

## United States

### California LRC

- Tentative Recommendation relating to 120-Hour Survival to take by Intestacy, 1988.
- Tentative Recommendation relating to Commercial Real Property Leases: Assignment and Sublease, 1988.
- Tentative Recommendation relating to Compensation of Estate Attorney and Personal Representative, 1988.
- Tentative Recommendation relating to Multiple-Party Accounts in Financial Institutions, 1988.
- Tentative Recommendation relating to Probate Law and Procedure: Notice to Creditors, 1988.
- Tentative Recommendation relating to Trustees' Fees, 1988.

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what's going on the in the lrc's

## Australian Law Reform Commission

### ALRC

- *Admiralty*. Work in hand (WIH) on report on the Criminal Admiralty Jurisdiction.
- *Class Actions*. Report on Grouped Proceedings in the Federal Court tabled in Parliament 13 December, 1988.
- *Community Law Reform*.
  - *Enduring Powers of Attorney*. Report will be tabled early in the Autumn session.
  - *Pre-Judgment Interest on Damages*. WIH
  - *Informed consent* WIH
  - *Guardianship and Management of Property*. WIH
  - *Children's Evidence*. WIH (see *odds and ends* section of *Reform*)
- *Choice of Laws*. WIH (see *odds and ends* section of *Reform*)

- *Customs*. Papers on the offshore applications of the Act (with draft provisions) and cargo control will be released early in 1989. WIH on draft provisions on administration and passenger processing.
- *Insolvency*. Report on General Insolvency Inquiry tabled 13 December, 1988.
- *Product Liability*. WIH on RP's due for release in early 1989. Commissioner Goldring is visiting North America and the UK holding talks with interest groups.

## New South Wales Law Reform Commission NSWLRC

- *Criminal Procedure*.
  - *Procedure before Trial*. WIH.
  - *Codification and Classification*. WIH.
  - *Appeals in Criminal Cases*. WIH.
  - *Police Powers of Detention and Questioning*. Report nearing completion.
  - *Contempt of Court*. WIH.
  - *Sentencing*. WIH.
- *Artificial Conception*.
  - *Surrogate Motherhood*. Report completed.
- *Registration and Certification of Births and Deaths*. Report completed.
- *Alternative Dispute Resolution*. IP prepared.
- *Sale of Goods*. WIH.
- *Co-operative Law Reform*. WIH.
- *Informed Consent to Medical Treatment*. Draft report under consideration.
- *Assurance Fund*. IP completed.
- *Community Law Reform Program*.
  - *Contribution between Persons liable for the same Damage*. WIH
  - *Dog Act*. Report released.

- *Disposal of Uncollected Goods*. Report completed.
- *Dividing Fences*. Report completed.
- *Representations as to Credit: Requirement of Writing*. Report released.
- *The Rule in Bain v Fothergill*. WIH.
- *Wills for the Mentally Incapable*. WIH.
- *Neighbour and Neighbour*. WIH.

#### **Tasmanian Law Reform Commissioner TasLRC**

- *Child Witnesses*. DP Prepared. WIH on report.
- *Criminal Law and Procedure*.
  - *Criminal Code s332, Alternative Verdicts*. WIH.
  - *Criminal Code s157(1)(c), Murder*. Draft report completed and circulated for comment.
  - *Competence and Compellability of Spouses to give evidence*. Recommendation made that no changes are made to the present law.
  - *Regulations relating to the Refrigeration etc of Blood taken for Blood Alcohol Tests*. WIH on draft report.
  - *Criminal Code s268, Arson*. Recommendations for Reform have been made. A draft bill has been prepared which will implement these reforms.
  - *Special Juries in Criminal Trials*. Draft report completed and circulated for comment.
  - *Settling Appeal Books – Court of Criminal Appeal*. WIH.
  - *Criminal Code s252A – Dishonestly obtain a Financial Advantage*. Report forwarded to A-G.

- *Civil Procedure*
  - *Occupiers Liability*. Recommendations have been made that no further action be taken.
  - *Special Juries in Civil and Criminal Cases*. Draft report prepared and circulated for comment.
  - *Appeal Costs Fund Act1968*. Draft report prepared and circulated for comment.
  - *Unclaimed Moneys Act1918*. WIH.
  - *Split Trials*. WIH.
  - *Defective Premises*. WIH.
- *Insanity, Intoxication and Automatism under the Tasmanian Criminal Code*. WIH.
- *Shopping Centre Leases*. WIH.
- *ALRC Draft Evidence Bill*. Recommendations forwarded to the AG.
- *Police Powers of Interrogation Following Arrest*. WIH.

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

- *Delays in Court*. No further work has been done since Reform No52.
- *Australian Constitutional Convention and Commission*. WIH.
- *Law Relating to Charitable Trusts in Victoria*. Draft report under consideration by new Committee. It is anticipated that it will be presented to Parliament in the Autumn Session.
- *Use of Action for Breach of Confidence as a means of Protecting Personal Privacy*. No further work has been done since Reform No52.
- *Freedom of Information Act 1982*. Written submissions are still being received. Public Hearings will probably commence in March.
- *Subordinate Legislation*. Rules up to SR3091988 have been considered. There is a backlog due to the dissol-

ution of the Committee when Parliament was prorogued.

### **Victorian Law Reform Commission VLRC**

- *Medicine Science and the Law.*
  - *Informed Consent to Medical Treatment.* Draft report prepared, and circulated. Due for tabling early in 1989.
  - *Genetic Manipulation.* WIH.
- *Sexual Offences.* Report on Sexual Offences Against Children tabled on 8 December 1988.
- *Land Law.*
  - *Easements and Covenants.* WIH on DP.
  - *Trusts.* WIH on DP.
  - *Sale of Land Act.* WIH on report.
  - *Insurance.* WIH on DP.
  - *Priorities.* WIH on report.
- *Criminal Law*
  - *Homicide.* WIH on draft report. Submissions are currently being considered.
  - *Insanity and Automatism.* WIH.
- *Business and Commercial Law.*
  - *Product Liability.* WIH on this joint reference.
  - *Penalties and Liquidated Damages.* WIH on DP.
- *Public Administration.*
  - *Equal Opportunity Act Review.* WIH on DP.
  - *Occupational Regulation.* WIH on draft reports on *Private Agents.* WIH on draft report on the *Sheepowners Protection Act.*
  - *Obsolete Legislation.* WIH on report.
  - *Codes of Practice.* WIH on DP.
  - *Police Standing Orders.* WIH.
  - *Credit Act.* WIH on preliminary report.

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

- *Criminal Process and Mental Disorder.* WIH on report.
- *Payment of Witnesses in Civil Proceedings.* WIH on report.
- *Medical Treatment of the Dying.* WIH on report. Comments being considered.
- *Medical Treatment for Minors.* DP issued and comments are being considered. Deadline for comments is 28 February 1989.
- *Police Act Offences.* DP nearing completion.
- *Medical Research Records.* WIH on DP.
- *Incitement to Racial Hatred.* WIH on DP.
- *Wills: Marriage and Divorce.* WIH on DP.
- *Imperial Statutes in Force in Western Australia.* DP in preparation.

### **Administrative Review Council ARC**

- *Review of Decisions under Quarantine Proclamations.* Letter of advice provided to the Attorney-General.
- *Review of Decisions under the Australian Heritage Commission Act.* Letter of advice provided to the Attorney-General.
- *Administrative Law Package under ACT Self-Government.* Letter of advice provided to the Attorney-General.
- *Access to Administrative Review.* The Council has agreed that the next stage of the access project will examine the process that is followed from the making of a decision to the point of review, to identify any unintended impediments to access. This will enable the Council to follow up its 1986 report on notification of rights of review although this project will involve other issues as well, including the availabil-

ity of advice on what review mechanisms to use and how to use them.

- *Review of the AD(JR) Act: Redefining the Act's Ambit.* WIH on evaluating the submissions on the Council's discussion draft report. A seminar to discuss the draft was held on 5 October 1988.
- *Community Services and Health.* A series of public seminars was arranged in November to receive comments on present review structures and specific decision-making processes.
- *Migration.* The Council Secretariat has been involved with the Interdepartmental Committee considering the report of Committee to Advise on Australia's Immigration Policies. The government's response to the report is expected shortly.
- *Companies.* The Council is holding discussions with the Attorney-General's Department concerning review issues arising under the proposed new companies scheme.

#### House of Representatives Standing Committee on Legal and Constitutional Affairs

- *Inquiry into Mergers, Takeovers and Monopolies.* WIH
- *Inquiry into the Legal Regimes of Australia's External Territories.* WIH.

#### Senate Standing Committee Legal and Constitutional Affairs

- *Social and Fiduciary Duties and Responsibilities of Company Directors.* Submissions are being received with a view to holding hearings in early 1989.

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#### new references

##### ALRC

- Federal and Territory Choice of Laws (see *odds and ends* section of *Reform*)

- Community Law Reform – Children's Evidence (see *odds and ends* section of *Reform*)

##### TasLRC

- Police Powers of Interrogation Following Arrest.

##### VLRC

- Enduring Powers of Attorney.

##### WALRC

- Incitement to Racial Hatred.

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#### areas of law currently under review

##### Administrative law

NTLRC *Administrative Appeals.* Work in hand (WIH).

ARC Report on Review of Decisions under Industry Research and Development Legislation (No31).

*Review of Decisions under Quarantine Proclamations.* Letter of advice provided to the Attorney-General.

*Review of Decisions under the Australian Heritage Commission Act.* Letter of advice provided to the A-G.

*Administrative Law Package under ACT Self-Government.* Letter of advice provided to the A-G.