

QUEENSLAND LAWYER

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ARTICLES

Judicial review of enforceable undertakings under the Workplace Health and Safety Act 1995 – *Kristy Richardson*

Enforceable undertakings for breaches of the *Workplace Health and Safety Act 1995* (Qld) became available as alternatives to prosecution under the Act on 1 June 2003. This article examines the recent Queensland Supreme Court decision of *BBC Hardware Ltd v Henneken* [2006] QSC 149 (22 June 2006) where the Supreme Court was requested to examine the conduct of the Director-General of the Queensland Department of Industrial Relations in refusing to accept an enforceable undertaking proposed by BBC Hardware Limited. The decision represents the first judicial consideration of the administrative process behind the Department's enforceable undertaking regime. 250

Unincorporated associations and tort liability – *Myles McGregor-Lowndes* and *Rhonda Richards*

This article examines recent authorities in both Australia and the United Kingdom that consider tort liability issues involving unincorporated associations, their members and officers. The general principle is that a member of a member's club owes no duty to the other members other than that of an ordinary individual in the absence of any club rule to the contrary. First the liability of a member of an unincorporated association is examined, followed by that of the committee members as a whole and then individual officers. Finally, the duty owed to a volunteer in the course of an unincorporated association's activities is discussed. 257

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