

Queensland University of Technology

Law Journal

Volume 15 • 1999

EDITORS

Professor Malcolm Cope, BA(Hons) LLM
Dr Des Butler, LLB(Hons) PhD
Ms Tina Cockburn, BCom LLB(Hons) LLM GradCertEd(Higher Ed)
Mrs Samantha Traves, LLB(Hons) LLM

BUSINESS MANAGERS

Mrs Cheryl Kutschkin
Ms Sandra Hughes

This issue may be cited as (1999) 15 QUTLJ

Process of Review of Articles Submitted to QUTLJ

The *Queensland University of Technology Law Journal* is a scholarly, refereed journal. Articles are refereed by at least one appropriate external referee who is independent of the editorial board.

ISSN 1032-6693

© Queensland University of Technology Law Journal 2000

October 2000 Published and printed in Queensland by:

Queensland University of Technology
Publications and Printing
130 Victoria Park Road
Kelvin Grove
Queensland
Australia 4059

Faculty of Law

Faculty Office

Dean: Professor M Cope, BA(Hons) LL.M. Qld, Barrister

Assistant Dean, Postgraduate Programs: Professor WD Duncan, LLB Qld LL.M. Lond, Solicitor

Assistant Dean, Research: DA Butler, LLB(Hons) QIT PhD QUT, Solicitor (Qld & High Court of Australia)

Assistant Dean, Teaching and Learning: SA Christensen, LLB(Hons) LL.M. QUT, Solicitor (Qld)

External Studies Facilitator: FD McGlone, BA DipEd LLB Syd LL.M. QUT, Barrister (Supreme Court of NSW)

Faculty Administration Manager: WA Smith, BA(Hons) Syd GradDipCourt&Parliamentary Reporting Canb.

Law Library

Law Librarian: CA Crawford, BA LLB Qld AALIA LL.M. QUT

Deputy Law Librarian: SA Duffield, BA Qld GradDipLib Canberra CAE

Centre for Commercial and Property Law

Co-Director and Allen Allen & Hemsley Professor of Property Law: Professor WD Duncan, LLB Qld LL.M. Lond, Solicitor

Co-Director and Clayton Utz Professor of Commercial Law: Professor B Collier BA LLB Qld LL.M. Melb

Law School

Head of School and Associate Dean: Associate Professor PV Tahmindjis, BA LLB Syd
LLM Lond JSD Dalhousie

Director, LLB Programs: L Willmott, BCom LLB(Hons) UQ LLM Camb

Principal Lecturer: CAC MacDonald, BA/LLB Qld LLM Lond

Professors:

McCullough Robertson Professor of Corporate Law: Professor P von Nessen, BA Duke
JD(cum laude) South Carolina LLM(Hons) Cantab, Barrister (NSW, Vic & High Court of
Australia) Solicitor (Vic & Qld) Attorney at Law (South Carolina, Georgia)

SG Corones, BCom LLB Qld LLM Lond PhD Qld

DE Fisher, MA LLB PhD Edin

Associate Professor:

GR Clarke, BA LLB(Hons) QIT LLM Qld LLM Bond, Barrister

Associate Professor BT Horrigan, BA LLB Qld DPhil Oxon, Solicitor

Senior Lecturers:

SE Colbran, BCom(Hons) LLB(Hons) Qld LLM(Hons)

I Davies, LLB(Hons) GradDipLegalPrac LLM Qld, Solicitor, Mediator

GA Egert, BA/LLB(Hons) LLM Qld, Barrister (Supreme Court of Qld)

GE Fisher, BA(Hons) LLB(Hons) Qld, BCL(Hons) Oxon

SM Jackson, LLB(Hons) LLM Qld

WB Lane, LLB Syd LLM Melb

AI MacAdam, BCom LLB(Hons) Qld LLM(Hons) QUT, Barrister (Qld Supreme Court)

PJM MacFarlane, BA Flin BLegS Macq LLM Syd

GI Mackenzie, LLM QUT

FA Martin, LLB(Hons) NSWIT LLM(Hons) Syd

RJ Sibley, CertEng LLB(Hons) LLM Qld

HM Stacy, LLB GradDipLegalPrac Adel PhD Griff, Solicitor (SA & NSW) Barrister (SA,
Qld, Inner Temple of England & Wales)

AE Wallace, LLB(Hons) Qld LLM Monash

IA Wilson, LLM Melb, Solicitor (Vic) Barrister (Qld & Vic)

LG Wiseman, LLB(Hons) GradDipLegalPrac LLM Lond, Solicitor

Lecturers:

E Barnett, BA/LLB(Hons) Qld GradDipLegalPrac QUT GradDipLibSc QUT MLP QUT

TLC Cockburn, BCom LLB(Hons) Qld LLM QUT GradCertEd(HigherEd) QUT, Solicitor
(Qld & High Court of Australia)

F Hannah, BEcon DipEd BCom LLB(Hons) LLM GradCertEd(Higher Ed), Barrister
(Supreme Court of Qld & High Court of Australia)

WE Harris, LLB(Hons) LLM

TCM Hutchinson, BA LLB Qld DipLib UNSW MLP

SM Kift, LLB(Hons) LLM, Solicitor (Supreme Courts of Qld & NT, High Court of
Australia) Barrister (Supreme Court of NT)

M Leiboff, BA Qld GradDipT Kelvin Grove CAE MA (Theatre Studies) NSW LLB(Hons)
QUT LLM Lond, Barrister (Qld)

RM Macdonald, BA LLB(Hons) Qld GradDipLegalPrac LLM

DP McGill, BA LLB(Hons) LLM Qld, Barrister

GE Nisbet, BA BSocWk Qld LLB(Hons) LLM

JR Pyke, BSc Syd LLB UNSW LLM Syd

CA Rowell, LLB GradDipT LLM QUT

MJ Shirley, BA LLB(Hons) Qld GradDipLegalPrac LLM Bond

PL Tan, LLB(Hons) Malaya LLB(Hons) QUT

SJ Traves, LLB(Hons) LLM

S Young, BA LLB(Hons) LLM AMuSA, Solicitor (Qld)

Associate Lecturers:

E Della Torre, BA(Hons) LLB Syd, Barrister (NSW & Qld) Solicitor (NSW)

B Hamilton, BA LLB(Hons) Qld LLM Bond, Solicitor (Qld)

B Mathews, LLB JCU BA(Hons) QUT

A Stickley, LLB GradDipLegalPrac LLM QUT

M Thomas, BA(Hons) UQ LLB(Hons) QUT

Legal Practice

Director: AJ Chay, LLB LLM Qld

Senior Lecturer: J Pastellas, BA GradDipLegalPrac LLM Qld

Lecturers:

C Ivey, Solicitor (Qld & High Court of Australia)

KF Maxwell, LLB GradDipLegalPrac LLM

AP Smith, MCSP BA(Hons) LLB Qld GradDipLegalPrac QUT LLM Bond

Justice Studies

Head of School: Associate Professor SD Petrie, CertEd BEd(Hons) Leeds PhD Qld

Deputy Director: GJ Dean, MSocWk Qld

Senior Lecturer: G Christie, DipT DipEd MA MEd Aberd PhD Qld

Lecturers:

BJ Carpenter, BHMS(Hons) Qld PhD Griff

M Craig, BA(Justice Studies) QUT MA(International Studies) Griff

SM Currie, BA LLB Qld LLM

R Field BA/LLB(Hons) ANU LLM(Hons) QUT, Barrister (ACT) Solicitor (ACT & Qld)

R Hil, BA(Hons) Essex MSc Bristol CQSW Ston CertEd Lond

BA Hocking, BA LLB Monash DipGradLegalStud Sthlm LLM Lond PhD Qld

CS Thorne, BA Qld GradDipEdAdmin BCAE MEd Griff, FBI NA

BO Wigan, BA DipMan DipOHSM MEd MSocSc

Associate Lecturer: J Chester, BA(Hons) GU

Table of Contents

Volume 15 • 1999

Articles

- Review of Decisions on a Judge's Qualification to Sit
Enid Campbell 1
- Criteria for Judicial Appointment and 'Merit'
Barbara Hamilton 10
- Goods and Services Tax and Real Property Transactions
Kulwant Singh-Pangly 23
- Restorative Justice from the Perspective of Crime Victims
Sam Garkawe 40
- Women Surviving as Victims in the Criminal Justice System in Queensland: Is
Revictimisation Inevitable?
Susan Currie & Sally Kift 57
- The Future of Family Law Property Settlement in Australia: A 50:50 Split or a
Community of Property Regime? Some Issues for Women
Angela Lynch, Zoe Rathus & Rachael Field 77
- Equality Based Provisions of the Family Law Act and the Invisibility of Women
Rachael Field 93
- Avoiding Inherent Uncertainties in Cross-Border Insolvency: Is the UNCITRAL Model
Law the Answer?
Rachel Morrison 103
- Undergraduate Student Section**
- Confidential Information and the Media
Kathryn Ries 126
- Government by Contract – Who is Accountable?
Carla Michler 135
- Postgraduate Student Section**
- Terror Australis – How Maritime Terrorism Affects Australia
Todd Quinn 155
- Changing the Family Lawyer's Philosophical Map – Narrowing the Gap between
Practice and Legal Education
Donna Cooper 179

Note	
NSWLRC Report 87: Review of Section 409B of the <i>Crimes Act 1900 (NSW)</i> Sally Kift	199
Book Reviews	
JF Corkery, <i>Starting Law</i> Elizabeth Naumczyk	208
A Duggan & E Lanyon, <i>Consumer Credit Law</i> Lindy Willmott	211
J Gooley, <i>Corporations and Associations Law Principles and Issues</i> Gillian Nisbet	215
H Stacy & M Lavarch (eds), <i>Beyond the Adversarial System</i> Barbara Hamilton	218
Advice for Contributors	225