surance scheme. (*SMH* 23 November 1988.) Rehabilitation was an integral part of Transcover. Under the proposed scheme, it is more limited in operation.

The Deputy Leader of the Opposition, Dr Andrew Refshauge, argued that private insurers

> will be looking at decreasing the premiums, not at improving rehabilitation. There's no indication that the increase in premiums will flow on to the victims. A few individuals will get a lot of money but it's the vast majority with injuries that need the appropriate rehabilitation that I'm concerned about. (*SMH* 23 November 1988).

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odds and ends

children's evidence by video link. The ALRC is to investigate the use of video link when children are called to give evidence in criminal trials in the ACT. This is the first stage of a project examining the law relating to children's evidence.

The President of the ALRC, Justice Elizabeth Evatt AO, said:

> There has been a widespread concern about the problems of child abuse, in particular the problems of bringing cases to court.
>
> Children can suffer severe trauma if they are required to give evidence in an often intimidating court environment, where they come face to face with the person who is accused of abusing them. There is a compelling need to find ways to reduce this trauma.
>
> One method is the use of video link. The child is in another room, linked to the courtroom by closed circuit television, and gan give evidence without directly confronting the accused person.

The ALRC, with the Magistrates' Courts, will set up and assess the use of video link in ACT criminal cases where children give evidence, for a 12 month trial period. Following this trial, the Commission will report to the Attorney-General on the success of the procedure for the children, the accused and the courts.

The aim is to provide a system that can protect the child and also ensure the rights of the accused and the operation of justice.

right to die. The Victorian Government's 1988 Dying with Dignity legislation originally contained a provision which would have allowed someone to give a close relative, friend or doctor power of attorney in advance to refuse or withhold life-maintaining treatment on the person's behalf should a patient become too incapacitated to make his or her wishes known. This clause was later deleted and a person can refuse medical treatment with the intention of dying only if he or she is capable of saying so at the time. In an editorial on 23 January 1989, the Melbourne *Age* said

> there is a strong argument for reinstating, with appropriate safeguards, the proposed right to appoint an agent to decide if treatment should continue. A right to die with dignity has limited value if a person cannot leave enforceable instructions to apply when he or she is no longer able to seek a merciful death.

This followed a Victorian Supreme Court judgment by Mr Justice Fullagar. The judge refused an injunction by a young woman to prevent doctors at St Vincent's Hospital from trying to save the life of her husband who had attempted suicide. He was terminally ill with leukaemia and also awaiting trial for the alleged murder of his mother-in-law. The judge held that an injunction to prevent medical treatment in this particular case would be to assist the person to commit suicide. The patient died three days later. While suicide is no longer a crime in Victoria it is a serious offence to help anyone take their life, even on compassionate grounds. Mr Justice Fullagar said that only parliament could make laws or create rights about a person's right to die.

In its discussion paper *Medical Treatment for the Dying*, the Law Reform Commission of Western Australia proposed that in such circumstances people with close associations with a patient be entitled to make such decisions (see 1988 *Reform* 154).

in vitro fertilisation. The issue of in vitro fertilisation has again been raised, this time in Victoria (see [1988] *Reform* 84). The Melbourne *Age* reports that the Victorian Government's Advisory Committee on IVF – the standing review and advisory committee on infertility – has approved a request by scientists at the Monash Medical Centre to test human embryos for genetic defects before transferring them to patients. Human embryos believed to be faulty would be destroyed in this process, giving scientists the power to determine the characteristics of IVF children.

> The legality of the tests, however, is in doubt – tests on human life created in the laboratory have previously been limited to 22 hours and it is uncertain whether tests on older embryos would be allowed under existing legislation (Melbourne *Age* 20 January 1989).

The article points out that the Victorian Premier had previously written to the Catholic Archbishop of Melbourne 'assuring him that there would be no experimentation on human embryos beyond the stage of syngamy, when the genetic material from the sperm and egg fused together about 20 to 22 hours after fertilisation begins. Syngamy occurs immediately before the first cell divides to form two cells'.

Tests such as the one approved by the Victorian Committee can only take place after syngamy. The *Age* reported that the Victorian Health Department will ask the Monash scientists not to proceed with the embryo tests until their legal status can be resolved.

In an editorial on 20 January 1989, the *Australian* says 'this is not fundamentally a technical legal issue but rather a giant moral question that should be decided by the government itself and not by any appointed committee, no matter how expert.

The *Australian* points out that 'for one thing, it is but a tiny step from 'discarding' an embryo because of a defect to discarding it because it has the wrong sex or in due course the wrong hair colour, or some other allegedly undesirable physical characteristic. Will we eventually reach a situation where female embryos are routinely destroyed because parents prefer sons to daughters, or vice versa? . . . Is parenthood to be understood in the future as a quest for a physically perfect child? What about the status of handicapped people? Are they to be seen merely as unfortunate mistakes which somehow survived an as yet imperfect screening process'?

The editorial also points out that in all states except New South Wales, there are regulatory mechanisms of one kind or another relating to in vitro fertilisation.

In a later article the Melbourne *Age* discussed the implications of embryo experimentation and says 'such isues should be opened up to full public debate and discussion in parliament before a final decision is taken' (27 January 1989).

maoris and the law. A 300-page report on Maori crime was issued in New Zealand on 13 November 1988. The *New Zealand Herald* reported on 28 November 1988 that the report 'The Maori and the Criminal Justice System: He Whaipaanga Hou – A New Perspective' says 'the present system discriminates against Maori offenders'. It suggests that a parallel Maori system of justice be established.

According to the *New Zealand Herald* the report is a result of consultation with 6000 Maoris around the country and observations of criminal proceedings in 16 District Courts.

> The police, news media and justice system came in for severe and sometimes scathing criticism from Maoris interviewed, many of whom rejected the existing system . . . as unable to deal sensitively or appropriately

> with Maori needs. (*NZH*, 30 November 1988)

The most controversial recommendation, according to the *NZH* (30 November 1988) is:

> its advocacy of more culturally based remedies. It pushes for a centre of cultural research and various tribal organisations which could increase acknowledgement of the relevance of Maori values and make culturally based penalties for Maori offenders effective'.

essays on legislative drafting. The Adelaide Law Review Association at the University of Adelaide Law School has published a book in honour of Mr JQ Ewens, CMG, CBE, QC, the former First Parliamentary Counsel of the Commonwealth. The book, entitled *Essays on Legislative Drafting*, is edited by the Chairman of the Law Reform Commission of Victoria, Mr David St L Kelly. John Ewens, now 81, has also been advisor to the Woodhouse Inquiry into National Rehabilitation and Compensation, draftsman and advisor to the Norfolk Island Administration, part-time Commissioner of the Australian Law Reform Commission and consulting legislative counsel, consultant to the Victorian Law Reform Commission in its work on plain English and a consultant legislative counsel for the Constitutional Commission.

choice of law rules. On 16 December 1988, the Federal Attorney-General referred to the ALRC questions relating to federal and Territory Choice of Law Rules. The Commission has been asked to examine whether the States and Territories should continue to be treated as foreign countries for the purpose of choice of law rules or whether some different choice of law rules is more appropriate within a federation. It has also been asked to examine the impact of the recently enacted cross-vesting legislation on choice of law rules and whether the rules on the recognition and enforcement of inter-State judgment should be altered. The ALRC has been asked to report by 30 June 1991.

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personalia

Sir Ronald Wilson

Sir Ronald Wilson will retire from the High Court with effect from 13 February 1989. Sir Ronald was appointed to the High Court on 21 May 1979 as the first Justice of the court to be appointed from Western Australia. Prior to his appointment Sir Ronald had been Solicitor-General of Western Australia. It is understood that he will now devote his energies to his other roles as President of the Uniting Church in Australia and Chancellor of Murdoch University.

The Hon Justice Michael McHugh

Justice McHugh will fill the vacancy on the High Court created by the resignation of Justice Wilson. His appointment will take effect from 14 February 1989. Justice McHugh, formerly of the New South Wales Court of Appeal and Supreme Court, was elevated to the Bench in 1984. Justice McHugh had built up an extensive practice during his career at the New South Wales Bar, particularly in the areas of defamation and constitutional law. He was one of the recognised leaders of the Bar, having acquired a leading practice in appellate jurisdictions, including that of the High Court of Australia. In 1983 Justice McHugh appeared as counsel for the federal Government in the Royal Commission on Australia's Security and Intelligence Agencies. He appeared as counsel for the applicants in the applications for special leave to appeal to the High Court brought by the Chamberlains. JusticeMcHugh left school at the age of 15 and took up a variety of jobs unconnected with the law. He studied at night to pass the Leaving Certificate examination and, while working as a clerk, took the Barrister's Admission Board examinations. He was admitted to the New South Wales Bar in July 1961 and appointed as a Queen's Counsel in 1973. From 1977 to 1984 Justice McHugh served on the New South Wales Bar Council, becoming in succession Vice-