

VLRC

Jude Wallace, Commissioner, has been seconded to the firm of Corrs Australia Solicitors for one year as National Precedents Manager. She will manage the implementation of the plain English initiative for the firm on a national and international front. David Neal, Commissioner and Jo Szwarc, Senior Researcher, have been seconded to the Attorney-General's Department as Acting Director of Policy and Research

and Acting Assistant Director. Kathy Sanders, seconded to the Public Advocate's Office in 1990, has returned to the Commission. Helen McKelvie joined the Commission's research staff in November. She previously worked for intellectual property specialists, David Ryan and DeBoos on commercial, trademark and copyright law. Researcher, Agnes Borsody, has been appointed for one year as a part-time member of the Social Security

Appeals Tribunal. This tribunal provides external review of decisions by the Department of Social Security. Megan Richardson from the New Zealand Law Commission will join the Commission on secondment for a period of one year. Margaret Lane, a visiting Fulbright Scholar from the US, joined the Commission for one year to research developments in the law relating to bioethics. □

Areas of law currently under review

Administrative law

Sen

- Appeals against determinations of the Sex Discrimination Commissioner, Race Discrimination Commissioner and the Privacy Commissioner — receiving submissions

NTLRC

- Appeals for administrative decisions — A DP has been released for comment and comments received. A draft report is under consideration and will be released in 1991.

QEARC

- Protection of whistleblowers, IP 10, 1990.

Alternative dispute resolution

NSWLRC

- Alternative dispute resolution — Report near completion.

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 356/1990.

- Eighteenth Report on Subordinate Legislation concerning *Local Government Regulations 1990* and *Conservation, Forests and Lands (Contracts) Regulations 1990, 1990*.
- Nineteenth Report on Subordinate Legislation concerning *Alpine Resorts (Leasing) (Amendment) Regulations 1990* and *Conservation, Forests and Lands (Contracts) Regulations 1990, 1990*.

VLRC

- Plain English — The Commission is working on a redraft of the *Penalties and Sentences Bill*.
- *Road Traffic Regulations* — Draft in Plain English with VicRoads launched by the Victorian A-G on 8 March 1991.
- 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.

WALRC

- Medical treatment for minors — Work on sterilisation suspended pending hearing by High Court in April of *Re Marion*. Other aspects of reference to be dealt with subsequently.
- Evidence of children and other vulnerable witnesses — Report shortly to be submitted.

Scot Law Com

- Parental responsibilities and rights, guardianship and the administration of children's property, DP No. 88, 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.

CSLRC

- Enforcement of the duties of directors and officers of a company by means of a statutory derivative action, Report No. 12, 1990.
- Shares of no par value and partly-paid shares, Report No. 11, 1990.

VLRC

- Harmonisation of the company law — WIH.

Compensation for personal injury

Tas LRC

- Damages for personal injury, Report No. 67, 1991.

Computers and the Law

VLRC

- Expert software systems — A new reference on the question of the extent to which the drafting and administration of the law could be made easier and more efficient by the development of expert systems.

Conflict of laws

ALRC

- Submissions are being considered.

Law Com

- Private international law: Choice of law in tort and delict, Law Com 193, 1990.

Scot Law Com

- Extra-territorial effect of arrestments and related matters, DP No. 90, 1990.

Constitutional law

Sen

- Shield of the Crown — WIH

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 released in September 1990. WIH on report.

Courts and judges

NSWLRC

- Alternative dispute resolution — Report near completion.
- 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.

Criminal law and procedure

ALRC

- Multiculturalism: Family Law, DP 46, 1991 was distributed in February. Submissions are being received. WIH on criminal law DP which is due for release in April. In May consultation will take place in Adelaide, and public hearings will be held in Brisbane, Cairns and Darwin on both DPs.

NSWLRC

- Police powers of detention and investigation after arrest, LRC 66, 1990.

QLRC

- *Bail Act* — WIH.

Tas LRC

- General Criminal Code review — WIH
- Dishonest retention of payments mistakenly made (Stealing), Report No. 68, 1991.

VLCC

- Law relating to stolen goods — The Committee is currently considering its draft report and expects to present it to Parliament in March 1991.
- Establishment of a Bureau of Crime Research and Statistics — The Committee has a new reference to examine the establishment of a Bureau.

VLRC

- Review of the *Bail Act 1977* and its practical operation — WIH on a new reference.
- Homicide — WIH on report finalised. Will be tabled in the Autumn Parliamentary sittings.
- Mental malfunction and criminal responsibility, Report No. 34, 1990 tabled in the Victorian Parliament on 29 November 1990.
- *Penalties and Sentences Bill* — WIH on a Plain English redraft.
- Rape — WIH on a new reference.

WALRC

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

CLRC

- Controlling criminal prosecutions: the Attorney General and the Crown Prosecutor, WP 62, 1990.

Law Com

- Rape within marriage, WP No. 116, 1990.

Customs and excise

ALRC

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

Damages

ALRC

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

NSWLRC

- Contribution among persons responsible for the same damage — DP near completion.
- Provisional damages — WIH on DP.

Tas LRC

- Damages for personal injury, Report No. 67, 1991.

Scot Law Com

- The effect of death on damages, DP No. 89, 1990.

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.

Sen

- Appeals against determinations of the Sex Discrimination Commissioner, Race Discrimination Commissioner and the Privacy Commissioner — receiving submissions

VLRC

- Review of the *Equal Opportunity Act*, Report No. 36, 1990 was tabled in the Victorian Parliament on 29 November 1990.

Environmental Law

PNGLRC

- New directions in resource management for Papua New Guinea, Occasional Paper No. 20, 1990.

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.

VLRC

- Evidence — WIH on a draft Victorian Bill based largely on the recommendations made by the ALRC in its report on evidence.

WALRC

- Evidence of children and other vulnerable witnesses — Report shortly to be submitted.
- Privilege for confidential communications — WIH on DP.

BCLRC

- Affidavits: alternatives to oaths (minor report), LRC 115, 1990.

ILRC

- Oaths and affirmations, 1990.

Family law

ALRC

- Multiculturalism: Family Law, DP 46, 1991 was distributed in February. Submissions are being re-

ceived. WIH on criminal law DP which is due for release in April. In May consultation will take place in Adelaide, and public hearings will be held in Brisbane, Cairns and Darwin on both DPs.

WALRC

- Wills: marriage and divorce — WIH on Report.

Law Com

- Family law: the ground for divorce, Law Com 192, 1990.

Guardianship

Scot Law Com

- Parental responsibilities and rights, guardianship and the administration of children's property, DP No. 88, 1990.

Home and Commercial Units

Scot Law Com

- Law of tenement, DP No. 91, 1990.

Human Rights

Sen

- Appeals against determinations of the Sex Discrimination Commissioner, Race Discrimination Commissioner and the Privacy Commissioner — receiving submissions

Insolvency

SALRC

- Review of the law of insolvency: effect of insolvency on assets, civil proceedings and contracts, WP No. 33, Project 63, 1990.

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.

Landlord and tenant

NSWLRC

- Unilateral severance of a joint tenancy — WIH on DP.

Limitation of actions

WALRC

- Limitation and notice of actions — a RP on latent damage prepared and a draft DP on other aspects of the reference are being considered by commentators.

Medicine and the law

WALRC

- Medical treatment for the dying — Report submitted.
- Medical treatment for minors — Work on sterilisation suspended pending hearing by High Court in April of *Re Marion*. Other aspects of reference to be dealt with subsequently.

CLRC

- Toward a Canadian advisory council on bioethical ethics, Protection of life series study paper, 1990

Mental illness

ACT Mental Health Review Committee

- Balancing rights: a review of mental health legislation in the ACT, 1990

NSWLRC

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

VLRC

- Mental malfunction and criminal responsibility, Report No. 34, 1990 tabled in the Victorian Parliament on 29 November 1990.

WALRC

- Criminal process and mental disorder — WIH on report.

Motor traffic law

VLRC

- Culpable driving causing death — WIH on a review of the laws relating to manslaughter, culpable driving causing death and reckless driving.
- Road Traffic Regulations — Draft in Plain English with VicRoads launched by the Victorian A-G on 8 March 1991.

Multiculturalism

ALRC

- Multiculturalism: Family Law, DP 46, 1991 was distributed in February. Submissions are being received. WIH on criminal law DP which is due for release in April. In May consultation will take place in Adelaide, and public hearings will be held in Brisbane, Cairns and Darwin on both DPs.

Perpetuities and accumulations

NLRC

- Rules against perpetuities and accumulation — WIH: A report is being prepared in conjunction with the Land Law Review Committee and is expected to be released in 1991.

Personal property securities

ALRC, VLRC, NSWLRC

- Personal property securities — A DP containing draft legislation will be released in April 1991.

Police

NSWLRC

- Police powers of detention and investigation after arrest, LRC 66, 1990.

Police offences

WALRC

- *Police Act offences* — WIH on report.

Privacy

VLRC

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

Professions

Law Com

- Fiduciary duties and regulatory rules: issues questionnaire, 1990.

Real property and conveyancing

QLRC

- *Real Property Acts* — WIH

VLRC

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

Scot Law Com

- Report on the passing of risk in contracts for the sale of heritable property, Scot Law Com No. 127, 1990.

Sale of goods

NSWLRC

- Sale of goods — WIH.

Social Security

Sen

- Debt recovery under the *Social Security Act* and the *Veterans' Entitlements Act* — government response tabled 14 February 1991.

Statutes

QLRC

- Henry VIII clauses — A report has been prepared.

VLRC

- Plain English — The Commission has completed a redraft of the *Road Traffic Regulations* and is working of a redraft of the *Penalties and Sentences Bill*.

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

- Australian Standard Conditions for Domestic Home Building Construction — WIH on a plain English redraft of this standard has been commissioned by Standards Australia.

NZLC

- A new *Interpretation Act*: to avoid "proximity and tautology", Report No. 17, 1990.

Summary offences

VLRC

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

Torts

NSWLRC

- Contribution among persons responsible for the same damage — DP near completion.

- Provisional damages — WIH on DP.

Tas LRC

- Damages for personal injury, Report No. 67, 1991.

Law Com

- Private international law: Choice of law in tort and delict, Law Com 193, 1990.

Trade Practices

Trade Practices Commission

- Regulation of professional markets in Australia: issues for review — a discussion paper, December 1990.

VLRC

- Trade Practices — WIH on DP.

Wills

NSWLRC

- Statutory wills — report nearing completion.

WALRC

- Report on the *Administration Act 1903*, Project No. 88, August 1990.

- Wills: marriage and divorce — WIH on Report.

Manitoba LRC

- Statutory designations and *The Retirement Plan Beneficiaries Act*, Report No. 73, 1990.

California LRC

- Tentative recommendation relating to application of marketable title statute to executory interest, November 1990.

Other

NSWLRC

- Neighbour and Neighbour — WIH on IP.

New references

VLCC

- Establishment of a Bureau of Crime Research and Statistics — The Committee has a new reference to examine the establishment of a Bureau.

VLRC

- Expert software systems — A new reference on the question of the extent to which the drafting

and administration of the law could be made easier and more efficient by the development of expert systems.

- Review of the *Bail Act 1977* and its practical operation — WIH on a new reference.
- Australian Standard Conditions for Domestic Home Building Construction — WIH on a plain English redraft of this standard has been commissioned by Standards Australia. □

Publications

Australia

ALRC

- Customs and Excise: draft legislation, DP 45, October 1990.
- Multiculturalism: Family Law, DP 46, 1991.

CSLRC

- Enforcement of the duties of directors and officers of a company by means of a statutory derivative action, Report No. 12, 1990.
- Shares of no par value and partly-paid shares, Report No. 11, 1990

Trade Practices Commission

- Regulation of professional markets in Australia: issues for review — a discussion paper, December 1990.

Australian Capital Territory

ACT Mental Health Review Committee

- Balancing rights: a review of mental health legislation in the ACT, 1990

New South Wales

NSWLRC

- Police powers of detention and investigation after arrest, LRC 66, 1990.

Queensland

QEARC

- Protection of whistleblowers, IP 10, 1990.

Tasmania

Tas LRC

- Damages for personal injury, Report No. 67, 1991
- Dishonest retention of payments mistakenly made (Stealing), Report No. 68, 1991.
- Annual Report 1990, 1991.

Victoria

VLCC

- Eighteenth Report on Subordinate Legislation concerning *Local Government Regulations 1990 and Conservation, Forests and Lands (Contracts) Regulations 1990*, 1990.
- Nineteenth Report on Subordinate Legislation concerning *Alpine Resorts (Leasing) (Amendment) Regulations 1990 and Conservation, Forests and Lands (Contracts) Regulations 1990*, 1990.

VLRC

- Mental malfunction and criminal responsibility, Report No. 34, 1990.