

what's going on in the LRC's?

Australian Law Reform Commission (ALRC)

- *Insurance Contracts*. Report tabled. See above p. 2
- *Law Reform Digest*. Manuscript with printer. Slight delay while more detailed index prepared. Publication due early 1983.
- *Sentencing*. Work in suspension. Hoped to be revived in 1983.
- *Privacy*. Work in hand (WIH). Draft report considered by ALRC December 1982. Being discussed with WALRC, N.S.W. Privacy Committee and others December 82/January 83. Final report expected to go to the printer March 1983. Project led by Professor Robert Hayes.
- *Evidence*. WIH. Two further consultants' meetings held in Sydney October 1982 and December 1982. Mr T.H. Smith now reviewing numerous submissions received on 12 research papers. Further research paper due on Onus and Burden of Proof, Exclusion of Evidence and Privilege. ALRC aiming for interim report late 1983.
- *Aboriginal Customary Law*. WIH. Regional consultants meeting in Canberra, December 1982 under Dr James Crawford. See [1982] *Reform* 125 for fuller report. Program of research papers continuing on schedule.
- *Standing and Class Actions*. WIH. Draft report on standing is being reviewed. Expected publication May 1983.
- *Debt Recovery*. Project to be revived early in 1983, with completion of insurance contracts report.
- *Admiralty Jurisdiction and Law*. New reference received. See above p. 11
- *Foreign State Immunity*. New reference under Dr James Crawford. See above p. 17
- *Service and Execution of Process*. New reference received.

N.S.W. Law Reform Commission (NSWLRC)

- *De Facto Relationships*. WIH drafting of final report proceeding see [1982] *Reform* 150.
- *Accident Compensation*. Report has been com-

missioned and obtained which analysis cost of introducing into N.S.W. a scheme similar to Victorian no-fault motor accident compensation scheme. Preliminary studies are taking place with a view to ultimately costing possible comprehensive no-fault schemes operating in addition to and in substitution of the common law, respectively covering the victims of all accidents and victims of motor accidents alone. Research Report completed on analyses of Victorian and Tasmanian schemes. Northern Territory motor accident scheme also to be studied. Costs involved in administration of systems existing in N.S.W. for compensating accident victims will be studied as well as inter-relationships between accident victims, insurers, health funds, the State of N.S.W. and the Commonwealth in relation to medical, hospital costs and provision at welfare benefits. Law Foundation undertaking study on handling of lump sum payment by accident victims. Many submissions have been received to date. A working paper to be published around March-April 1983.

- *Criminal Procedure*. First issues paper released for discussion. It is concerned mainly with procedures in Court of Petty Sessions, as these courts handle most of the criminal work in N.S.W. and their workload at any given time influences the workload of the Supreme and District Courts. The second paper to be released in 1983 will consider the period between committal for trial and trial in indictment in general. The third will consider matters relevant to sentencing and the fourth appeals.
- *Community Law Reform Program*. The first three references which have been given under the above to the Commission are the following:
 - *Interest on Certain Debts*. Deals with whether the courts of N.S.W. should be empowered to award interest on debts where payment is made before judgment. Consultant Mr D.I. Cassidy Q.C. Completed investigatived work and produced discussion drafts of reports for consultation with limited number of persons.
 - *Service and Execution of Civil Process*. Law relating to service of civil process on Sundays and in particular, without limiting the foregoing the service of initiating

process issued out of a civil court and the service of subpoenas. Work is progressing on the discussion draft of report.

- *Insurance Contracts*. Non-disclosure and Misrepresentation. Review of s. 18 of Insurance Act 1902, (N.S.W.) in light of common law relating to disclosure, non-disclosure and misrepresentation of fact in contracts on insurance. Consultant Mr J.E.H. Brownie Q.C. has completed investigative work and produced discussion drafts for consultation with limited number of persons.
- *Legal Profession Inquiry*. WIH.
- *Evidence*. Work proceeding in co-operation with the ALRC.
- *General*. For more detailed information see NSWLRC Annual Report 1982.

New Zealand Contracts and Commercial Law Reform

- See [1982] *Reform* 150.

New Zealand Criminal Law Reform Committee (NZCLRC)

- See [1982] *Reform* 150

New Zealand Evidence Law Reform Committee (NZELRC)

- *Corroboration*. Background paper (BP) in preparation.
- *Confessions*. BP in preparation.
- *New Technology*. Covers sound recordings, videos films, electronic eavesdropping devices etc. BP In preparation.
- *Business Records*. BP In preparation.

New Zealand Property Law and Equity Reform Committee (NZPLERC)

- *Covenants Running with Land*. Final Report in preparation.
- *Watercourses and Adjacent Land*. Interim report in preparation.
- *Landlord and Tenant (Residential Tenancies)*. WIH.
- *Trustee Investments*. An examination of proposals to expand existing classes of authorised

trustee investments. WP in preparation.

New Zealand Public and Administrative Law Reform Committee (NZPALRC)

- *Powers of Delegation*. Background paper classifying powers of delegation according to the type of function delegated, being prepared. See also [1982] *Reform* 151.

Papua New Guinea Law Reform Commission (PNGLRC)

- *Family Law and Domestic Violence*. Rural field work, the first phase of research project, was conducted in December by 20 student researchers based for one month in villages throughout Papua New Guinea. Surveys were also conducted in three squatter settlements in Port Moresby. Urban studies will take place later this year. See also [1982] *Reform* 151.

Queensland Law Reform Commission (QLRC)

- See [1982] *Reform* 152.

South Australia Law Reform Committee (SALRC)

- See [1982] *Reform* 152.

Tasmanian Law Reform Commission (TasLRC)

- See [1982] *Reform* 153.

Victorian Chief Justice's Law Reform Committee (VCJC)

- See [1982] *Reform* 153.

Victorian Law Reform Commissioner (VLRC)

- See [1982] *Reform* 153.

Victorian Legal and Constitution Committee (VLCC)

- *References*: Committee's terms of reference may come from either a joint resolution of both Houses of Parliament or by an order of the Governor in Council. This was incorrectly stated in [1982] *Reform* 153.
- *Delays in Hearing of Cases by Various Courts*. WIH.

- *State Law Revision Bill*. Final Report in preparation.

Western Australian Law Reform Commission (WALRC)

- *Local Courts Act and Rules* (Project No. 16 Part I) Deals with all matters up to the point of judgment. WP, with tentative proposals for reform expected before end of 1982. Part II deals with the enforcement of judgments and has been deferred pending work being carried out by ALRC and NSWLRC and further research by this Commission.
- *Trustees' Powers of Investment* (Project 34 Part V). Review of powers and duties of trustees generally. Commission asked to look separately at power of trustees to invest due to particular difficulties which have arisen in recent times. Inflation has for instance made it more difficult for trustees to preserve real value of the capital trust and powers of investment conferred by the Trustees Act are too narrow particularly in relation to the difficult economic circumstances. A WP was issued in December 1981.
- *Justices Act -- General Procedure* (Project No. 55 Part II). Due to the size of the reference it has been divided into parts: Part I dealing with appeals was reported in April 1979. Bail is covered separately in report, Project No. 64. Act provisions relating to retention and destruction of records of Courts of Petty Sessions, was considered separately and reported Project No. 72 Retention of Court Records. Matters concerning enforcement of orders were the subject of a report to the Government by Committee of Inquiry into Rate of Imprisonment 1981. The Commission has decided to defer these provisions for further consideration until the Government decides on that Committees recommendations. WP on other aspects of the Justices Act coming under general procedure is in the course of preparation.
- *Strata Title Act* (Project No. 56). In February 1977 the Commission issued a WP in which over 60 separate issues were raised and discussed. Many submissions have been received. WALRC has carried out detailed discussions with the N.S.W. and Queensland Strata Titles Commissioners on the new strata titles legislation in these States. During 1982, the Commission

largely settled a draft report and had further discussions with interested parties on proposals. Report due shortly.

- *Illegitimacy -- Rights of Putative Fathers* (Project No 68 Part I). Part I deals with rights of putative fathers of illegitimate children and Part II with any legal disabilities still suffered by illegitimate children and any particular problems which arise from artificial insemination by donor procedures. WALRC, at the direction of A-G is giving Part I priority. Focal point of Part I is right of fathers in respect of the adoption of their illegitimate children, but also includes rights in respect of guardianship, custody and access, rights arising on the death of an illegitimate child and right arising on death of the mother or other custodian. WP expected 1983.
- *Companies Law: Prescribed Interests* (Project No. 79). To enquire into the existing law in Australia as it concerns issue or offer to the public for subscription or purchase of any 'prescribed interest' within code. WALRC 6 recommend changes, if any, to the law in this regard. Original legislative provisions governing the subject of this reference were introduced mainly to regulate unit trusts. However, the definition of 'prescribed interests' is very wide and covers a much larger range of collective investment schemes, many of which have been developed since the legislation was introduced. It has been suggested that the legislation in its present form is not appropriate to regulate such investments and may even be no longer appropriate for traditional unit trusts.
- *Criminal Records Expunction* (Project No. 80). This was a new reference given in April 1982, but as it was a subject which was originally included in Privacy Project No. 65 the Commission had already carried out research on certain issues. (Whether a person's criminal record should be expurged after a stipulated time, if so, in what circumstances and under what conditions). The WALRC has examined several overseas schemes dealing with the expunction of criminal records and the recommendations of the N.S.W Privacy Committee on this subject. Inquiries being made about the operation of the United Kingdom Rehabilitation of Offenders Act 1974 which allows persons convicted of cer-

tain offences to treat themselves as not having been convicted. WP due 1983.

- *Privacy* (Project No. 65). Major work on this topic in 1982 has involved co-operation with ALRC. Draft chapters and proposals have been supplied by ALRC to WALRC which expects to have further discussions in early 1983 with the ALRC and intends to submit its report as soon as practicable thereafter.
- *Criminal Proceedings and Mental Disorder* (Project No. 69). WALRC is dealing with certain aspects of the criminal process relating to persons suffering from mental disorders; the criteria for defence of insanity and criteria that a person be found unfit to stand trial; the need to retain s. 662 of criminal code which deals with indeterminate sentencing of a person with a mental disorder; the powers of courts of summary jurisdiction to deal with an accused suffering a mental disorder; the desirability of having a judicial investigation as to the guilt or innocence of an accused person notwithstanding that he has been found unfit to stand trial; the procedure that should be provided to review the situation of persons detained in custody because of their mental condition, as a result of criminal proceedings; the powers of courts to obtain psychiatric reports and whether prosecution and defence should be obliged to exchange such reports before trial.
- *Recognition of Interstate and Foreign Grants of Probate and of Letters of Administration* (Project No. 34 Part IV). Concerns law relating to the recognition in W.A. of grants of probate and letters of administration made outside the State for proposals suitable for adoption on a uniform basis throughout Australia. The Standing Committee of Attorney-General's agreed to matters being dealt with as a uniform law reform project. WP published December 1980, submissions and comments are still being received and a draft report is being prepared for consideration by WALRC.
- *Administrative Review* (Project No. 26). Report on Part I dealing with existing rights of appeal against administrative decisions, published 1982. Part II concerned with review of administrative decisions by way of supervisory jurisdic-

tion of the Supreme Court, WP issued on this in 1981. WALRC criticised present law and discussed alternative reforms. Comments have been received. Part III will consider the principles which should govern the question whether a right of appeal should be created from various decisions not presently subject to appeal.

- *Evidence: Reproductions* (Project No. 27 Part II). Review of provisions of Evidence Act governing the admissibility in evidence of reproductions such as photocopies and microfilm. Co-operation with ALRC on an informal basis with review of ALRC Evidence RP 4. Consultation has also taken place with companies involved with marketing of reproduction equipment. In early 1983 a member of the ALRC will visit Perth for discussions on its proposal with a view to securing agreement if possible on the reforms that are desirable.
- *Uniform Law for the Provision of Medical Services for Minors* (Project No. 77). Referred following decision by the Standing Committee of Attorneys-General wanting a basis for uniform legislation. Preliminary submissions from a large number of organisations, government bodies and interested persons throughout Australia have been received. WALRC circulating issues paper internally. It hopes in 1983 to release a discussion paper for public comment.

Personalia

The Hon Sir Richard Blackburn OBE CStJ

The Chief Justice of the Supreme Court of the Australian Capital Territory was honoured in the Queen's Australian New Year's Honours by a knighthood. Sir Richard was Chairman of the A.C.T. Law Reform Commission from 1971 until its functions were assumed by the ALRC in 1976. His legal career included a period in academic life. Between 1950 and 1957 he was Bonython Professor of Law in the University of Adelaide. He was appointed a judge in 1966 and in 1977, on its establishment, became a judge of the Federal Court of Australia. He has been Chief Justice of the A.C.T. Supreme Court since 1977. Sir Richard has been a tireless worker for law reform and in court, in the ACTLRC and at conferences he has made many suggestions for the improvement of the legal system in Australia.

The Hon Mr Justice M.D. Kirby CMG

Also honoured in the New Year's Honours list, the ALRC Chairman became a Companion of the Order of St