

A working paper of the Q.L.R.C. has been received relating to the modernisation of the law of succession and the administration of estates. The V.L.R.C.'s report on delays in Supreme Court actions is part of a novel Victorian attack on the modern problems of court administration. The steps taken in Victoria to appoint a Director of Court Administration are discussed in I.R. Scott's "Court Administration" (1976) 50 A.L.J. 30.

The Canadian Commissions have been particularly busy in the last quarter. Important reports from the Quebec Civil Code Revision Office on gifts, property, security on property, sale and other aspects of family law represent a most impressive output that will be useful locally for comparative purposes.

The Canada Commission's Working Paper No. 15 on Criminal Procedure discusses the status, liability, role and responsibilities of Crown Prosecutors and the Attorney-General. The paper comes down against judicial review of Crown discretion in prosecution matters. The Canada Commission's report on Guidelines : dispositions and sentences in the Criminal Process, surveys the multitude of orders now available to Court including good conduct orders, reporting orders, community service orders, residence orders and so on. It is proposed that imprisonment should be used only as the sentence of last resort when no other sentence is appropriate. A number of legislative changes are proposed to accommodate the recommendations advanced. One of the recommendations is that judges who sit in criminal cases should be required to undergo a period of orientation in sentencing practices and in observing sentencing facilities.

The Alberta Institute's 18th Report on Matrimonial Property deals with the legislation necessary, upon dissolution of marriage, to give each spouse the right to an equal share of the assets accumulated during the marriage, other than by gift or inheritance from outside sources. Problems of conflict of laws are examined. The rights of children to property come in for scrutiny.

The Alberta Institute's 19th Report on Consent of Minors to health care deals with parental refusal of health care for minors, sterilization, confidentiality and special situations involving needs for privacy. The Institute's first recommendation is that the general age for consent to health care should be fixed at sixteen years.

Considering the paramount importance of the concept of domicile in Quebec civil law it is perhaps worthy of note that the report on Domicile (No. 34, 1975) proposes the abandonment of the test of intention and the severance of the necessary legal link between the domicile of husband and wife. Domicile is to become a factual matter viz. "the place of habitual residence".

The Saskatchewan L.R.C.'s background paper on Children's Maintenance examines a number of questions dealt with in other commissions. These include lawyers for children, locus standi, children's rights against putative parents. A further paper is promised setting out tentative recommendations.

The Scottish Law Commission's Memorandum No. 21 relating to Damages for Personal Injury : Deductions and Head of Claim, proposes that in assessing damages for personal injury no account should be taken of a number of benefits, including insurance policies, private means, gifts and pensions. The position of gratuitously rendered personal services is also dealt with.

## Suggestions for Reform

The A.L.R.C. proposal that judicial suggestion for law reform should be collected and processed as part of the regular law reform machinery, has met with a good response. A number of judges have sent copies of judgments containing law reform proposals. These, and others discovered in the texts, are now being included in the law reform digest project. Jacobs J. has drawn attention to the need for urgent legislation to deal with priorities arising from floating charges which are unregistered in one State

but registered in another. Luckins v. Highway Motel (Carnarvon) Pty. Limited (1975) 7 A.L.R. 413. Whilst in the area of company law, it is worth noting that Professor Baxt has called attention to the problem of preincorporation contracts and has suggested consideration of personal liability of promoters. (1975) 49 A.L.J. 637. The protection of minority shareholders by means of class actions and the permission of contingency fees rather than securities legislation is advanced by Mr. H.H. Mason in an interesting article in (1976) 50 A.L.J. 26.

Street C.J., Moffitt P. and Hutley J.A. each refer to the urgent need for a review of the Merchant Shipping Act (Imp) as it applies in New South Wales. Rocov v. Bisticic [1975] 2 N.S.W.L.R. 201. The erosion of values fixed at the turn of the century in an imperial statute calls for urgent reform. One might also add that the whole concept of an imperial statute governing this area and especially by the antique procedure of limitation suits would deserve the urgent attention of law reformers : whether governmental or otherwise.

Professor J.D. Heydon's proposal for the abolition of prohibition on judicial comment on silence of accused persons and for consequent changes in the police caution to accused persons is to be found in (1975) 1 Monash Uni.L.R. 65.

Mr. D.C. Pearce suggests that the enforcement of Parliamentary privileges should be transferred from the Parliaments to the Courts. (1975) 6 F.L.Rev. 285.

In Piticco v. Molloy [1975] 2 N.S.W.L.R. 2 Yeldham J. proposed legislation so that the Legal Aid Committee could be relieved of the obligation of conclusive assessment of legal aid costs without benefit of a certificate of taxation. In Reid v. Hesselman (unreported) (29 Aug. 1975) the Full Court in Tasmania (Chambers J.) has queried whether the presumption that a male under 14 is incapable of carnal knowledge is worth retaining.

In a bold argument for simplicity in the law, Wells J. in Farquhar v. Laffin (1975) 12 S.A.S.R. rejects the belief that a charge of a summary offence must include every essential particular in a single sentence."There is no reason why it should not be drafted in separate sentences or parts. To do so not only makes for simpler and clearer English, but results in a more informative and accurate complaint, and helps to guard against oversight and error".

## Overseas Developments

### New Law Reform Commissions

Since the last bulletin, news has reached the A.L.R.C. of the establishment of a number of new law reform agencies.

The President of the new Irish Law Reform Commission is the Hon. Mr. Justice Brian Walsh, a Member of the Supreme Court. Mr. Justice Walsh has written to the Chairman, A.L.R.C., setting out the programme of the Irish Commission, which is now in the process of acquiring premises and staff. The Commission has already undertaken a number of subjects which include the law concerning the domicile of married women and the law relating to the age of majority. Walsh J. has drawn the attention of the A.L.R.C. to a number of important Irish developments relating to drinking driver laws and privacy. Australian developments and recent Quebec report on the matters under study in Ireland have been drawn to the Irish Commission's attention. The address : Law Reform Commission, River House, 21/24 Chancery Street, Dublin 7, Ireland.

The position in Northern Ireland is that law reform rests with the First Legislative Draftsman. The former First Draftsman, Mr. William Leitch, is now engaged as a part-time Consultant. He has written to the Chairman, A.L.R.C. explaining the way in which proposals of the Law Commission in England are studied for application to Northern Ireland. Most of the work in Northern Ireland to date has been confined