

# THE QUEENSLAND LAWYER

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EDITORIAL .....	179
ADMINISTRATIVE LAW – <i>Bill Lane and Eleanor Dickens</i>	
<b>Judicial review and the shrinking world of privative clauses – the High Court decision in <i>Public Service Association of South Australia Inc v Industrial Relations Commission (SA)</i> [2012] HCA 25.</b> .....	181
CONVEYANCING AND PROPERTY LAW – <i>Dr Bill Dixon</i>	
<b>The legal effect of settlement statements – <i>Bill Duncan</i></b> .....	184
CRIMINAL LAW – <i>Andrew West</i>	
<b>SPER debts as a sentencing factor and reducing the time to complete community service</b> .....	186
INDUSTRIAL LAW – <i>Kristy Richardson</i>	
<b>The duty of care owed to workers working alone: <i>Lusk v Sapwell</i> [2011] QCA 59 ....</b>	193
TORT LAW – <i>Amanda Stickley</i>	
<b>Compensation for lost services of an employee – Pure economic loss and the per quod action</b> .....	196
ARTICLES	
<b>Enduring powers of attorney: An effective advanced planning tool or an avenue for financial abuse – <i>Tsharna Stewart</i></b>	
Power of attorney documents are important legal documents which assist in ensuring the availability of a substitute decision maker. They are relatively simple and inexpensive to make, though they are not without weaknesses. Power of attorney documents have a history of being both under utilised, and misused. The desire to reform the law of powers of attorney to protect the elderly, and other persons with impaired capacity is gaining momentum, having been the increasing subject of interest to national and international law reform bodies. A number of potential safeguards to be implemented have been canvassed, though for the purposes of this article, only implementing a mandatory registration system for power of attorney documents, a mandatory notification system and a system of increased accountability of attorneys will be discussed. ....	201
<b>Queensland’s single expert UCPR provisions: Dead-letter law or underutilised opportunity? – <i>Keith W Wylie</i></b>	
Following calls for reform within Queensland and other civil jurisdictions, in 2004 Pt 5 Expert Evidence was introduced within Ch 11 of Queensland’s <i>Uniform Civil Procedure Rules</i> . This article considers the court’s application of these provisions; in particular, the Pt’s promotion and focus on the use of single jointly appointed or court-appointed experts.	

Jurisprudence on these and similar provisions in other jurisdictions indicate that courts are reluctant to force litigants to jointly appoint experts against their will, nor will they readily appoint experts of their own accord. Further, should a single expert be appointed, courts are likely to permit litigants to adduce subsequent evidence if required. Finally, this article notes that contrary to the purported philosophy of the Pt 5 provisions, the use of single experts should not be seen as the general rule, however, their use remains appropriate and worthy of consideration within limited circumstances. .... 215

**Coal seam gas development, environmental legislation and power: Towards a pathway for conflict resolution and environmental justice – Dr Edward Christie**

Controversy over potential adverse environmental impacts from CSG mining in Australia has led to polarised scientific and public opinion, creating a political firestorm. There is also a community perception that approvals under environmental legislation are completely weighted in favour of the mining industry. The *Environmental Protection Act 1994* (Qld) and the *Water Act 2000* (Qld) have direct application for administrative decision-making and environmental regulatory control of the CSG industry in Queensland. The *Environmental Protection (Greentape Reduction) and Other Legislation Amendment Act 2012* (Qld), passed on 14 August 2012, amended both statutes; in particular, a new licensing framework and approval regime was introduced for the *Environmental Protection Act*. Legal rights and duties under these statutes which are relevant for environmental protection and ecologically sustainable development, together with the new licensing and approval regulatory controls for the CSG industry, are reviewed and analysed as a source of knowledge power for balancing power and conflict resolution. Strategic use of knowledge power of legal rights, duties and judicial review does not necessarily mean more litigation between parties holding competing environmental interests for future land use in regional Queensland; rather, to act as a catalyst for government to consider sharing its power, meaningfully, with the community, farmers and miners to resolve CSG-related issues – where co-existence not conflict is the goal and environmental justice prevails. .... 225

BOOK REVIEWS – Judge Michael Shanahan

<i>Disability and the Queensland Criminal Justice System</i> by Daniel Toombs – Isaac Buckley .....	248
<i>Australian Insolvency Law</i> by Christopher Symes and John Duns – Isuru Devendra .....	249
<i>Family Provision in Australia</i> by John de Groot and Bruce Nickel – Michael Noakhtar ....	250
<i>Company Law: Theories, Principles and Applications</i> by Jason Harris – Kasey McAuliffe .....	251

REPORTS – Federal Magistrate Michael Jarrett

<b>Imagatec Pty Ltd v Gosley-Fuller</b> .....	253
<b>DGS v GRS</b> .....	259

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**VOLUME 32 – 2012**

<b>Table of authors: Articles</b> .....	273
<b>Table of authors: Sections</b> .....	275
<b>Table of cases</b> .....	279
<b>Index to articles and sections</b> .....	287
<b>Index to reports</b> .....	293