
AREAS OF LAW CURRENTLY UNDER REVIEW

compiled by Joanna Longley

Aborigines

Old Leg RC

- Inquiry into the legislation relating to the management of Aboriginal and Torres Strait Islander communities in Queensland: Final Report — Cairns: The Committee, 1991.

Accidents

ACTLRC

- Contributory negligence in fatal accident cases and breach of statutory duty cases; Funeral costs in fatal accident cases — Canberra: The Committee, 1991 (Report No 3)

Administrative Law

ARC

- Access to administrative review by members of Australia's ethnic communities — Canberra: Australian Government Publishing Service, 1991 (Report No 34)
- Specialist tribunals — The Council conducted the first Conference of the Commonwealth Review Tribunals in Melbourne on 18–19 October 1991. One of the sessions was devoted to discussion of the Council's paper on tribunal procedures. It is expected that the Council will circulate a draft report on Tribunal procedures in 1992. Please address any queries to Patricia Georgee at the ARC Secretariat.
- Rules making by Commonwealth agencies — Submissions in response to the IP were received from Commonwealth agencies and other interested parties and a series of workshops was held. A report to the AG is in preparation. Please address any queries to Stephen Bourke at the ARC Secretariat.
- Community Services and Health — The next stage in this project concerns the examination of

decisions made under certain grants programs within the Commonwealth Health, Housing and Community Services portfolio to determine amenability to administrative review. The Council will issue a DP. Please address any queries to Stephen Lloyd at the ARC Secretariat.

- Intellectual property — A draft DP on the review of patents decisions is being prepared by a consultant, Dr Margaret Allars of Sydney University.
- Government Business Enterprises — The Council expects to release a DP shortly, which will consider a number of criteria which may be determinative of the need for review. These criteria will be tested in a number of case studies. Please contact Gina Foster at the ARC Secretariat.

NLRC

- Report on appeals from administrative decisions — Darwin: The Committee, June 1991 (Report No 14)

QEARC

- Appeals from administrative decisions: public submissions, August 1991 — Brisbane: The Commission, 1991 (91/S14)

Alternative Dispute Resolution

Sen

- Costs of legal services and litigation: methods of dispute resolution — Canberra: The Committee, 1991 (DP No 4)

NLRC

- Alternative dispute resolution — The Committee received this reference on 28 June 1991

NSWLRC

- Training and accreditation of mediators — Sydney: The Commission, 1991 (LRC 67) Report tabled in Parliament in October 1991

Bail

VLRC

- Review of the *Bail Act 1977* — Melbourne: The Commission, 1991 (DP 25) — WIH on report

Banking Law

BCLRC

- Report on the *Foreign Money Claims Act: Regulations* — Vancouver: The Commission, 1991 (LRC 121)

Blasphemy *see Criminal Law*

Bioethics

SALC

- Surrogate motherhood — Pretoria: The Commission, 1991 (WP 38)

Censorship

ALRC

- Censorship procedure — Canberra: The Commission, 1991 (ALRC 55)

Children and Young Persons

Ontario LRC

- Report on child witnesses — Toronto: The Commission, 1991

Commercial Law

Saskatchewan LRC

- The *Bulk Sales Act* — report to the Minister of Justice — Saskatoon: The Commission, 1990

Company Law

CASAC

- Report on an enhanced statutory disclosure system — Sydney: The Committee, September 1991
- Report on reform of the law governing corporate financial transactions — Sydney: The Committee, July 1991

H of R

- Corporate practices and the rights of shareholders — Canberra: Australian Government Publishing Service, 1991

Sen

- Mergers, monopolies & acquisitions: adequacy of existing legislative controls — Canberra: Australian Government Publishing Service, 1991

Compensation

ACTLRC

- Loss of consortium; compensation for loss of capacity to do housework — Canberra: The Committee, 1991 (Report No 4)

Conflict of Laws

ALRC

- Choice of Laws — WIH on report

Consumer Credit

Trade Practices Commission

- The market for consumer credit insurance: a study of competition, efficiency and the welfare of consumers — Canberra: The Commission, 1991

Saskatchewan LRC

- Proposals for a *Consumer Credit Act* — Report to the Minister of Justice — Saskatoon: The Commission, 1989

Consumer Protection

ALRC

- Multiculturalism: consumer contracts — Sydney: The Commission, 1991 (ALRC DP 49) — Submissions have been received. WIH on final report

Contempt of Court

Ireland LRC

- Consultation paper on contempt of court — Dublin: The Commission, July 1991

Contracts

ALRC

- Multiculturalism: consumer contracts — Sydney: The Commission, 1991 (ALRC DP 49) — Submissions have been received. WIH on final report

VLRC

- Codification of the law of contract — WIH on draft discussion

Saskatchewan LRC

- Proposals for a *Frustrated Contracts Act* — Report to the Minister of Justice — Saskatoon: The Commission, 1988

Conveyancing

NZLC

- The *Property Law Act 1952*: a discussion paper — Wellington: The Commission, 1991 (PP No 16)

Courts *see Tribunals*

Creditors

ALRI

- Enforcement of money judgments — Edmonton: The Institute, 1991 (Report No 61)

Criminal Investigation

ICAC

- Annual report to 30 June 1991 — Sydney: The Commission, 1991
- Report on investigation concerning Neal and Mochalski — Sydney: The Commission, April 1991
- Report on investigation into tendering for vinyl floor products — Sydney: The Commission, 1991
- Report on investigation into the Maritime Services Board and helicopter services — Sydney: The Commission, 1991
- Report on investigation into the Planning and Building Department of South Sydney Council — Sydney: The Commission, 1991

QCJC

- Report of an investigative hearing into alleged jury interference — Toowong: The Commission, 1991
- Report on the investigation into the complaint of Mr T R Cooper, MLA, Leader of the Opposition against the Hon T M Mackenroth, MLA, Minister for Police and Emergency Services — Toowong: The Commission, 1991
- Report on an investigation into possible misuse of Parliamentary travel entitlement by members of the 1986 — 1989 Queensland Legislative Assembly — Toowong: The Commission, 1991

Criminal Justice

CLRC

- Aboriginal peoples and criminal justice: equality, respect and the search for justice — Ottawa: The Commission, 1991 (Report No 34)

Criminal Law

ALRC

- Multiculturalism — Submissions have been received on the DPs. WIH on final report

RCCL

- Final report — Canberra: Australian Government Publishing Service, 1991

NSWLRC

- Criminal law and the intellectually disabled — DP in preparation

- Common law crime (conspiracy, complicity, attempt and non-statutory criminal offences) — IP in preparation
- Police powers in relation to specially vulnerable persons — DP in preparation
- Blasphemy — WIH on new reference

QCJC

- The jury system in criminal trials in Queensland — Toowong: The Commission, 1991 (IP)

Tas LRC

- General Criminal Code review — WIH

VLRC

- Rape: reform of law and procedure. Interim report — Melbourne: The Commission, 1991 (Report No 42)
- Rape: reform of law and procedure — Melbourne: The Commission, 1991 (Report No 43)
- Rape: reform of law and procedure — WIH on supplementary report

Law Com

- Criminal law: corroboration of evidence in criminal trials — London: HMSO, 1991 (Law Com No 202)

Criminal Liability

WALRC

- Report on the criminal process and persons suffering from mental disorder — Perth: The Commission, 1991 (Project No 69)

Criminal Statistics

VLCC

- A report to Parliament upon a Bureau of Crime Statistics for Victoria — Melbourne: The Committee, 1991 (Report No 46). Tabled in the Victorian Parliament on 11 September 1991

Customs and Excise

ALRC

- Customs — WIH on legislation and Explanatory Memorandum. A new reference on Administrative penalties has been received. WIH on this reference.

Damages

NSWLRC

- Provisional damages — Sydney: The Commission, 1992 (DP 25)
- Contribution among persons responsible for the same damage — DP near completion

NZLC

- Aspects of damages: the award of interest on debts and damages: a discussion paper — Wellington: The Commission, 1991 (PP No 17)

Ontario LRC

- Report on exemplary damages — Toronto: The Commission, 1991

De Facto Relationships

QLRC

- Shared property: resolving property disputes between people who live together and share property — North Quay: The Commission, 1991 (QLRC WP 36)

Debts

ALRI

- Enforcement of money judgments — Edmonton: The Institute, 1991 (Report No 61)

Defamation

Ireland LRC

- Consultation paper on the crime of libel — Dublin: The Commission, August 1991

Delegated Legislation *see Legislation*

Disabled Persons

NSWLRC

- Criminal law and the intellectually disabled — DP in preparation
- Wills for persons lacking will-making capacity — report near completion

QLRC

- Steering your own ship?: assisting people who are unable to make decisions for themselves — an issues paper — Brisbane: The Commission, 1991 (QLRC IP 1)

Discrimination

ACTLRC

- Loss of consortium; compensation for loss of capacity to do housework — Canberra: The Committee, 1991 (Report No 4)

Emergency Legislation

NZLC

- Final Report on Emergencies — Wellington: The Commission, 1991 (Report No 22)

Environmental Law

NSWLRC

- Use of civil processes and remedies to enforce environmental law — IP in preparation

Evidence

Law Com

- Criminal law: corroboration of evidence in criminal trials — London: HMSO, 1991 (Law Com No 202)

NZLC

- Evidence law: expert evidence and opinion evidence — Wellington: The Commission, 1991 (PP No 18)

Family Law

ALRC

- Multiculturalism — Submissions have been received on the DPs. WIH on final report Australia. Parliament. Joint Select Committee on Certain Aspects of the Operation and Interpretation of the *Family Law Act*
- The retiring age of judges of the Family Court of Australia — Canberra: The Committee, September 1991 (First report) Final report will be tabled in the 1992 Budget session of Parliament *see also De Facto Relationships*

Foreign Exchange

BCLRC

- Report on the *Foreign Money Claims Act: Regulations* — Vancouver: The Commission, 1991 (LRC 121)

Fraud

Newfoundland LRC

- Discussion paper on the Statute of Frauds, 1677 by Joseph T Robertson — St John's: The Commission, March 1991 (NLRC — WP4)

Freedom of Information

QEARC

- Archives legislation — Brisbane: The Commission, 1991 (IP No 16)

Guardianship

Scot Law Com

- Mentally disabled adults: legal arrangements for managing their welfare and finances — Edinburgh: The Commission, September 1991 (Scot Law Com DP 94)

Health

Manitoba LRC

- Self determination in health care (living wills and health care proxies) — Winnipeg: The Commission, 1991 (Report No 74)

Home Units

BCLRC

- Apartment corporations (minor report) — Vancouver: The Commission, 1991 (LRC 120)

Homicide

VLRC

- Homicide — Melbourne: The Commission, 1991 (Report No 40)

Indians of North America

CLRC

- Aboriginal peoples and criminal justice: equality, respect and the search for justice — Ottawa: The Commission, 1991 (Report No 34)

Intellectual Property

ARC

- Intellectual property — A draft DP on the review of patents decisions is being prepared by a consultant, Dr Margaret Allars of Sydney University.

International Law

H of R

- Legal regimes of Australia's external territories — Phase II: Australian Antarctic Territory and the Territory of Heard Island and the McDonald Islands — evidence gathering is complete. Report in preparation.

Investments

ALRC & CASAC

- Collective investment schemes: superannuation — Sydney: The Commission, 1992 (ALRC DP 50)
- Collective investment schemes — Sydney: The Commission, 1991 (ALRC IP 10) WIH on the Superannuation report which is due at the end of March

Joint Tenancy

NSWLRC

- Unilateral severance of a joint tenancy: discussion paper — Sydney: The Commission, 1991 (DP 23)

Judges

- Australia. Parliament. Joint Select Committee on Certain Aspects of the Operation and Interpretation of the *Family Law Act*

- The retiring age of judges of the Family Court of Australia — Canberra: The Committee, September 1991 (First report). Final report will be tabled in the 1992 Budget session of Parliament

Juries

QCJC

- The jury system in criminal trials in Queensland — Toowong: The Commission, 1991 (IP)
- Report of an investigative hearing into alleged jury interference — Toowong: The Commission, 1991

Justices of the Peace

Manitoba LRC

- The independence of justices of the peace and magistrates — Winnipeg: The Commission, August 1991 (Report No 75)

Land Law *see Real Property*

Landlord and Tenant

NSWLRC

- Unilateral severance of a joint tenancy: discussion paper — Sydney: The Commission, 1991 (DP 23)

Law Reform

ALRAC

- Fourteenth Conference: minutes and record, Sydney 10-12 August 1989 — Sydney: New South Wales Law Reform Commission, 1991

ALRC

- Annual report 1991 — Canberra: The Commission, 1991 (ALRC 56)

QCJC

- Annual report 1990/91 — Toowong: The Commission, September 1991

VLRC

- Annual report 1990 — 1991 — Melbourne: The Commission, 1991 (Report No 44)
- Law reform agenda — Melbourne: The Commission, 1990-91 (Nos 4, 5 & 6)

CLRC

- Nineteenth annual report 1989-1990 — Ottawa: The Commission, 1991
- Uniform Law Conference of Canada Proceedings of the seventy-second annual meeting held at Saint John, New Brunswick August, 1990 — Fredericton, NB: The Conference, 1991?

Manitoba LRC

- Twentieth annual report 1990/91 — Winnipeg: The Commission, 1991

Ontario LRC

- 1991 Ontario Law Reform Commission report — Toronto: The Commission, 1991

Saskatchewan LRC

- Annual report — Saskatoon: The Commission, 1990

Law Com

- Fifth programme of law reform — London: HMSO, 1991 (Law Com No 200)
- Law under review: a quarterly bulletin of law reform projects — London: The Commission, Spring 1991 (No 17)

Ireland LRC

- Twelfth report (1990) — Dublin: The Commission, 1991

NZLC

- Annual report 1991 — Wellington: The Commission, 1991 (Report No 21)

PNGLRC

- Law reform — Port Moresby: The Commission, 1991 (Vol 2 No 3 —)

SALC

- Eighteenth annual report 1990 — Pretoria: Government Printer, 1991 (RP 46/1991)

Legal Profession

Sen

- Costs of legal services and litigation: methods of dispute resolution — Canberra: The Committee, 1991 (DP No 4)
- Cost of legal services and litigation: a survey of reforms to the English legal profession — Canberra: The Committee, 1991 (Background Paper)

VLRC

- Access to the law: restrictions on legal practice — Melbourne: The Commission, 1991 (DP 23) — WIH on report
- Access to the law: accountability of the legal profession — Melbourne: The Commission, 1991 (DP 24) — WIH on report
- Admission to practice within the legal profession — WIH on DP and report

Legislation

Qld Leg RC

- Inquiry into the legislation relating to the management of Aboriginal and Torres Strait Islander communities in Queensland: Final Report — Cairns: The Committee, 1991

VLRC

- *VicStatutes* project (electronic consolidation of Victorian statutes) launched in August 1991
- Strategies for implementing legislation — WIH on DP and report

VLCC

- Twenty-first report on subordinate legislation: *Water (Subdivisional Easements and Reserves) Regulations* 1991 — Melbourne: The Committee, 1991
- Twenty-second report to Parliament on subordinate legislation concerning *Alpine Resorts (Cross Country Trail Fees) Regulations* 1991 SR 79/1991 [and] *Alpine Resorts (Entry)(Amendment) Regulations* 1991 SR 80/1991 — Melbourne: Government Printer, 1991
- Twenty-third report to Parliament on subordinate legislation concerning *Police (Charges, Expenses and Allowances)(Sporting and Entertainment Events) Regulations* 1991 (SR 127/1991) — Melbourne: Government Printer, 1991
- Twenty-fourth report to Parliament on subordinate legislation: annual report concerning Statutory Rules series 1990 — Melbourne: Government Printer, 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 170/1991

Law Com

- *Social Security Contributions and Benefits Bill; Social Security Administration Bill; Social Security (Consequential Provisions) Bill*; Report on the consolidation of the legislation relating to social security — London: The Commission, 1991 (Law Com No 203 Scot Law Com No 132)

Legislative Drafting

QEARC

- Review of the Office of Parliamentary Counsel seminar: the preparation of Acts and Regulations: papers from and transcripts of the seminar conducted by the Commission on 5 February 1991 — Brisbane: The Commission, 1991

VLRC

- Principled legislative drafting — WIH on DP and report

Limitation of Actions

Saskatchewan LRC

- Proposals for a new *Limitation of Actions Act* — Report to the Minister of Justice — Saskatoon: The Commission, 1989

Magistrates

Manitoba LRC

- The independence of justices of the peace and magistrates — Winnipeg: The Commission, August 1991 (Report No 75)

Matrimonial Property

QLRC

- Shared property: resolving property disputes between people who live together and share property — North Quay: The Commission, 1991 (QLRC WP 36)

Mental Illness

NSWLRC

- Wills for persons lacking will-making capacity — report near completion

WALRC

- Report on the criminal process and persons suffering from mental disorder — Perth: The Commission, 1991 (Project No 69)

Mortgages

ALRI

- Mortgage remedies in Alberta — Edmonton: The Institute, 1991 (Report for Discussion No 9)

Law Com

- Transfer of land — land mortgages — London: HMSO, 1991 (Law Com No 204)

Motor Vehicle Law

VLRC

- Death caused by dangerous driving — Melbourne: The Commission, 1991 (DP 21) — WIH on report
- *Road Traffic Regulations* — WIH on final redraft

Multiculturalism

ARC

- Access to administrative review by members of Australia's ethnic communities — Canberra: Australian Government Publishing Service, 1991 (Report No 34)

ALRC

- Multiculturalism: consumer contracts — Sydney: The Commission, 1991 (ALRC DP 49) Submissions have been received on the three DPs (Family Law, Criminal Law and Consumer Contracts). WIH on final report

Negligence

ACTLRC

- Contributory negligence in fatal accident cases and breach of statutory duty cases; Funeral costs in fatal accident cases — Canberra: The Committee, 1991 (Report No 3)

Occupations

VLRC

- Codes of practice — Melbourne: The Commission, 1991 (Report No 39)

Parliamentary Counsel

QEARC

- Report on review of the Office of the Parliamentary Counsel — Brisbane: The Commission, 1991 (91/R2)
- Review of the Office of Parliamentary Counsel seminar: the preparation of Acts and Regulations: papers from and transcripts of the seminar conducted by the Commission on 5 February 1991 — Brisbane: The Commission, 1991

Parliamentary Practice

QEARC

- Review of Parliamentary committees — Brisbane: The Commission, 1991 (IP No 17)

Patents *see Intellectual Property*

Personal Injuries

NSWLRC

- Provisional damages — Sydney: The Commission, 1992 (DP 25)

Personal Property

ALRC, NSWLRC QLRC & VLRC

- Personal Properties Securities — ALRC preparing draft proposals for consideration by the NSWLRC, QLRC and VLRC

Saskatchewan LRC

- Tentative proposals for a new *Personal Property Security Act* — Saskatoon: The Commission, 1990

Perpetuities and Accumulations

NTLRC

- Rules against perpetuities and accumulations — WIH on a report in conjunction with the Land Law Review Committee.

Police

NSWLRC

- Police powers in relation to specially vulnerable persons — DP in preparation

Queensland

- Office of the Minister for Police and Emergency Services & QCJC Police powers in Queensland — Brisbane: QCJC, September 1991

QCJC

- Report on an inquiry into allegations of police misconduct at Inala in November 1990 — Toowong: The Commission, 1991

Power of Attorney

Manitoba LRC

- Self determination in health care (living wills and health care proxies) — Winnipeg: The Commission, 1991 (Report No 74)

Prescribed Interests

ALRC & CASAC

- Collective investment schemes: superannuation — Sydney: The Commission, 1992 (ALRC DP 50)
- Collective investment schemes — Sydney: The Commission, 1991 (ALRC IP 10) WIH on the Superannuation report which is due at the end of March

Privacy

VLRC

- Privacy — WIH on draft Bill

WALRC

- Discussion paper on professional privilege for confidential communications — Perth: The Commission, 1991 (Project No 90)

Privilege

WALRC

- Discussion paper on professional privilege for confidential communications — Perth: The Commission, 1991 (Project No 90)

Professions

VLRC

- Codes of practice — Melbourne: The Commission, 1991 (Report No 39)

Property

QLRC

- Shared property: resolving property disputes between people who live together and share property — North Quay: The Commission, 1991 (QLRC WP 36) *see also Real Property*

Public Records

QEARC

- Archives legislation — Brisbane: The Commission, 1991 (IP No 16)

Rape

VLRC

- Rape: reform of law and procedure. Interim report — Melbourne: The Commission, 1991 (Report No 42)
- Rape: reform of law and procedure — Melbourne: The Commission, 1991 (Report No 43)
- Rape: reform of law and procedure — WIH on supplementary report

Real Property

NSWLRC

- Rights of support from adjoining land — DP in preparation Torrens title: compensation for loss — Report nearing completion

VLRC

- Land Law: easements and covenants — WIH report and draft *Land Titles Bill*

Law Com

- Transfer of land: implied covenants for title — London: HMSO, 1991 (Law Com No 199)
- Transfer of land: obsolete restrictive covenants — London: HMSO, 1991 (Law Com No 201)
- Transfer of land — land mortgages — London: HMSO, 1991 (Law Com No 204)

NZLC

- The *Property Law Act 1952*: a discussion paper — Wellington: The Commission, 1991 (PP No 16)

Scot Law Com

- Property law: abolition of the feudal system — Edinburgh: The Commission, 1991 (Scot Law Com DP 93)

Remedies

ALRI

- Mortgage remedies in Alberta — Edmonton: The Institute, 1991 (Report for Discussion No 9)

Restitution

Law Com

- Restitution of payments made under a mistake of law — London: HMSO, 1991 (Consultation Paper No 120)

Securities

Saskatchewan LRC

- Tentative proposals for a new *Personal Property Security Act* — Saskatoon: The Commission, 1990

Sex Discrimination

H of R

- Equity for women in sport: a discussion paper — Canberra: The Committee, 1991
- Equal opportunity and equal status for Australian women — evidence gathering almost completed. DPs have been distributed for comment. Report will be tabled in the Autumn session of Parliament

Social Security

Law Com

- *Social Security Contributions and Benefits Bill; Social Security Administration Bill; Social Security (Consequential Provisions) Bill; Report on the consolidation of the legislation relating to social security* — London: The Commission, 1991 (Law Com No 203 Scot Law Com No 132)

Statute Law *see Legislation*

Summary Offences

VLRC

- Summary offences and Vagrancy Acts — WIH on DP

Surrogacy

SALC

- Surrogate motherhood — Pretoria: The Commission, 1991 (WP 38)

Trade Practices

VLRC

- Competition law: the introduction of restrictive trade practices legislation in Victoria — WIH on report

Trials

QCJC

- The jury system in criminal trials in Queensland — Toowong: The Commission, 1991 (IP)

Tribunals

ARC

- Specialist tribunals — The Council conducted the first Conference of the Commonwealth Review Tribunals in Melbourne on 18–19 October 1991. One of the sessions was devoted to discussion of the Council's paper on tribunal procedures. It is expected that the Council will circulate a draft report on Tribunal procedures in 1992. Please address any queries to Patricia Georgee at the ARC Secretariat.

VLRC

- Tribunals — WIH on DP and report

Unit Trusts

ALRC & CASAC

- Collective investment schemes: superannuation — Sydney: The Commission, 1992 (ALRC DP 50)
- Collective investment schemes — Sydney: The Commission, 1991 (ALRC IP 10) WIH on the Superannuation report which is due at the end of March

Wills

NSWLRC

- Wills for persons lacking will-making capacity — report near completion

Manitoba LRC

- Self determination in health care (living wills and health care proxies) — Winnipeg: The Commission, 1991 (Report No 74)

Witnesses

VLCC

- *Witness Protection Act* — Draft report on the most appropriated mechanism for monitoring the operation of the *Witness Protection Act* 1991 is in preparation. Due to the nature of the subject matter, The Committee did not conduct any public hearings in relation to this reference. It is due for release in early 1992.

Ontario LRC

- Report on child witnesses — Toronto: The Commission, 1991. □