

some doubt whether it was ever in force in the ACT.

jurisdiction of courts (cross vesting) bill 1986. The Bill is the product of a concerted work over a period of time by the Commonwealth and State Solicitors-General and is part of the scheme of complementary legislation to be enacted by the federal parliament and State parliaments.

The Bill in an amended form passed the House of Representatives earlier this year and was introduced into the Senate on 1 April 1987.

Senator Evans, introducing the Bill into the Senate said

The essence of the cross-vesting scheme, as provided for in the Bill and the proposed complementary State legislation, is that State and Territory Supreme Courts will be vested with all the civil jurisdiction, except certain industrial and trade practices jurisdiction, of the federal courts – at present the federal court and the family court – and the federal courts will be vested with the full jurisdiction of the State and Territory Supreme Courts.

parliamentary privileges. 1987 has seen the introduction into the federal parliament of the Parliamentary Privileges Bill 1987, a measure designed to restate and reform some of the privileges of the federal parliament.

The Bill arises from a number of points taken during the Murphy trials. In those proceedings, evidence was sought to be given of proceedings before the Senate Select Committee enquiring into the conduct of a judge. The Senate took the view that evidence of what occurred during those proceedings could not be tendered or received in court proceedings without the permission of the Senate.

The Parliamentary Privileges Bill goes further than this. Subclause 16(3) makes

it unlawful for evidence to be tendered or received concerning proceedings in parliament for the purpose of

- (a) questioning or relying on the truth, motive, intention or good faith of anything forming part of those proceedings in parliament;
- (b) otherwise questioning or establishing the credibility, motive, intention or good faith of any persons; or
- (c) drawing, or inviting the drawing of, inferences or conclusions wholly or partly from anything forming part of those proceedings in parliament.

Specific provision is made to preserve the admissibility of evidence of parliamentary proceedings in connection with statutory interpretation.

Other provisions of the Bill include the abolition of contempt by defamation or criticism of the parliament, provisions declaring that the parliament does not have power to expel members from membership of the parliament and setting out detailed provisions concerning the penalties that may be imposed by the parliament for breach of parliamentary privilege.

letters to the editor

unbalanced view. The following letter was received from Fred Chaney, Leader of the Opposition in the Senate:

I received the January 1987 edition of *Reform* which contained a number of tributes to the late Lionel Murphy.

I note the many positive tributes and articles to the late Lionel Murphy which you have selected. Given the public controversy over the last few years of his life, a public body such as your own might also have acknowledged the views which were expressed by the retired Judges who were retained

by the second Senate Select Committee and who reported independently on the matters which were enquired into by that committee.

As one who always sought a non-political enquiry into the matters revealed by the Age tapes, those opinions represent the closest thing we are ever going to have to an impartial view. Some references to them might have suggested that you had some concern about objectivity.

editor's note. The tributes and articles in the January 1987 *Reform* to the late Mr Justice Murphy were not intended as a definitive biography. A great deal was omitted including the matter referred to by Senator Chaney. The tributes and articles were intended simply to note Justice Murphy's contribution as a reformist judge and Attorney-General.

sexist distinction. Hilary Charlesworth of the University of Melbourne, Law School, writes:

I note in the January 1987 *Reform's* personalia column that information about marital status and parenthood is given only in respect of the sole woman mentioned, Mary Gaudron. Is this information particularly relevant to Justice Gaudron's appointment to the High Court and not to the elevation of other High Court judges or to the other appointments noted in the column?

This sexist distinction is disappointing in a publication so concerned with the amelioration of discriminatory practices.

editor's note. It is interesting to note that the High Court itself has now indicated that, in future, its Justices may be referred to as 'Justice Toohey' or 'Justice Gaudron'. Previously, justices of the court had been known as 'Mr Justice'.

new reports

Australia

ALRC

: Annual Report, 1986, No 34

NSWLRC

: Discussion Paper on Procedure from Charge to Trial: Specific Problems and Proposals, 1987, DP 14.

: Community Law Reform Program Consultative paper on Liability of Highway Authorities for Non-Feasance, 1986.

QLRC

: Working Paper on a Bill to Amend the Property Law Act 1974-1985, 1987, WP 30.

VLCC

: Second Report on the Operation of Section 32 of the Interpretation of Legislation Act 1984, 1986.

: Fourth Report on Subordinate Legislation, 1986

: Fifth Report on Subordinate Legislation, 1986.

: Sixth Report on Subordinate Legislation, 1986.

: Seventh Report on Subordinate Legislation, 1986.

: Eighth Report on Subordinate Legislation, 1987.

: Report on a review of the operation of Section 32 of the Interpretation of Legislation Act 1984, 1986.