

Scot Law Com

- : : 74 : Prescription and the Limitation of Actions, 1983
- : : 75: : Irritancies in Leases, 1983

Criminal

- LRC : WP : On Offences relating to Prostitution and Allied Offences, 1982. See [1983] *Reform* 81

new references

- ALRC : *Contempt Law*. See above p.94
- : *Matrimonial Property*. A new reference on matrimonial property was announced by the Federal Attorney-General, Senator Evans, soon after this issue went to print. Full details will appear in the next issue of *Reform*.

- QLRC : *Limited Liability of Partnerships*.

- SALRC : *Delivery of Deeds*.

what's going on in the LRC's?

Australian Law Reform Commission (ALRC)

- *Law Reform Digest*. The Digest will be 'launched' by the Federal Attorney-General, Senator Evans, at the Eighth Australian Law Reform Agencies Conference in Brisbane in July 1983. For distribution thereafter.
- *Sentencing*. Work in suspension. Hoped to be revived at the end of 1983.
- *Privacy* Work in hand. (WIH). Draft report with printer. Expected to be tabled in Federal Parliament Budget Sittings in 1983. Project led by Assoc Professor Robert Hayes.
- *Evidence*. WIH. Further research papers due on exclusion of evidence and privilege. Mr T H Smith, Commissioner in charge, reviewing numerous submissions and previous research papers. ALRC aiming for interim report late 1983.
- *Aboriginal Customary Law*. WIH. Further series of regional meetings completed together with field trips. See above p.109.
- *Standing and Class Actions*. WIH. Draft report on standing still being reviewed. Expected publication late 1983. Mr B M DeBelle QC is working on draft report on class actions.
- *Debt Recovery*. Project revised under Professor D St L Kelly. Computer analysis of debt processing in NSW being considered. New research paper series commenced. Project to be concluded early 1984. It will be activated end of 1983.

- *Admiralty Jurisdiction and Law*. Consultation with professional organisations. Research work commencing under Professor James Crawford, with assistance from Dr D Cremean.
- *Foreign State Immunity*. Research paper series proceeding. Professor Crawford to have discussions in North America and Britain. Discussion paper expected late 1983.
- *Service and Execution of Process*. New reference. Project commencing under Dr Michael Pryles, new Commissioner. See below p.136.
- *Contempt Law*. New reference. See above p.94.
- *Matrimonial Property Law*. New reference. To be reviewed in next issue of *Reform*.

New South Wales Law Reform Commission (NSWLRC)

- *Criminal Procedure*. Submissions in response to Issues Paper No. 1 are being received and dealt with. The program is being re-considered and it is expected that at least one more publication will be released in 1983.
- *Legal Profession Inquiry*. It is expected that the third, and final, Report on the Legal Profession Inquiry will be published in 1983. The report will cover solicitors' trust accounts, the solicitors' fidelity fund, and professional indemnity insurance for all legal practitioners.
- *Accident Compensation*. WP on Transport Accidents Scheme for NSW has been released. See above p.105. There are still many areas to be covered and further work will include studies on rehabilitation, work accidents and possible changes to the common law, in areas where the action for damages for personal injury remains.
- *De facto Relationships*. Report is completed and with the printer.
- *Community Law Reform Program: Interest on Certain Debts*. Report published and was approved in early April 1983 by NSW Cabinet for implementation by legislation.

New Zealand Law Reform Committees

- See [1982] *Reform* 150 and [1983] *Reform* 89.

New Zealand Property Law and Equity Reform Committee (NZPLERC)

- *Positive Covenants Running with the Land*. Report in preparation. WIH.
- *Share Premium Reserve Dividends*. Report published.
- *Capital Profit Dividends*. Report in preparation.
- *Law Relating to Watercourses and Adjacent land*. Interim report near completion.
- *Law Relating to Landlord and Tenant*. WIH, extended to a review of the substantive law.

New Zealand Public and Administrative Law Reform Committee (NZPALRC)

- *Powers of Entry*. Report prepared to be submitted to Minister.
- *Private Clauses*. WIH.
- *Delegation*. WIH.
- *Land Rating Classification Appeals*. Draft recommendations have been developed.

Northern Territory Law Reform Committee (NTLRC)

- Generally see above p.99.
- *Practice and Procedure*. Revision of Supreme Court rules especially re cases settled shortly prior to hearing.
- *Courts*. Revision of Local Courts Act following SA reforms.
- *Evidence*. Revision of Oaths Act relating to oaths and affirmation.

Queensland Law Reform Commission (QLRC)

- *Admiralty Jurisdiction*. WIH, it is also an item for discussion at the Law Reform Agencies Conference.
- *Criminal Law*. WIH.
- *Real Property Acts*. WIH. Special Working Party established to look at easements.
- *Procedural Rules in Civil Proceedings*. WIH.
- *Property Law Act*. WIH.
- *Partnership; Limited Liability*. New reference.

South Australian Law Reform Committee (SALRC)

- *Escheat*. WIH. Report being circulated for signature.
- *Wills and Intestacies*. WIH. Report being circulated for signature.
- *Set Off*. Paper for discussion at March 1983 meeting of SALRC.
- *Survivorship*. Death in a single accident; the 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.
- *Locus Standi*. Environmental Law. WIH.
- *Simplified form of Mortgage*. WIH.
- *Perpetuities*. WIH.
- *Deeds: Delivery*. New project.

Tasmanian Law Reform Commission (Tas LRC)

- See [1983] *Reform* 89.

Victorian Chief Justice's Law Reform Committee (VCJC)

- *Habeas Corpus Act*. The three matters referred to this sub-committee are listed in [1982] *Reform* 153. However, the sub-committee is currently in abeyance awaiting proposals from the government as to how the presentment of persons charged with offences may occur more speedily.
- *The Supreme Court Act 1958, s. 142-159 (Foreign Attachment)*. The function of this sub-committee was described in [1982] *Reform* 153. Its work is temporarily in abeyance until the return of the chairman of the sub-committee from leave.
- *Wills for Mentally Disordered Persons*. See [1982] *Reform* 153. WIH.
- *Competence and Compellability of Witnesses*. The report of this sub-committee, which considered the proposals of the ALRC in Evidence RP 5, was adopted by the full committee in March 1983. The matter was referred back to the sub-committee, together with the VLRC, to draft a proposed amendment to the Victorian Act so as to give effect to its recommendations.
- *Powers of the Supreme Court and the County Court to Prohibit Publication of Reports of Their Proceedings*. A sub-committee has been established to consider the respective powers of the Supreme Court under s. 29 of the Supreme Court Act 1958 and of the County Court under s. 80 of the County Court Act 1958 to prohibit publication of reports of their proceedings and whether it is necessary to create uniformity between these powers.
- *Evidence: Character and Conduct*. A sub-committee has been established to consider ALRC Evidence RP 11.
- *Amendment of Wills Act 1958*. A sub-committee has been established to consider whether power should be given to the court, as is the case in South Australia and Queensland, to accept a will not executed with the requisite formality. The sub-committee has also to consider the relaxation of the formal requirements for the making of a will as enacted in the Administration of Justice Act (UK). See also Thorpe J in *Gartside v Sheffield, Young and Ellis* [1983] 2 NZLR 547 where suggestions are made for legislative consideration of similar problems.

Victorian Law Reform Commissioner (VLRC)

- *In Vitro Fertilisation*. Professor Waller is chairing the Victorian IVF Committee. See above p.125.
- *Corporate Crime*. WIH. A discussion paper is being prepared.
- *Intoxication and Criminal Responsibility*. Research is continuing into the relationship between alcohol, drugs and crime: the extent to which intoxication is a factor in criminal activity, the fre-

quency with which it is argued to negative criminal intent and whether such arguments, if accepted, result in acquittal. An issues paper is being prepared, describing the preliminary results of this research and seeking a response from the legal profession and others, both to the law as it is found to operate in practice and to the various proposals for reform that have been made in Australia and elsewhere.

- *Law of Homicide*. A working paper on the law of murder is being prepared.

Victorian Legal and Constitutional Committee (VLCC)

- *Acts Interpretation Act*. Work on redrafting this Act is underway and includes the question of the standing of subordinate legislation and the use of extrinsic materials by the judiciary in the interpretation of legislation. Report to Parliament expected September 1983.
- *Delays in Hearing of Cases in Courts*. Committee initially investigating delays from alleged commission of offence until trial in criminal cases. Interim report expected September 1983.

Western Australian Law Reform Commission (WALRC)

- *Privacy*. Work proceeding in co-operation with the ALRC.
- *Companies Law*. Prescribed interests. WIH.
- *Criminal Records Expunction*. WIH.
- *Local Courts Act and Rules*. WIH.
- *Trustees' Powers of Investigation*. Report to be issued in near future.
- *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.

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The Federal Shadow Ministry

The first Shadow Ministry of the Honourable Andrew Peacock MP, the new Leader of the Federal Opposition in Australia, was announced after the last issue of *Reform* went to press. The new Shadow Ministry includes a number of new faces and a number of lawyers with established interests in law reform. Mr John Howard, a Sydney lawyer, is Deputy Leader of the Opposition and Shadow Treasurer. Mr Ian Sinclair, also a lawyer, is Shadow Min-

ister for Defence. Senator Fred Chaney, a Perth lawyer, is Leader of the Opposition in the Senate and Shadow Minister for Resources and Energy. Senator Peter Durack QC, the former Federal Attorney-General, is Deputy Leader of the Opposition in the Senate and Shadow Attorney-General. Senator Durack has continued to express interests in law reform, particularly in the achievement of a Uniform Defamation Act, a matter before the Standing Committee of Attorneys-General. Mr Ian Macphee, a Melbourne lawyer, is Shadow Minister for Employment and Industrial Relations. Senator Peter Rae, a Launceston lawyer, is Shadow Minister for Industry and Commerce. Mr Michael Hodgman, a Hobart barrister, is Shadow Minister for Immigration and Ethnic Affairs. Mr David Connolly is Shadow Minister for the Environment. Mr John Spender QC, a Sydney barrister, is Shadow Minister for Aviation and Defence Support. Mr Phillip Ruddock, a Sydney lawyer, is Shadow Minister for Territories. Mr James Porter, an Adelaide lawyer, is Shadow Minister for Aboriginal Affairs. New faces among the non-lawyers include Dr Harry Edwards (Science and Technology) and Senator Cathy Martin (Home Affairs and Administrative Services). The redoubtable Senator Reg Withers, self-described as a 'simple lawyer from Bunbury, Western Australia', is Secretary to the Shadow Cabinet.

The Hon Mr Justice M D Kirby CMG

The Federal Attorney-General has announced the appointment of the ALRC Chairman as a Judge of the Federal Court of Australia. The announcement was made on 30 March 1983. Mr Justice Kirby was welcomed at a ceremonial sitting of the court held in Sydney on 7 June 1983. Since 1974, the ALRC Chairman has been a Deputy President of the Australian Conciliation and Arbitration Commission, a post he resigned to take up appointment to the Federal Court. Senator Evans said that Mr Justice Kirby would continue for the time being as Chairman of the ALRC. Earlier notes on the ALRC Chairman's career appear in [1982] *Reform* 38 and [1983] *Reform* 41.

The Hon Mr Justice B A Beaumont

Senator Evans has also announced the appointment of Mr Brian Beaumont QC, a leading Sydney barrister, to be a Judge of the Federal Court of Australia. Mr Justice Beaumont was welcomed on 7 June 1983 at the same ceremony as the ALRC Chairman. In his practice at the Bar, he specialised in constitutional and commercial cases. But he also had a link with law reform. In 1981 he was appointed Chairman of a Royal Commission established by the Tasmania Government to inquire into the Tasmanian Constitution. The report of the Royal Commission recommended a rationalisation of the respective roles in the upper and lower Houses of that State. He has also advised the Government of Papua New Guinea on legislative and constitutional matters and has been an adviser to the New South Wales and South Australian Governments on constitutional issues.