

The proposed Australasian law commission would replace all existing State and Territory commissions. It would be able to suggest a program of law reform to SCAG, and might also be given power to deal with the community in law reform matters without receiving a special reference. The organisation and location of such a commission might give rise to difficulty. There would seem to be a case for the Commonwealth having a greater voice on the commission than any other single jurisdiction. One possibility would be three members to represent the Commonwealth and one member for each of the States and Territories. The commission might be located in Canberra but that could be a matter for further discussion.

After discussion, and with the Queensland representatives dissenting, the Conference agreed to the following resolutions:

- ALRAC should have a standing agenda item called 'Uniform Law' to discuss and promote co-ordination of references on specific topics.
- All Commissions should where appropriate seek standing references to review and report on matters which have been the subject of references to other Commissions.
- A liaison committee be established to consider ways in which law reform agencies in Australia and New Zealand can assist with the process of harmonising business law in terms of the Memorandum of Understanding of the two Governments signed at Darwin on 1 July 1988.

*distribution of references, new items and programs.* It was suggested that information on current references before law reform bodies be provided quarterly, synthesised on a subject by subject basis in order to show who was working on what related subjects at any one time. *Reform* already contains this information but it is organised in a way which makes analysis on a subject by subject basis rather difficult. *Reform* was suggested as the appropriate vehicle for the dissemination of

this information and the ALRC undertook to revise this section of *Reform*.

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## matrimonial property agreements

I read about divorce, and I can't see why two people can't get along together in harmony, and I see two people and I can't see how either of them can live with the other.

Franklin P Adams,  
*Nods and Becks*, 1944

*rent a judge.* Australia's first private rent-a-judge service has started in central Victoria. Similar agencies are big business in the United States. The service is run by Mrs Peg Lusink, who retired from the Family Court Bench last year. Now she is approached by solicitors who believe she can help reach a settlement out of court between people who have not reached agreement on the division of matrimonial property but wish to avoid a possibly bitter protracted and costly battle in court.

*informality.* Conferences with Mrs Lusink usually last less than a day. They are free of the formality of a court hearing and the parties share the cost. Mrs Lusink listens to the problems, suggests a solution and then drafts a statement setting out the result. Both parties sign the statement, which the solicitors then take to court as a consent agreement. She has dealt with about 30 cases privately, of which only one — her first — failed to result in a court order formalising the outcome. By drawing on the experiences of hundreds of cases heard on the Bench, Mrs Lusink has come up with solutions that eluded the solicitors. But she acknowledges that she has done some learning on the job. After her first case, she said, the wife went home and changed her mind and the agreement broke down. Since then, Mrs Lusink has got both parties to sign the resultant agreement on the spot and all the agreements have held, although there is no legal force behind her proposals.