Index to articles and sections

Administrative law privative clauses (PSA of SA v Industrial Relations Commission), 181-183 **Barristers** Crown briefs in the regions, 179 national profession, 57 recognition of eminence, 112 Books Australian Civil Procedure (9th ed) (Cairns), 45-46 Australian Insolvency Law (2nd ed) (Symes & Duns), 249-250 Company Law: theories, principles and applications (Harris), 251-252 Disability and the Queensland Criminal Justice System (Toombs), 248-249 Electronic Information and the Law (Jackson & Shelly), 166-167 Evidence Based Policy and Practice in Youth Justice (Stewart et al), 167 Family Provision in Australia (4th ed) (de Groot & Nickel), 250-251 The Law of Misleading or Deceptive Conduct (3rd ed) (Lockhart), 47-48 LexisNexis Case Summaries: Sports Law (2nd ed) (Veljanovski), 90 Limitation of Actions: the Laws of Australia (3rd ed) (Handford), 168 Migration and Refugee Law (3rd ed) (Vrachnas et al), 46-47 Private International Law in Australia (2nd ed) (Mortensen), 44-45 Professional Communication: legal & ethical issues (2nd ed) (Breit), 88-89 Queensland Evidence Law (2nd ed) (Field), 89-90

Unfair Contract Terms in Australia (Paterson), 165

Charities

federal reform, 3

Civil procedure

book review, 45-46

Coal seam gas

environmental justice, 225-247 accountability of administrative decision-making, 242-246 administrative decision-making and judicial review, 232-233 approval regime, 240-241 concept of environmental justice, 230 conditions, 242 conflict resolution, 246-247 ecologically sustainable development, 235-236 Environmental Protection Act (Qld), 227 information conflicts, 227-229 licensing framework, 238-240 protection of environment, 236 statutory definitions, 236-238 public duties & administrative decision-making, 233-235

(2012) 42 Qld Lawyer 287

public participation in regions, 230-232

Commercial law

liability of developer for misrepresentations of real estate agents (Mark Bain Constructions Pty Ltd v Avis), 114-116

Company law

book review, 251-252

Computers

cloud computing, 179

Consumer law

unfair contracts (book review), 165

Contract - see also Consumer law

change in REIQ standard (Lai v Soineva), 6-8

unfair contracts (book review), 165

Conveyancing

disclosure of registered owner of property (*Rolls v Radford*), 117-119 settlement statements (*Carrapetta v Rado*), 184-185

Counsel - see Barristers

Court buildings

closing, 111

opening, 111

Crime and Misconduct Commission

appointments, 58

Crime commissions

coercion powers - see Privilege against self-incrimination

Criminal law – see also Sentencing

evidence – see Evidence

foetal alcohol spectrum disorder - see Foetal alcohol spectrum disorder

Magistrates Courts

Commonwealth matters, 9-14

unfairness test and discretion (Roach v The Queen), 64-67

Disability law

book review, 248-249

Elder law

```
enduring powers of attorney, 201-214
accountability of attorneys, 211
additional statutory duties for attorneys, 212
advanced planning tool, 202
balancing issues, 213
benefits of mandatory registration system, 205-206
duties of attorneys appointed, 203
financial abuse & figures, 203-204
individuals as additional level of scrutiny & oversight, 212
```

```
information needed to establish validity of document, 207-209
      legislative framework (Qld), 211-212
      mandatory notification
            balancing issues, 210-211
            overseas models, 209-210
            registration body, 209
      mandatory registration in practice, 206-207
      means to perpetrate financial abuse, 204
      registration systems (Qld & other jurisdictions), 204-205
Elections
Queensland (2012), 57
Electronic information
      book review, 165-166
Employment – see Occupational health and safety
Environmental law
      coal seam gas - see Coal seam gas
Ethics
      communication practitioners (book review), 88-89
Evidence - see also Expert evidence
      book review, 89-90
      unsworn (R v BBR), 120-122
Expert evidence
     jury perceptions of, 4
      single expert provisions (Qld), 215-224
            appointment of additional experts, 220-222
            background to UCPR reform, 215-217
            current provisions, 217-218
                   appointment of single experts, 217
                   effect of appointment of single expert, 217-218
                   Supreme Court Practice Direction, 218
     judicial enforcement, 218-220
            current position, 220
            initial court decisions, 218-219
            recent court decisions, 219-220
      when single experts should be used, 222-224
            court-appointed experts, 223-224
            jointly-appointed experts in a proceeding, 222-223
            jointly-appointed experts prior to a proceeding, 223
Family provision
      book review, 250-251
Foetal alcohol spectrum disorder (FASD)
      importance for criminal law, 153-164
```

(2012) 42 Qld Lawyer 287

```
fitness to plead, 162-163
future, 163-164
improving identification & understanding of FASD, 159-161
nature of FASD, 154-155
survey of lawyers, 155-158
taking instructions & evidence issues, 161-162
```

Guardianship

Law Reform Commission final report, 15

government response, 15-16 inquiry by Health and Disabilities Committee, 16

Health law – see also Surrogacy

assisted suicide conviction (R v Nielsen), 68-71

High Court

judges

appointment, 180

retirement, 180

Industrial law - see also Occupational health and safety

judicial review of decision to refuse enforceable undertaking (*P&O Automotive*), 72-76 judicial review of defective complaint & summons (*Newman v President of the Industrial Court*), 128-131

Insolvency law

book review, 249-250

Internet

cloud computing, 179

Judges

appointments, 58, 180

retirements, 4, 58, 180

Judicial review

privative clauses (PSA of SA v Industrial Relations Commission), 181-183

Juries

fair trial, 26-43

issues outside QLRC reviews, 31 jury directions, 29-30, 33-36 jury selection, 30-31, 37-42 principles for reform, 31-33

Queensland Law Reform Commission reviews, 29-31

perceptions of expert evidence, 4

Lawyers

national profession, 57

Legal history

issues in 1988, 179-180

Legal profession

national profession, 57

Legal professional privilege

```
disclosure under Personal Injuries Proceedings Act 2002, 146-152
Allen and Felgate, 148-151
"medical reports", 150-151
```

legislation, 146

Watkins v Queensland, 146-148

Legal Services Commission

regulatory guides, 3-4, 57

Limitation of actions

book review, 168

Loans

unconscionability in short-term lending (PSAL Ltd v Kellas-Sharpe), 59-63

Magistrates

appointments, 58

Media

ethics (book review), 88-89

Migration law

book review, 46-47

Misleading or deceptive conduct

book review, 47-48

Neighbours

disputes about dividing fences and trees (*Neighbourhood Disputes Resolution Act 2011*), 80-87 fences, 80-83 interaction with standard contractual provisions, 82-83, 86-87

statutory disclosure obligation, 85-86

trees, 83-87

Not-for-profit sector

federal reform, 3

Obituaries

Bulley, Robert John, 58 Kimmins, John Patrick, 58 Loewenthal, Paul Vivian, 112-113

Shanahan, John Patrick, 58

Skoien, Nelson Anthony, 4-5

```
Slack, Keith, 4
```

Occupational health and safety

duty of care owed to workers working alone (Lusk v Sapwell), 193-195

jurisdictional error (Thiess Pty Ltd v President of the Industrial Court of Queensland), 17-20

Papua New Guinea

rule of law, 57

Powers of attorney

enduring – see Elder law

(2012) 42 Qld Lawyer 287

Privacy

cloud computing, 179

Private international law

book review, 44-45

Privilege against self-incrimination

erosion by crime commissions' coercion powers, 135-145 human rights approach, 141-142 importance of maintaining privilege, 140-141 performance of crime commissions, 143-144 privilege as substantive right, 137-139 purpose of crime commissions, 136-137

Refugee law

book review, 46-47

Self-incrimination - see Privilege against self-incrimination

Sentencing

levy on offenders, 111-112

SPER debts as factor & reducing time to complete community service (Johansen case), 186-192

Sports law

book review, 90

Surrogacy

legislation (Qld), 123-127

other Australian jurisdictions, 125-127 proposed amendments, 123-124 problems with, 124-125

Tort law

assessment of future economic loss (*Balnaves v Smith*), 132-134 causation long term exposure to asbestos (*Booth v Amaca Pty Ltd and Amaba Pty Ltd*), 22-25 negligence necessary condition for harm (*Strong v Woolworth Ltd*), 77-79 compensation for lost services of employee pure economic loss and per quod action (*Barclay v Penberthy*), 196-200

Youth justice

book review, 167