

*amnesty international and the death penalty.* The optional protocol is a victory for Amnesty International which, during 1989, campaigned against the death penalty. The campaign began with the launch of AI's report into the death penalty. *When the State Kills . . . The death penalty v human rights.* This in-depth report details the empirical studies which have been conducted to ascertain whether the death penalty has a deterrent effect. It concludes, as have other studies, that there is no justification for the claim that the death penalty has any special power to reduce crime. Effective detection has been found to be a much more effective avenue of prevention. Indeed Amnesty suggest that '[far] from being a solution, the death penalty gives the erroneous impression that 'firm measures' are being taken against crime. It diverts attention from the more complex measures which are really needed.' (p 6). The report also details the possibilities for investigative and judicial mistakes to be made and maintains that clemency is an insufficient safeguard against such mistakes.

*australia and the death penalty.* The possibility of mistakes is one of the reasons Australia has opted to abolish the death penalty. Prime Minister Hawke recently said of the death penalty

I reject the implied infallibility of a legal system that claims the capacity to take life on the basis of its finding of guilt. And I reject the bleak vision of human nature that sees the death penalty as appropriate punishment. The death penalty allows no possibility of legal error and offers no hope of personal rehabilitation. (*The Monthly Record* Number 12, Vol 60, December 1989)

In Australia the death penalty was fully abolished in 1985, with the last judicially sanctioned killing taking place in 1967. The Australian Government supported the optional protocol's passage through the UN, although Australia has yet to accede to the protocol. Officials of the Attorney-General's Department say the Government is giving consideration to

doing so. Mr Duffy, while the acting Minister for Foreign Affairs and Trade, said the government was considering signing the protocol (*The Monthly Record* Number 12, Vol 60, December 1989). ■

## QLRC reports resurrected

As Attorney-General, I will table every formal report submitted to me by the Law Reform Commission. The days of law reform in the shadows are finished.

Dean Wills, Attorney-General of Queensland  
on tabling 17 QLRC reports in Parliament,  
7 June 1990

Seventeen Law Reform Commission reports, never before published, were tabled in the Queensland Parliament by Attorney-General Dean Wells on 7 June 1990. On tabling the reports the Attorney-General said:

The reports represent 20 years of hard work by the Law Reform Commission; work largely ignored by the previous National Party Government. The reports have been gathering dust on some bookshelf somewhere, instead of being in the public arena where they belong. Nearly half of the Law Reform Commission's 38 reports written over the last 20 years have been kept hidden from public view. Law reform should not go on behind closed doors. The redrafting of the people's laws should go on in the clear light of day. For decades, the Liberal/National coalition which governed this state was less than frank with the people of Queensland. The Law Reform Commission is a publicly funded body. Its reports are therefore public property, so they should be published. In the future, they will be published. The former Government did read, publish, and even act on, some of the Law Reform Commission's Reports, but the ones it didn't like it chose to ignore, without even allowing them to be publicly discussed. Parts of some reports were incorporated into statutes by the previous government, but, for the most part, without acknowledgment to the Law Reform Commission, and without

the reports being tabled in parliament. Some of the older reports are no longer relevant, but at least they are now on the public record. Others will be of considerable interest. I have referred them to the relevant Ministers for their information.

The reports are:

- Juries in Criminal Trials
- District Courts' Civil Jurisdiction
- Property Law Act Amendment
- Oaths Act
- Children Services Act
- Criminal Code Amendment
- Criminal Law
- Second Hand Wares Act
- Unincorporated Associations
- Imperial Statutes
- Supreme Court Acts
- Exemption Clauses
- Limited Liability Partnerships
- Acts Repeal Act (Stat. Law Revision)
- Reform of the Law of Rape
- Forfeiture of Leases
- Litter Act. ■

## personalia

### **The Hon Mr Justice TJ Higgins**

Terence John Higgins, QC was appointed a judge of the Federal Court of Australia and of the Supreme Court of the Australian Capital Territory in June. He is a member of the Council of the Order of Australia and is a leading member of the legal community in the ACT. He has served as Vice-President of the ACT Law Society and the ACT Bar Association. He was appointed Queen's Counsel in 1987 and practised as a barrister and solicitor in Canberra since 1967. He took up duty on 2 July 1990 following the retirement of the Hon Mr Justice Kelly.

### **The Hon Justice Mary Finn**

Mary Finn was appointed a judge of the Family Court of Australia in July. She has been appointed to the Canberra Registry. She has had extensive experience as a government lawyer specialising in family law and was of great assistance to the ALRC in its reference on matrimonial property, whilst working as an adviser in the Attorney-General's Department. Prior to her appointment to the court, she was Assistant Secretary in the Competition Policy Branch of that Department. As a Special Adviser with the Department, she was instrumental in the development of the Child Support Scheme. She has held statutory appointments as a part-time member of the Board of Management of the Institute of Family Studies and as a member of the Family Law Council. She is also a member of the Film Board of Review. She studied law at the University of Queensland and in 1967 began her legal career with the Queensland Crown Law Office — employed as a typist, but working as a lawyer. She worked in the United Kingdom, firstly as a legal officer with a mining company and later as a commercial lawyer with Vinters in Cambridge. She returned to Australia in 1976 working as a lawyer for Feez Ruthning, again on mining law. In 1979, she commenced as a legal research officer for the Parliamentary Joint Select Committee on the Family Law Act. In 1980 she joined the Attorney-General's Department as a legal officer and helped implement the report by the Parliamentary Joint Select Committee in the Family Law Branch. Those who have worked with her have always been touched by her compassion and sense of humour.

### **The Hon Justice Michael Foster**

Justice Foster has been appointed President of the Federal Police Disciplinary Tribunal. His appointment fills the vacancy created by the retirement of Justice John Kelly. The Tribunal determines matters instituted against members of the Australian Federal Police by the