

versal Declaration of Human Rights, adopted by the United Nations, were of truly universal application. Some doubted whether the "Western concept" of human rights was universally relevant or should be the only one to be fostered internationally. Precisely this question is raised in the A.L.R.C. project on Aboriginal Customary Laws. The Commission's Terms of Reference recite "the need to ensure that every Aborigine enjoys basic human rights" but require the Commission, in making its inquiry and report, to give "special regard to the need to ensure that no person should be subject to any treatment, conduct or punishment which is cruel or inhumane". The difficulty of avoiding ethnocentricity in the A.L.R.C. approach to this Reference is already emphasised in a number of inhouse papers that have been prepared. The Commission is now assembling its team of consultants. It hopes to conclude field visits and to proceed to a Discussion Paper on possible solutions for the recognition of Aboriginal traditional laws later in 1979. The Commissioner in charge of the reference is Mr. Bruce Debele.

■ Under study by the A.L.R.C. Division on Sentencing is the decision of the Federal Court of Australia (Full Court) in *The Queen v. Tait and Bartley* (1 May 1979, unreported). The observations of the court (Brennan, Deane and Gallop JJ.) are specially relevant to the problem of "plea bargaining" and the extent to which judges should receive communications in chambers concerned with a criminal trial they have to conduct. In England, Lord Scarman declined to lay down any absolute general rule that there must never be any communication outside the trial between the judge and those representing the Crown and the accused. *R. v. Atkinson* [1978] 1 W.L.R. 425. However, the Federal Court disagreed:

"A judge . . . ought not . . . countenance a procedure involving his receipt of a communication in private, calculated to affect the sentence he is to impose. If a private communication is permitted to affect the sentence so that it appears to be discordant with the facts publicly related to the court, the sentence will not be seen to be appropriate, the deterrent effect of punishment will be impaired and public confidence in the process of sentencing will be diminished."

New Reports

Australia

- A.L.R.C.: D.P. 9: *Child Welfare: Children in Trouble*, 1979 (See p. 58).
 : D.P. 10: *Sentencing: Reform Options*, 1979 (See p. 55).
 N.S.W.L.R.C.: D.P. 1: *Legal Profession: General Regulation*, 1979.
 : D.P. 2: *Legal Profession: Complaints, Discipline and Professional Standards—Part 1*, 1979.
 Tas.L.R.C.: *Entitlements of Persons Re-employed Following a Term of Imprisonment*, 1978.
 V.C.J.L.R.C.: *Contribution*, 1979.
 : *Trustee Companies*, 1979.
 : *Unincorporated Associations: Second Interim Report*, 1979.
 W.A.L.R.C.: Proj. No. 63: *Small Debts Court*, 1979.
 : Proj. No. 64: *Bail*, 1979.
 : Proj. No. 55: *Part One Review of the Justices Act 1902 part I—Appeals*, 1979.
 : W.P. Proj. No. 72: *Retention of Court Records*.
South Australian Royal Commission into the Non-Medical Use of Drugs. Final Report April 1979.

United Kingdom

- Scot.L.C.: 55: *Thirteenth Annual Report 1977-1978*.
 Justice: *Report on Pre-Trial Criminal Procedure: Police Power and the Prosecution Process*, 1979.

Canada

- C.L.R.C.: Seventh Annual Report, 1977-1978.
 : 11: *Report on the Cheque: some modernisation*, 1979.
 : 12: *Report on Theft and Fraud*, 1979.
 : W.P. 23: *Protection of Life: Criteria for the Determination of Death*, 1979.
 Alberta I.L.R.R.: 30: *Report on the Builders' Lien Act: Certain Specific Problems*, 1979.
 : 31: *Report on Contributory Negligence and Concurrent Wrongoers*, 1979.
 : B.P. 13: *Background Paper on Statute of Frauds*, 1979.
 British Columbia L.R.C.: 40: *Report on Execution Against Land*, 1978.
 : 41: *Annual Report*, 1978.
 : 42: *Report on Creditors' Relief Legislation: A New Approach*, 1979.
 Manitoba L.R.C.: 27: *Report on Limitation of Actions: Time Extensions for Children, Disabled Persons and Others*, 1979.
 : 28: *Report on the Enforcement of Judgements: Part 1: Exemptions under "The Garnishment Act"*, 1979.
 : 29: *Report on Emergency Apprehension, Admissions and Rights of Patients under "The Mental Health Act"*.
 Saskatchewan L.R.C.: *Fifth Annual Report 1978*.
 : *Tentative Proposals for Reform of the Law Affecting Liability Between Husband and Wife and Related Insurance Contracts*, 1979.

Ontario, Commission on Freedom of Information and Individual Privacy: R.P. 6: *Access to Information: Ontario Govt. Administrative Operation*, 1979.

What's going on in the L.R.C.s?

Australian Law Reform Commission (A.L.R.C.)

- *Defamation*: Report with the Attorney-General.
- *Debt Recovery*: W.I.H. The A.L.R.C. and the N.S.W.L.R.C. are working jointly on a survey of debt recovery actions in the District and Magistrates Courts of New South Wales.
- *Insurance Contracts*: W.I.H. Special project has begun on superannuation. The Commission's Discussion Paper #7 is to be considered at an international conference to be held early next year in Europe.
- *Class Actions and Standing*: Initial meetings with consultants concluded. Discussion Paper on Class Actions expected from printer shortly. W.I.H.
- *Privacy*: W.I.H. Further research papers circulating.
R.P. #7, *Medical Records and Privacy* (Mr. Bryan Keon-Cohen).
R.P. #8, *Educational Records* (Ms S. Pattison), expected shortly.
D.P. #8, *Privacy and the Census*, under consideration in the light of submissions received at public sittings held in all capitals in May and June 1979. Third National Conference on Privacy and Trans-Border Data Flows held in Canberra on 8 May 1979.
- *Aboriginal Customary Laws*: W.I.H.
- *Land Acquisition*: Final draft of legislation under consideration by Commissioners and consultants. Report due late 1979.
- *Sentencing*: W.I.H. Discussion Paper circulating. National Survey of Judges and Magistrates concluded (see p. 55).
- *Child Welfare*: W.I.H. Discussion Paper circulating and first public hearings concluded. (See p. 58).
- *Law Reform Digest*: W.I.H. (See p. 68.)

N.S.W. Law Reform Commission (N.S.W.L.R.C.)

- *Legal Profession Inquiry*: Discussion Papers 1 and 2 on General Regulation of the Profession and Complaints, Discipline and Professional Standards circulating. (See p. 50.)
- *Money Judgments*: W.I.H. Co-operation with the A.L.R.C. (See above.)
- *Unincorporated Associations*: W.I.H.: A redrafted Bill has been completed and is under discussion.
- *Evidence*: W.I.H.: Draft working papers are under discussion.

N.T. Law Review Committee (N.T.L.R.Cte.)

- See [1979] *Reform* 22.

N.Z. Property Law and Equity Reform Committee (N.Z.P.L.E.R.Cte.)

- See [1979] *Reform* 22.

N.Z. Public and Administrative Law Reform Committee (N.Z.P.A.L.R.Cte.)

- See [1979] *Reform* 22.

Papua New Guinea Law Reform Commission (P.N.G.L.R.C.)

- See [1979] *Reform* 44.

Queensland Law Reform Commission (Q.L.R.C.)

- Bills have been introduced into the Parliament based on the following reports
Report No. 24: *Actions By and Against the Crown* (Crown Proceedings Bill).
Report No. 25: *Bail in Criminal Proceedings* (Bail Bill).

Tasmanian Law Reform Commission (T.L.R.C.)

- *Exclusion clauses and implied obligations in contracts relating to the supply of goods and services*: Research completed and a preliminary report expected to be placed before the Commission in the near future.
- *Wills*: Discussion Paper in draft for settlement at an early date by the Commission and its Wills Committee.
- *Insanity and diminished responsibility*: In Committee.
- *Ejectment, Common Law Procedure Act 1854, and Supreme Court Orders and Rules*: In Committee.
- *The Rule in Hollington v. Hewthorn*: In Committee at Launceston.
- *Conveyancing reference*: In Committee.
- *Stock straying on the highway*: Judgement in High Court of Australia, *State Government Insurance Co. v. Trigwell & Others*, still awaited.

South Australian Law Reform Committee (S.A.L.R.C.)

- *Relating to the Consideration of the Proposed Bill Regulating Company Takeovers*: Report completed.
- Reforming the Law of Locus Standi.
- Simplified Form of Mortgage.

Criminal Law Reform Committee of South Australia (S.A.C.L.R.C.)

- *Mentally Ill Offenders*: Review of existing legislation in relation to these offenders.
- *Inquiry into Corporate Criminal Responsibility*.

Victorian Chief Justice Law Reform Committee (V.C.J.L.R.C.)

- *Family Law Act and State and Territory Welfare legislation*. W.I.H.
- *Pecuniary Interests of Councillors*: Sub-Committee's Report to follow.
- *Limitation of Actions*: W.I.H.