 33. | Report on a Bill to Prevent the Avoidance of Civil Liability in Cases of Death or Personal Injury Caused by Negligence | 1984 | 9.00 |
| 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 | 15.50 |
| 31. | Report on an Examination of the Imperial Statutes in Force in Queensland | 1981 | 10.00 |
| 30. | Report on a Draft Associations Incorporation Act | 1980 | 10.50 |
| 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 | 9.70 |
| 28. | Report on Matters Arising out of the Report of the Committee of Inquiry into the Enforcement of Criminal Law in Queensland | 1979 | 9.30 |
| 27. | Proposals to Amend the Practice of Criminal Courts in Certain Particulars | 1978 | 10.00 |
| 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 | 9.20 |

| No. | Title | Date | Price (inclusive of GST) |
|-----|--|------|--------------------------------|
| 25. | Report on an Examination of the Law Relating to Bail in Criminal Proceedings | 1978 | 10.00 |
| 24. | Report on the Law Relating to Actions Against the Crown | 1978 | 9.60 |
| 23. | Report on a Review of the <i>Pawnbrokers Act 1849–1971</i> | 1978 | 9.30 |
| 22. | Report on the Law Relating to Succession | 1978 | 12.50 |
| 21. | Reform of the Law of Rape | 1976 | 9.20 |
| 20. | Report on the Law of Succession and Other Allied Considerations in Relation to Illegitimate Persons | 1975 | 9.70 |
| 19. | Report on the Law Relating to Evidence | 1975 | 14.00 |
| 18. | The Commission's Third Report on Statute Law Revision | 1975 | 9.20 |
| 17. | Report on a Bill to Amend the Criminal Code in Certain Particulars | 1974 | 9.30 |
| 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 | 22.50 |
| 15. | The Commission's Second Report on Statute Law Revision | 1972 | 9.00 |
| 14. | Report on a Bill to Amend and Consolidate the Law Relating to Limitation of Actions | 1972 | 9.60 |
| 13. | Report on a Bill to Consolidate and Amend the Law Relating to Money Lending | 1972 | 10.00 |
| 12. | Report on a Bill to Establish an Appeal Costs Fund | 1972 | 9.60 |
| 11. | Report on Statute Law Revision | 1972 | 9.80 |
| 10. | Report in Relation to an Examination of the Law Relating to Interest on Damages | 1971 | 9.00 |
| 9. | Report in Relation to the Provisions of the <i>Fatal Accidents Acts</i> with a View to the Elimination of Anomalies | 1970 | 9.00 |
| 8. | Report on the Law Relating to Trusts, Trustees, Settled Land and Charities | 1971 | 17.00 |
| 7. | Report on the Law Relating to Perpetuities and Accumulations | 1971 | 9.30 |
| 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 (Qld); and The Sale of Goods Act 1896 (Qld) (Sect 7)</i> | 1970 | 9.50 |
| 5. | Report on a Bill to Make Provision for the Abatement of Litter and Other Purposes | 1970 | 9.00 |
| 4. | Report on a Bill to Consolidate the Law Relating to Arbitration | 1970 | 9.60 |
| 3. | Report on <i>The Common Law Practice Acts 1867–1964 (Section 2): Illegitimate Children</i> | 1970 | 9.00 |
| 2. | Abolition of the Distinction between Wilful Murder and Murder | 1970 | 9.00 |

| No. | Title | Date | Price (inclusive of GST) |
|------------|---|-------------|---|
| 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 | 10.00 |

WORKING PAPERS

| No. | Title | Type | Date | Price (inclusive of GST) |
|------|---|---------------------------|------|--------------------------------|
| 59. | A Review of the <i>Peace and Good Behaviour Act 1982</i> (Qld) | Discussion Paper | 2005 | – |
| 58. | A Review of the Law in relation to the Final Disposal of a Dead Body | Information Paper | 2004 | – |
| 57. | The Abrogation of the Privilege Against Self-Incrimination | Discussion Paper | 2003 | – |
| 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 | – |
| 55. | Recognition of Interstate and Foreign Grants of Probate and Letters of Administration | Discussion Paper | 2001 | – |
| 54. | The Role of Justices of the Peace in Queensland | Discussion Paper | 1999 | – |
| 53. | The Receipt of Evidence by Queensland Courts: The Evidence of Children | Discussion Paper | 1998 | – |
| 52. | The Receipt of Evidence by Queensland Courts: Electronic Records | Issues Paper | 1998 | – |
| 51. | The Role of Justices of the Peace in Queensland | Issues Paper | 1998 | – |
| 50. | Review of the <i>Limitation of Actions Act 1974</i> (Qld) | Discussion Paper | 1997 | – |
| 49. | Review of the <i>Limitation of Actions Act 1974</i> (Qld) | Information Paper | 1997 | – |
| 48. | Vicarious Liability | Discussion Paper | 1995 | 13.75 |
| 47. | Uniform Succession Laws for Australian States and Territories: Issues Paper No 2 – Family Provision | Working Paper | 1995 | 13.75 |
| 46. | Uniform Succession Laws for Australian States and Territories: Issues Paper No 1 – The Law of Wills | Working Paper | 1995 | 11.75 |
| 45. | Minors' Civil Law Capacity | Draft Report | 1995 | 11.75 |
| 44A. | Consent to Medical Treatment of Young People: Summary of Recommendations | Discussion Paper: Summary | 1995 | 9.20 |
| 44. | Consent to Medical Treatment of Young People | Discussion Paper | 1995 | 22.25 |
| 43A. | Assisted and Substituted Decisions: Summary of Recommendations | Draft Report: Summary | 1995 | 9.30 |
| 43. | Assisted and Substituted Decisions | Draft Report | 1995 | 26.75 |
| | | Draft Legislation | 1995 | 15.25 |
| 42. | Female Genital Mutilation | Draft Report | 1994 | 11.50 |

| No. | Title | Type | Date | Price (inclusive of GST) |
|------|---|------------------|------|--------------------------|
| 41. | The Bail Act | Working Paper | 1993 | 12.00 |
| 40. | De Facto Relationships | Working Paper | 1992 | 21.75 |
| 39. | Personal Property Securities: A Blueprint for Reform | Discussion Paper | 1992 | 12.00 |
| 38. | Assisted and Substituted Decisions | Discussion Paper | 1992 | 20.75 |
| 37. | Intestacy Rules | Working Paper | 1992 | 10.00 |
| 36. | Shared Property | Discussion Paper | 1991 | 13.75 |
| 35. | To Bail or Not to Bail – A Review of Queensland's Bail Law | Discussion Paper | 1991 | 14.00 |
| 34. | Working Paper on Statute Law Revision | Working Paper | 1991 | 10.00 |
| 33. | Henry VIII Clauses | Working Paper | 1990 | 9.60 |
| 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 | 24.50 |
| 31. | Working Paper on a Bill in Respect of an Act to Replace the <i>Oaths Act 1867–1981</i> | Working Paper | 1988 | 15.50 |
| 30. | Working Paper on a Bill to Amend the <i>Property Law Act 1974–1985</i> | Working Paper | 1986 | 10.50 |
| 29. | Working Paper on a Bill to Alter the Civil Jurisdiction of the District Court | Working Paper | 1985 | 10.00 |
| 28. | Working Paper on a Bill to Review the Role of Juries in Criminal Trials | Working Paper | 1984 | 15.50 |
| 27. | Working Paper on a Bill to Establish Limited Liability Partnerships | Working Paper | 1984 | 14.00 |
| 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 | 9.00 |
| 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 | 9.60 |
| 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 | 15.00 |
| 23. | Working Paper in relation to an Examination of the Imperial Statutes in Force in Queensland | Working Paper | 1979 | 11.50 |
| 22A. | Supplementary Paper on a Draft Associations Incorporation Act | Working Paper | 1979 | 9.30 |
| 22. | Working Paper on a Draft Associations Incorporation Act | Working Paper | 1978 | 14.00 |

| No. | Title | Type | Date | Price (inclusive of GST) |
|-----|---|---------------|------|--------------------------|
| 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 | 9.30 |
| 20. | Working Paper on a Bill to Amend the Law in Relation to Bail | Working Paper | 1978 | 10.00 |
| 19. | Working Paper on Proposals to Amend the Practice of Criminal Courts in Certain Particulars | Working Paper | 1977 | 11.50 |
| 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 | 9.20 |
| 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 | 9.30 |
| 16. | Working Paper on a Bill to Amend the <i>Pawnbrokers Act 1849–1971</i> | Working Paper | 1976 | 9.20 |
| 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 | 9.70 |
| 14. | Working Paper on a Bill to Consolidate and Amend the Law of Succession and the Administration of Estates | Working Paper | 1975 | 12.50 |
| 13. | Working Paper on a Bill to Consolidate, Amend and Reform the Law of Evidence | Working Paper | 1975 | 14.00 |
| 12. | Working Paper on a Bill to Amend the Criminal Code in Certain Particulars | Working Paper | 1974 | 9.50 |
| 11. | Working Paper on a Bill to Amend and Consolidate the Law Relating to Limitation of Actions | Working Paper | 1972 | 9.60 |
| 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 | 14.00 |
| 9. | Working Paper on the Law Relating to Perpetuities and Accumulations | Working Paper | 1971 | 9.30 |
| 8. | Working Paper on a Bill to Consolidate and Amend the Law Relating to Money Lending | Working Paper | 1971 | 12.00 |
| 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 | 9.00 |
| 6. | Working Paper in Relation to an Examination of the Law Relating to Interest on Damages | Working Paper | 1971 | 8.90 |

| No. | Title | Type | Date | Price (inclusive of GST) |
|-----|---|---------------|------|--------------------------|
| 5. | Working Paper on a Bill to Consolidate and Amend the Law Relating to Trusts, Trustees, and Settled Land | Working Paper | 1970 | 15.00 |
| 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 | 9.50 |
| 3. | Working Paper on the Proposed Abolition of the Distinction between Wilful Murder and Murder | Working Paper | 1969 | 9.00 |
| 2. | Working Paper on a Bill to Consolidate the Law Relating to Arbitration | Working Paper | 1969 | 9.50 |
| 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 | 10.00 |

MISCELLANEOUS PAPERS

| No. | Title | Date | Price (inclusive of GST) |
|-----|--|-----------|--------------------------|
| 37. | National Committee for Uniform Succession Laws: Discussion Paper, Administration of Estates of Deceased Persons | June 1999 | – |
| 32. | Evidence and Technology – Institute for Information Management Ltd – Discussion on Evidence and Technology | May 1998 | – |
| 30. | Uniform Civil Procedure Rules: Submission on Probate and Administration | Feb 1998 | – |
| 29. | National Committee for Uniform Succession Laws: Consolidated Report to the Standing Committee of Attorneys General on the Law of Wills | Dec 1997 | – |
| 28. | National Committee for Uniform Succession Laws: Report to the Standing Committee of Attorneys General on Family Provision | Dec 1997 | – |
| 18. | <i>Health Services Act 1991</i> , Section 62: Submission to Queensland Health and Others | 1996 | 5.50 |
| 17. | Consent to Medical Treatment of Young People: Medical Examinations in Cases of Suspected Child Abuse | 1996 | 5.50 |
| 16. | Uniform Succession Laws: The Effect of the Lex Situs and Mozambique Rules on Succession to Immovable Property | 1996 | 5.50 |
| 15. | Uniform Succession Laws: Wills | 1996 | 5.50 |

| No. | Title | Date | Price (inclusive of GST) |
|-----|--|------|--------------------------------|
| 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 | 5.50 |
| 13. | Problems Relating to Passing of Risk between Vendor and Purchaser | 1984 | 5.50 |
| 12. | <i>Real Property Acts</i> | – | 5.50 |
| 11. | Enforcement of Judgments in Debt | 1983 | 5.50 |
| 10. | First Issues Paper – The Law of Wills | 1994 | 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 | 5.50 |
| 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 | 5.50 |
| 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 | 5.50 |
| 7. | Female Genital Mutilation | 1993 | 5.50 |
| 6. | Circumcision of Male Infants | 1993 | 5.50 |
| 5. | Exclusions of Benefits from the Assessment of Wrongful Death – Section 15C <i>Common Law Practice Act</i> | 1993 | 5.50 |
| 4. | Griffiths v Kerkemeyer | 1993 | 5.50 |
| 3. | Section 48 <i>Freedom of Information Act</i> | 1993 | 5.50 |
| 2. | Consent by Young People to Medical Treatment | 1993 | 5.50 |
| 1. | Steering Your Own Ship – Assisting People Who are Unable to Make Decisions for Themselves | 1991 | 5.50 |

Appendix 4

Holders of office under the *Law Reform Commission Act 1968*⁴

CHAIRPERSON

| | |
|--|--|
| The Honourable Mr Justice W B Campbell (later Chief Justice and Governor of Queensland) | 01.03.69–01.03.73 |
| The Honourable Mr Justice G L Hart | 01.03.73–15.05.73 |
| The Honourable Mr Justice D G Andrews (later Chief Justice) | 26.05.73–17.09.82 |
| The Honourable Mr Justice B H McPherson CBE* | 20.09.82–31.12.91 |
| The Honourable Mr Justice R E Cooper* | 01.01.92–30.06.93 |
| The Honourable Justice G N Williams* | 01.07.93–30.06.96 |
| The Honourable Justice P de Jersey (later Chief Justice) | 12.07.96–19.03.98 |
| 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* | 01.01.02–20.12.07 |

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 |

⁴

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

| | |
|-----------------------------|-------------------|
| Mr J Herlihy | 04.01.93–10.09.93 |
| Ms P A Cooper | 09.05.94–31.07.97 |
| Assoc Prof P J M MacFarlane | 10.01.00–28.12.01 |
| Ms R A Hill | 30.09.02–10.03.05 |

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 (later the Honourable Justice P A Keane) | 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 | 21.12.01–20.12.07 |
| Mr G W O'Grady | 21.12.01–20.12.07 |
| Ms H A Douglas | 21.12.01–20.12.07 |
| Mr B J Herd | 15.11.02–20.12.07 |
| Mr J K Bond SC | 17.03.05–16.03.08 |

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 information⁵

| | 1998/99 Budget | 1999/2000 Budget | 2000/01 Budget | 2001/02 Budget | 2002/03 Budget | 2003/04 Budget | 2004/05 Budget |
|--|---------------------------|-----------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|
| Base Allocation: Salaries | \$412,000 | \$432,200 | \$487,800 | \$510,500 | \$487,000 | \$502,700 | \$516,340 |
| Administration costs | \$60,000 | \$82,950 | \$60,900 | \$43,000 | \$75,600 | \$81,396 | \$54,983 |
| Salary related taxes | \$18,000 | \$20,000 | \$17,300 | \$19,500 | \$22,000 | \$22,500 | \$22,706 |
| Departmental specials | \$43,000 | 6,000 | \$27,000 | \$16,000 | \$18,500 | \$0 | \$0 |
| Plant and equipment Purchase and maintenance | \$0 | \$3,100 | \$3,000 | \$0 | \$0 | \$0 | \$0 |
| Capital Works | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Total base and departmental special allocations | \$533,000 | \$544,250 | \$596,000 | \$589,000 | \$603,100 | \$606,596 | \$594,029 |
| Treasury Specials – EB Funding, LSL | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Superannuation | \$56,000 | \$58,000 | \$50,000 | \$44,700 | \$50,600 | \$52,600 | \$53,417 |
| Property Maintenance | \$171,000 | \$170,750 | \$173,000 | \$179,300 | \$171,200 | \$174,496 | \$174,476 |
| | \$760,000 | \$773,000 | \$819,000 | \$813,000 | \$824,900 | \$833,692 | \$821,922 |

⁵ 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

2004–2005

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, members of the Commission, the Director, the Principal Legal 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-four dollars and forty cents (\$34.40) 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 _____