



Queensland  
Law Reform Commission

## **Annual Report**

2011-12

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**Queensland  
Law Reform Commission**

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2011–12**

October 2012



## **Commission members<sup>1</sup>**

Chairperson:	<b>The Hon Justice RG Atkinson</b>
Full-time member:	<b>Assoc Prof TCM Hutchinson*</b>
Part-time members:	<b>Mr JK Bond SC Prof BF Fitzgerald Mr BJ Herd Mrs SM Ryan</b>

## **Secretariat<sup>2</sup>**

Director:	<b>Ms CE Riethmuller</b>
Assistant Director:	<b>Mrs CA Green</b>
Commission Secretary:	<b>Mrs JA Manthey</b>
Legal Officers:	<b>Ms AL Galeazzi Ms PL Rogers</b>
Administrative Officers:	<b>Ms KS Giles Mrs A Lathouras</b>

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<sup>1</sup> An asterisk indicates that the member served for only part of the reporting period.

<sup>2</sup> As at 30 June 2012.



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4 October 2012

The Honourable Jarrod Bleijie MP  
Attorney-General and Minister for Justice  
Level 18, State Law Building  
50 Ann Street  
BRISBANE QLD 4000

Dear Attorney

I have pleasure in presenting the Commission's Annual Report for the financial year ending 30 June 2012.

During the reporting period, the Commission completed its review of the law in relation to the final disposal of a dead body. The Commission's final report, which included draft legislation, recommended a new legislative scheme that:

- gives effect to certain written instructions of a person about the method and place of disposal of the person's remains or ashes and any accompanying practices;
- establishes an order of priority of persons to make decisions about those matters if they are not covered by effective instructions; and
- clarifies the law in relation to the disposal of ashes by the operator of a crematorium.

The Commission also commenced work on a major review of the *Trusts Act 1973*.

These reviews are discussed in greater detail later in this Annual Report.

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 Commission's continued contribution to the law reform process during the coming year.

Yours sincerely

**The Honourable Justice Roslyn Atkinson**  
Chairperson





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# Overview of the Commission

## Constitution of the Commission

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

## Function of the Commission

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

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

## Organisational objectives

The Commission aims to meet the needs of the Queensland community by reviewing areas of the law in need of reform, and making recommendations for reform. These recommendations are based on extensive research, public consultation, and the principles of impartiality, equity and social justice. The Commission's recommendations are published in its final Reports, which are presented to the Attorney-General for tabling in Parliament in accordance with the requirements of section 16 of the *Law Reform Commission Act 1968* (Qld).

## Commission members and staff of the Secretariat

### Commission members

Members of the Commission are appointed by the Governor in Council on the advice of the Attorney-General. The *Law Reform Commission Act 1968* (Qld) provides that the Commission must consist of at least three members, who may be full-time or part-time members.

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

The Commission has five part-time members (including the Chairperson). The position of full-time member has been vacant since the resignation of Associate Professor Terry Hutchinson in March 2012.

## Secretariat

The Secretariat of the Queensland Law Reform Commission is comprised of the Director, the Assistant Director, two Legal Officers, the Commission Secretary and one Administrative Officer. Staff are employed by the Department of Justice and Attorney-General under the *Public Service Act 2008* (Qld).

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

## Organisational chart

An organisational chart of the Commission and the Secretariat is included in Appendix 1 to this Annual Report.

## The work of the Commission

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

- the law in relation to the final disposal of a dead body; and
- a review of the *Trusts Act 1973* (Qld).

These reviews are discussed in greater detail later in this Annual Report.

## Recent publications of the Commission

During the reporting period, the Commission completed the following publication:

- Report No 69, *A Review of the Law in Relation to the Final Disposal of a Dead Body*.

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

## **Meetings of the Commission**

During the reporting period, the Commission held 10 Commission meetings.

## **Remuneration**

The remuneration for the part-time members of the Commission during the reporting period was \$20 856 per annum.<sup>1</sup>

## ***Right to Information Act 2009 (Qld)***

In accordance with the requirements of the *Right to Information Act 2009 (Qld)*, the Commission's website includes a Publication Scheme. That scheme describes and categorises the information that is routinely available from the Commission and the terms on which it will make the information available.

## ***Public Sector Ethics Act 1994 (Qld)***

During the reporting period, all officers of the Secretariat attended the training course 'Workplace Ethics', which included information about the Single Code of Conduct, the Department of Justice and Attorney-General Workplace Policy, and public interest disclosures.

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<sup>1</sup>

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

# Current and recently-completed reviews

## A review of the law in relation to the final disposal of a dead body

In December 2011, the Commission completed its final Report on the law in relation to the final disposal of a dead body. The Commission's recommendations concerned three main areas:

- the effect of 'funerary instructions' left by a deceased person;
- the establishment of a new legislative scheme for determining the person who has the right to control the disposal of the human remains or ashes of a deceased person (including a statutory hierarchy that specifies, in descending order of priority, the person who has the right to control the disposal in the absence of a court order); and
- the legislative framework for the disposal or release of ashes by the person in charge of a crematorium.

The Report also addressed the lawful methods for the disposal of human remains, and the places at which the disposal of human remains and ashes should generally be permitted.

The Report included draft legislation, which implemented the Commission's recommendations.

## Recognition of funerary instructions left by a deceased person

The Commission recommended that, if a person is arranging for the disposal of the human remains or ashes of a deceased person and knows that the deceased has left 'funerary instructions', the person must take reasonable steps to carry out the deceased's funerary instructions.

The legislative scheme defined 'funerary instructions' as signed instructions left by a person that express the person's wishes or directions about the method or place of disposal of the person's human remains or ashes, or whether particular rites or customs are to be observed in relation to the disposal of the person's human remains or ashes.

However, the definition excluded instructions that would require something to be done that is unlawful; not able to be carried out or impractical; offensive or indecent; contrary to public health or safety; or unreasonable having regard to the net value of the deceased's estate.

## **The right to control the disposal of the human remains or ashes of a deceased person**

The Commission recommended that the *Cremations Act 2003* (Qld) should establish a clear and accessible scheme to determine the person (an ‘authorised decision-maker’) who has the ‘right to control the disposal’ of the human remains or ashes of a deceased person.

The legislative scheme defined the ‘right to control the disposal’ of the human remains or ashes of a deceased person as the right of a person (namely, an authorised decision-maker):

- to make decisions about the method or place of disposal of the human remains or ashes, or the rites or customs that are to be observed in relation to the disposal of the human remains or ashes, except to the extent that the deceased left funerary instructions about any of those matters and the person knows of the instructions; and
- to the possession of the human remains or ashes for the purpose of their disposal.

Under the legislative scheme, the right to control disposal would be conferred on an authorised decision-maker either by operation of the recommended statutory hierarchy or by an order made by the Supreme Court.

### ***Statutory hierarchy***

The recommended statutory hierarchy generally reflects the common law principles, preserving the primacy of the deceased’s executor, and also recognising the interests of the family members of the deceased. It also recognises the importance of having a culturally appropriate decision-maker, being a person who is ‘appropriate having regard to the cultural or spiritual beliefs held, or the cultural and spiritual practices followed, by the deceased in relation to the disposal of human remains or ashes, including, but not limited to, Aboriginal tradition or Island custom’.

### **The court’s powers**

The Commission also made recommendations to preserve the Supreme Court’s broad discretion to determine who should hold the right to control the disposal, including that the *Cremations Act 2003* (Qld) should provide that the court may, on application, make an order in relation to the exercise of the right to control the disposal of the human remains or ashes of a deceased person.

### **Provisions relating to the disposal of ashes by a crematorium operator**

The Commission recommended new provisions to preserve the right of an authorised decision-maker to control the disposal of the ashes of a deceased

person, while also providing additional options for the disposal of ashes by the person in charge of a crematorium.

### **Lawful methods for the disposal of human remains**

The Commission recommended that the *Cremations Act 2003* (Qld) should prohibit a person from disposing of human remains by a method other than burial or cremation unless the person has the written approval of the Minister. The purpose of the recommendation was to clarify which methods for the disposal of human remains are lawful in Queensland, while still facilitating the development of new methods of disposal.

### **Places for the lawful disposal of human remains and ashes**

The Commission considered that the burial of human remains should generally be restricted to burial in a cemetery, and that the cremation of human remains should generally be restricted to cremation at a crematorium.

To fill the gap that exists in those local government areas where the disposal of human remains is not the subject of a local law, the Commission recommended that the *Cremations Act 2003* (Qld) should be amended to prohibit a person from carrying out the following activities unless the person has the written approval of the Minister:

- the burial, in a 'relevant local government area', of human remains in a place other than a cemetery; and
- the cremation, in a 'relevant local government area', of human remains at a place other than a crematorium.

However, to preserve the operation of those local laws that presently deal with these issues, the Commission further recommended that 'relevant local government area' should be defined as a local government area for which there is no local law regulating the burial of human remains in a place other than a cemetery or the cremation of human remains at a place other than a crematorium.

The Commission did not consider it necessary to recommend any change to the law governing the places at which ashes may be disposed of.

### **Review of the *Trusts Act 1973* (Qld)**

In January 2012, the Commission received terms of reference to review the *Trusts Act 1973* (Qld). The terms of reference require the Commission to review:

- whether the Act provides an adequate, effective and comprehensive framework for the regulation of trusts (including charitable trusts) in Queensland;



- opportunities for the Act to be modernised, simplified, clarified or updated, including in light of developments in case law and current trust practices and usage;
- whether any other relevant State legislation pertaining to the law of trusts should be amended for consistency with, or as a consequence of, any recommended amendments to the Act; and
- streamlining the law with respect to deciding disputes in relation to the terms of the administration of trusts, including the appropriate court or tribunal which is to have jurisdiction over less complex matters and disputes involving lower monetary values.

The terms of reference require the Commission, in undertaking the review, to have regard to the following matters:

- the increased use of private trusts, including family discretionary trusts and testamentary discretionary trusts;
- the use of trusts in commercial business arrangements, public investments and superannuation; and
- other relevant State and Commonwealth legislation that provides for matters pertaining to the law of trusts.

During the reporting period, the Commission undertook preliminary consultations and commenced work on a Discussion Paper, which it intends to publish in December 2012.

The Commission is required to provide an interim report to the Attorney-General advising of its recommendations by 30 June 2013, and a final report, including draft legislation (if relevant), by 31 December 2013.

# Who's who at the Commission

## Commission Members

**The Hon Justice RG Atkinson BA (Hons) BEd St LLB (Hons)—Chairperson**  
1 January 2002–20 December 2013

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, and then Deputy Chairperson, of the Queensland Law Reform Commission, a Hearing Commissioner for the Human Rights and Equal Opportunity Commission, and a member of the Social Security Appeals Tribunal.

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

**Mr JK Bond SC BCom LLB (Hons)**  
17 March 2005–20 December 2013

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

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

**Prof BF Fitzgerald BA (Griff) LLB (Hons) (QUT) BCL (Oxon) LLM (Harv) PhD (Griff)**  
21 December 2010–20 December 2013

Professor Fitzgerald studied law at the Queensland University of Technology ('QUT'), graduating as a University Medallist in Law. He holds postgraduate degrees in law from Oxford University and Harvard University. He is well known in

the areas of intellectual property and internet law, and has worked closely with Australian governments on facilitating access to public sector information.

From 1998 to 2002, Professor Fitzgerald was Head of the School of Law and Justice at Southern Cross University in New South Wales, and from January 2002 to January 2007 was appointed as Head of the School of Law at QUT. In 2009, he was appointed to the Australian Government's 'Government 2.0 Taskforce' and to the Advisory Council on Intellectual Property. From 2007 to March 2012 Professor Fitzgerald was a specialist Research Professor in Intellectual Property and Innovation at QUT. He is currently the Executive Dean of Law at the Australian Catholic University.

**Mr BJ Herd BA LLB (Hons)**

15 November 2002–20 December 2013

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

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

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

**Assoc Prof TCM Hutchinson BA LLB (Qld) DipLib (UNSW) MLP (QUT)  
PhD (Griff)**

1 February 2011–7 March 2012

Associate Professor Hutchinson was admitted as a solicitor in 1986, and held the position of Law Librarian in the Faculty of Law at the Queensland University of Technology for six years, before joining the Law School teaching staff in 1994. She taught criminal law and legal research, and has published widely in the areas of youth justice and postgraduate legal research training, including *Researching and Writing in Law* (Thomson Reuters, 3rd ed, 2010).

Associate Professor Hutchinson has been a member and chair of the Queensland Law Society's Equalising Opportunities in the Law Committee from 2002, and is a member of the Law Council of Australia's Equalising Opportunities in the Law Committee. She was a member of the Australasian Law Teachers' Association Executive from 2005 to 2011, and served as Editor in Chief and Associate Editor of the peer-reviewed *Legal Education Review* from 2004 to 2011.

**Mrs SM Ryan BCom LLB (Hons)**

21 December 2010–20 December 2013

Mrs Ryan was admitted as a barrister in 1991, and practises mainly in criminal law. She has worked as a Crown Prosecutor at the Office of the Director of Public Prosecutions and as counsel at Legal Aid Queensland. In 2010, Mrs Ryan entered private practice.

Mrs Ryan taught evidence for several years at the University of Queensland and is one of the current authors of *Carter's Criminal Law of Queensland*. In 2008, Mrs Ryan assisted the Queensland Law Reform Commission in its review of the excuse of accident and the defence of provocation.

## **Secretariat**

### **Claire Riethmuller BA LLB (Hons)—Director**

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

She worked as a solicitor at Minter Ellison, practising in the areas of commercial litigation and professional indemnity litigation.

In 1994, Ms Riethmuller was appointed as the Commission's Principal Legal Officer and, in 2005, as Director.

### **Cathy Green BSc LLB—Assistant Director**

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

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

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

### **Anita Galeazzi BA LLB (Hons) GDLP—Legal Officer**

Ms Galeazzi graduated with Honours in Law from the University of Queensland in 2006.

Ms Galeazzi worked as a research officer at the Supreme Court of Queensland Library, before completing the Graduate Diploma in Legal Practice through the

Australian National University. She was admitted to the legal profession in Queensland as a lawyer in 2010.

Ms Galeazzi commenced work at the Commission in January 2011.

### **Paula Rogers BA LLB (Hons)—Legal Officer**

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

Ms Rogers worked as a Judge's Associate at 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.

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

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

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

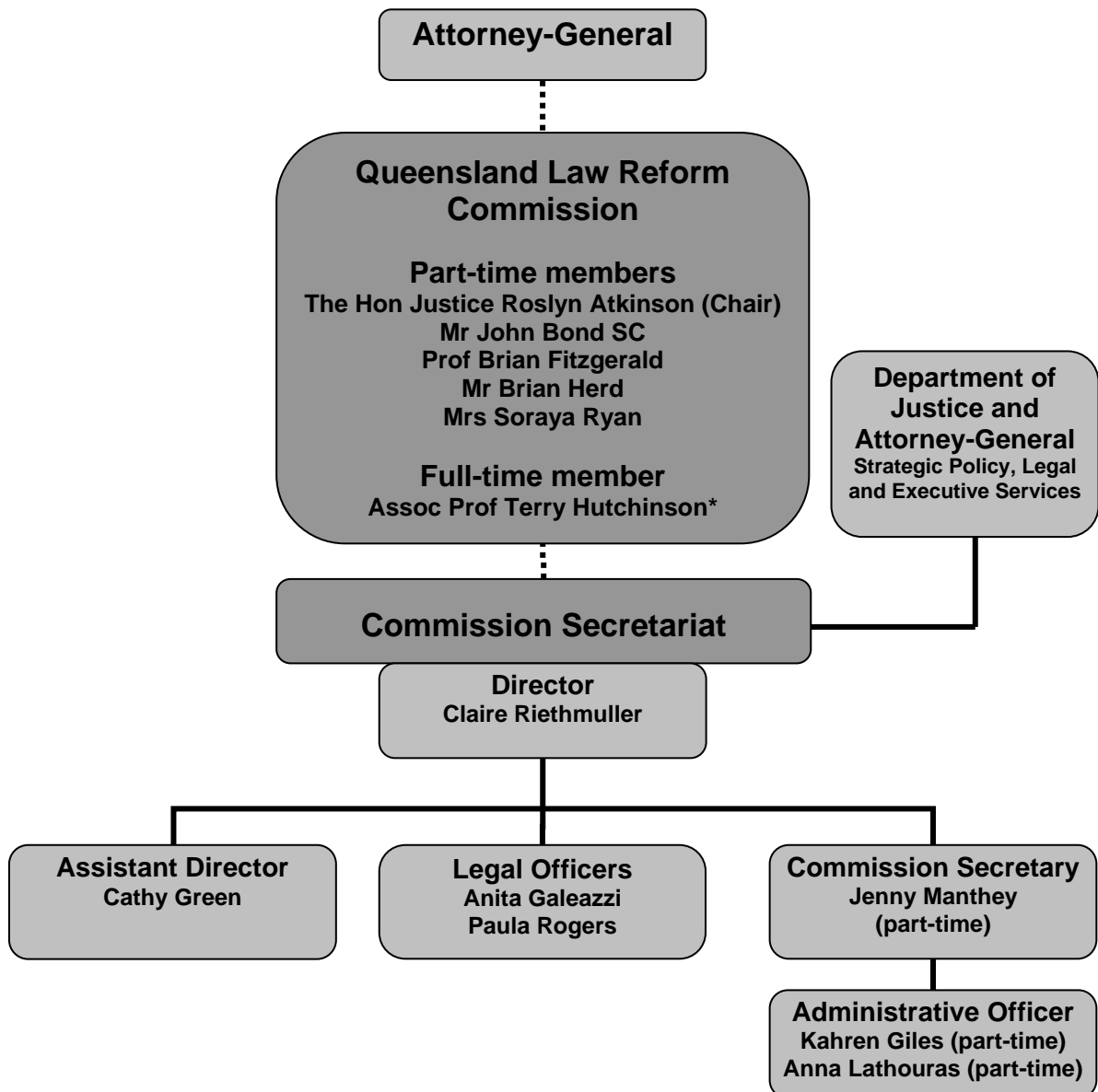
### **Kahren Giles BA, Anna Lathouras—Administrative Officers**

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



# Appendix 1

## Organisational chart



\* To 7 March 2012.

## Appendix 2

### 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 69	A Review of the Law in Relation to the Final Disposal of a Dead Body	December 2011	27.01.12	WP 58 2004	
R 68	A Review of Jury Selection	February 2011	01.07.11	WP 69 2010	
R 67	A Review of Queensland's Guardianship Laws, vols 1-4	September 2010	12.11.10	WP 68 2009 WP 65 2008 WP 64 2008	Guardianship and Administration and Other Legislation Amendment Bill 2012, Part 2
R 66	A Review of Jury Directions, vols 1-2	December 2009	14.04.10	WP 66 2009 WP 67 2009	
R 65	Administration of Estates of Deceased Persons: Report of the National Committee for Uniform Succession Laws to the Standing Committee of Attorneys General, vols 1-4	April 2009	07.07.09	WP 55 2001 MP 37 1999	
R 64	A review of the excuse of accident and the defence of provocation	September 2008	01.10.08	WP 63 2008 WP 62 2008	<i>Criminal Code and Other Legislation Amendment Act 2011</i>
R 63	A review of the <i>Peace and Good Behaviour Act 1982</i> , vols 1-2	December 2007	25.08.08	WP 59 2005	



No.	Title	Date of Report	Date Report Tabled	Background Papers	Legislation Implementing the Commission's Recommendations (in whole, in part, or with alterations)
R 62	Public Justice, Private Lives: A New Approach to Confidentiality in the Guardianship System, vol 2  Public Justice, Private Lives: A New Approach to Confidentiality in the Guardianship System, vol 1	July 2007  June 2007	12.10.07	WP 62 2006 WP 61 2006 WP 60 2006 MP 38 2006 MP 39 2006	<i>Guardianship and Administration and Other Acts Amendment Act 2008</i>
R 61	Wills: The Anti-lapse Rule — Supplementary Report to the Standing Committee of Attorneys General	March 2006	22.06.06	MP 29 1997 R 52 1997	<i>Succession Amendment Act 2006</i>
R 60	A Review of the Uniform Evidence Acts (Report on the Australian Law Reform Commission's preliminary proposals for reform of the Uniform Evidence Acts)	September 2005	28.10.05	Nil	Not applicable.
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 cohabitation relationship, and the effect of the likelihood of divorce or separation on the assessment of damages in a wrongful death claim	November 2003	19.12.03	WP 56 2002	<i>Justice and Other Legislation Amendment Act 2004, Part 24</i>
R 56	Vicarious Liability	December 2001	11.04.02	WP 48 1995	<i>Justice and Other Legislation Amendment Act 2004, Part 19</i>

No.	Title	Date of Report	Date Report Tabled	Background Papers	Legislation Implementing the Commission's Recommendations (in whole, in part, or with alterations)
R 55	The Receipt of Evidence by Queensland Courts: The Evidence of Children (Part 2)  The Receipt of Evidence by Queensland Courts: The Evidence of Children (Part 2A) — Summary of Recommendations	December 2000	05.04.01	WP 53 1998	<i>Evidence (Protection of Children) Amendment Act 2003</i>
R 55	The Receipt of Evidence by Queensland Courts: The Evidence of Children (Part 1)	June 2000	03.07.00	WP 53 1998	<i>Criminal Law Amendment Act 2000</i>
R 54	The Role of Justices of the Peace in Queensland	December 1999	31.05.00	WP 51 1998 WP 54 1999	
R 53	Review of the <i>Limitation of Actions Act 1974</i> (Qld)	September 1998	22.12.98	WP 49 1997 WP 50 1997	
R 52	The Law of Wills	December 1997	23.12.97	MP 10 1994 WP 46 1995	<i>Succession Amendment Act 2006</i>
R 51	Consent to Health Care of Young People, vols 1–3	December 1996	30.04.97	MP 2 1993 MP 6 1993 MP 7 1993 WP 42 1994 MP 14 1995 WP 44 1995 WP 44A 1995 MP 17 1996	
R 50	Minors' Civil Law Capacity	December 1996	25.03.97	WP 45 1995	<i>Residential Tenancies Amendment Act 1998</i>

No.	Title	Date of Report	Date Report Tabled	Background Papers	Legislation Implementing the Commission's Recommendations (in whole, in part, or with alterations)
R 49	Assisted and Substituted Decisions: Decision-Making by and for People with a Decision-Making Disability, vols 1–3	June 1996	07.08.96	WP 43 1995 WP 43A 1995 WP 38 1992 MP 1 1991	<i>Powers of Attorney Act 1998</i> <i>Guardianship and Administration Act 2000</i>
R 48	De Facto Relationships: Claims by Surviving De Facto Partners under the <i>Common Law Practice Act 1867</i> for Damages for Wrongful Death	November 1994	25.11.94	MP 8 1994	<i>Common Law Practice and Workers' Compensation Amendment Act 1994</i>
R 47	Female Genital Mutilation	16.09.94	18.10.94	MP 7 1993 WP 42 1994	<i>Criminal Law Amendment Act 2000</i>
R 46	The <i>Freedom of Information Act 1992</i> Review of Secrecy Provision Exemption	22.03.94	22.03.94	MP 3 1993	<i>Freedom of Information (Review of Secrecy Provisions Exemption) Amendment Act 1994</i>
R 45	The Assessment of Damages in Personal Injury and Wrongful Death Litigation: <i>Griffiths v Kerkemeyer</i> , Section 15C <i>Common Law Practice Act 1867</i>	08.10.93	16.11.93	MP 4 1993 MP 5 1993	No changes recommended
R 44	De Facto Relationships	30.06.93	15.07.93	WP 36 1991 WP 40 1992	<i>Property Law Amendment Act 1989</i>
R 43	The <i>Bail Act 1980</i>	28.06.93	15.07.93	WP 35 1991 WP 41 1993	
R 42	Intestacy Rules	07.06.93	15.07.93	WP 37 1992	<i>Succession Amendment Act 1997</i>
R 41	The Protection of Statements Made to Religiously Ordained Officials	02.04.91	09.04.91	Nil	

No.	Title	Date of Report	Date Report Tabled	Background Papers	Legislation Implementing the Commission's Recommendations (in whole, in part, or with alterations)
R 40	Consolidation of <i>Real Property Acts</i>	March 1991	07.04.91	WP 32 1990	<i>Land Title Act 1994</i>
R 39	Henry VIII Clauses	29.06.90	05.12.90	WP 33 1990	<i>Legislative Standards Act 1992</i>
R 38	Report on the <i>Oaths Act</i>	31.03.89	07.06.90	WP 31 1988	
R 37	Report on a Bill to Amend the <i>Property Law Act 1974</i>	17.09.87	07.06.90	WP 30 1986	<i>Property Law Act Amendment Act</i>
R 36	Report on a Bill to Alter the Civil Jurisdiction of the District Court of Queensland	20.12.85	07.06.90	WP 29 1985	<i>District Courts Act and Other Acts Amendment Act 1989</i>
R 35	Report on a Bill to Amend and Reform the <i>Jury Act</i> , the <i>Justices Act</i> and the Criminal Code insofar as those Acts Relate to Committal Proceedings and Trial by Jury in Criminal Courts	25.10.85	07.06.90	WP 28 1984	
R 34	Report on a Bill to Establish Limited Liability Partnerships	22.01.85	07.06.90	WP 27 1984	<i>Partnership (Limited Liability) Act 1988</i>
R 33	Report on a Bill to Prevent the Avoidance of Civil Liability in Cases of Death or Personal Injury Caused by Negligence	26.10.84	07.06.90	WP 26 1984	
R 32	Report on a Bill to Consolidate, Amend and Reform the <i>Supreme Court Acts</i> and Ancillary Acts Regulating Civil Proceedings in the Supreme Court	1982	07.06.90	WP 24 1982	
R 31	Report on an Examination of the Imperial Statutes in Force in Queensland	23.09.81	07.06.90	WP 23 1979	<i>Imperial Acts Application Act 1984</i>

No.	Title	Date of Report	Date Report Tabled	Background Papers	Legislation Implementing the Commission's Recommendations (in whole, in part, or with alterations)
R 30	Report on a Draft Associations Incorporation Act	01.02.80	07.06.90	WP 22 1978	<i>Associations Incorporation Act 1981</i>
R 29	Report on A Bill to Repeal <i>The Second-Hand Wares Act of 1921</i> and to Update Legislation Concerning Dealers and Collectors	03.01.80	07.06.90	WP 21 1978	<i>Second Hand Dealers and Collectors Act 1984</i>
R 28	Report on Matters Arising out of the Report of the Committee of Inquiry into the Enforcement of the Criminal Law in Queensland (The Lucas Inquiry)	17.05.79	07.06.90	Nil	
R 27	Proposals to Amend Practices of Criminal Courts	08.12.78	07.06.90	WP 19 1977	
R 26	Report on an Examination of the Procedure and Practice in Children's Courts and on a Bill to Amend the <i>Children's Services Act 1965–1977</i>	30.08.78	07.06.90	WP 15 1976	
R 25	Report on an Examination of the Law Relating to Bail in Criminal Proceedings	10.08.78	20.09.78	WP 20 1978	<i>Bail Act 1980</i>
R 24	Report on the Law Relating to Actions Against the Crown	17.04.78	12.09.79	WP 17 1977	<i>Crown Proceedings Act 1980</i>
R 23	Report on a Review of the <i>Pawnbrokers Act 1849–1971</i>	24.02.78	13.03.79	WP 16 1976	<i>Pawnbrokers Act 1984</i>
R 22	Report on the Law Relating to Succession	24.02.78	09.10.79	WP 14 1975	<i>Succession Act 1981</i>
R 21	Reform of the Law of Rape	13.08.76	07.06.90	Nil	
R 20	Report on the Law of Succession and Other Allied Considerations in Relation to Illegitimate Persons	18.12.75	11.03.76	Nil	<i>Status of Children Act 1978</i>

No.	Title	Date of Report	Date Report Tabled	Background Papers	Legislation Implementing the Commission's Recommendations (in whole, in part, or with alterations)
R 19	Report on the Law Relating to Evidence	14.11.75	11.03.76	WP 13 1975	<i>Evidence Act 1977</i>
R 18	The Commission's Third Report on Statute Law Revision	17.03.75	22.03.75	Nil	<i>Acts Repeal Act 1975</i>
R 17	Report on a Bill to Amend the Criminal Code in Certain Particulars	19.12.74	27.02.75	WP 12 1974	<i>The Criminal Code and the Justices Act Amendment Act 1975</i>
R 16	Report on a Bill to Consolidate, Amend and Reform the Law Relating to Conveyancing, Property, and Contract and to Terminate the Application of Certain Imperial Statutes	28.02.73	07.06.90	WP 10 1972	<i>Property Law Act 1974</i>
R 15	The Commission's Second Report on Statute Law Revision	22.12.72	20.03.73	Nil	<i>Acts Repeal Act 1973</i>
R 14	Report on a Bill to Amend and Consolidate the Law Relating to Limitation of Actions	02.10.72	20.03.73	WP 11 1972	<i>Limitation of Actions Act 1974</i>
R 13	Report on a Bill to Consolidate and Amend the Law Relating to Money Lending	24.04.72	09.08.72	WP 8 1971	<i>The Money Lenders Act 1916 was repealed (from May 1989) by the Credit Act 1987</i>
R 12	Report on a Bill to Establish an Appeal Costs Fund	21.04.72	09.08.72	Nil	<i>Appeal Costs Fund Act 1973</i>
R 11	Report on Statute Law Revision	21.04.72	09.08.72	Nil	<i>New South Wales (Termination of Application) Acts 1973</i>
R 10	Report in Relation to an Examination of the Law Relating to Interest on Damages	10.09.71	09.08.72	WP 6 1971	<i>Common Law Practice Act Amendment Act 1972</i>

No.	Title	Date of Report	Date Report Tabled	Background Papers	Legislation Implementing the Commission's Recommendations (in whole, in part, or with alterations)
R 9	Report in Relation to an Examination of the Provisions of the <i>Fatal Accidents Acts</i> with a View to the Elimination of Anomalies	10.09.70	09.08.72	WP 7 1971	<i>Common Law Practice Act Amendment Act 1972</i>
R 8	Report on the Law Relating to Trusts, Trustees, Settled Land and Charities	16.06.71	09.08.72	WP 5 1970	<i>Trusts Act 1973</i>
R 7	Report on the Law Relating to Perpetuities and Accumulations	24.05.71	26.08.71	WP 9 1971	<i>Perpetuities and Accumulations Act 1972</i> (later incorporated into the <i>Property Law Act 1974</i> )
R 6	Report on a Review of: <i>The Statute of Frauds, 1677</i> (29 Car II c 3); <i>The Statute of Frauds Amendment Act, 1828</i> (9 Geo IV c 14); <i>The Statute of Frauds and Limitations of 1867</i> (Qld) (31 Vic No 22); <i>The Sale of Goods Act of 1896</i> (Qld) (60 Vic No 6) (Sect 7)	08.06.70	26.08.71	WP 4 1970	<i>Statute of Frauds 1972</i> (later incorporated into the <i>Property Law Act 1974</i> )
R 5	Report on a Bill to Make Provision for the Abatement of Litter and Other Purposes	08.06.70	07.06.90	Nil	<i>Litter Act 1971</i>
R 4	Report on a Bill to Consolidate the Law Relating to Arbitration	08.06.70	26.08.71	WP 2 1969	<i>Arbitration Act 1973</i>
R 3	<i>The Common Law Practice Acts, 1867 to 1964</i> (Section 2): Illegitimate Children	20.03.70	08.09.70	Nil	<i>Common Law Practice Act Amendment Act 1970</i>
R 2	Abolition of the Distinction between Wilful Murder and Murder	16.03.70	08.09.70	WP 3 1969	<i>The Criminal Code and the Offenders Probation and Parole Act Amendment Act 1971</i>

<b>No.</b>	<b>Title</b>	<b>Date of Report</b>	<b>Date Report Tabled</b>	<b>Background Papers</b>	<b>Legislation Implementing the Commission's Recommendations (in whole, in part, or with alterations)</b>
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 3

### Holders of office under the *Law Reform Commission Act 1968*<sup>1</sup>

#### Chairpersons

The Honourable Mr Justice WB Campbell (later Chief Justice and Governor of Queensland)	01.03.69–01.03.73
The Honourable Mr Justice GL Hart	01.03.73–15.05.73
The Honourable Mr Justice DG Andrews (later Chief Justice of Queensland)	26.05.73–17.09.82
The Honourable Mr Justice BH McPherson CBE*	20.09.82–31.12.91
The Honourable Justice RE Cooper*	01.01.92–30.06.93
The Honourable Justice GN Williams*	01.07.93–30.06.96
The Honourable Justice P de Jersey (later Chief Justice of Queensland)	12.07.96–19.03.98
The Honourable Justice JDM Muir	20.03.98–19.03.01 15.06.01–31.12.01
The Honourable Justice RG Atkinson*	01.01.02–20.12.13

#### Full-time members

Dr JM Morris	01.06.73–30.06.80
Prof KW Ryan CBE QC* (later the Honourable Mr Justice KW Ryan CBE)	01.11.80–31.10.82
Mr FJ Gaffy QC*	01.10.83–16.10.84 10.12.84–31.05.89
Mr AA 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

<sup>1</sup>

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

Mr WG Briscoe*	04.01.93–04.06.99
Mr J Herlihy	04.01.93–10.09.93
Ms PA Cooper	09.05.94–31.07.97
Assoc Prof PJM MacFarlane	10.01.00–28.12.01
Ms RA Hill	30.09.02–10.03.05
Dr BP White*	05.09.05–02.11.07
Mr IP Davis	17.07.08–15.05.10
Assoc Prof TCM Hutchinson	01.02.11–07.03.12

### Part-time members

Mr BH McPherson QC* (later the Honourable Mr Justice BH McPherson CBE)	01.03.69–31.12.81
Sir John Rowell CBE	01.03.69–31.12.89
Mr PR Smith	01.03.69–08.07.76
Sir John Nosworthy CBE	01.01.76–31.12.87
Mr GN Williams QC* (later the Honourable Justice GN Williams)	09.08.76–06.04.82 17.01.83–16.03.89
Prof KW Ryan CBE QC* (later the Honourable Mr Justice KW Ryan CBE)	05.07.80–31.10.80 01.11.82–10.02.84
Mr RE Cooper QC* (later the Honourable Justice RE Cooper)	14.06.82–02.02.89 03.02.89–31.12.89
Mr MO Klug	01.01.88–31.12.89
Mr FJ 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 RG Atkinson* (later the Honourable Justice RG Atkinson)	01.05.90–30.06.96
Mr PA Keane QC (later Chief Justice of the Federal Court of Australia)	01.05.90–12.02.92
Mr WA Lee	01.07.90–30.06.96

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Mr RS O'Regan QC	11.05.92–23.11.92
Ms L Willmott*	15.03.93–15.03.94
Dr JA Devereux	29.08.94–28.08.97
Mr PD McMurdo QC (later the Honourable Justice PD McMurdo)	22.05.95–21.05.01
Mrs DA Mullins SC (later the Honourable Justice DA Mullins)	12.07.96–11.07.99 01.10.99–30.09.02
Mr PM McDermott RFD	12.07.96–11.07.99
Prof WD Duncan	26.09.97–25.09.00
Ms SC Sheridan	26.09.97–25.09.00
Mr WG Briscoe*	04.02.00–30.08.01
Mr PDT Applegarth SC (later the Honourable Justice PDT Applegarth)	21.12.01–20.12.04
Ms A Colvin	21.12.01–31.12.05
Mr GW O'Grady	21.12.01–20.12.07
Dr HA Douglas	21.12.01–20.12.07
Mr BJ Herd	15.11.02–20.12.13
Mr JK Bond SC	17.03.05–20.12.13
Ms RM Treston	21.12.07–20.12.10
Assoc Prof BP White*	21.12.07–20.12.10
Prof BF Fitzgerald	21.12.10–20.12.13
Mrs SM Ryan	21.12.10–20.12.13