

# THE QUEENSLAND LAWYER

Volume 33, Number 3

September 2013

EDITORIAL .....	163
ADMINISTRATIVE LAW – <i>Bill Lane and Eleanor Dickens</i>	
<b>The revitalisation of Wednesbury unreasonableness – The decision in Minister for Immigration and Citizenship and Li [2013] HCA 18 .....</b>	<b>168</b>
COMMERCIAL LAW – <i>Dr Clive Turner</i>	
<b>Insurance law – The meaning of “flood” in policy exclusion: LMT Surgical Pty Ltd v Allianz Australia Insurance Ltd [2013] QSC 181 .....</b>	<b>171</b>
CONVEYANCING AND PROPERTY LAW – <i>Dr Bill Dixon</i>	
<b>A Matter of Time .....</b>	<b>175</b>
CRIMINAL LAW – <i>Andrew West</i>	
<b>Character evidence .....</b>	<b>177</b>
HEALTH AND GUARDIANSHIP LAW – <i>Dr Malcolm K Smith</i>	
<b>The boundaries of parental decision-making and the requirement to obtain court approval for “special medical procedures”: The recent decision of Re Jamie [2013] FAMCAFC 110 .....</b>	<b>182</b>
INDUSTRIAL LAW – <i>Dr Kristy Richardson</i>	
<b>Kirk (finally) comes to Queensland: NK Collins Industries Pty Ltd v The President of the Industrial Court of Queensland [2013] QCA 179 .....</b>	<b>188</b>
TORT LAW – <i>Amanda Stickley</i>	
<b>Failure to administer a drug and causation .....</b>	<b>193</b>

## ARTICLES

### **Surrogacy – competing interests or a tangled web? – *Philippa Trowse***

Overseas commercial surrogacy is a legally challenging but commonly utilised form of assisted reproductive technology. Not only does it raise complex and competing policy issues, but it tests the relevant Family Law legislation which underpins parenting orders. Decisions handed down by the judiciary are inconsistent. Legislation is inadequate. But still the surge in surrogacy continues as surrogacy destinations such as India and Thailand continue to increase in popularity. Part one of this article addresses the competing interests of the illegality of overseas commercial surrogacy arrangements with the welfare of the child born as a result of such arrangements, and the inconsistent approaches taken by the judiciary. Part two concerns the interpretation of Family Law legislation by the courts in

an attempt to provide intended couples and their children with certainty and finality, again resulting in inconsistent judicial decisions. Overseas commercial surrogacy is legally problematic, and intended parents need to be aware of its limitations. ....	199
<b>The rule of law: Disparate application in disparate societies</b> – <i>the Honourable Chief Justice Paul de Jersey AC</i>	
Chief Justice Paul de Jersey AC delivered the following speech before the Christian Lawyers Society Inc annual dinner on 16 July 2013. ....	210
BOOK REVIEW – <i>Judge Michael Shanahan DCJ</i> <i>Copyright and Popular Media Liberal Villains and Technological Change</i> by Trajce Cvetkovski .....	214
REPORT – <i>Federal Circuit Court Judge Michael Jarrett</i>	
<b>Roe v Link-up (Qld) Aboriginal Corporation</b> (Procedure) .....	215