

of Criminology for a further five years before he commences full-time duties on the AAT. Mr B Barbour was appointed as a full-time member located in Sydney. He is currently a senior officer of the Australian Broadcasting Tribunal, and will be responsible particularly for implementing improvements to the AAT's pre-hearing conference process. Mr Barbour will be attached to the AAT's Sydney Registry. Fifteen current part-time members have been re-appointed. Among them are several former high ranking officers in the Defence Forces, a number of distinguished medical specialists, a financial consultant and former senior Commonwealth public servants.

#### **administrative review council**

Mr R Brown's appointment expired on 25 September 1990 and Mr J Disney's appointment expired on 3 October 1990. Ms C Petre was appointed to the Council on 25 October 1990 and Ms H Vorrath was reappointed. Both have been appointed as part-time members. Ms Petre's appointment to the Council will bring a significant contribution from the perspective of users of administrative review and an insight into the way in which the system operates in practice in the broad social welfare area. Ms Petre is currently Chairperson of the Children's Program Committee of the Australian Broadcasting Tribunal, a lay member of the NSW Medical Tribunal, the Co-ordinator of the Intellectual Disability Rights Service in the Redfern Legal Centre, and a member of the review team of the NSW Prison Medical Service and the medical service in juvenile institutions. She has had considerable experience as a social worker at the Redfern Legal Centre and the Royal Prince Alfred Hospital. Ms Petre was formerly appointed to the Family Law Council, the Legal Aid Commission of NSW, the Commonwealth Legal Aid Council, the Law Foundation of NSW and the Institute of Family Studies.

#### **national crime authority**

Mr Justice John Phillips has been appointed as the Chairman of the National

Crime Authority and as a Judge of the Federal Court of Australia. Mr Phillips, 56, a Judge of the Victorian Supreme Court was appointed for a four year term. After an impressive career as a Queen's Counsel specialising in criminal law, he was the first Director of Public Prosecutions appointed in Australia. Mr Justice Phillips was appointed to the Victorian Supreme Court in 1984. He was the first specialist in criminal law appointed to the Court. Other appointments Mr Justice Phillips currently holds include: Chairman of the Criminal Justice Committee of Victoria, Chairman of the Attorney-General's Advisory Committee on DNA Testing Technology, Chairman of the Victorian Institute of Forensic Pathology, Chairman of the Lanchid Society (an association of Australian and European lawyers) and Chairman of Professional Programmes for the Greek Australian International Legal and Medical Conferences.

#### **trade practices commission**

Ms Johanna Plante and Dr David Cousins have been appointed as associate members of the Trade Practices Commission. Ms Plante has been a full-time member of Australia's telecommunications watchdog, the Australian Telecommunications Authority (AUSTEL) since 30 October 1989. Dr Cousins has a background in economics and is currently a full-time member of the Prices Surveillance Authority (PSA). The appointment of Ms Plante and Dr Cousins means that the present Commission membership is three full-time and six part-time members.

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#### **areas of law currently under review**

##### **Administrative law** ARC

- Review of the *Administrative Decisions (Judicial Review) Act* — a report on the furnishing of statements of reasons under s.13 of the Act is expected to be finalised in December 1990.

- Specialist tribunals – The Council has advised the AG on several aspects of this project resulting from the national conference on 3 May 1990. The Heads of Tribunals met with the Council on 14 September to discuss ongoing matters.
- Broadcasting – A DP on inquiry procedures of the Australian Broadcasting Tribunal and review of its procedural decisions is expected by December.
- Informal rule making – WIH on consideration of submissions, and preparation of the a draft report.
- Community services and health – WIH on DPs on Commonwealth/State funding programs and assesment of products. The Council has provided a letter of advice on review implications for the work of the National Health and Medical Research Council, in anticipation of the NHMRC being created under legislation in 1991.
- Intellectual Property – WIH on draft DP on the review of patents decisions.
- Outcomes in *Administrative Decisions (Judicial Review)* matters – The Council is examining the eventual outcomes in migration and customs cases remitted by the Federal Court to decision-makers for reconsideration.

#### NTLRC

- Appeals for administrative decisions – A DP has been released for comment. A further DP will be released before the end of the year. A report will be tabled in early 1991.

#### Admiralty

##### ALRC

- Criminal admiralty jurisdiction and prize, Report No. 48, tabled on 27 November 1990.

#### Alternative dispute resolution

##### NSWLRC

- Alternative dispute resolution – WIH on report.
- Alberta LRI
- Dispute resolution: a directory of methods, projects and resources, Research Paper No. 19, July 1990.

#### Attorney

##### VLRC

- Enduring powers of management, Report No. 35, 1990.

#### Newfoundland LRC

- Report on enduring powers of attorney, NLRC-R2, December 1988.

#### California LRC

- Tentative recommendation relating to recognition of agent's authority under statutory form power of attorney, September 1990.

#### Broadcasting

##### ARC

- Broadcasting – A DP on inquiry procedures of the Australian Broadcasting Tribunal and review of its procedural decisions is expected by December.

#### By-laws and regulations

##### VLCC

- Subordinate legislation – The Committee is responsible for reviewing all the statutory rules made in Victoria under the *Subordinate Legislation Act 1962* and has considered individual rules up to SR 243/1990.

#### VLRC

- Plain English – The Commision is working on a redraft of the *Road Traffic Regulations* and the *Penalties and Sentences Bill*, and plans to do a review of the building contract for general use by the building industry.

- Rationalisation of the Statute Book – WIH on a low cost computerised Statute Book, consolidating both statutes and regulations.

### **Censorship**

#### **ALRC**

- Censorship – Consultation with the states on draft legislation is continuing. A DP is due for release in February 1991.

### **Children**

#### **ALRC**

- Children's Evidence – The ACT Ordinance allowing the video taping of children's evidence has been extended for a further year so that a more significant number of cases can be evaluated.

### **QLRC**

- Infancy – The Commission has a new reference examining infancy, and in particular, the civil law capacity of infants.
- Employment of children – The Commission has a new reference to examine the law relating to the employment of children.
- Vicarious responsibility – The Commission has a new reference to examine the law of vicarious responsibility with particular reference to parent/child relationships, teacher/pupil relationships, employer/employee relationships and adult supervisor/child relationships.

### **WALRC**

- Medical treatment for minors – WIH on a report on sterilization. Other aspects of the reference will be dealt with subsequently.
- Evidence of children and other vulnerable witnesses – Comments on the DP (prepared with the assistance of Marion Dixon acting as consultant) are being considered.

### **ILRC**

- Report on child sexual abuse, 1990.

### **Companies**

#### **H of R**

- Corporate practices and the rights of shareholders – Evidence taking is complete. A draft report is in preparation and will be tabled in the Autumn session of Parliament.

### **VLRC**

- Harmonisation of the company law – The Commission will advise the AG on ways of ensuring that Australian law is harmonised with the developments taking place in New Zealand and the European Community.

### **NZLC**

- Company law reform: transition and revision, Report No. 16, 1990.

### **Compensation for personal injury**

#### **Tas LRC**

- Damages for personal injury – WIH on draft report

### **Conflict of laws**

#### **ALRC**

- Submissions are being considered.

### **Constitutional law**

#### **VLCC**

- Australian Constitutional Commission – no further work has been done on this reference.

### **Contract**

#### **VLRC**

- Codification of the law of contract – WIH.

### **Consumer Protection**

#### **VLRC**

- Codes of practice, DP 20, 1990.

### **Courts and judges**

#### **NSWLRC**

- Alternative dispute resolution – WIH on report.

## QLRC

- Review of the *Commissions of Inquiry Act 1950-1989* – The Commission has a new reference on this subject.
- Review of the *Justices Act 1886-1989* and the *Magistrates Courts Act 1921-1989* – The Commission has a new reference to review these acts and to consider the desirability of amalgamating them.

## VLCC

- Delays in courts – no further work has been done on this reference.

## VLRC

- Costs of litigation – WIH on DPs on the market for legal services and competition within the legal profession.

## Sen

- Cost of legal services and litigation – Public hearings in the capital cities are continuing.

## Alberta LRI

- Dispute resolution: a directory of methods, projects and resources, Research Paper No. 19, July 1990.

## Criminal law and procedure

### NSWLRC

- Police powers of arrest and detention – Interim report nearing completion.

## QCJC

- Reforms in laws relating to homosexuality: an information paper, May 1990.

## QLRC

- *Bail Act* – WIH.
- The Criminal Code – The Commission has a reference to examine offences regarding disabled people, eg. sex with disabled people without consent. Tas LRC
- General Criminal Code review – WIH VLCC
- Law relating to stolen goods – The Committee is currently conducting a

program of public hearings and expects to report to Parliament in March 1991 VLRC

- Homicide – WIH on a report on the rationalisation of the law relating to homicide, particularly in relation to domestic violence.
- Mental malfunction and criminal responsibility – WIH on report.
- *Penalties and Sentences Bill* – WIH on a Plain English redraft.
- Rape – a new reference

## WALRC

- Criminal process and mental disorder – WIH on report.
- Privilege for confidential communications – WIH on DP.

## ILRC

- Report on child sexual abuse, 1990.
- Report on sexual offences against the mentally handicapped, 1990.

## Customary Law

### QLRC

- The Commission has a new reference to examine the rights of Aborigines and Torres Strait Islanders concerning traditional hunting, fishing and food gathering including the exercise of these rights in national parks.

## Customs and excise

### ALRC

- Customs – Customs and Excise: draft legislation, DP 45, October 1990 has been released. Submissions and comments are invited.

## ARC

- Outcomes in *Administrative Decisions (Judicial Review)* matters – The Council is examining the eventual outcomes in migration and customs cases remitted by the Federal Court to decision-makers for reconsideration.

## **Damages**

### **ALRC**

- Pre-judgment interest on damages – WIH on DP.

### **NSWLRC**

- Contribution among wrongdoers: interim report on solidary liability, Report No. 65, 1990. The report was tabled on 12 September 1990 and a DP on the remainder of the reference is being prepared.
- Provisional damages – WIH on DP.

### **Tas LRC**

- Damages for personal injury – Draft report has been circulated.

## **Defamation**

### **VLRC**

- Defamation – WIH on a project to implement the policy decisions made by the AGs of New South Wales, Queensland and Victoria.

## **Discrimination**

### **H of R**

- Equal opportunity and equal status for Australian women – WIH.

### **VLRC**

- *Equal Opportunity Act* review – WIH on report.

### **WALRC**

- Incitement to racial hatred – The Commission's report has been implemented by the *Criminal Code Amendment (Racist harassment and incitement to racial hatred)* Act 1990.

## **Education**

### **QLRC**

- *Education Act* – the Commission has a new reference to examine the law with respect to matters concerning people with disabilities.

## **Electoral Law**

### **QLRC**

- *Electoral Act* – the Commission has a

new reference to examine the law with respect to matters concerning people with disabilities and look at changes needed to facilitate voting by people with disabilities.

## **Evidence**

### **ALRC**

- Children's Evidence – The ACT Ordinance allowing the video taping of children's evidence has been extended for a further year so that a more significant number of cases can be evaluated.

### **QLRC**

- *Evidence Act* – the Commission has a new reference to examine the law with respect to rules re the competency of witnesses.

### **Tas LRC**

- ALRC draft evidence bill – WIH on consideration of the bill.

### **VLRC**

- Evidence – WIH on a draft code based on the recommendations made by the ALRC in its report on evidence.

### **WALRC**

- Evidence of children and other vulnerable witnesses – Comments on the DP (prepared with the assistance of Marion Dixon acting as consultant) are being considered.
- Privilege for confidential communications – WIH on DP.

### **Northern Ireland LRAC**

- Hearsay evidence in civil proceedings, Discussion Paper No. 1, 1990.

## **Family law**

### **QLRC**

- Family aspects of succession – The Commission has a new reference to examine the interrelationship between Part IV (Family Provisions) of the *Succession Act 1981-1987*, s. 79 (alteration of property interests) of the *Family*

*Law Act 1975* and the *Public Trustee Act 1978-1989* regarding the rights and entitlements of a spouse of an incapacitated person.

- Property rights in de facto relationships – The Commission has a new reference on this subject.

#### WALRC

- Wills: marriage and divorce – Comments on the DP are being considered.

#### Gaming and wagering

##### QCJC

- Report on gaming machine concerns and regulations, May 1990.

#### Guardianship

##### QLRC

- Aged persons – The Commission has a new reference to examine the law relating to aged persons, with particular reference to declining physical and mental faculties.

#### Industrial Law

##### QLRC

- Employment of children – The Commission has a new reference to examine the law relating to the employment of children.
- Vicarious responsibility – The Commission has a new reference to examine the law of vicarious responsibility with particular reference to parent/child relationships, teacher/pupil relationships, employer/employee relationships and adult supervisor/child relationships.

#### Intellectual property

##### ARC

- Intellectual Property – WIH on draft DP on the review of patents decisions.

#### International law

##### H of R

- Legal regimes of Australia's external territories and Jervis Bay – Evidence taking is complete. Report will tabled in the Autumn session of Parliament.

#### Jury

##### CPHK

- The jury in Hong Kong, Law Department Working Papers No. 1, 1990.

#### Landlord and tenant

##### NSWLRC

- Joint tenancy – a new reference.

#### Law reform

##### ALRC

- Annual report 1990, No. 54, tabled on 27 November 1990.

#### NLRC

- Annual report 1 July 1989 – 30 June 1990.

#### VLRC

- Annual report, Report No. 37, September 1990.

#### NZLC

- Annual report 1990, Report No. 15, 1990.

#### Law Com

- Law under review, No. 14, June 1990.

#### Lien Newfoundland

##### LRC

- Report on the *Mechanics' Lien Act*: certain substantive issues, NLRC-R3, May 1990.

#### Limitation of actions

##### WALRC

- Limitation and notice of actions – a RP on latent damage prepared by Nicholas Mullany acting as consultant and a draft DP on other aspects of the reference are being considered by commentators.

#### Matrimonial property

##### QLRC

- Property rights in de facto relationships – The Commission has a new reference on this subject.

## **Medicine and the law**

### **QLRC**

- Consent to medical procedures – The Commission has a new reference on consent to medical procedures by children and the intellectually disabled (including the consent to sterilization).

### **WALRC**

- Report on confidentiality of medical records and medical research, Project No. 65, Part II, August 1990.
- Medical treatment for the dying – Report being drafted.
- Medical treatment for minors – WIH on a report on sterilization. Other aspects of the reference will be dealt with subsequently.

## **Mental illness**

### **NSWLRC**

- Wills for people lacking will-making capacity – report nearing completion.

### **QLRC**

- *Mental Health Act* and the *Intellectually Disabled Citizens Act* – the Commission has a new reference to examine the law with respect to matters concerning people with disabilities.

### **VLRC**

- Mental malfunction and criminal responsibility – WIH on report.

### **WLARC**

- Criminal process and mental disorder – WIH on report

### **ILRC**

- Report on sexual offences against the mentally handicapped, 1990.

## **Motor traffic law**

### **VLRC**

- Culpable driving causing death – The Commission has a new reference.

## **Multiculturalism**

### **ALRC**

- Multiculturalism – The family law DP

is almost ready for distribution. WIH on criminal law DP. Extensive consultation has occurred in most states and territories.

### **ARC**

- Multiculturalism and Commonwealth decision-making and grievance procedures: the Multicultural Australia Project is continuing to hold meetings, training courses, publicity sessions and other measures designed to make people from non English-speaking backgrounds aware of the issues. In the remaining 7 months the Project will concentrate on the AAT and the Commonwealth Ombudsman.
- Outcomes in *Administrative Decisions (Judicial Review)* matters – The Council is examining the eventual outcomes in migration and customs cases remitted by the Federal Court to decision-makers for reconsideration.

## **Patents**

### **ARC**

- Intellectual Property – WIH on draft DP on the review of patents decisions.

## **Perpetuities and accumulations**

### **NTLRC**

- Rules against perpetuities and accumulation – WIH on a report being prepared in conjunction with the Land Law Review Committee.

## **Personal property California**

### **LRC**

- Tentative recommendation relating to repeal of Civil Code Section 704 (passage of death of ownership of U.S. bonds), June 1990.
- Tentative recommendation relating to transfer-on-death designation for vehicles and certain other state-registered property, September 1990.

## **Personal property securities**

### **ALRC, VLRC, NSWLRC**

- Personal property securities – A DP

containing draft legislation will be released in January 1991. Meetings with consultants will be held in January and February 1991. The NSWLRC has now received a reference on this subject and will co-operate with the ALRC and the VLRC on this reference.

## Police

### NSWLRC

- Police powers of arrest and detention – Interim report nearing completion.

## Police offences

### WALRC

- *Police Act offences* – WIH on report.

## Privacy

### VLRC

- WIH on a DP identifying major substantive issues which need resolving.

### WALRC

- Report on confidentiality of medical records and medical research, Project No. 65, Part II, August 1990.

## Sen

- Consideration of the government's proposals to use tax file numbers in relation to social security payments – hearings in progress.

## Real property and conveyancing

### NSWLRC

- Damages for vendor's inability to convey good title: the rule in *Bain v Fothergill*, Report No. 64, 1990. Report was tabled on 12 September 1990.
- Torrens title – WIH on final report.

### LLRCNT

- Guarantee of Torrens title in the Northern Territory, Discussion Paper, August 1990.

### QLRC

- *Real Property Acts* – WIH

### VLRC

- Land law – WIH on a new *Land Titles Bill* to finalise the reference.

### Alberta LRI

- Towards a new *Alberta Land Titles Act*, Report for Discussion No. 8, August 1990.

### JLTC

- Renovating the foundation: proposals for a model land recording and registration Act for the provinces and territories of Canada, July 1990.

## Sale of goods

### NSWLRC

- Sale of goods – WIH.

## Statutes

### QLRC

- Henry VIII clauses – WIH.
- Review of Statute law – The Commission has received approval for its fourth programme of law reform. It includes a review of statute law as requested by the Commission.

### VLRC

- Statute law revision and miscellaneous amendment, Report No. 38, 1990.
- Plain English – The Commission is working on a redraft of the *Road Traffic Regulations* and the *Penalties and Sentences Bill*, and plans to do a review of the building contract for general use by the building industry.
- Rationalisation of the Statute Book – WIH on a low cost computerised Statute Book, consolidating both statutes and regulations.

## Succession

### QLRC

- Family aspects of succession – The Commission has a new reference to examine the interrelationship between Part IV (Family Provisions) of the *Succession Act 1981-1987*, s. 79 (alteration of property interests) of the *Family*



*Law Act 1975* and the *Public Trustee Act 1978-1989* regarding the rights and entitlements of a spouse of an incapacitated person.

- *Public Trustee Act* – The Commission has a new reference to examine the law with respect to matters concerning people with disabilities and in particular to examine the *Public Trustee Act*.

### Summary offences

#### VLRC

- *Summary Offences and Vagrancy Acts* – WIH on a DP

### Torts

#### NSWLRC

- Contribution among wrongdoers: interim report on solidary liability, Report No. 65, 1990. The report was tabled on 12 September 1990 and a DP on the remainder of the reference is being prepared.
- Provisional damages – WIH on DP.

#### QLRC

- Vicarious responsibility – The Commission has a new reference to examine the law of vicarious responsibility with particular reference to parent/child relationships, teacher/pupil relationships, employer/employee relationships and adult supervisor/child relationships.

#### Tas LRC

- Damages for personal injury – Draft report has been circulated.

#### California LRC

- Tentative recommendation relating to recognition of trustees' powers, September 1990.

### Trade Practices

#### VLRC

- Trade Practices – The Commission has received a new reference on the regulation of trade practices in Victoria.

### Wills

#### NSWLRC

- Wills for people lacking will-making capacity – report nearing completion.

#### WALRC

- *Administration Act* – report (prepared by Neville Crago acting as consultant) has been submitted.
- Wills: marriage and divorce – comments on the DP are being considered.

#### California LRC

- Tentative recommendation relating to access to decedent's safe deposit box, September 1990.
- Tentative recommendation relating to gifts in view of death, September 1990.

### Other

#### NSWLRC

- Neighbour and Neighbour – WIH on IP.

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### Publications

#### Australia

##### ALRC

- Criminal admiralty jurisdiction and prize, Report No. 48, 1990.
- Annual Report 1990, No. 54, 1990.

#### Sen

- The Privacy Amendment Bill 1989 [1990] – a report on proposed amendments to the legislation, 1990.

#### New South Wales

##### NSWLRC

- Damages for vendor's inability to convey good title: the rule in *Bain v Fothergill*, Report No. 64, 1990. The report was tabled on 12 September 1990.