

problem of proof where two or more persons are killed in the same accident and it is not possible to establish who died first for purposes of the law. WIH.

Otherwise see [1982] *Reform* 152.

Tasmanian Law Reform Commission (TasLRC)

- The approved program of the TasLRC, subject to appropriate arrangements for funding, is as follows:
 - *Statute Revision: Progressive Annotation of Tasmanian Statutes*. Nine Acts have been approved as the first stage. WIH.
 - *Statute Revision: Review of Obsolescent Acts* – Eighteen Acts have been selected at this stage. Subject to changes in staffing now taking place in Parliamentary Counsel's office, this program will continue. WIH.
 - *Occupiers' Liability*.
 - *Criminal Code*. Computer Crimes, Mentally Disordered Persons, Fitness to Plead, Defence of Insanity, Sentencing, Intoxication and Property Offences. WIH.
 - *Succession: Administration and Probate Act*. WIH.
 - *Debts: Interest on pre and post judgment debts*. WIH.
 - *Land: Rights of Access to Neighbouring Land*. WIH.
 - *Guarantee Law*. WIH.
 - *Contracts: Minors' Contracts*. WIH.
 - *Trusts: Variation of Trusts Act*. WIH.
 - *Revision of Local Courts Act Rules*. WIH.
 - *Sentencing*. Formula for automatic increases in statutory penalties. WIH.
 - *Land: Long term contracts for the sale of land*. Report almost completed.
 - *Rule Against Perpetuities*. Report almost completed.
 - *Contracts: Exclusion Clauses*. Report being completed.
 - *Boundary Fences Act*. *ibid*
 - *Trusts: Variation of Charitable Trusts*. *ibid*.

Victorian Chief Justice's Law Reform Committee (VCJC)

- See [1982] *Reform* 153.

Victorian Law Reform Commissioner (VLRC)

- See [1982] *Reform* 153.

Victorian Legal and Constitutional Committee (VLCC)

- See [1983] *Reform* 39.

Western Australian Law Reform Commission (WALRC)

- *Strata Titles*. Report delivered. See above p. 66.
- *Limitations: Latent Injury*. Report delivered. See above p. 67.
- *Privacy*. Work proceeding in co-operation with the ALRC.
- *Companies Law: Prescribed Interests*. WIH. New reference.
- *Criminal Records Expunction*. WIH.
- *Local Courts Acts and Rules*. WIH.
- *Trustees' Powers of Investment*. WIH.
- *Justices Act: General Procedure*. WIH.
- *Illegitimacy: Rights of Putative Fathers*. WIH.
- *Criminal Proceedings and Mental Disorder*. WIH.
- *Recognition of Interstate Foreign Grants and Probate*. WIH.
- *Administrative Review*. WIH.
- *Evidence: Reproductions*. WIH.
- *Uniform Law on Medical Services for Minors*. WIH. See generally [1983] *Reform* 40.

Personalia

The Hawke Ministry

The first Ministry of the Honourable R.J. Hawke, A.C., the new Prime Minister of Australia, includes a number of lawyers with established interests in law reform. They include the Deputy Prime Minister and Minister for Trade, Mr Lionel Bowen, the Leader of the Government in the Senate and Minister for Industry and Commerce, Senator John Button, the Federal Attorney-General, Senator Gareth Evans and the Minister for Aboriginal Affairs, Mr Clyde Holding. The Prime Minister holds the degrees of B.A., LL.B. within University of Western Australia as well as the B.Lit. degree from Oxford. He gained his degree at Oxford as a Rhodes Scholar for Western Australia in 1952. Though he has not practised as a lawyer he had many encounters with lawyers before industrial tribunals during his period of service with the Australian Council of Trade Unions.

Senator the Honourable G.J. Evans

The new Federal Attorney-General, Senator Gareth Evans is a past ALRC Commissioner whose proposed initiatives on law reform are mentioned throughout this issue of *Reform*. Notes on Senator Evans' earlier career are to be found in [1976] *Reform* 13; [1978] *Reform* 20 and [1981] *Reform* 38. Described in the *National Times* (20 February 1983) as an 'action man, impatient in the shadow' Senator Evans is now in the shadow no more and has achieved, at the age of 38, the key position in Executive Government for an Australian lawyer. During the election campaign he said that an attractive aspect of law reform was that, even when economic times are tough, 'it does not cost very much'. Offering a reason for

his success Craig McGregor, in the same news item, suggested it was his 'sheer dedication and ability'; 'He is a fanatical worker, a good though abrasive committee man and he bristles with ideas. If Labor wins, he will be quick to put some of them into practice'. Senator Evans is the latest of the ALRC *alumni* to reach high office, others including Sir Gerard Brennan, Sir Zelman Cowen and Mr John Cain.

Mr Patrick Brazil

The new Secretary of the Commonwealth Attorney-General's Department is the former Deputy Secretary, Mr Pat Brazil. Born in Queensland and educated at the University of Queensland where he took the University Medal in Law, Mr Brazil joined the Federal Attorney-General's Department in 1953. He took part in a number of Australian overseas delegations and was agent for Australia in the Nuclear Test Case in the International Court of Justice at The Hague in 1973. More recently he has had a major part in negotiating the agreement of Australian governments to terminate residual legal links with the United Kingdom and the establishment of the special prosecutors concerned with 'bottom-of-the-harbour' tax avoidance schemes. His interest in law reform is evidenced by the leading part he played in proposals for the use of more extrinsic aids to assist statutory interpretation. See above p. ?? and [1983] *Reform* 8. He succeeds Mr A. R. Neaves whose career was noted previously in [1979] *Reform* 93. Mr Neaves has been appointed a Judge of the Federal Court of Australia to fill the vacancy left by the resignation of the Hon R.J. Ellicott, Q.C. See [1983] *Reform* 71.

Associate Professor Robert Hayes

On 17 March 1983 one of the full time Members of the ALRC, Professor Robert Hayes, retired on the completion of his commission. Professor Hayes is putting the finishing touches on the ALRC report on Federal privacy protection law: the project in which he has been principally engaged. It is expected that the report will be sent to the printer in April 1983. It contains a major review of Australia's Federal laws for privacy protection. A note on Professor Hayes' earlier career can be found in [1980] *Reform* 35. During his period as an ALRC Commissioner, he has continued to take an active part in a number of important community questions involving mental health law reform, medicine and law reform and mental retardation and law. In 1982, in collaboration with Dr Susan Hayes, he published an important new text *Mental Retardation: Law, Policy and Administration* (Law Book Co, 1982). The book is the first of its kind reviewing legal aspects affecting mental retardation and bears ample testimony to the intellectual originality and compassion of Professor Hayes. Also in 1982, he was appointed a part-time member of the Social Security Appeals Tribunal. He has returned to his post at University of New South Wales Law School.

Mr T. H. Smith

One of the first appointments made by the new Government was the renewal of the term of Mr T.H. Smith, the ALRC Commissioner in charge of the Reference of evidence law reform. The Federal Executive Council approved Mr Smith's reappointment on 16 March 1983 to the end of 1983. During this time, Mr Smith hopes to complete an interim report on Federal evidence law bringing together the major research program he has been directing. See e.g. [1981] *Reform* 2. A note on Mr Smith's career appears in [1980] *Reform* 35.

The Honourable Joseph Berinson, M.L.C.

Following the election of the ALP State Government in Western Australia, the Honourable J.M. Berinson, M.L.C. has been appointed Attorney-General for the State. Mr Berinson was born in Perth in 1932 and educated at Perth Modern School, the Pharmacy College of Western Australia and the University of Western Australia Law School. He is a qualified pharmacist in addition to being a qualified legal practitioner. He was a member of the House of Representatives for Perth between 1969 and 1975. For five months in 1975 he was Federal Minister for the Environment but lost his Federal seat in the election of that year. In 1980 he was elected as one of the members for North-East Metropolitan Province in the Legislative Council of Western Australia. He holds a six year term. See also above p. 66.

The Hon Mr Justice Fieldsend

A past Secretary of the English Law Commission and the present Chief Justice of Zimbabwe announced in January 1983 that he would retire in June 1983 after three years in office. He made the announcement at the official opening of the 1983 legal year at a ceremony at the High Court in Harare. He said that the Government was anxious, three years after independence to appoint an African to the post and 'would not want me to continue after that time'. Mr Justice Fieldsend was sworn as Chief Justice in July 1980, having been invited to return by the Prime Minister Mr Mugabe. Before his appointment to the Law Commission, he was the only Justice of the High Court of South Rhodesia to resign his commission on UDI. According to the Harare *Herald* (11 January 1983) the Chief Justice paid tribute to all who had helped him, including the other judges. He also pointed out that he did not draw any distinction between judges appointed before independence and those appointed afterwards. During the recent visit to Zimbabwe of the ALRC Chairman, Mr Justice Fieldsend arranged meetings with judges, practitioners and law teachers in Zimbabwe. He is chairman of the Zimbabwe Advisory Committee on Law Reform. The second Annual Report of that Committee just to hand reports progress: mainly in the area of sentencing and criminal punishment.

Mr J.G. Gasson

Mr J.G.H. Gasson, head of the Legal Services Branch of the Lord Chancellor's Department in England has been appointed Secretary of the Law Commission of England and Wales, on promotion to Under Secretary. Mr. Gasson is 51, and was called to the Bar by Gray's Inn in 1957. He joined the Lord Chancellor's Department as a legal assistant in September 1964 and has been head of the legal services branch since November 1977.

Mr Allan Hall

A past ALRC Commissioner, Mr Allan N. Hall has been appointed a Deputy President of the Administrative Appeals Tribunal. Mr Hall was a member of the ALRC from June 1977 to June 1979. See [1977] *Reform* 76. Shortly after his appointment to the Commission he took up his post as a Senior Member of the Administrative Appeals Tribunal. Before that appointment he was Principal Lecturer in Law at the Canberra College of Advanced Education and had been a long time officer in the Federal Attorney-General's Department. Mr Hall's elevation to Deputy President, a post previously held only by Federal Court judges, was said by Senator Durack to be in recognition of the Tribunal's increased workload and the need for the Deputy Presidents who could devote their full time to the Tribunal. Coinciding with Mr Hall's elevation was the appointment of Mr Robert Todd, also a Senior Member, to the post of Deputy President.

Administrative Review Council Appointments

New appointments have been announced to the Administrative Review Council. They include the following new members, namely Mr A.J. Ayers, Director-General of Social Security, Mr Lloyd Hartigan, a Sydney businessman, Mr Don Mackay, a Sydney solicitor and a past President of the Law Council of Australia and of the NSW Law Society and Mr Alan Rose, Deputy Secretary of the Department of the Prime Minister and Cabinet. The new members attended the first meeting of the Council held in 1983 on 4 March. Also attending that meeting for the first time was the new Director of Research of the ARC, Dr John Griffiths. Dr Griffiths succeed Dr Geoffrey Flick who has returned to Sydney Law School and his law practice at the Sydney Bar. Dr Griffiths holds the degrees B.A., LL.B. (ANU), LL.M. (Harvard) and Ph.D. (Cantab) and he was recruited to his post in the ARC from Cambridge University where he was an Assistant Lecturer in Law and Fellow of Emmanuel College.

NZ Property Law Committee Appointments

The Secretary of the New Zealand Property Law and Equity Law Reform Committee, Mr J.M. Finnigan, has

reported the appointment of two new members to the Committee. They are Mr B.J. Blacktop, an officer of the Public Trustee Office in Wellington and Professor F.M. Brookfield, Associate Professor of Law in the University of Auckland. Mr Blacktop is the Assistant Public Trustee of New Zealand and as such is in a key position to consider proposals for reform of New Zealand property law. In 1982 an additional member was appointed to the Committee, Mr J.H. Zohrab, a partner in the firm Sainbury, Logan and Williams in Napier, New Zealand.

New Zealand Evidence Law Reform Committee

A new standing committee on evidence law reform has been established by the New Zealand Minister of Justice, Mr Jim McLay. The Committee is to begin work by considering corroboration, confessions, new technology and business records. The Chairman of the Committee is Mr I.L. McKay, who previously led the NZ inquiry into defamation law reform. Other members are The Hon Mr Justice Speight, Judge R.J. Gilbert, R.G.F. Barker, C.B. Cato, G.W. David, S.C. Ennor, G.S. MacAskill, J. Haigh and D.L. Mathieson. The secretary of the new committee is Mr J. Fieldhouse of the NZ Department of Justice in Wellington. The new committee has already established close contact with the ALRC evidence project, being led by Mr T. H. Smith.

The Hon Haddon Storey, Q.C., M.L.C.

Readers of *Reform* will recollect several entries on the law reform initiatives of the former Attorney-General of Victoria, Mr Haddon Storey. Now, a deserved tribute to his record as Attorney-General is contained in (1982) 13 *Melbourne Uni Law Rev* 631 ('Haddon Storey: Victorian Attorney-General 1976-82' by Richard Cullen). The most recent note on Mr Storey's career appears in [1983] *Reform* 42.

Mr Kevin O'Connor

The former Principal Law Reform Officer of the ALRC, Mr Kevin O'Connor has been appointed Director, Policy and Research in the State Law Department of Victoria. Mr O'Connor served as Principal Law Reform Officer with the ALRC for a three year period between 1977 and 1980. An earlier note on his career appears in [1980] *Reform* 64. After his return to Melbourne, he spent time at the Melbourne Law School and then began practice at the Bar. He has been Secretary of the Victorian Council for Civil Liberties and has continued to play an active part in a number of community law reform organisations. Mr O'Connor is the second Director. His predecessor Mr Grahame Golden was appointed to be a Stipendiary Magistrate.

Mr Philip Clarke

The former Executive Officer and Director of Research of the Western Australian Law Reform Commission, Mr Philip Clarke, has accepted an appointment as Senior

Lecturer in Law at Monash University, Melbourne. Mr Clark's teaching duties include some instruction in law reform, a subject in which his WALRC experience will be invaluable. A note on his earlier career appears in [1980] *Reform* 64.

NSWLRC Staff Change

Mr Ian Ramsay has been appointed a research officer with the NSWLRC. He holds the degrees BA LL.B, having graduated with first class honours in Law in Macquarie University. He was admitted as a solicitor of the Supreme Court of New South Wales in December 1982, following completion of the practical training course in the NSW College of Law. He worked for a time as a research assistant at Macquarie University before taking up his present position. He is a member of the editorial board of the *Australian Journal of Law and Society*.

QLRC Staff Change

Mr Peter McDermott joined the staff of the QLRC in January 1983 as a Senior Legal Officer. He holds the degree of LL.B. with Honours in the University of Queensland and is completing an LL.M. course. Prior to his appointment Mr McDermott was a Legal Officer in the Office of the Solicitor-General for Queensland. He has worked in the State and Federal law offices in Brisbane. It is understood that Mr McDermott will be doing work in one or more of the QLRC's references on evidence, real property and admiralty.

ALRC Staff Changes

One of the Senior Law Reform Officers of the ALRC, Mr Michael Ball left the service of the Commission in February 1983 to take up an appointment in the leading Sydney firm Allen, Allen and Hemsley. A note on Mr Ball's career up to the time of his appointment with the ALRC is to be found in [1981] *Reform* 72. Mr Ball worked principally on the Commission's projects on insurance contracts and evidence law. In the completion of the Commission's report on insurance contracts, he maintained close liaison with Professor David St.L. Kelly and with the numerous industry and consumer consultants who had been appointed to work on the reference. In his work on evidence law reform, Mr Ball prepared the recently distributed research paper on *Aspects of Proof* (ALRC Evid RP 14). Ms Loretta Re, whose secondment to the Public Interest Advocacy Centre was noted in [1983] *Reform* 44 has now returned to the ALRC. Mr Tony Young, whose temporary appointment was noted in the same item, has now been appointed permanently as a Law Reform Officer of the ALRC. Mr Young is completing work on the Commission's privacy reference after which it is expected that he will become a lead researcher in the project on service and execution of process. Mr C. Kirkbright, an Aboriginal lawyer, worked on the ALRC from June 1982 to March 1983. He was employed under the National Employment Strategy for Aboriginals. He assisted generally on the Reference on Aboriginal Customary Law, participating in the production of Research Papers and a Discussion Paper.

Sydney

11 April 1983

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