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QUEENSLAND  
LAW REFORM COMMISSION

ANNUAL REPORT  
AND  
STATEMENT OF AFFAIRS

1999 - 2000

## **MEMBERS**

Chairman:	The Hon Mr Justice J D M Muir	(20 March 1998 to 19 March 2001)
Deputy Chairman:	Mr P M McDermott RFD	(12 July 1996 to 11 July 1999)
Full-time Member:	Mr P J M MacFarlane	(10 January 2000 to 9 January 2003)
Part-time Members:	The Hon Justice D A Mullins	(12 July 1996 to 11 July 1999) (1 October 1999 to 30 September 2002)
	Mr W G Briscoe	(4 February 2000 to 3 February 2003)
	Prof W D Duncan	(26 September 1997 to 25 September 2000)
	Mr P D McMurdo QC	(22 May 1995 to 21 May 2001)
	Ms S C Sheridan	(26 September 1997 to 25 September 2000)

## **SECRETARIAT**

Director:	Ms P A Cooper	
Commission Secretary:	Mrs S P Fleming Ms V Mostina	(31 January 2000 to 4 August 2000)
Senior Research Officer:	Ms C E Riethmuller	
Legal Officers:	Mrs C A Green Ms K Schultz Ms C M Treloar	(1 February 1999 to 12 July 1999 part -time) (part-time)
Administrative Officers:	Ms M L Basile Ms T Bastiani Mrs L Kerr	(1 March 1995 to 10 March 2000 part-time) (29 May 2000 to 24 November 2000)

# ANNUAL REPORT

1999 - 2000



## **MISSION STATEMENT**

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



# Queensland Law Reform Commission

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12 October 2000

The Hon MJ Foley MLA  
Attorney-General and Minister for Justice and Minister for the Arts  
Level 18  
State Law Building  
50 Ann Street  
BRISBANE QLD 4000

Dear Attorney

I am pleased to present to you the Annual Report of the Queensland Law Reform Commission for the year to 30 June 2000.

There have been some changes to the membership of the Commission during the year. The terms of appointment of Mrs Debra Mullins SC (now Justice Mullins of the Supreme Court of Queensland) and Mr Peter McDermott expired on 11 July 1999. Mrs Mullins was re-appointed on 1 October 1999 for a further period of three years. In January 2000, Mr Peter MacFarlane was appointed as full-time Commissioner to fill the vacancy which had been created by the resignation of Mr Wayne Briscoe in the previous reporting period. Mr MacFarlane has an impressive academic background, and the Commission looks forward to his contribution to its endeavours. Mr Briscoe was subsequently appointed as a part-time member of the Commission from 4 February 2000.

The Commission released three publications during the reporting period. On behalf of the National Committee for Uniform Succession Laws, the Commission produced a Discussion Paper on the Administration of the Estates of Deceased Persons, which is an important step towards harmonising the laws of probate and administration throughout all Australian jurisdictions. The Commission also completed a major report on the role of Justices of the Peace in Queensland, which has attracted considerable interest. In order to accommodate the requirements of the government's legislative program, the Commission accelerated the publication of some of its recommendations on children's evidence so that they could be

taken into account in the initiatives resulting from the Report of the Taskforce on Women and the Criminal Code. Those recommendations were published as Part 1 of the Report on *The Receipt of Evidence by Queensland Courts: The Evidence of Children*. A summary of the work undertaken by the Commission in these and other references in 1999 - 2000 is set out on pages 5-14 of this Report.

Legislation implementing the recommendations of the Commission in two of its previous references was passed during the year. Amendments to the *Property Law Act 1974* (Qld) put into effect the Commission's recommendations in relation to the property rights of de facto partners on the breakdown of their relationship. The legislation closely followed the Commission's Report on De Facto Relationships, which was published in June 1993. The *Guardianship and Administration Act 2000* (Qld) created a Guardianship and Administration Tribunal, and thereby, together with the *Powers of Attorney Act 1998* (Qld), completed the implementation of the scheme proposed by the Commission in its 1996 Report on Assisted and Substituted Decisions.

The Commission was represented at the 18<sup>th</sup> Biennial Australasian Law Reform Agencies Conference, hosted by the Law Reform Commission of Western Australia. The conference was attended by delegates from approximately 25 law reform agencies from Australia, New Zealand, the Pacific, south-east Asia, Africa, Canada and the United Kingdom. The theme of the conference was *Globalisation and Law Reform: Co-operation through technology*. Commission representatives also attended an Australian Law Reform Commission conference entitled *Managing Justice*. The conference considered ways of reforming court practices and procedures. Conferences of this kind provide the Commission with an opportunity to learn about law reform initiatives in other jurisdictions and to meet with members and officers of other law reform agencies. Such meetings are valuable not only for the purpose of exchanging information and ideas but also for providing an additional stimulus for the work of the Commission.

I acknowledge my gratitude and that of the Commission for the dedicated work of all the Commission staff. In particular, Part 1 of the Children's Evidence Report, the Justices of the Peace Report and the materials produced in relation to the Uniform Succession Laws project bear witness to the learning, industry and skills of Ms Penny Cooper, Ms Claire Riethmuller and the research support staff.

Yours sincerely

**John Muir**  
**Chairman**



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## **CONSTITUTION OF THE COMMISSION**

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

## **FUNCTION OF THE COMMISSION**

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

## **MEMBERS**

Members of the Commission are appointed by the Governor in Council on the advice of the Attorney-General. The *Law Reform Commission Act 1968* provides that each person appointed to be a member shall be a person appearing to the Governor in Council to be suitably qualified by the holding of judicial office or by experience as a barrister or as a solicitor or as a teacher of law in a University.

## **SECRETARIAT**

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

## **COMMUNICATION**

The Commission's premises are located at: Level 7, State Law Building, 50 Ann Street, Brisbane, 4000. The address for correspondence is: P O Box 312 Roma Street, Brisbane Q 4003. Phone: (07) 3247 - 4544. Fax: (07) 3247 - 9045.

The e-mail address is: [law\\_reform\\_commission@jag.qld.gov.au](mailto:law_reform_commission@jag.qld.gov.au) The Internet home page address is: <http://www qlrc.qld.gov.au>

## FIFTH PROGRAM

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

1. Review of the role of Justices of the Peace in Queensland in particular the desirability of maintaining this office in the light of a changing society.
2. Review of the law on the enforcement of judgments for debts and fines.
3. Review of the *Limitation of Actions Act 1974*, with a view to potential amendment in order to:
  - give due recognition to the enhanced capacity of the medical profession to indicate the cause of disease and injury arising from the events occurring outside current limitation periods for the bringing of actions;
  - overcome difficulties caused by the general rule that a limitation period commences when the cause of action accrues;
  - provide for situations of latent damage to property or latent loss or damage resulting from reliance on negligent advice;
  - simplify the legislation by providing for a limitation period of general application.
4. Review the capacity of the judicial system, both in its criminal and civil aspects, to receive into evidence information stored and conveyed in electronic, magnetic or similar form.
5. Review of the capacity of the judicial system to properly receive the evidence of children.
6. Review of the law of real property, in particular easements and covenants.
7. Review of the law relating to choses in action - particularly assignments.
8. Review of the *Common Law Practice Act 1867*.
9. Completion of the Uniform Succession Laws project for Australia as requested by the Standing Committee of Attorneys General.
10. Review of the *Justices Act 1886* and the *Magistrates Court Act 1921* with a view to amalgamation of these Acts.

## COMPLETED PROGRAMS

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

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

## RECENT PUBLICATIONS OF THE COMMISSION

As at 30 June 2000, 55 reports, 54 working papers and 37 miscellaneous papers have been completed. The *Law Reform Commission Act 1968* requires that all formal reports submitted by the Law Reform Commission to the Attorney-General be tabled in Parliament.

The Commission completed three publications during the year. They included:

- The Role of Justices of the Peace in Queensland (R 54)
- The Receipt of Evidence by Queensland Courts: The Evidence of Children (R 55 Part 1)
- Annual Report 1998-1999

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.

## MEETINGS OF THE COMMISSION

### Commission Meetings

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

## **BENEFITS**

In 1990, the Governor in Council determined that the annual remuneration for part-time Members of the Commission who are not members of the judiciary should be \$12,600. In the reporting period, this amount was paid to Mr McMurdo QC, Professor Duncan, and Ms Sheridan. The Honourable Justice Mullins received a pro rata payment for the period prior to her appointment as a Judge of the Supreme Court of Queensland on 17 March 2000. Mr Briscoe was appointed as a part-time member of the Commission on 4 February 2000, and received a pro rata payment for the period from the date of his appointment.

## JUSTICES OF THE PEACE

As part of the Fifth Program, the Commission was requested by the Attorney-General to review the role of justices of the peace in Queensland, in particular, the desirability of maintaining this office in the light of a changing society.

In February 1998, the Commission published an Issues Paper on *The Role of Justices of the Peace in Queensland* (WP 51) to provide information to interested people on the issues that the Commission envisaged would need to be addressed during the course of the review, and to assist people in making submissions. The Issues Paper gave a brief summary of the development of the role of justice of the peace, examined the existing categories of justice of the peace and the office of commissioner for declarations, and gave an overview of the main powers that may be exercised by justices of the peace and commissioners for declarations. It also raised a number of specific issues about the roles of justices of the peace and commissioners for declarations on which the Commission sought submissions.

Over 2,200 copies of the Issues Paper were distributed. Internet access was also made available. The Commission received 123 submissions in response to that paper.

In order to gauge the extent to which particular types of court matters were being heard by justices of the peace, the Commission, with the assistance of the then Chief Stipendiary Magistrate, Mr Deer, conducted a survey of four Magistrates Courts during March and April 1998. The Courts chosen for the survey were at Gladstone, Proserpine, Mount Isa and Innisfail. The survey required the selected Courts to maintain a log of the matters heard by justices of the peace. In particular, the Courts were asked to record the types of matters heard and the categories of justices of the peace who heard those matters, including whether the justices of the peace were employed at the Court or were drawn from the general community.

Further, in July 1998, the Commission sent a questionnaire to all the justices of the peace (magistrates court) then registered in Queensland. The questionnaire was directed at the extent to which particular court powers were exercised by these justices of the peace. A total of 478 questionnaires were distributed. The Commission received 134 responses.

In May 1999, the Commission published a Discussion Paper on *The Role of Justices of the Peace in Queensland* (WP 54). The purpose of the Discussion Paper was to encourage further public response by presenting a more detailed examination of the existing powers of justices of the peace, including an examination of the equivalent powers in other Australian jurisdictions. The Discussion Paper also contained the Commission's preliminary recommendations about the powers of justices of the peace and commissioners for declarations and about a number of associated issues.

Over 2,600 copies of the Discussion Paper were distributed. Internet access was also made available. The Commission received 59 submissions in response to that paper.

The Commission's final Report (R 54, December 1999) was presented to the Attorney-General in February 2000 and was tabled in Parliament on 31 May 2000. The Commission recommended that the offices of justice of the peace and commissioner for declarations be retained, but with some modifications to the present categories of justice of the peace and to the powers that justices of the peace may exercise. The Commission also made a number of recommendations about the appointment, liability and reimbursement of justices of the peace and commissioners for declarations.

### *Categories of office*

The Commission recommended that the offices of justice of the peace (magistrates court), justice of the peace (qualified) and commissioner for declarations should be retained.

However, the Commission recommended certain changes in relation to "old system justices of the peace" - that is, to those justices of the peace who were appointed prior to the commencement of the *Justices of the Peace and Commissioners for Declarations Act 1991* (Qld), but who had not, by 30 June 2000, been appointed to another category of office or registered as commissioners for declarations.

The Commission recommended that, after 30 June 2000, an "old system justice of the peace" who was not a lawyer should hold office as a commissioner for declarations, rather than as a justice of the peace (commissioner for declarations). Similarly, the Commission recommended that, after 30 June 2000, an "old system justice of the peace" who was a lawyer should hold office as a commissioner for declarations, rather than continue to hold office indefinitely as an "old system justice of the peace".

### *Powers*

The Commission recommended that justices of the peace and commissioners for declarations should retain the power to witness documents.

Subject to certain qualifications, the Commission also recommended that:

- justices of the peace (qualified) and justices of the peace (magistrates court) should retain the power to issue summonses and warrants, to act as an interview friend for a juvenile suspect and to extend the detention time for the questioning of a suspect; and
- justices of the peace (magistrates court) should retain the power to constitute a court.

The main changes recommended by the Commission to the powers of justices of the peace include:



- Neither a justice of the peace (magistrates court) nor a justice of the peace (qualified) should have the power to issue a search warrant by telephone, facsimile or other similar means under section 129 of the *Police Powers and Responsibilities Act 1997* (Qld) or under any other Act, or to hear, by any of those means, an application for the extension of a detention period for a suspect held by the police.
- A justice of the peace who is present during the interview of a detained person, whether in the capacity of an interview friend as required by section 97 of the *Police Powers and Responsibilities Act 1997* (Qld) or in some other capacity, should not have the power to hear an application for the extension of that person's detention.
- Justices of the peace should no longer be able to exercise various coronial powers.
- Justices of the peace (qualified) should not be able to constitute a court for any purpose.
- Justices of the peace (magistrates court) should not be able to sentence a defendant to a term of imprisonment.
- Justices of the peace (magistrates court) should not be able to conduct a contested committal hearing.
- Justices of the peace should not have the power under section 222 of the *Justices Act 1886* (Qld) to release a person from custody pending the hearing of the person's appeal to the District Court.
- A justice of the peace who is a member or an employee of the Queensland Police Service or who is a Volunteer in Policing should be limited to exercising the powers of a commissioner for declarations.

#### *Appointment to office*

The Commission recommended the following changes to the appointment of justices of the peace and commissioners for declarations:

- The present requirement for an applicant to be nominated by a member of Parliament or - where an applicant seeks appointment to carry out duties in a financial institution or government department - by the general manager of the financial institution or chief executive of the government department concerned should be abolished.

- The initial training requirements for appointment should be increased. In particular, a person wishing to be appointed as a justice of the peace (qualified) should be required to attend a training course, as well as pass an examination, and a person wishing to be appointed as a commissioner for declarations should be required to pass an examination.
- A justice of the peace, whether an *ex officio* justice of the peace or a justice of the peace (magistrates court), should not be eligible to constitute a court for any purpose after attaining the age of 70 years.
- The present grounds of disqualification from appointment should be retained. However, if the Minister considers that special circumstances exist, the Minister should be able to exempt an applicant for appointment as a justice of the peace (magistrates court), justice of the peace (qualified) or commissioner for declarations from any of the grounds of disqualification that relate to the applicant's criminal convictions.
- Justices of the peace and commissioners for declarations should be appointed for fixed terms (seven years for justices of the peace; ten years for commissioners for declarations). These terms should be able to be renewed prior to their expiration, provided that the person remains eligible to hold office. This would ensure that the register of justices of the peace and commissioners for declarations remains up to date and consists only of those people who wish to continue in office.
- The Department of Justice and Attorney-General should, as the need arises, provide ongoing training for justices of the peace and for commissioners for declarations. This training should be provided at government expense.

### *Liability*

The Commission also made recommendations about the circumstances in which justices of the peace and commissioners for declarations should be indemnified by the Crown in respect of legal costs incurred by them in defending civil and criminal proceedings that arise from the performance of the functions of office, and about the circumstances in which the Crown should be required to provide legal representation for a justice of the peace or a commissioner for declarations against whom a civil proceeding is brought.

### *Reimbursement of expenses*

The Commission also considered the extent to which justices of the peace and commissioners for declarations should be reimbursed for the expenses incurred by them in performing the functions of office.

The Commission recommended that the offices of justice of the peace and commissioner for declarations should remain as voluntary offices and, consequently, that justices of the peace and commissioners for declarations should not be remunerated for carrying out the functions of office. However, the Commission recommended that the government should develop guidelines to deal with a number of specified matters, including the reimbursement of significant travel expenses incurred in carrying out their duties (other than the witnessing of a document).

## THE EVIDENCE OF CHILDREN

The Queensland Law Reform Commission was requested, as part of its Fifth Program of references, to review:

... the capacity of the judicial system, both in its criminal and civil aspects, to properly receive the evidence of children.

The terms of reference were settled in April 1997. The Attorney-General specifically requested by separate correspondence that the Commission have regard to issues raised by Mr DG Sturgess QC in his 1985 report: *An Inquiry into Sexual Offences Involving Children and Related Matters*.

In any kind of litigation, it is important that witnesses are able to give their evidence as effectively as possible. However, a variety of factors may affect the ability of a child witness, in particular, to give his or her evidence.

The Commission's review involves areas of law and procedure which are complex and, in some cases, controversial. There are difficult issues which require a careful balancing of competing interests. The Commission has carried out extensive research into these areas and has undertaken detailed analyses of reforms and proposals for change in other comparable jurisdictions.

The Commission commenced its review by advertising for preliminary submissions to assist it in identifying relevant issues for consideration. Approximately 50 submissions were received from interested organisations and individuals. In December 1998, the Commission completed a Discussion Paper which was widely distributed throughout Queensland. It was also made available on the Commission's home page.

The Discussion Paper canvassed a wide range of issues which may arise when a child witness is required to give evidence in court proceedings. The purpose of the Paper was to stimulate and encourage community debate about the need for, and the most appropriate way of achieving, measures to assist children to be able to give evidence whilst, in a criminal proceeding, at the same time respecting the rights of the accused. More than 50 submissions were received in response to the Discussion Paper.

The preliminary submissions and the submissions received by the Commission in response to the Discussion Paper have been of great assistance to the Commission in its consideration of the issues and in its formulation of its recommendations.

In November 1998, the Attorney-General and the Minister for Women's Policy jointly established a Taskforce on Women and the Criminal Code. The Taskforce presented its Report in February 2000. The Taskforce Report made a number of recommendations which overlapped with some of the issues being considered by the Commission as part of its reference. Subsequently, the Premier of Queensland announced an intention to introduce legislation to implement recommendations made by the Taskforce. Although the Commission had not finalised all its recommendations, it determined to accelerate that part of its Report dealing with issues covered by the Taskforce Report so that the Commission's recommendations could be taken into consideration as part of the government's reform initiative. The Commission therefore presented Part 1 of its final Report on *The Evidence of Children* (R 55 Part 1) to the Attorney-General in June 2000.

Part 1 of the Report sets out the Commission's recommendations with respect to the power of a court to restrict inappropriate cross-examination of a child witness, the test of competency for child witnesses, cross-examination of a child witness by a party to a court proceeding who does not have legal representation, and changes to the Criminal Code to deal with allegations of persistent sexual abuse of a child.

A consolidated Report, to be completed in the second half of 2000, will deal with many other issues of significance to the way in which children give evidence. It will include the Commission's recommendations in relation to issues such as the admissibility of out-of-court statements made by a child witness, the use of pre-recorded evidence and closed-circuit television for child witnesses, the requirement for child witnesses to give evidence at committal proceedings, expert evidence, support for child witnesses, and the need for professional awareness about factors affecting children's evidence.

The third part of the Report, to be completed in 2001, will consider the position of child witnesses in a number of particular categories - for example, children with disabilities, indigenous children, children from a non-English speaking background and children who have been accused of committing a criminal offence.

## UNIFORM SUCCESSION LAWS

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

In 1995, the Queensland Law Reform Commission, as co-ordinator of the project, asked the then Queensland Attorney-General to request his counterparts in each

Australian jurisdiction to nominate a person or agency to represent that jurisdiction on a National Committee for Uniform Succession Laws. The purpose of the National Committee was to guide the project. Nominees were subsequently appointed in each Australian jurisdiction. The National Committee still retains members from most jurisdictions.

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

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

In December 1997, the National Committee reported to the Standing Committee of Attorneys General on the first two stages of this project (see *Consolidated Report to the Standing Committee of Attorneys General on the Law of Wills* (MP 29) and *Report to the Standing Committee of Attorneys General on Family Provision* (MP 28)). The Consolidated Wills Report included draft model legislation. The Family Provision Report included drafting instructions. To date, the Office of the New South Wales Parliamentary Counsel has made significant progress in drafting the model legislation for family provision, although a number of issues are still to be finalised.

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

In June 1999, the National Committee produced a Discussion Paper on *Administration of Estates of Deceased Persons* (MP 37). This paper contained the National Committee's preliminary proposals. It also raised a number of specific issues on which submissions were sought. It is anticipated that the National Committee will report to the Standing Committee of Attorneys General on this part of the project in 2001.

The remaining part of the third stage of the project will address the recognition of interstate and foreign grants of probate and letters of administration. A draft Discussion Paper on this topic has been prepared for the National Committee by Dr Handford of the Law School, University of Western Australia, pursuant to a grant to the Queensland Law Reform Commission from the Queensland Department of Justice and Attorney-General. Dr Handford was previously the Executive Officer and

Director of Research of the Law Reform Commission of Western Australia and, until 1997, was the Western Australian representative on the National Committee. In his role with the Law Reform Commission of Western Australia, Dr Handford had the carriage of that Commission's reference on the recognition of interstate and foreign grants of probate and letters of administration in the 1980s. It is anticipated that the National Committee will publish this paper in first half of 2001.

## VICARIOUS LIABILITY

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

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

Preliminary consultations were held with a number of organisations and individuals prior to the publication of a Discussion Paper. Following this, a notice was placed in *The Courier-Mail* inviting submissions. A number of submissions were received and these have been considered by the Commission. In January 2000 the Commission agreed that an update to the Discussion Paper, reflecting changes in the law since its publication, should be distributed to those who had made a submission, with an invitation to make a further comment in light of these changes.

Vicarious liability concerns those situations where the law holds one person responsible for the misconduct of another, although the first person is free from any personal blameworthiness or fault. The most common situation is in the area of employment, where an employer is vicariously liable for the wrongs of an employee committed during the course of his or her employment. Generally, in these circumstances, the employer is liable jointly with the employee and will usually be the party responsible for payment of any damages awarded to the person injured. This liability does not arise where the worker is regarded as an independent contractor.

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

Apart from this, the Commission is considering three other areas of employment law that relate to vicarious liability.

First, is the question of the “lent” employee. The common law position is that, unless there is a transfer of control such that it can be said there is a new employment contract, an employer who “lends” an employee to another employer remains vicariously liable for any damage arising from a tort committed by the employee in the course of his or her employment with the host or temporary employer. The Commission is considering whether there is a need for a change in the law in this area.

Second, the common law currently provides that, where a worker is exercising an independent discretionary function, for example a discretion given under some Act of Parliament, the employer of that worker (usually a government or some statutory authority) is not vicariously liable for damage caused as a result of the exercise of that discretion. The operation of the common law in this area has been subject to criticism and the Commission is considering the matter as part of this reference.

Third, the common law allows for an action by an employer against an employee where the employer has been found to be vicariously liable for the acts or omissions of the employee. To a certain extent, this right of the employer to sue the worker (and so recover the amount of damages the employer has had to pay) is restricted by statute and by government policy in relation to Crown employees. However, the Commission is considering the matter in respect of those cases where the common law allows such an action.

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

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

Like many of the references given to the Commission, this reference has raised a number of important policy issues. However, there are occasions when the public policy arguments supporting the principle of vicarious liability conflict with other considerations. For example, the policy that a person who employs another to advance his or her own economic interest should be placed under a corresponding liability for losses incurred in the course of the employment of that person might be said to conflict with the policy consideration that only those at fault should be liable under the law.

Apart from the above, there are other policy issues that need to be taken into account: for example, the capacity to exercise control over the wrongdoer; the capacity to pay.

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



## **INTERNET HOME PAGE**

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

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

During its first year of operation, the Commission's website had 2,617 visitors. The number of visitors increased during 1999 to 9,650.

## WHO'S WHO AT THE COMMISSION

during the year ending 30 June 2000

### **MEMBERS**

*The Hon Mr Justice J D M Muir - Chairman*

Appointed: 20 March 1998

The Honourable Mr Justice Muir was appointed as a Judge of the Supreme Court of Queensland in 1997. His Honour was previously Queens Counsel with an extensive practice in relation to company law, revenue law, securities, mining law, real property and commercial matters generally.

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

*The Honourable Justice Debra Mullins, BCom LLB(Hons) LLM(Adv)*

Appointed: 12 July 1996

Reappointed: 1 October 1999

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

Justice Mullins was admitted as a solicitor in 1980 and worked for a Brisbane law firm for four years. She was then admitted as a barrister and was in private practice in Queensland from June 1984 until her appointment as a Judge of the Supreme Court of Queensland on 17 March 2000. Her practice at the Bar was predominantly in matters in the commercial and property area and estates. Justice Mullins was made a Senior Counsel in 1998. She was a part-time member of the Queensland Building Tribunal from December 1994 until March 2000.

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

Appointed: 10 January 2000

Mr Peter MacFarlane is on secondment from the Queensland University of Technology Law School where he lectured in the areas of Torts, Medico-Legal Issues and Professional Responsibility. He is author and co-author of a number of books and articles, including contributions to *The Laws of Australia* (LBC) and *Halsburys Laws*

*of Australia* (Butterworths). He has held positions on a number of editorial boards including the *Torts Law Journal* (1995-1998) and the *Qld Annual Review* (1993-1994). He is also a member of a number of research and professional institutes including the *International Research Centre for Health Law and Ethics* (University of Haifa), and the *Australian Research Centre for Health Law and Ethics* (foundation Board member). Mr MacFarlane has been admitted to practice as a barrister in New South Wales and Queensland. He is a current member of the Public Panel of Assessors under the *Health Practitioners (Professional Standards) Act 1999* (Qld), and was recently appointed a member and deputy chair of the Radiation Advisory Council.

*Wayne Briscoe LLB (Hons) MA (Calif)*

Appointed: 4 February 2000

Mr Briscoe graduated with Honours in Law from the University of Tasmania in 1979. He has a Master's degree in Criminal Justice from the California State University, Sacramento. He was awarded the Butterworths prize in Criminology in 1978 and the Sir Henry Baker Memorial Fellowship in 1982 for study into Juvenile Justice in Tasmania.

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

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

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

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

*Peter McDermott RFD LLB(Hons) LLM*

Appointed: 12 July 1996

Mr McDermott graduated with Honours in Law from the University of Queensland in 1977 and received a Master of Laws degree in 1987. He was admitted as a barrister in 1978.

At the time of his appointment, Mr McDermott was a Senior Lecturer in Law at the University of Queensland. He was previously the Senior Legal Officer, and later the Principal Legal Officer of the Queensland Law Reform Commission. He is the author of *Equitable Damages* (Butterworths 1994) and co-author of *Principles of the Law of Trusts* (3rd ed, LBC 1996).

Mr McDermott was appointed as Deputy Chairman of the Commission in October 1996. His term of appointment expired on 11 July 1999.

*Philip McMurdo QC, BCom LLB(Hons)*

Appointed: 22 May 1995

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

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

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

Appointed: 26 September 1997

Admitted as a solicitor in 1970, Professor Duncan has held the Allen, Allen and Hemsley Chair in Property Law at the Queensland University of Technology since 1990, having previously practised as a solicitor and lectured full-time and part-time in law at the University of Queensland. He is the author, co-author and editor of a number of books upon the subjects of real property, conveyancing, commercial law and allied subjects and is currently a Director of the Centre for Commercial and Property Law at the Queensland University of Technology. He is a consultant to Allen, Allen and Hemsley, Solicitors, Sydney and Brisbane.

*Suzanne Sheridan BA LLB*

Appointed: 26 September 1997

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

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

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

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

Ms Cooper has been a member of the Interjurisdictional Committee on Guardianship and Administration and of the Advisory Committee to the project on patient self-determination in terminal care conducted by the Department of Social and Preventive Medicine, Faculty of Medicine, University of Queensland.

She has presented numerous papers on topics related to Commission references.

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

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

Ms Riethmuller was admitted to practice as a solicitor of the Supreme Court of Queensland in 1988, and worked as a solicitor at Minter Ellison, practising in the

areas of commercial litigation and professional indemnity litigation, before joining the Commission.

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

#### *Suzanne Fleming - Commission Secretary*

Mrs Fleming is responsible for the efficient day to day operation of the Commission. Her tasks include preparing minutes of Commission meetings, budget formulation and control, supervision of administration staff, management of the Commission library and records, maintaining the Commission's Internet home page, editing the Commission's Annual Report, arranging the publication of working papers and reports, purchasing of equipment and furniture, and representing the interests of the Commission on various departmental working parties.

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

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

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

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

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

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

Ms Treloar was admitted as a solicitor of the Supreme Court of Queensland in 1994. Prior to joining the Commission she worked as a solicitor in private practice and as a Research Fellow in Law at Griffith University. Ms Treloar commenced her Masters of Information Technology (Research) in 1997.

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

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

Mrs Green graduated with a Bachelor of Laws degree from the Queensland University of Technology in 1996, having been awarded the Justin Geldard Memorial Prize. She was admitted to practice as a barrister of the Supreme Court of Queensland in 1996.

Prior to joining the Commission on secondment Mrs Green had worked in the Office of the Director of Public Prosecutions since 1990.

*Maria Basile - Administrative Officer*

Resigned: March 2000

Ms Basile was an administrative officer of the Queensland Law Reform Commission from March 1995 until her resignation in March 2000. Ms Basile was an asset to the Queensland Law Reform Commission and the Commission thanks her for her valuable contribution.

*Lisa Kerr and Terri Bastiani - Administrative Officers*

The Commission's Administrative Officers are Mrs Lisa Kerr and Ms Terri Bastiani. Ms Bastiani joined the Commission in March 2000.

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





**Queensland  
Law Reform Commission**

**APPENDIX 1**

*Legislative Action on Reports*

# APPENDIX 1

## LEGISLATIVE ACTION ON REPORTS

No.	Title	Program Item	Date of Report	Date Report Tabled	Background Papers	Legislation (Implementation of Commission's Recommendations in whole, in part, or with alterations)
R55	The Receipt of Evidence by Queensland Courts: The Evidence of Children - Part 1	5-5	Jun 00	03.07.00	WP 53 1998	
R 54	The Role of Justices of the Peace in Queensland	5-1	Dec 99	31.05.00	WP 51 1998 WP 54 1999	
R 53	Review of the <i>Limitation of Actions Act 1974</i>	5-3	Sep 98	22.12.98	WP 50 1997 WP 49 1997	
R 52	The Law of Wills	5-9	Dec 97	23.12.97	MP 10 1994 WP 46 1995 MP 15 1996 MP 19 1996 MP 20 1997 MP 22 1997 MP 23 1997 MP 26 1997 MP 29 1997	
R 51	Consent to Health Care of Young People Vols 1, 2, & 3	4-4	Dec 96	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	

No.	Title	Program Item	Date of Report	Date Report Tabled	Background Papers	Legislation (Implementation of Commission's Recommendations in whole, in part, or with alterations)
R 50	Minors' Civil Law Capacity	4-1	Dec 96	25.03.97	WP 45 1995	
R 49	Assisted and Substituted Decisions: Decision-Making by and for People with a Decision-Making Disability Vols 1, 2, & 3	4-10	Jun 95	07.08.96	WP 43 1995 WP 43A 1995 WP 38 1992 MP 1 1991	<i>Powers of Attorney Act 1998</i> (Act 22 of 1998. Assent 14.5.98) <i>Guardianship and Administration Act 2000</i> (Act 8 of 2000. Assent 20.4.00)
R 48	De Facto Relationships: Claims by Surviving De Facto Partners Under the <i>Common Law Practice Act 1867</i> for Damages for Wrongful Death		Nov 94	25.11.94	MP 8 1994	<i>Common Law Practice and Workers' Compensation Amendment Act 1994</i> (Act 85 of 1994. Assent 2.12.94)
R 47	Female Genital Mutilation	4-4	16.09.94	18.10.94	MP 7 1993 WP 42 1994	
R 46	<i>The Freedom of Information Act 1992</i> Review of Secrecy Provision Exemption			22.03.94	MP 3 Sep 1993	<i>Freedom of Information (Review of Secrecy Provisions Exemption) Amendment Act 1994</i> (Act 34 of 1994. Assent 12.08.94)
R 45	Griffiths v Kerkemeyer/Section 15C <i>Common Law Practice Act 1867</i> The Assessment of Damages in Personal Injury and Wrongful Death Litigation	4-9	08.10.93	16.11.93	MP 4 MP 5 Aug 1993	No changes recommended
R 44	De Facto Relationships		30.06.93	15.07.93	WP 40 Sep 1992	<i>Property Law Amendment Act</i> (Act 89 of 1999. Assent 21.12.99)
R 43	<i>The Bail Act</i>		28.06.93	15.07.93	WP 35 Mar 1991	

No.	Title	Program Item	Date of Report	Date Report Tabled	Background Papers	Legislation (Implementation of Commission's Recommendations in whole, in part, or with alterations)
R 42	Intestacy Rules		07.06.93	15.07.93	WP 37 Jul 1992	<i>Succession Amendment Act 1997</i> (Act 54 of 1997. Assent 16.10.97)
R 41	The Protection of Statements Made to Religiously Ordained Officials		02.04.91	09.04.91	Nil	
R 40	Consolidation of Real Property Acts	3-3	01.03.91	07.04.91	WP 32 1990	<i>Land Title Act 1994</i> (Act 11 of 1994. Assent 07.03.94)
R 39	Henry VIII Clauses	-	29.06.90		WP 33 10.02.90	<i>Legislative Standards Act 1992</i> (Act 26 of 1992. Assent 01.06.92)
R 38	<i>Oaths Act</i>	3-7	31.03.89	07.06.90	WP 31 29.02.88	
R 37	Property Law Act Amendment. On a Bill to Amend the <i>Property Law Act 1974</i>	3-4	17.09.87	07.06.90	WP 30 18.12.86	<i>Property Law Act Amendment Act</i> (Act 54 of 1990. Assent 03.09.90)
R 36	District Courts' Civil Jurisdiction On a Bill to Alter the Civil Jurisdiction of the District Court of Queensland	3-10	20.12.85	07.06.90	WP 29 12.04.85	<i>District Courts Act and Other Acts Amendment Act 1989</i> (Act 40 of 1988. Assent 05.05.89)
R 35	Juries in Criminal Trials. On a Bill to amend and reform the <i>Jury Act</i> , the <i>Justices Act</i> and the Criminal Code insofar as those Acts relate to Committal Proceedings and Trial by Jury in Criminal Courts	3-1	25.10.85	07.06.90	WP 28 30.11.84	

No.	Title	Program Item	Date of Report	Date Report Tabled	Background Papers	Legislation (Implementation of Commission's Recommendations in whole, in part, or with alterations)
R 34	Limited Liability Partnerships. On a Bill to establish limited liability partnerships	3-5	22.02.85	07.06.90	WP 27 31.07.84	<i>Partnership (Limited Liability) Act 1988</i> (Act 78 of 1988. Assent 11.11.88)
R 33	Exemption Clauses. On a Bill to prevent the avoidance of civil liability in cases of death or personal injury caused by negligence	3-14	26.10.84	07.06.90	WP 26 04.07.84	
R 32	Supreme Court Acts. On a Bill to consolidate, amend & reform the Supreme Court Acts and Ancillary Acts regulating Civil Proceedings in the Supreme Court	2-A.1	1982	07.06.90	WP 24 1982	
R 31	Imperial Statutes. On an examination of the Imperial Statutes in force in Queensland	2-B.1	23.09.81	07.06.90	WP 23 13.08.79	<i>Imperial Acts Application Act 1984</i> (Act 70 of 1984. Assent 12.10.84)
R 30	Unincorporated Associations. On a draft <i>Associations Incorporation Act</i>	2-A.8	01.02.80	07.06.90	WP 22 08.12.78	<i>Associations Incorporation Act 1981</i> (Act 74 of 1981. Assent 7.10.81)
R 29	Second Hand Wares Act. On A Bill to Repeal <i>The Second Hand Wares Act 1921</i>	-	03.01.80	07.06.90	WP 21 17.04.78	<i>Second Hand Dealers and Collectors Act 1984</i> (Act 59 of 1984. Assent 15.5.84)
R 28	Criminal Law (Lucas Inquiry)	-	17.05.79	07.06.90	Nil	
R 27	Criminal Code Amendment. Proposals to amend practices of Criminal Courts	2-A.2	08.12.78	07.06.90	WP 19 05.12.77	

No.	Title	Program Item	Date of Report	Date Report Tabled	Background Papers	Legislation (Implementation of Commission's Recommendations in whole, in part, or with alterations)
R 26	<i>Children's Services Act.</i> Procedure and Practice in Children's Courts	2-A.2	30.08.78	07.06.90	WP 15 23.12.76	
R 25	<i>Bail Act.</i> On the law relating to Bail in Criminal Proceedings	-	10.08.78	20.09.78	WP 20 24.02.78	<i>Bail Act 1980</i> (Act 35 of 1980. Assent 14.5.80)
R 24	<i>Crown Proceedings Act.</i> On the law relating to actions against the Crown	-	17.04.78	12.09.79	WP 17 06.07.77	<i>Crown Proceedings Act 1980</i> (Act 2 of 1980. Assent 31.3.80)
R 23	<i>Pawnbrokers Act.</i> On a review of the <i>Pawnbrokers Act 1849</i>	-	24.02.78	13.03.79	WP 16 23.12.76	<i>Pawnbrokers Act 1984</i> (Act 12 of 1984. Assent 27.2.84)
R 22	<i>Succession Act.</i> On the law relating to succession	2-A.7	24.02.78	09.10.79	WP 14 18.12.75	<i>Succession Act 1981</i> (Act 69 of 1981. Assent 7.10.81)
R 21	Reform of the Law of Rape	A.2	13.08.76	07.06.90	Nil	
R 20	<i>Status of Children Act.</i> On the law of Succession and other allied considerations in relation to illegitimate persons	-	18.12.75	11.03.76	Nil	<i>Status of Children Act 1978</i> (Act 30 of 1978. Assent 8.6.78)
R 19	<i>Evidence Act.</i> On the law relating to Evidence	A.4	14.11.75	11.03.76	WP 13 08.07.75	<i>Evidence Act 1977</i> (Act 47 of 1977. Assent 3.10.77)
R 18	<i>Acts Repeal Act</i> (Stat. Law Revision) No. 3 - The Commission's Third Report on Statute Law Revision	Stat Law Revision.	17.03.75	22.03.75	Nil	<i>Acts Repeal Act 1975</i> (Act 35 of 1975. Assent 17.9.75)

No.	Title	Program Item	Date of Report	Date Report Tabled	Background Papers	Legislation (Implementation of Commission's Recommendations in whole, in part, or with alterations)
R 17	Criminal Code Amendment. On a Bill to amend the Criminal Code in certain particulars	A.2 (2nd)	19.12.74	27.02.75	WP 12 30.07.74	<i>The Criminal Code and the Justices Act Amendment Act 1975</i> (Act 27 of 1975. Assent 15.5.75)
R 16	<i>Property Law Act</i> . A Bill to consolidate, amend and reform the Law Relating to Conveyancing, Property, & Contract & to terminate the application of certain Imperial Statutes	B.1	28.02.73	07.06.90	WP 10 10.04.72	<i>Property Law Act 1974</i> (Act 76 of 1974. Assent 1.11.74)
R 15	<i>Acts Repeal Act</i> (Stat. Law Revision) No. 2 - The Commission's Second Report on Statute Law Revision	Stat Law Revision.	22.12.72	20.03.73	Nil	<i>Acts Repeal Act 1973</i> (Act 46 of 1973. Assent 22.10.73)
R 14	<i>Limitation of Actions Act</i> . On a Bill to amend and consolidate the law relating to Limitation of Actions	A.5	02.10.72	20.03.73	WP 11 21.06.72	<i>Limitation of Actions Act 1974</i> (Act 75 of 1974. Assent 1.11.74)
R 13	<i>Money Lenders Act</i> . On a Bill to consolidate and amend the Law relating to Money Lending	A.3	24.04.72	09.08.72	WP 8 20.04.71	<i>The Money Lenders Act 1916</i> was repealed (from May 1989) by the <i>Credit Act 1987</i> .
R 12	<i>Appeal Costs Fund Act</i> . On a Bill to establish an Appeal Costs Fund	A.10	21.04.72	09.08.72	Nil	<i>Appeal Costs Fund Act 1973</i> (Act 51 of 1973. Assent 22.10.73)
R 11	<i>Acts Repeal Act</i> (Stat. Law Revision) No. 1 - <i>Acts Repeal Act</i>	Stat Law Revision.	21.04.72	09.08.72	Nil	<i>New South Wales (Termination of Application) Acts 1973</i> (Act 1 of 1973. Assent 11.4.73)

No.	Title	Program Item	Date of Report	Date Report Tabled	Background Papers	Legislation (Implementation of Commission's Recommendations in whole, in part, or with alterations)
R 10	Interest on Damages. In relation to an examination of the law relating to Interest on Damages	A.9	10.09.71	09.08.72	WP 6 04.01.71	<i>Common Law Practice Act Amendment Act 1972</i> (Act 34 of 1972. Assent 21.12.72)
R 9	<i>Fatal Accidents Act.</i> In relation to an examination of the provisions of the Fatal Accidents Acts with a view to the elimination of anomalies	A.6	10.09.70	09.08.72	WP 7 04.01.71	<i>Common Law Practice Act Amendment Act 1972</i> (Act 34 of 1972. Assent 21.12.72)
R 8	Trusts, Trustees & Settled Land. On the law relating to Trusts, Trustees, Settled Land & Charities	A.1.7	16.06.71	09.08.72	WP 5 22.10.70	<i>Trusts Act 1973</i> (Act 24 of 1973. Assent 19.4.73)
R 7	Perpetuities and Accumulations. On the law relating to Perpetuities and Accumulations	A.7	24.05.71	26.08.71	WP 9 24.02.71	<i>Perpetuities &amp; Accumulations Act 1972</i> (Act 9 of 1972 Assent 15.12.72) (Inc. in <i>Property Law Act 1974</i> . No.76)
R 6	Statute of Frauds. 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 &amp; Limitations of 1867</i> (Qld.) (31 Vic.No.22); <i>The Sale of Goods Act of 1896</i> (Qld.) (60 Vic. No 6) (Sect.7)	A.1	08.06.70	26.08.71	WP 4 04.03.70	<i>Statute of Frauds 1972 Inc. Property Law Act 1974</i> (Act 12 of 1972. Assent 15.12.72)
R 5	<i>Litter Act.</i> On a Bill to make provision for the Abatement of Litter & Other Purposes	-	08.06.70	07.06.90	Nil	<i>Litter Act 1971</i> (Act 28 of 1971. Assent 22.04.71)
R 4	Arbitration. On a Bill to Consolidate the Law relating to Arbitration	B.7	08.06.70	26.08.71	WP 2 19.12.69	<i>Arbitration Act 1973</i> (Act 34 of 1973. Assent 22.04.71)



No.	Title	Program Item	Date of Report	Date Report Tabled	Background Papers	Legislation (Implementation of Commission's Recommendations in whole, in part, or with alterations)
R 3	<i>Common Law Practice Act. The Common Law Practice Acts, 1867 to 1964 (S.2) Illegitimate Children</i>	A.6	20.03.70	08.09.70	Nil	<i>Common Law Practice Act Amendment Act 1970 (Act 44 of 1970. Assent 21.12.70)</i>
R 2	Distinction Between Wilful Murder and Murder. Abolition of the Distinction between Wilful Murder and Murder	1-A.8	16.03.70	08.09.70	WP 3 19.12.69	<i>The Criminal Code and the Offenders Probation &amp; Parole Act Amendment Act 1971 (Act 41 of 1971. Assent 25.10.71)</i>
R 1	Forfeiture of Leases. On the law relating to Relief from Forfeiture of an Option to Renew certain aspects of the law relating to Landlord and Tenant	1-A.2	26.02.70	07.06.90	WP 1 03.11.69	



**Queensland  
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**APPENDIX 2**

*Publications Relating to Working Papers*

## APPENDIX 2

### *PUBLICATIONS RELATING TO WORKING PAPERS*

No.	Title	Program Item	Date of Paper	Related Papers
WP 54	The Role of Justices of the Peace in Queensland	5.1	May 1999	R 54 dated December 1999 WP 51 dated February 1998
WP 53	The Receipt of Evidence by Queensland Courts: The Evidence of Children	5.5	Dec 1998	R 55 Part 1 dated June 2000
WP 52	The Receipt of Evidence by Queensland Courts: Electronic Records	5.4	Aug 1998	
WP 51	The Role of Justices of the Peace in Queensland	5.1	Feb 1998	R 54 dated December 1999 WP 51 dated February 1998
WP 50	Review of the <i>Limitation of Actions Act 1974</i> (Qld)	5.3	Dec 1997	R 53 dated September 1998 WP 49 dated April 1997
WP 49	Review of the <i>Limitation of Actions Act 1974</i> (Qld)	5.3	Apr 1997	R 53 dated September 1998 WP 50 dated December 1997
WP 48	Vicarious Liability	4.2	Jul 1995	
WP 47	Uniform Succession Law: Family Provision. Issues Paper No 2. A review of the succession legislation of Australia relating to family provision.	-	Jun 1995	Report to the Standing Committee of Attorneys General on <i>Family Provision</i> (MP 28) dated December 1997
WP 46	Uniform Succession Law: The Law of Wills. Issues Paper No 1. A review of the succession legislation of Australia relating to the law of wills.	-	Jun 1995 Originally Published - July 1994	Consolidated Report to the Standing Committee of Attorneys General on <i>The Law of Wills</i> (MP 29) dated December 1997 R 52 dated December 1997 - <i>The Law of Wills</i>

No.	Title	Program Item	Date of Paper	Related Papers
WP 45	Minors' Civil Law Capacity. A Draft Report on the civil law capacity of minors (people under 18 years of age) and in particular their contractual rights and liabilities.	4-1	Apr 1995	R 50 dated December 1996 Minors' Civil Capacity
WP 44	Consent to Medical Treatment of Young People. A Discussion Paper on general legislation on consent to medical treatment of young people.	4-4(a)	May 1995	R 51 dated December 1996 Consent to Health Care of Young People
WP 44A	Consent to Medical Treatment of Young People. A summary of the recommendations made in the Discussion Paper on general legislation on consent to medical treatment of young people.	4-4(a)	May 1995	R 51 dated December 1996 Consent to Health Care of Young People
WP 43	Assisted and Substituted Decisions: A Draft Report on decision-making by and for people with a decision-making disability.	4-4(b)	Feb 1995	R 49 dated June 1996 Assisted and Substituted Decisions: Decision-making by and for people with a decision-making disability WP38 dated July 1992
WP 43A	Assisted and Substituted Decisions: A summary of recommendations contained in the Draft Report on decision-making by and for people with a decision-making disability.	4-4(b)	Feb 1995	R 49 dated June 1996 Assisted and Substituted Decisions: Decision-making by and for people with a decision-making disability WP38 dated July 1992
WP 42	Female Genital Mutilation. A review of the law relating to consent to medical procedures of young people, particularly related to female genital mutilation.	4-4(a)	Jul 1994	R 47 dated 16.09.94 Female Genital Mutilation
WP 41	The <i>Bail Act</i> . Draft Report on a review of the <i>Bail Act</i> .	-	Feb 1993	R 43 dated 28.06.93 WP 35 dated May 1991

No.	Title	Program Item	Date of Paper	Related Papers
WP 40	De Facto Relationships. A review of the rights and responsibilities of de facto partners on the breakdown of the relationship.	4-9	Sep 1992	R 44 dated 30.06.93 De Facto Relationships
WP 39	Personal Property Securities. Personal Property Securities Law: A blueprint for reform. Produced jointly with the Victorian Law Reform Commission.	-	Aug 1992	
WP 38	Assisted and Substituted Decisions. A Discussion Paper on decision-making for people who need assistance because of mental or intellectual disability.	4-4(b)	Jul 1992	R 49 dated June 1996 WP 43 dated February 1995
WP 37	Intestacy Rules. Proposed amendments to the <i>Succession Act 1981</i> .	-	Jul 1992	R 42 dated 07.06.93 Intestacy Rules
WP 36	Shared Property. Resolving property disputes between people who live together and share property.	4-9	Oct 1991	R 44 dated 30.06.93 De Facto Relationships
WP 35	The Bail Act. To bail or not to bail - A review of Queensland's bail law.		May 1991	R 43 dated 28.06.93 The Bail Act
WP 34	Acts Repeal Act. A Working Paper of the Law Reform Commission on Statute Law Revision.	2-A.1	08.03.91	
WP 33	Henry VIII Clauses.	-	23.09.81	R 39 dated 29.06.90 Henry VIII Clauses
WP 32	Real Property Acts. On a Bill in respect of an Act to Reform and Consolidate the Real Property Acts of Queensland.	3-3	01.02.80	R 40 dated 01.03.91 Consolidation of Real Property Acts
WP 31	The Oaths Act. Working Paper on a Bill in respect of an Act to replace the Oaths Act 1867-1981.	3-7	03.01.80	R 38 dated 31.03.89 Oaths Act

No.	Title	Program Item	Date of Paper	Related Papers
WP 30	Property Law Act. A Working Paper of the Law Reform Commission on a Bill to Amend the Property Law Act 1974-1985.	3-4	17.05.79	R 37 dated 17.09.87 Property Law Act Amendment
WP 29	District Court Jurisdiction. Working Paper on a Bill to alter the Civil Jurisdiction of the District Court of Queensland.	3-10	08.12.78	R 36 dated 20.12.85 District Court's Civil Jurisdiction
WP 28	Juries in Criminal Trials. On legislation to Review the Role of Juries in Criminal Trials.	3-1	30.08.78	R 35 dated 25.10.85 Juries in Criminal Trials
WP 27	Limited Liability Partnerships. On a Bill to establish Limited Partnerships.	3-5	10.08.78	R 34 dated 22.02.85 Limited Liability Partnerships
WP 26	Exemption Clauses. On a Bill to Prevent the Avoidance of Civil Liability in cases of Death or Personal Injury caused by Negligence.	3-14	17.04.78	R 33 dated 26.10.84 Exemption Clauses
WP 25	Real Property Amendment. On a Bill to amend the Real Property Acts relating to Writs of Execution, Bills of Encumbrance and Bills of Mortgage and Caveats.	2-A.3	24.02.78	
WP 24	Supreme Court Acts. On a Bill to consolidate, amend and reform the Supreme Court Acts and Ancillary Acts regulating Civil Proceedings in the Supreme Court.	2-A.1	24.02.78	R 32 dated 1982 Supreme Court Acts
WP 23	Imperial Statutes. On an examination of the Imperial Statutes in force in Queensland.	2-A.1	13.08.76	R 31 dated 23.09.81 Imperial Statutes
WP 22	Unincorporated Associations. On a draft Associations Incorporation Act.	2-A.8	18.12.75	R 30 dated 01.02.80 Unincorporated Associations
WP 21	Second Hand Wares Act. On A Bill to Repeal The <i>Second Hand Wares Act of 1921</i> to update legislation concerning dealers and collectors.	-	14.11.75	R 29 dated 03.01.80 Second Hand Wares Act

No.	Title	Program Item	Date of Paper	Related Papers
WP 20	Bail. On a Bill to amend the law in relation to Bail.	-	17.03.75	R 25 dated 10.08.78 Bail Act
WP 19	Criminal Code. On proposals to amend the practice of Criminal Courts in certain particulars.	2-A.2	19.12.74	R 27 dated 08.12.78 Criminal Code Amendment
WP 18	Civil Liability for Animals. On a Bill to remove anomalies presently existing with respect to civil liability for animals and to rationalise the existing rules of the common law for damage done by animals.	2-A.5	28.02.73	
WP 17	Actions Against the Crown. On an examination of the law relating to actions against the Crown to replace the Claims Against Government Act of 1866.	-	22.12.72	R 24 dated 17.04.78 Crown Proceedings Act
WP 16	Pawnbrokers Act. On a Bill to amend the Pawnbrokers Act 1849-1971.	-	02.10.72	R 23 dated 24.02.78 Pawnbrokers Act
WP 15	Children's Services Act. On an examination of the procedure and practice in Children's Courts.	2-A.2	24.04.72	R 26 dated 30.08.78 Children's Services Act
WP 14	Succession and Administration of Estates. On a Bill to consolidate and amend the law of succession and the administration of estates.	2-A.7	21.04.72	R 22 dated 24.02.78 Succession Act
WP 13	Evidence Act. On a Bill to review the law of Evidence.	2-A.4	21.04.72	R 19 dated 14.11.75 Evidence Act
WP 12	Criminal Code. On a Bill to amend the Criminal Code in certain particulars.	2-A.2	10.09.71	R 17 dated 19.12.74 Criminal Code Amendment
WP 11	Limitation of Actions Act. On a Bill to amend and consolidate the law relating to Limitation of Actions.	1-A.5	10.09.70	R 14 dated 21.06.72 Limitation of Actions Act



No.	Title	Program Item	Date of Paper	Related Papers
WP 10	Property Law Act. On a Bill to consolidate, amend and reform the Law Relating to Conveyancing, Property, and Contract and to determine the application of certain Imperial Statutes.	1-B.1	10.04.72	R 16 dated 28.02.73 Property Law Act
WP 9	Perpetuities and Accumulations. On the law relating to Perpetuities and Accumulations.	1-A.7	24.02.71	R 7 dated 24.05.71 Perpetuities and Accumulations
WP 8	Money Lending. On a Bill to consolidate and amend the Law relating to Money Lending.	1-A.3	20.04.71	R 13 dated 24.04.72 Money Lenders Act
WP 7	Common Law Practice Act. In relation to an examination of the provisions of the Fatal Accidents Acts with a view to the elimination of anomalies.	1-A.6	04.01.71	R 9 dated 10.09.71 Fatal Accidents Act
WP 6	Interest on Damages. In relation to an examination of the law relating to Interest on Damages.	1-A.9	04.01.71	R 10 dated 10.09.71 Interest on Damages
WP 5	Trusts, Trustees & Settled Land. On a Bill to consolidate the law relating to Trusts, Trustees, and Settled Land.	1-A.1	22.10.70	R 8 dated 16.06.71 Trusts, Trustees and Settled Land
WP 4	Statute of Frauds. On a Review of: The Statute of Frauds, 1677 (29 Car.II c.3); The Statute of Frauds Amendment Act, 1828 (9 Geo.IV, c.14); The Statute of Frauds & Limitations of 1867 (Qld.) (31 Vic.No.22); and The Sale of Goods Act of 1896 (Qld.) (60 Vic.No 6) (Sect.7)	1-A.1	04.03.70	R 6 dated 08.06.70 Statute of Frauds
WP 3	Abolition of Distinction - Wilful Murder and Murder. On the proposed abolition of the Distinction between Wilful Murder and Murder.	1-A.8	19.12.69	R 2 dated 16.03.70 Distinction Between Wilful Murder and Murder
WP 2	Arbitration. On a Bill to Consolidate the Law relating to Arbitration.	1-B.7	19.12.69	R 4 dated 08.06.70 Arbitration

<b>No.</b>	<b>Title</b>	<b>Program Item</b>	<b>Date of Paper</b>	<b>Related Papers</b>
WP 1	Relief from Forfeiture of Leases. On the law relating to Relief from Forfeiture of an Option to Renew certain aspects of the law relating to Landlord and Tenant.	1-A.2	03.11.69	R 1 dated 26.02.70 Forfeiture of Leases

**Queensland  
Law Reform Commission**

**APPENDIX 3**

*List of Publications*

## APPENDIX 3

### *LIST OF PUBLICATIONS*

The prices of all Commission publications are subject to change without notice.

#### Reports

Report Name	Date	Price	GST	Total Price
1. The Law Relating to Relief from Forfeiture of Leases and to Relief from Forfeiture of an Option to Renew and Certain Aspects of the Law Relating to Landlord and Tenant	1970	7.90	.80	8.70
2. Wilful Murder and Murder	1970	7.00	.70	7.70
3. The Common Law Practice Acts 1867-1964 (Section 2) Illegitimate Children	1970	7.00	.70	7.70
4. A Bill to Consolidate the Law Relating to Arbitration	1970	7.50	.75	8.25
5. A Bill to Make Provision for the Abatement of Litter and Other Purposes	1970	7.20	.70	7.90
6. A Review of 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)	1970	7.50	.75	8.25
7. The Law Relating to Perpetuities and Accumulations	1971	7.30	.75	8.05
8. The Law Relating to Trusts, Trustees, Settled Land and Charities	1971	13.40	1.35	14.75
9. The Provisions of the "Fatal Accidents Acts" with a View to the Elimination of Anomalies	1970	7.20	.70	7.90
10. An Examination of the Law Relating to Interest on Damages	1971	7.00	.70	7.70
11. Acts Repeal Act	1972	7.70	.75	8.45
12. A Bill to Establish an Appeal Costs Fund	1972	7.50	.75	8.25
13. A Bill to Consolidate and Amend the Law Relating to Money Lending	1972	7.90	.80	8.70
14. A Bill to Amend and Consolidate the Law Relating to Limitation of Actions	1972	7.50	.75	8.25
15. Statute Law Revision (2nd Commission Report)	1972	7.00	.70	7.70

<b>Report Name</b>	<b>Date</b>	<b>Price</b>	<b>GST</b>	<b>Total Price</b>
16. A Bill to Consolidate, Amend and Reform the Law Relating to Conveyancing, Property and Contract and to Terminate the Application of Certain Imperial Statutes	1973	18.00	1.80	19.80
17. A Bill to Amend the Criminal Code in Certain Particulars	1974	7.40	.75	8.15
18. Statute Law Revision (3rd Commission Report)	1975	7.20	.70	7.90
19. Law Relating to Evidence	1975	11.00	1.10	12.10
20. The Law of Succession and Other Allied Considerations in Relation to Illegitimate Persons	1975	7.60	.75	8.35
21. Reform of the Law of Rape	1976	7.20	.70	7.90
22. The Law Relating to Succession	1978	9.80	1.00	10.80
23. A Review of Pawnbrokers Act	1978	7.40	.75	8.15
24. Actions Against the Crown	1978	7.50	.75	8.25
25. The Law Relating to Bail in Criminal Proceedings	1978	8.00	.80	8.80
26. An Examination of the Procedure and Practice in Children's Courts and on a Bill to Amend the Children's Services Act 1965-1977	1978	7.20	.70	7.90
27. Proposals to Amend the Practice of Criminal Courts in Certain Particulars	1978	8.00	.80	8.80
28. Matters Arising Out of the Report of the Committee of Inquiry into the Enforcement of Criminal Law in Queensland	1979	7.40	.75	8.15
29. A Bill to Repeal "The Second-hand Wares Act of 1921" and to Update Legislation Concerning Dealers and Collectors	1980	7.60	.75	8.35
30. A Draft Associations Incorporation Act	1980	8.00	.80	8.80
31. An Examination of the Imperial Statutes in Force in Queensland	1981	8.00	.80	8.80
32. A Bill to Consolidate, Amend and Reform the Supreme Court Acts and Ancillary Acts Regulating Civil Proceedings in the Supreme Court	1982	11.90	1.20	13.10
33. A Bill to Prevent the Avoidance of Civil Liability in Cases of Death or Personal Injury Caused by Negligence	1984	7.20	.70	7.90
34. A Bill to Establish Limited Liability Partnerships	1985	7.40	.75	8.15

Report Name	Date	Price	GST	Total Price
35. On a Bill to Amend and Reform The Jury Act, The Justices Act and The Criminal Code insofar as those Acts Relate to Committal Proceedings and Trial by Jury in Criminal Courts	1985	14.30	1.45	15.75
36. A Bill to Alter the Civil Jurisdiction of the District Court of Queensland	1985	8.30	.85	9.15
37. A Bill to Amend the Property Law Act 1974-1986	1987	8.30	.85	9.15
38. The Oaths Act	1989	11.70	1.15	12.85
39. Henry VIII Clauses	1990	7.60	.75	8.35
40. Consolidation of the Real Property Acts	1991	11.20	1.10	12.30
41. The Protection of Statements made to Religiously Ordained Officials	1991	7.20	.70	7.90
42. Intestacy Rules	1993	11.20	1.10	12.30
43. The Bail Act 1980	1993	9.80	1.00	10.80
44. De facto Relationships	1993	17.00	1.70	18.70
45. The Assessment of Damages in Personal Injury and Wrongful Death Litigation  Griffiths v Kerkmeyer  Section 15C Common Law Practice Act 1867	1993	11.40	1.15	12.55
46. The Freedom of Information Act 1992: Review of Secrecy Provision Exemption	1994	14.40	1.45	15.85
47. Female Genital Mutilation	1994	10.60	1.05	11.65
48. De facto Relationships: Claims by Surviving De facto Partners Under the Common Law Practice Act 1867 for Damages for Wrongful Death	1994	8.00	.80	8.80
49. Assisted and Substituted Decisions: Decision-making by and for people with a decision-making disability  Volume 1 - Full Report Volume 2 - Draft Legislation Volume 3 - Summary	1996	24.00 14.60 no charge	2.40 1.45 no charge	26.40 16.05 no charge
50. Minors' Civil Law Capacity	1996	No Charge	-	-

Report Name	Date	Price	GST	Total Price
51. Consent to Health Care of Young People Volume 1 - The Law and the Need for Reform Volume 2 - The Commission's Legislative Scheme Volume 3 - Summary of the Commission's Report	1996	No Charge	-	-
52. The Law of Wills	1997	No Charge	-	-
53. Review of the <i>Limitations of Actions Act 1974</i> (Qld)	1998	No Charge	-	-
54. The Role of Justices of the Peace in Queensland	1999	No Charge	-	-
55. The Receipt of Evidence by Queensland Courts: The Evidence of Children (Part 1)	2000	no charge	-	-

## Working Papers

Working paper	Doc. Type	Date	Price	GST	Total Price
1. Relief from Forfeiture of Leases	Working Paper	1969	7.90	.80	8.70
2. Arbitration	Working Paper	1969	7.50	.75	8.25
3. Abolition of Distinction – Wilful Murder and Murder	Working Paper	1969	7.00	.70	7.70
4. Statute of Frauds	Working Paper	1970	7.50	.75	8.25
5. Trusts, Trustees & Settled Land	Working Paper	1970	11.30	1.15	12.45
6. Interest of Damages	Working Paper	1971	7.00	.70	7.70
7. An Examination of the Provisions of “The Fatal Accidents Acts” with a view to the Elimination of Anomalies	Working Paper	1971	7.10	.70	7.80
8. Money Lending	Working Paper	1971	9.10	.90	10.00
9. Perpetuities and Accumulations	Working Paper	1971	7.30	.75	8.05
10. Property Law	Working Paper	1972	11.10	1.10	12.20
11. Limitation of Actions	Working Paper	1972	7.50	.75	8.25
12. Criminal Code	Working Paper	1974	7.40	.75	8.15

<b>Working paper</b>	<b>Doc. Type</b>	<b>Date</b>	<b>Price</b>	<b>GST</b>	<b>Total Price</b>
13. Evidence	Working Paper	1975	10.90	1.10	12.00
14. Succession and Administration of Estates	Working Paper	1975	9.90	1.00	10.90
15. Children's Services Act	Working Paper	1976	7.60	.75	8.35
16. Pawnbrokers Act	Working Paper	1976	7.20	.70	7.90
17. Actions Against the Crown	Working Paper	1977	7.40	.75	8.15
18. Civil Liability for Animals	Working Paper	1977	7.20	.70	7.90
19. Criminal Code	Working Paper	1977	8.80	.90	9.70
20. Bail	Working Paper	1978	7.80	.80	8.60
21. Second Hand Wares Act	Working Paper	1978	7.30	.75	8.05
22. Unincorporated Associations Act	Working Paper	1978	10.50	1.05	11.55
22A. Supplementary	Supplementary Paper	1979	7.40	.75	8.15
23. Imperial Statutes	Working Paper	1979	9.00	.90	9.90
24. Supreme Court Acts	Working Paper	1982	11.50	1.15	12.65
25. Real Property Amendment	Working Paper	1982	7.50	.75	8.25
26. Exemption Clauses	Working Paper	1982	7.10	.70	7.70
27. Limited Liability Partnerships	Working Paper	1984	10.70	1.05	11.75
28. Juries in Criminal Trials	Working Paper	1984	11.90	1.20	13.10
29. District Court Jurisdiction	Working Paper	1985	7.90	.80	8.70
30. Property Law Act	Working Paper	1986	8.00	.80	8.80
31. The Oaths Act	Working Paper	1988	11.80	1.20	13.00
32. The Real Property Acts of Queensland	Working Paper	1988	19.30	1.95	21.25
33. Henry VIII Clauses	Working Paper	1990	7.50	.75	8.25
34. Statute Law Revision	Working Paper	1991	7.90	.80	8.70
35. To Bail or not to Bail - A Review of Queensland's Bail Law	Discussion Paper	1991	10.60	1.05	11.65



Working paper	Doc. Type	Date	Price	GST	Total Price
36. Shared Property	Discussion Paper	1991	11.20	1.10	12.30
37. Intestacy Rules	Working Paper	1992	8.00	.80	8.80
38. Assisted and Substituted Decisions	Discussion Paper	1992	16.70	1.65	18.35
39. Personal Property Securities	Discussion Paper	1992	9.60	.95	10.55
40. De facto Relationships	Working Paper	1992	17.50	1.75	19.25
41. The Bail Act	Working Paper	1993	9.50	.95	10.45
42. Female Genital Mutilation	Draft Report	1994	8.70	.85	9.55
43. Assisted and Substituted Decisions	Draft Report	1995	21.30	2.15	23.45
	Draft Legislation	1995	12.00	1.20	13.20
43A. Assisted and Substituted Decisions - Summary of Recommendations	Draft Report: Summary	1995	7.40	.75	8.15
44. Consent to Medical Treatment of Young People	Discussion Paper	1995	17.60	1.75	19.35
44A. Consent to Medical Treatment of Young People - Summary of Recommendations	Discussion Paper: Summary	1995	7.20	.70	7.90
45. Minors' Civil Law Capacity	Draft Report	1995	9.50	.95	10.45
46. Uniform Succession Laws for Australian States and Territories: Issues Paper No 1 - The Law of Wills	Working Paper	1995	9.40	.95	10.35
47. Uniform Succession Laws for Australian States and Territories: Issues Paper No 2 - Family Provision	Working Paper	1995	10.50	1.05	11.55
48. Vicarious Liability	Discussion Paper	1995	10.70	1.05	11.75
49. Review of the <i>Limitation of Actions Act 1974 (Qld)</i>	Information Paper	1997	No Charge	-	-
50. Review of the <i>Limitation of Actions Act 1974 (Qld)</i>	Discussion Paper	1997	no charge	-	-
51. The Role of Justices of the Peace in Queensland	Issues Paper	1998	no charge	-	-

Working paper	Doc. Type	Date	Price	GST	Total Price
52. The Receipt of Evidence by Queensland Courts: Electronic Records	Issues Paper	1998	no charge	-	-
53. The Receipt of Evidence by Queensland Courts: The Evidence of Children	Discussion Paper	1998	no charge	-	-
54. The Role of Justices of the Peace in Queensland	Discussion Paper	1999	no charge	-	-

### Miscellaneous Papers

Miscellaneous Papers	Date	Price	GST	Total Price
1. Steering your own Ship - Assisting people who are unable to make decisions for themselves	1991	5.00	.50	5.50
2. Consent by Young People to Medical Treatment	1993	5.00	.50	5.50
3. Section 48 Freedom of Information Act	1993	5.00	.50	5.50
4. Griffiths v Kerkmeyer	1993	5.00	.50	5.50
5. Exclusions of benefits from the Assessment of Wrongful Death - Section 15C Common Law Practice Act	1993	5.00	.50	5.50
6. Circumcision of Male Infants	1993	5.00	.50	5.50
7. Female Genital Mutilation	1993	5.00	.50	5.50
7A. Submission to House of Representatives Standing Committee on Legal and Constitutional Affairs - <i>Inquiry into the Crimes (Child Sex Tourism) Amendment Bill 1994</i>	1994	5.00	.50	5.50
8. De facto Relationships: Claims by surviving de facto partners under the Common Law Practice Act 1867 for damages for wrongful death	1994	5.00	.50	5.50
9. A Bill to Consolidate, Amend and Reform the Supreme Court Acts and Ancillary Acts Regulating Civil Proceedings in the Supreme Court	1990	5.00	.50	5.50
10. First Issues Paper - The Law of Wills	1994	5.00	.50	5.50

Miscellaneous Papers	Date	Price	GST	Total Price
11. Enforcement of Judgments in Debt	1983	5.00	.50	5.50
12. Real Property Acts	-	5.00	.50	5.50
13. Problems relating to Passing of Risk between Vendor and Purchaser	1984	5.00	.50	5.50
14. Consent to Medical Treatment of Young People: Submission to Queensland Health on Review of the <i>Health Act 1937</i> - New Population Health Legislation for Queensland	1995	5.00	.50	5.50
15. Uniform Succession Laws: Wills	1996	5.00	.50	5.50
16. Uniform Succession Laws: The Effect of the Lex Situs and Mozambique Rules on Succession to Immovable Property	1996	5.00	.50	5.50
17. Consent to Medical Treatment of Young People: Medical Examinations in Cases of Suspected Child Abuse	1996	5.00	.50	5.50
18. <i>Health Services Act 1991</i> , Section 62: Submission to Queensland Health and Others	1996	5.00	.50	5.50
19. Report to SCAG - The Law of Wills - NOT FOR PUBLIC DISTRIBUTION	1996	not available	-	-
20. Uniform Succession Laws: Law of Wills - Outstanding Issues - NOT FOR PUBLIC DISTRIBUTION	1997	-	-	-
21. Uniform Succession Laws: Family Provision - Summary of Submissions to Issues Paper - NOT FOR PUBLIC DISTRIBUTION	1997	-	-	-
22. Minutes of the Meeting of the National Committee for Uniform Succession Laws - NOT FOR PUBLIC DISTRIBUTION	April 1997	not available	-	-
23. Minutes of the Meeting of the National Committee for Uniform Succession Laws (Teleconference) - NOT FOR PUBLIC DISTRIBUTION	May 1997	not available	-	-
24. Submission to Attorney-General and Minister for Justice: Powers of Attorney Bill 1997 - NOT FOR PUBLIC DISTRIBUTION	July 1997	not available	-	-
25. Submission to Attorney-General and Minister for Justice: Succession Amendment Bill 1997 (Intestacy Rules) - NOT FOR PUBLIC DISTRIBUTION	July 1997	not available	-	-

Miscellaneous Papers	Date	Price	GST	Total Price
26. Minutes of the Meeting of the National Committee for Uniform Succession Laws (Teleconference) - NOT FOR PUBLIC DISTRIBUTION	Aug 1997	not available	-	-
27. Australasian Law Reform Agencies Conference - Record of Proceedings - NOT FOR PUBLIC DISTRIBUTION	Sept 1995	not available	-	-
28. Report to the Standing Committee of Attorney-General on Family Provision	Dec 1997	-	-	-
29. Consolidated Report to the Standing Committee of Attorney-General on the Law of Wills	Dec 1997	-	-	-
30. Uniform Civil Procedure Rules: Submission on Probate and Administration	Feb 1998	-	-	-
31. Minutes of the Meeting of the National Committee for Uniform Succession Laws (Teleconference) - NOT FOR PUBLIC DISTRIBUTION	Nov 1997	not available	-	-
32. Evidence and Technology - Institute for Information Management Ltd - Discussion on Evidence and Technology	May 1998	-	-	-
33. Minutes of the Meeting of the National Committee for Uniform Succession Laws and Registrars of Probate - NOT FOR PUBLIC DISTRIBUTION	June 1998	not available	-	-
34. Submission to Attorney-General - Guardianship - NOT FOR PUBLIC DISTRIBUTION	May 1998	-	-	-
35. Minutes of the Meeting of the National Committee for Uniform Succession Laws (Teleconference) - NOT FOR PUBLIC DISTRIBUTION	Oct 1997	not available	-	-
36. Minutes of the Meeting of the National Committee for Uniform Succession Laws (Teleconference) - NOT FOR PUBLIC DISTRIBUTION	May 1998	not available	-	-
37. National Committee for Uniform Succession Laws: Discussion Paper - Administration of Estates of Deceased Persons	June 1999	-	-	-

**Queensland  
Law Reform Commission**

**APPENDIX 4**

*Holders of Office under the Law Reform Commission Act*

*1968 to date*

## APPENDIX 4

### *HOLDERS OF OFFICE<sup>1</sup>*

*Under The Law Reform Commission Act 1968*

#### **Chairperson**

The Honourable Mr Justice W B Campbell (later Chief Justice and Governor of Queensland)	01.03.69 - 01.03.73
The Honourable Mr Justice G L Hart	01.03.73 - 15.05.73
The Honourable Mr Justice D G Andrews (later Chief Justice)	26.05.73 - 17.09.82
* The Honourable Mr Justice B H McPherson CBE	20.09.82 - 31.12.91
* The Honourable Mr Justice R E Cooper	01.01.92 - 30.06.93
* The Honourable Justice G N Williams	01.07.93 - 30.06.96
The Honourable Justice P de Jersey (later Chief Justice)	12.07.97 - 19.03.98
The Honourable Mr Justice J D M Muir	20.03.98 - 19.03.01

#### **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
Mr J Herlihy	04.01.93 - 10.09.93
Ms P A Cooper	09.05.94 - 31.07.97
Mr P J M MacFarlane	10.01.00 - 09.01.03

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<sup>1</sup>

\* Indicates that the member has been appointed to more than one Queensland Law Reform Commission position.

## Part-time Members

*	Mr B H McPherson QC (later the Honourable Mr Justice B H McPherson)	01.03.69 - 31.12.81
	Sir John Rowell CBE	01.03.69 - 31.12.89
	Mr P R Smith	01.03.69 - 08.07.76
	Sir John Nosworthy CBE	01.01.76 - 31.12.87
	Mr G N Williams QC (later the Honourable Justice G N Williams)	09.08.76 - 06.04.82 17.01.83 - 16.03.89
*	Professor K W Ryan CBE QC (later the Honourable Mr Justice K W Ryan CBE)	05.07.80 - 31.10.80 01.11.82 - 10.02.84
	Mr R E Cooper QC (later the Honourable Mr Justice R E Cooper)	14.06.82 - 02.02.89 03.02.89 - 31.12.89
*	Mr M O Klug	01.01.88 - 31.12.89
*	Mr F J Gaffy QC	01.06.89 - 30.09.89
	Ms H O'Sullivan (later Her Honour Judge H O'Sullivan)	01.05.90 - 08.04.91 09.04.91 - 29.08.94
	Ms R G Atkinson (later the Honourable Justice R G Atkinson)	01.05.90 - 30.06.96
	Mr P A Keane QC	01.05.90 - 12.02.92
	Mr W A Lee	01.07.90 - 30.06.96
	Mr R S O'Regan QC	11.05.92 - 23.11.92
*	Ms L Willmott	15.03.93 - 15.03.94
	Dr J A Devereux	29.08.94 - 28.08.97
	Mr P D McMurdo QC	22.05.95 - 21.05.01
	Mrs D A Mullins (later the Honourable Justice D A Mullins)	12.07.96 - 11.07.99 01.10.99 - 30.09.02
	Mr P M McDermott RFD	12.07.96 - 11.07.99
	Professor W D Duncan	26.09.97 - 25.09.00
	Ms S C Sheridan	26.09.97 - 25.09.00
*	Mr W G Briscoe	04.02.00 - 03.02.03

**Secretary**

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



**Queensland  
Law Reform Commission**

**APPENDIX 5**

*Financial Information*

## APPENDIX 5

### FINANCIAL INFORMATION

	93/94 Budget	94/95 Budget	95/96 Budget	96/97 Budget	97/98 Budget	98/99 Budget	99/2000 Budget	2000/01 Budget
Base Allocation Salaries	\$325,000	\$355,030	\$378,820	\$345,000	\$418,600	\$412,000	\$432,200	\$487,800
Administration Costs	\$97,000	\$93,070	\$130,960 <sup>2</sup>	\$120,000	\$55,400	\$60,000	\$82,950	\$60,900
Salary Related Taxes	\$17,000	\$19,100	\$17,720	\$19,500	\$19,000	\$18,000	\$20,000	\$17,300
Departmental Specials	\$96,000	\$50,000	\$13,200	\$46,000	\$36,000	\$43,000	\$6,000	\$27,000
Plant and Equipment Purchase and Maintenance	\$0	\$1,000	\$22,700	\$500	\$0	\$0	\$3,100	\$3,000
Capital Works	\$0	\$0	\$11,000	\$0	\$0	\$0	\$0	\$0
<b>Total base and dept special allocations</b>	<b>\$535,000</b>	<b>\$518,200</b>	<b>\$574,400</b>	<b>\$531,000</b>	<b>\$529,000</b>	<b>\$533,000</b>	<b>\$544,250</b>	<b>596,000</b>
Treasury Specials - EB Funding, LSL					\$23,000			
Superannuation	\$51,000	\$45,000	\$47,000	\$34,000	\$34,000	\$56,000	\$58,000	\$50,000
Property Maintenance <sup>3</sup>	\$0	\$0	\$0	\$98,200	\$158,000	\$171,000	\$170,750	\$173,000
	<b>\$586,000.00</b>	<b>\$563,200.00</b>	<b>\$621,400.00</b>	<b>\$663,200.00</b>	<b>\$744,000.00</b>	<b>\$760,000.00</b>	<b>\$773,000.00</b>	<b>\$819,000</b>

<sup>2</sup> A departmental special allocation was provided to the Commission in 1993/94 and in 1994/95 for the Commission's printing and postage costs. In 1995/96 the base allocation provided to the Commission was adjusted to meet the costs and the special allocation was withdrawn.

<sup>3</sup> In December 1996, the Government decided to move the Commission from the Central Courts Building to the State Law Building. As a result, an allocation towards the property maintenance costs was provided to the Commission.

**STATEMENT OF AFFAIRS**

1999 - 2000

**FREEDOM OF INFORMATION**

**REQUEST FOR INFORMATION PROCEDURES**

## STATEMENT OF AFFAIRS

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

Section 8(1) of the *Freedom of Information Act 1992* states:

In this Act -

“agency” means a department, local government or public authority.

The meaning of “**public authority**” as defined by section 9(1)(a) of the *Freedom of Information Act 1992* is:

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

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

Section 18(2) of the *Freedom of Information Act 1992* indicates the material which must be contained in the 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 extracts from the *Law Reform Commission Act 1968*.

The *Law Reform Commission Act* states:

**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 agenda, and distribute meeting material;
- to provide an accurate record of the decisions made at Commission meetings;
- to maintain a legal library for the use of Commissioners and Secretariat staff;
- 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 agency; and
- to assess critically the agency'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;" and**

**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* states:

**11. Powers of Commission**

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

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

**Section 18(2)(d) of the Act 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;” and**

**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, whilst a small charge is made for the supply of older publications. Whilst inspection of these publications is possible, it is not the norm. A complete list of documents available to date is in Appendix 3. Those publications which are currently available free of charge are identified in Appendix 3.

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

Other documents held by the Commission are:

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

**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 report. However, it should be noted that no personal records are maintained by the Commission.

Applications under the Act should be addressed to:

The Director  
Queensland Law Reform Commission  
P O Box 312 Roma Street  
BRISBANE Q 4003

The initial application will be reviewed by the Director.

## Policy Documents

Document Title	Publisher	Document Location Division/section	Date Issued
<i>Law Reform Commission Act 1968</i>	Queensland Government	Go Print	1968
Fifth Program	Queensland Law Reform Commission	Level 7 State Law Building	June 1996
Equal Employment Opportunity Management Plan	HRS Branch Department of Justice and Attorney-General	Level 15 State Law Building	Sept 1999
<i>Freedom of Information Act 1992</i> and Regulation	Queensland Government	Go Print	1992
Employee Assistance Policy	HRS Branch Department of Justice and Attorney-General	Level 15 State Law Building	June 2000
Human Resource Services Policy Manuals	HRS Branch Department of Justice and Attorney-General	Level 15 State Law Building	Feb 1994
Harassment in the Workplace - Prevention and Resolution of Complaints	HRS Branch Department of Justice and Attorney-General	Level 15 State Law Building	April 2000
<i>Public Sector Ethics Act 1994</i>	Queensland Government	Go Print	1994
Personnel Management Handbook	HRS Branch Department of Justice and Attorney-General	Level 15 State Law Building	1988
Financial and Administrative Procedure Manual	Financial and Asset Services Branch Department of Justice and Attorney-General	Level 13 State Law Building	1994
<i>Financial Administration and Audit Act</i> and Regulation	Queensland Government	Go Print	1988
Directives issued under the <i>Public Service Act 1996</i>	Department of Employment, Training and Industrial Relations	<a href="http://www.detir.qld.gov.au">www.detir.qld.gov.au</a>	Various
<i>Public Service Act 1996</i> and Regulation	Queensland Government	Go Print	1996
<i>Public Service Management and Employment Regulation 1988</i>	Queensland Government	Go Print	1988



# QUEENSLAND LAW REFORM COMMISSION

## FOI - Request for Information Procedures

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 dollars (\$30) at the time the application is made.*

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

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

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

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

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

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

The address of the FOI Co-ordinator for the Department of Justice and Attorney-General is -

18th Floor State Law Building  
Corner Ann and George Streets  
BRISBANE 4000  
Telephone (07) 3239 6401

# QUEENSLAND LAW REFORM COMMISSION

## FOI - REQUEST FOR INFORMATION

To: FOI Designated Officer  
Queensland Law Reform Commission  
P O Box 312 Roma Street  
BRISBANE Q 4003

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

### *Details of Applicant*

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

### *Details of Information Requested*

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\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

### RECEIPT DETAILS

Fees Received \$ \_\_\_\_\_

Receipt Number \_\_\_\_\_

Received by \_\_\_\_\_

Date \_\_\_\_\_