Index to articles and sections

Aboriginal people

police move-on powers - see Police

Advocacy

greeting witnesses, 246-248 salutation of judges, 147-149

Artworks

in court buildings, 55-58

Bail applications

strength of prosecution case (*Sica v DPP*), 208-212 application of *Bail Act* ss 16(1), 16(2), 210 application of *Bail Act* ss 16(3), 211-212 Lacey case, 209 Williamson case, 209-210

Bikies - see Motorcycle gangs

Books

Assessing Lawyers' Ethics: a practitioners' guide (A Evans), 227-229
Australian Consumer Law (SG Corones), 226-227
Australian Real Property Law (5th ed) (AJ Bradbrook et al), 225-226
The Constitution of a Federal Commonwealth: the making and meaning of the Australian Constitution (Aroney), 139
Land Contract in Queensland (3rd ed) (Christensen et al), 275
Nutshell: business law (Gibson & Fraser), 140-141
Nutshell: employment law (Floyd), 43-44
Principles of Cybercrime (Clough), 224-225
Remedies in Equity: the Laws of Australia (Wright & Hepburn), 141

Building law - see Pool safety

Business law

book review, 140-141

Commercial contracts

construction (*Selected Seeds v QBEMM*), 59-65 contracting out of proportionate liability, 114-122 application of proportionate liability, 114-115 application of statutory prohibition, 118-120 apportionable claim, 115-116 arbitrations, 117-118 concurrent wrongdoers, 116 contractual provisions offending apportionment, 121-122 forum shopping, 118 indemnifying loss of co-defendant, 120-121

Commercial law

statements of claim

(2011) 31 Qld Lawyer 303

conversion of cheques (Westpac v Hughes), 151-155

Constitutional law

book review, 139

Consumer law

book review, 226-227

Contract – see also Commercial contracts

construction (*Selected Seeds v QBEMM*), 59-62 land (book review), 275 validity of rescission (*Dunworth v Mirvac*), 244-245

Conveyancing — see also Leases; Property law

instalment sale contracts, land contracts (book review), 275 statutory disclosure obligations "material prejudice" Court of Appeal decision, 5-8 Superannuation fund as buyer, Validity of rescission, 244-245 Costs withdrawing trust money under general authorisation in agreement, 222-223

Court buildings

artworks in, 55-58

Courts

fee increase, 237 greeting witnesses, 246-248 salutation of judges, 147-149 Supreme Court 150th anniversary, 238

Criminal law - see also Bail applications; Motorcycle gangs; Sentencing

accused's cooperation with law enforcement authorities, 66-68 digital environment (book review), 224-225 greeting witnesses, 246-248 Magistrates Courts administrative arrangements, 9-12 pre-sentence reports, 156-159

Cybercrime

book review, 224-225

Damages

uncertainty in claiming for defects in property, 253-255

Elder law

equitable remedies for financial abuse, 123-138 elder financial abuse, 123-124 equitable claims, 124-137 constructive trust to recognise property interest after relationship breakdown, 131-136

Field v Loh, 135-136 Swettenham v Wild, 132-134 misuse of enduring powers of attorney, 136-137 Smith v Glegg, 136-137 unconscionable bargains, 129-131 Christodolou v Christodolou, 131 Sleboda v Sleboda, 129-131 undue influence, 125-129 Christodolou v Christodolou, 128-129 Trevenar v Ussfeller, 126-128

Employment - see also Occupational health and safety

book review, 43-44

Equitable remedies

book review, 141 elder abuse – *see* Elder abuse

Ethics

legal (book review), 227-229

Family Court of Australia

appointment, 3

Floods - see Natural disasters

Freedom of information - see Right to information

Guardianship

Law Reform Commission final report, 13-15 advance health directives, 14 conclusion of review, 13 effect of adult's objection to health care, 15 general principles and health care principle, 13 government response awaited, 15 statutory health attorneys, 14 withholding and withdrawal of life-sustaining measures, 14-15

Health law - see also Surrogacy

right to refuse life-sustaining treatment, consent for "do not resuscitate" orders, 195-207 autonomy, 197-198 consent as support for autonomous decision-making, 204-205 medical decision-making in context, 196-197 "not for resuscitation", 198-201 possibility of refusing consent, 205 Queensland position, 201-204 removal of life sustaining treatment parental responsibility (*Re Baby D (No 2)*), 162-164

Indigenous people

police move-on powers - see Police

(2011) 31 Qld Lawyer 303

Industrial law - see Occupational health and safety

Information - see Right to information

Insurance

construction of contracts (Selected Seeds v QBEMM), 59-65

Judges

appointments, 150 retirements, 150

Land valuation

site value, 213-221 changes to objection process, 216-221 method of making objections, 217-220 rights of appeal, 220-221 time limits, 217 introduction of, 213-214 site and non-site improvements, 214-215 transitional provisions and allowances, 215

Law reform - see also Guardianship

future references, 238

Lawyers

ethics (book review), 227-229 obituaries, 149 withdrawing trust money to pay costs under general authorisation in costs agreement, 222-223

Leases

retail shops efficiency and equity, 256-265 assignment of the lease, 260-262 no options to renew, 262-263 regulation of rent review, 257-259 relocation for refurbishment or vacation for demolition, 259-260 repair of common property in multi-tenanted buildings, 262 unreasonable withholding of consent (*Cathmark v NetherCott*), 63-65

Legal ethics

book review, 227-229

Magistrates Courts

criminal matters administrative arrangements, 9-12

Medical negligence

loss of chance, 21-23

Motorcycle gangs

Criminal Organisation Act 2009 (Qld), 100-113 anti-fortification measures, 109 control orders, 105-107

criminal offences, 107-109 definition of criminal organisation, 101-105 feasibility and future, 112-113 individuals, 111-112 organisations, 110 public safety orders, 109

Natural disasters

legal issues, 3-4 validity of rescission (*Dunworth v Mirvac*), 244-245

Negligence - see Medical negligence

joint illegal activity, 78-81

Obituaries

Buckley, Graham, 149 Wyle, Ian McGregor, 149

Occupational health and safety

codes of practice *Griffiths v Queensland*, 165-169 jurisdiction of Queensland Industrial Court, *NK Collins Industries v President*, 16-20 jurisprudence impact of *Kirk v Industrial Relations Commission of NSW*, 249-252 particularisation of breaches, 73-77 *NK Collins Industries v Twigg (No 2)*, 73-74 *Townsville Gymnastics Association v Coggins*, 75-77

Personal injuries

disclosure obligations, 24-30 District Court, 26-30 legislation, 24-25 Supreme Court, 25-26

Police

```
move-on powers, 31-42
discriminatory application, 33-37
effects of conviction for Indigenous Australians, 37
Indigenous access to legal representation, 36-37
Indigenous discrimination, 35
Indigenous "presence", 34
Indigenous rates of homelessness, 33-34
Indigenous use of public space, 33
preventative police tool, 35-36
government's justification for, 32-33
Police Powers and Responsibilities Act 2000 (Qld), 31-32
racial discrimination as breach of law, 38-39
recommendations to reduce discriminatory application, 39-42
better police accountability, 39-40
broader sentencing options for magistrates, 41
```

(2011) 31 Qld Lawyer 303

extensive Crime and Misconduct Commission review, 41 mandatory legal representation for defendants, 41-42 other cross-jurisdictional implementations, 40-41 right to freedom from discrimination, 37-38

Pool safety

statutory changes, 266-274 common pool safety problems, 274 definitions, 267 disclosure obligations on sale of regulated premises, 268-270 leasing, 273-274 new pools, 274obligations after settlement, 262-263 owner's obligations, 267-268 REIQ contractual provisions, 270-272

Property law - see also Conveyancing; Leases; Pool safety

book review, 225-226 land contracts (book review), 275 validity of rescission, 244-245

Right to information

documents held by State-owned corporations (Davis v City North Infrastructure Pty Ltd), 239-243

Senior counsel

appointments, 3, 238

Sentencing

Sentencing Advisory Council appointment, 3 standard non-parole periods, 3, 238

Supreme Court of Queensland

150th anniversary, 238

Surrogacy

commercial arrangements, 160-162 Queensland position, 161-162 *Re S (Parental Order)*, 160-161 obstacles to, 69-72 Australian Citizenship Instructions, 71 meaning of "parent", 69-71

Tort law — see also Damages; Medical negligence

joint illegal activity (Miller v Miller), 78-81

Valuation of land – see Land valuation

Water resources

Murray-Darling Basin Plan, 82-99 alternative pathway, 94-95 community consultation process, 90 community consultation, public submissions and procedural fairness, 91

Constitutional challenges, 91-94 "reasonable use" and "conservation", 93-94 cross-disciplinary approach, 86, 99 implications for States, 84-86 information conflicts, 88-89 limitations & uncertainty in scientific information, 89-90 regulatory framework & sustainability, 87 sustainable outcome, 95-99

Wills

testamentary undue influence, 170-194 Australian position, 171-172 Canadian position, 180-182 commentators, 178-180 recipe for change, 189 standard of proof, 172-178 statutory presumption, 189-191 arguments for and against, 192-193 rebutting, 191-192 suspicious circumstances, 177 United States positions, 182-184 California, 186-188 statutory reform, 184-186