

- *15 Conveyancing matters*. Report tabled.
- *Wills*. Report tabled.
- *Powers of attorney*. WP being printed.
- *Boundary fences*. Report tabled.
- *Fines*. WP due 1984.
- *Jurisdiction and procedure of the courts of request and general sessions*. Working paper being printed.
- *Law relating to succession rights on intestacy*. Working Paper being printed.
- *Computer misuse attracting criminal sanctions*. Working paper available early 1984.
- *Payment of interest on judgment debts*. Working Paper being considered in committee.
- *Suretyship and guarantee*. Working paper prepared but not yet circulated.
- *Variation of private trusts*. Working paper available early 1984.
- *Occupiers' liability*. Working paper due early 1984.
- *Contracts and the disposition of property by infants*. Working paper due early 1984.
- *Private right of access to neighbouring land*. Working paper prepared and being printed.

#### **Victorian Chief Justice's Committee (VCJC)**

- *Unincorporated Associations*. WIH.
- *Habeas Corpus Act as transcribed in the Imperial Acts Application Act 1923*. WIH.
- *Supreme Court Act 1958, ss 142-159 (Foreign Attachment)*. WIH.
- *Wills for Mentally Disordered Persons*. WIH.
- *Exemption Clauses in Contract*. WIH.
- *Character and Conduct*. WIH.
- *Prohibition of Publication of Reports of proceedings in the Supreme Court*. WIH.
- *Wills Act 1958, Amendment of*. WIH.
- *Competence and Compellability of Witnesses*. WIH.

#### **Victorian Law Reform Commissioner (VLRC)**

- *Intoxication and criminal responsibility*. Public seminar to discuss a proposed offence of dangerous or criminal intoxication to be held on 29 June 1984. See above p 107.
- *Law of homicide*. Working paper on definition and punishment of murder available.
- *Corporate crime*. WIH. A separate study of the use of juries in commercial fraud trials has been created.

#### **Victorian Legal and Constitutional Committee (VLCC)**

- *Delays — Report on Overseas Delays Experience*. This will deal with USA, England, some material from Canada and the Continent.
- *Subordinate Legislation (Deregulation) Bill 1983*.

Scheduled to be completed on 30 June.

- *Burden of Proof*. WIH.
- *Miscellaneous Provisions Act procedure*. WIH.
- *Constitutional Conventions*. To study the Committee reports and Inquiries of the Conventions. WIH.

#### **Western Australian Law Reform Commission (WALRC)**

- *Local courts*. Comments on working paper concerning jurisdiction, procedure and administration being considered.
- *Administrative decisions: judicial review*. Report being prepared.
- *Administrative decisions: new rights of appeal*. Research in progress.
- *Resealing of grants of probate and of letters of administration (uniformity)*. Report being drafted.
- *Limitation of actions*. Draft of WP to be completed shortly.
- *Alteration of ground levels*. Discussion paper to be issued shortly.
- *Justices Act*. Working paper on constitution and procedure expected to be issued shortly.
- *Privacy*. Report in preparation.
- *Wills (substantial compliance: effect of marriage and divorce)*. Research in progress.
- *Joint tenancies*. Research being carried out towards the production of a working paper.
- *Expunction of criminal records*. Discussion paper and issues paper issued, and comments being considered. See above p 127.

## **personalia**

### **The Hon Justice MR Wilcox**

On 11 May 1984 Mr Murray Wilcox QC, a past commissioner of the ALRC was sworn in as a judge of the Federal Court of Australia. Mr Wilcox was one of the foundation full-time commissioners of the ALRC, holding office from 1976 to 1979. For earlier notes on Justice Wilcox's career see [1976] *Reform* 38 and [1979] *Reform* 94. In the course of his service with the Commission, Justice Wilcox led the projects which resulted in the ALRC reports on *Unfair Publication: Defamation and Privacy* (ALRC 11) and *Lands Acquisition and Compensation* (ALRC 14). He also took a major part in the ALRC work on the law of standing and class actions. Justice Wilcox's interest in the environment and in environmental law resulted in his election as president of the Australian Conservation Foundation. He was also foundation president of the Environmental Law Association of NSW and at one stage was Procurator of the Presbyterian Church in NSW. He has also written a number of texts on land law. Justice Wilcox is the fourth Federal Court judge with ALRC connections, the others being Sir Gerard Brennan (now of the High Court of Australia), Justice G Fitzgerald (a part-time ALRC commissioner) and Justice Kirby (ALRC chairman).

### The Hon Justice Josephine Maxwell

Since the last issue of *Reform* went to press a number of new commissioners have been appointed to the Australian Law Reform Commission. On 16 March 1984 the Federal Attorney-General, Senator Evans, announced the appointment of Justice Maxwell, a judge of the Family Court of Australia, to be a part-time member of the Australian Law Reform Commission. Justice Maxwell is the second woman appointed to the Commission, the first being Professor Alice Tay of the Sydney Law School who was appointed a part-time member in 1982. Professor Tay continues as a member of ALRC. Justice Maxwell has been appointed to the matrimonial property division of the ALRC where she will work in close collaboration with Professor David Hamblly, the full-time ALRC commissioner in charge of the project. See above p 94. A measure of the success of the co-operation between the ALRC and the Family Court can be seen in the very high response rate to the survey of divorced couples reported in this issue of *Reform*. Justice Maxwell was admitted as a solicitor in 1967. Prior to her appointment as a judge of the Family Court in June 1976, she was a senior partner in the legal firm of McFadden, Maxwell & Co with an extensive practice in family law. It is expected that Justice Maxwell will take part in a number of other divisions of the ALRC.

### Sir Maurice Byers CBE QC

On 31 May 1984 it was announced that the former Solicitor-General of Australia, Sir Maurice Byers, had been appointed a part-time Commissioner of the ALRC for a period of three years. Sir Maurice was Solicitor-General of Australia between 1973 and 1984. Educated in Sydney, he joined the NSW Bar in 1944. He took Silk in 1960. He was President of the NSW Bar between 1965 and 1967. In his post as Solicitor-General he took a leading part in Australian delegations to the United Nations Commission on International Trade Law and led the Australian delegation to the United Nations Conference on the Sea Carriage of Goods. Sir Maurice, upon his retirement as Solicitor-General of Australia, was appointed Chairman of the NSW Police Board. He will bring to his post as ALRC commissioner, an unrivalled experience at the top level in Federal constitutional, administrative and general law.

### Associate Professor Robert Hayes

Professor Hayes, whose retirement from the ALRC was announced in [1983] *Reform* 90 was reappointed to the Commission on 31 May 1984 for a period of a year. He is to lead the Commission's reference on expungement of criminal convictions. See above p 99. He is uniquely well placed to do this, having led the major ALRC project on privacy protection, the report on which is noted in [1984] *Reform* 2. Professor Hayes was first appointed to the ALRC in 1980 and a note on that appointment and his career to that time can be found in [1980] *Reform* 35. In collaboration with Dr Susan Hayes, he has published important texts in the area of mental retardation law including most recently *Simply Criminal* (Law Book Co, 1984). This book was re-

cently launched by the Federal Attorney-General, Senator Evans. Since his early retirement from the ALRC, Professor Hayes has returned to law teaching at the University of New South Wales. However, he has also been appointed a part-time member of the Social Security Appeals Tribunal.

### Mr DM Ryan QC

On 18 April 1984 the Federal Attorney-General, Senator Evans, announced the appointment of Mr Donnell Ryan QC of the Melbourne Bar as a part-time member of the Law Reform Commission. Mr Ryan continues the links of the ALRC with the Victorian Bar, established when the President of the Victorian Bar, Mr Brian Shaw QC served as a commissioner between 1977 and 1981. Mr Ryan holds degrees in Arts and Laws, the latter with honours, from Melbourne University. He was admitted to practise in Victoria in 1965. His work at the Victorian Bar has included major industrial and commercial law matters. He took Silk in 1980. Earlier in his career, Mr Ryan served as a part-time teaching fellow in law at Monash University between 1965 and 1969. He was a part-time tutor at the Council of Legal Education in Victoria from 1966 to 1971. Between 1974 and 1980, Mr Ryan was editor of the *Federal Law Reports*. He has also been a member of the ethics committee of the Royal Women's Hospital in Victoria since 1982, the period during which that hospital has been engaged in the forefront of work involving in vitro fertilization.

### Associate Professor Gordon Hawkins

A past ALRC Commissioner, Professor Gordon Hawkins, has been appointed to the Board of Management of the Australian Institute of Criminology. This was announced by the Federal Attorney-General, Senator Evans in April 1984. Professor Hawkins has been Director of the Institute of Criminology within Sydney University during the past two years and was for a long time previously Deputy Director. He was one of the foundation commissioners of the ALRC from 1975 to 1981, being appointed at the same time as Federal Attorney-General Evans. The new Director of the Australian Institute of Criminology, Professor Richard Harding, worked with Senator Evans and Professor Hawkins on the major ALRC report on *Criminal Investigation* (ALRC 2), implementation of which has been promised by Senator Evans.

### Mr HT Bennett

For five years the ALRC point of contact within the Federal Attorney-General's Department has been Deputy Secretary Trevor Bennett. Mr Bennett, an expert in business law who played a leading part in the development of the Trade Practices Act and other innovative Federal legislation was recently elected to the Governing Council of the International Institute for the Unification of Private Law (Unidroit). Since Australia joined Unidroit in 1974, Mr Bennett has been closely associated with its activities. He originally joined the Federal Attorney-General's Department in 1947. For the past 10 years he has initiated the Department's international trade law seminars which are now an annual feature of the departmental program.

### Newfoundland Law Reform Commission

The Canadian province of Newfoundland is the latest Commonwealth jurisdiction to establish a Law Reform Commission. The Chairman of the Commission is Mr John J O'Neal QC and its Director is Mr Christopher P Curran. The Newfoundland LRC joins a family of Canadian LRC's which have a close corresponding contact with law reform agencies in Australia and other Commonwealth countries. The address of the new Commission is Confederation Building, St John's, Newfoundland A1C 527 Canada.

### ALRC Staff Changes

The ALRC is fortunate to have the assistance of an officer from the Australian Public Service Board's Executive De-

velopment Scheme. Mr Val Manera, a Principal Auditor from the Auditor General's Office in Canberra will be working in the Commission's Sydney office for several months on expungement of criminal records. Val has a degree in Commerce from the University of New South Wales. The Commission has also recruited two temporary Law Reform Officers to assist in the final stages of the Evidence Report. They are Mr Peter Driessen, who has degrees in Arts and Law from Macquarie University and Ms Alexis Hailstones who has a Bachelor of Jurisprudence and a Bachelor of Law from the University of New South Wales. The Commission's administrative section is being assisted by a Special Youth Employment Trainee, Mr John Williamson. This scheme is funded by the Department of Employment.

### stop press : ninth a l r a c

*marianbad revisited.* The Ninth Australian Law Reform Agencies Conference convened in Sydney on 15-16 June 1984. It was jointly hosted by the ALRC and the NSWLRC. Among leading papers read to the conference were:

- thoughtful addresses by the NSW Attorney-General, Mr Paul Landa and NSWLRC Chairman Ronald Sackville, on the relationship between LRCs and governments;
- a paper by Mr James Spigelman, past Commissioner of the ALRC, on Sanctions and Remedies in Law Reform;
- a paper by Associate Professor Bettina Cass (NSWLRC) on 'A Sociologist Looks at Law Reform';
- a detailed review by the Federal Attorney-General, Senator Gareth Evans QC, on law reform initiatives of the Federal Government.

For Senator Evans, it was like last year in Marianbad. The ninth ALRAC conference was convened in the same room as the second conference held in May 1975, attended by Senator Evans then as an ALRC Commissioner. The ALRC Chairman, Justice Kirby, remarked on the total disappearance of the tensions and suspicions that had existed in earlier conferences. He paid tribute to the close and harmonious working relationships between the Australian LRCs. Also present at the conference were two representatives of the PNGLRC and three representatives of the NZLRCs.

A full review of the ALRAC conference will appear in the next issue of *Reform*. Meanwhile, it is worth noting that a number of resolutions were passed. They included:

- the decision to hold the tenth ALRAC meeting in Melbourne on 7 August 1985 to coincide with the Australian Legal Convention;
- the decision to convene a special conference in Melbourne at the time of the 10th ALRAC on the subject of law reform research, to involve researchers employed by LRCs in Australasia;
- the decision to establish in the ALRC a register on legal researchers willing to move interstate on law reform projects;
- the decision to add the subject of sanctions and remedies in law reform to the agenda of the tenth meeting and to explore the possibility of a joint session with parliamentary counsel on this topic;
- a call for an examination of case studies of law reform statutes to evaluate their effectiveness in securing the objectives of LRCs.

*in the clouds?* It is expected that the NSWLRC will publish the minutes, record and papers of the ninth ALRAC meeting. Tabled at the Sydney conference was a volume just published by the ALRAC containing the Minutes and Record of the past three ALRAC meetings viz 6 ALRC (Hobart, July 1981); 7 ALRAC (Adelaide, September 1982) and 8 ALRAC (Brisbane, July 1983). Publication of this volume brings up to date the record of the proceedings of the ALRAC. This national conference of Australia's law reform agencies is now an established annual event. If the mood of the ninth conference is any guide, co-operation between the LRCs is now at a very high level. Doubtless this mood was not actually harmed by the fact that the conference took place up in the clouds on the 31st level of the State Office Block in Sydney, commanding a spectacular sight of Sydney Harbour, where the modern legal history of Australia all began.

Sydney

2 July 1984

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