

# Areas of law under review

Compiled by Joanna Longley

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## Aborigines

### NTLRC

- Alternative dispute resolution in Aboriginal communities: a discussion paper, 1992 — This reference has been divided into four components: civil disputes; family and other domestic disputes; disputes involving possible infringements of the criminal law; disputes between Aborigines, occurring in Aboriginal communities. The DP on ADR in Aboriginal communities was released in December 1992 and is still open for public comment

## Administrative Law

### ARC

- Community Services and Health — The Council has recently redirected this project towards investigating the scope of merits review of decisions made under Commonwealth funding programs. WIH on a DP. People seeking a copy of the DP when published should contact Mary Durkin on (06) 257 6114
- Intellectual property — currently reconsidering the direction this project is to take
- Specialist tribunals — WIH on an IP. Contact officer is Charles Beltz on (06) 257 6115
- Government Business Enterprises — DP on the extent to which GBEs should be subject to administrative review. A copy of the paper is available from Linley Rose on (06) 257 6115
- Environmental decisions — WIH on IP on the subject of merits review of environmental decisions. Due mid 1993. Contact John Atwood on (06) 257 6117 if you would like a copy

### Sen

- Review of determinations of the Human Rights and Equal Opportunity Commission and the Privacy Commissioner, 1992

### Law Com

- Administrative law: judicial review and statutory appeals, 1993 (Consultation Paper No 126)

## Adoption

### NSWLRC

- Review of *The Adoption of Children Act 1965* (NSW), 1993 (IP 9)

## Alcohol and Crime

### Law Com

- Intoxication and criminal liability, 1993 (Consultation Paper No 127)

## Alternative Dispute Resolution

### NTLRC

- Alternative dispute resolution in Aboriginal communities: a discussion paper, 1992 — This reference has been divided into four components: civil disputes; family and other domestic disputes; disputes involving possible infringements of the criminal law; disputes between Aborigines, occurring in Aboriginal communities. The DP on ADR in Aboriginal communities was released in December 1992 and is still open for public comment

### Scot Law Com

- Report on evidence: protection of family mediation, 1992 (Scot Law Com No 136)

## Arrest

### HKLRC

- Report on arrest, 1992 (Topic 25)

## Bail

### QLRC

- The *Bail Act* working paper, 1993 (Working Paper No 41) — WIH on draft report

### VLRC

- Review of the *Bail Act 1977*, 1992 (Report No 50)

## Blasphemy *see Criminal Law*

## **Charitable Trusts** *see also Trusts and Trustees*

### **BCLRC**

- Report on informal public appeal funds, 1993 (LRC 129)

## **Child Abuse**

### **ACTCLRC**

- Mandatory reporting, 1991 (IP 9) — WIH on report

## **Children and Young Persons**

### **ALRC**

- Children's evidence: closed circuit TV, 1993 Children's Services DP (ALRC 63)

### **FLC**

- Section 64A of the *Family Law Act* — power of the Family Court to require the provision of information for the recovery of children, 1992

### **NSWLRC**

- Review of *The Adoption of Children Act 1965* (NSW), 1993 (IP 9)

### **QLRC**

- Review of the law relating to consent to medical treatment for minors — an IP calling for submissions has been selectively distributed

### **WALRC**

- Consent to sterilisation of minors — report due to be submitted shortly

## **Commercial Leases**

### **Law Com**

- Landlord and tenant: business tenancies: a periodic review of the *Landlord and Tenant Act 1954* Part II, 1992 (Law Com No 128)

## **Commissions of Inquiry**

### **TasLRC**

- Royal Commissions and public inquiries: procedural aspects — responses received on DP, WIH on drafting report

### **ALRI**

- Proposals for the reform of the *Public Enquiries Act*, 1992 (Report No 62)

## **Company Law**

### **CASAC**

- Anomalies in the takeovers provisions of the Corporations Law, 1993 (DP)

### **VicLRC**

- Progress and future directions: interim report, 1993 — the interim report details the progress to date of the Committee's references, one of which deals with directors and managers of insolvent corporations. Submissions are being received

## **Confidential Information**

### **ICAC**

- Report on the unauthorised release of government information, 1992

## **Contracts**

### **TasLRC**

- Harsh and unconscionable contracts: review the law and consider desirability of introducing legislation — WIH

### **NZLC**

- Contract statutes review, 1993 (Report No 25)

## **Conveyancing**

### **ILRC**

- Report on land law and conveyancing law: (5) further general proposals, 1992 (LRC 44-1992)

## **Costs**

### **NTLRC**

- Suitors' costs fund — WIH

### **BCLRC**

- Report on apportionment of costs and contributory negligence: Section 3 of the *Negligence Act*, 1993 (LRC 131)

## **Costs of Justice** *see Courts*

## **Courts**

### **Sen**

- The cost of justice: foundations for reform, 1993 — WIH on a further 6 reports. The second report dealing with Parliament and the Executive is due to be tabled shortly

### **ACTCLRC**

- The rules of court, 1993 (DP No 3)

### **Victoria. Pegasus Taskforce**

- Reducing delays in criminal cases: Pegasus Taskforce report, 1992

## **Criminal Investigation**

### **Sen**

- Operation of the *Financial Transaction Reports Act 1988* — submissions have been received. WIH on a report

### **ICAC**

- Report on investigation into the use of informers, 1993
- Report on the unauthorised release of government information, 1992
- Police informants: a discussion paper on the nature and the management of the relationship between police and their informants, 1993
- Report on investigation into the State Rail Authority — Northern Regions, 1993

### **Queensland. Legislative Assembly. Parliamentary Criminal Justice Committee**

- Review of the Criminal Justice Commission's report on SP bookmaking and related criminal activities in Queensland (August 1991), 1993 (Report No 19)

### **Criminal Law** *see also Sexual Offences*

#### **NSWLRC**

- Blasphemy — report due for release shortly
- People with intellectual disability and the criminal justice system: consultations, 1993 (Research Report 3)
- People with an intellectual disability and the criminal justice system: appearances before local courts, 1992 (Research Report 4)
- Review of the partial defences of infanticide, provocation and diminished responsibility — WIH

#### **TasLRC**

- Criminal law: general review of the Tasmanian *Criminal Code* — WIH

#### **ILRC**

- Report on the law relating to dishonesty, 1992 (LRC 43-1992)

#### **Scot Law Com**

- Evidence: report on documentary evidence and proof of undisputed facts in criminal proceedings, 1992 (Scot Law Com No 137)

### **Criminal Liability**

#### **Standing Committee of Attorneys-General. Criminal Law Officers Committee**

- Model Criminal Code: Chapter 2: general principles of criminal responsibility (final report), 1993

#### **Law Com**

- Intoxication and criminal liability 1993 (Consultation Paper No 127)

### **Custody of Children**

#### **FLC**

- Section 64A of the *Family Law Act* — power of the Family Court to require the provision of information for the recovery of children, 1992

### **Damages**

#### **BCLRC**

- Working paper on pecuniary loss and the *Family Compensation Act*, 1992 (WP 69)

#### **Law Com**

- Structured settlements and interim and provisional damages: a consultation paper 1992 (Consultation Paper No 125)

### **Debts**

#### **TasLRC**

- Debt recovery and enforcement: review of the fairness, efficiency and effectiveness of the Tasmanian system — WIH

### **Defacto Relationships**

#### **QLRC**

- De facto relationships — WIH on report to be published shortly

### **Defamation**

#### **ACTCLRC**

- Defamation — WIH on a project to draft uniform legislation for the ACT and NSW

### **Designs**

#### **ALRC**

- Designs, 1993 (ALRC IP 11) — The IP has been released, and submissions are being received. Consultations with interested groups, individuals and consultants are proceeding. A DP will be released towards the end of 1993

### **Discrimination**

#### **ALRC**

- Equality before the law — DP released 11 August 1993 (DP 54). Hearings in August-September

#### **Sen**

- Gender issues and the judiciary — WIH on new reference

#### **ACTCLRC**

- Age discrimination: issues and options for the ACT — A Government DP has been prepared and circulated for comment

#### **NSWLRC**

- Review of the *Anti-discrimination Act 1977* (NSW), 1993 (DP 30)

#### **Vic Scrutiny**

- Review of the *Equal Opportunity Act 1984* — WIH

#### **OLRC**

- Study paper on litigating the relationship between equity and equality, 1993 (Study Paper)

### **Divorce** *see Family Law*

### **Domestic Violence**

#### **ACTCLRC**

- Domestic violence, 1992 (DP No 2) — WIH on a report by officers from the Institute of Criminology — due late 1993

## **Dying with dignity** *see Medical Law*

## **Enforcement of Judgments**

### **WALRC**

- Enforcement of judgments in Local Courts and Courts of Petty Sessions — WIH on DP

### **BCLRC**

- Report on Supreme Court Rule 54: reciprocally enforceable judgments (minor report), 1992 (LRC 126)

## **Environmental Law**

### **ARC**

- Environmental decisions — WIH on an IP on the subject of merits review of environmental decisions. Due mid 1993. Contact John Atwood on (06) 257 6117 if you would like a copy

### **Law Com**

- *Clean Air Bill*, 1992 (Law Com No 209; Scot Law Com No 138)

## **Equality Before the Law** *see Discrimination*

## **Essential Services**

### **ACTCLRC**

- The guaranteed supply of essential services, 1991 (Report No 5)

## **Ethics**

### **Queensland. Legislative Assembly. Parliamentary Committee for Electoral and Administrative Review**

- Codes of conduct for public officials — Brisbane: The Committee, 1993

## **Euthanasia** *see Medical law*

## **Execution Law**

### **WALRC**

- Writs and warrants of execution — WIH on DP

## **Evidence**

### **ALRC**

- Children's evidence: closed circuit TV, 1993 (ALRC 63)

### **Scot Law Com**

- Report on evidence: protection of family mediation, 1992 (Scot Law Com No 136)
- Evidence: report on documentary evidence and proof of undisputed facts in criminal proceedings, 1992 (Scot Law Com No 137)

## **Family Law**

### **ALRC & FLC**

- Intractable access — Stage 2 of the research project has been completed. The consultants are moving into Stage 3. The research project should be completed by the end of 1993

### **FLC**

- Section 64A of the *Family Law Act* — power of the Family Court to require the provision of information for the recovery of children, 1992

### **HKLRC**

- Report on grounds for divorce and the time restriction on petitions for divorce within three years of marriage, 1992 (Topic 29)

### **Scot Law Com**

- Report on evidence: protection of family mediation, 1992 (Scot Law Com No 136)

## **Freedom of Information**

### **QLRC**

- Review of Section 48 of the *Freedom of Information Act* (secrecy provisions in legislation) — WIH on draft report

## **Government Liability**

### **Sen**

- The doctrine of Shield of the Crown, 1993

## **Health and Community Services**

### **ALRC**

- Health, Housing and Community Services Legislation — WIH on a Children's Services DP which is due for release in September. Public consultations will be conducted in October/November. WIH on an Aged Services DP

### **ARC**

- Community Services and Health — The Council has recently redirected this project towards investigating the scope of merits review of decisions made under Commonwealth funding programs. WIH on a DP. Persons who would like a copy of the DP when published should contact Mary Durkin on (06) 257 6114

### **TasLRC**

- Operation of retirement villages: review of the law in Tasmania, particularly regarding protection of residents interests — WIH

## **Illegitimacy**

### **SALC**

- A father's rights in respect of his illegitimate child, 1993 (Working Paper 44; Project 79)

## **Imperial legislation** *see Legislation*

## **Informers**

### **ICAC**

- Report on investigation into the use of informers, 1993
- Police informants: a discussion paper on the nature and the management of the relationship between police and their informants, 1993

## **Insolvency**

### **VicLRC**

- Progress and future directions: interim report, 1993 — the interim report details the progress to date of the Committee's references, one of which deals with directors and managers of insolvent corporations. Submissions are being received

## **Intellectual Property**

### **ALRC**

- Designs, 1993 (ALRC IP 11) — The IP has been released, and submissions are being received. Consultations with interested groups, individuals and consultants are proceeding. A DP will be released towards the end of 1993

### **ARC**

- Intellectual property — currently reconsidering the direction this project is to take

## **Judicial Review of Administrative Action**

### **Sen**

- Review of determinations of the Human Rights and Equal Opportunity Commission and the Privacy Commissioner, 1992

### **Law Com**

- Administrative law: judicial review and statutory appeals, 1993 (Consultation Paper No 126)

## **Landlord and Tenant**

### **ACTCLRC**

- Landlord and tenancy law — WIH on final report

### **WALRC**

- Joint tenancies — WIH on draft report

### **Law Com**

- Landlord and tenant: business tenancies: a periodic review of the *Landlord and Tenant Act 1954* Part II, 1992 (Law Com No 128)

### **ILRC**

- Report on land law and conveyancing law: (5) further general proposals, 1992 (LRC 44-1992)

## **Law Reform**

### **ACTAG**

- Law review program: audit of ACT and NSW law reform initiatives, 1993
- Reform news, 1991 (No 1 -) — No 6 is the latest release

### **NILRC**

- Annual Report 1 July 1991 — 30 June 1992, 1992

### **VicLRC**

- Progress and future directions: interim report, 1993 — The report outlines the role and direction of the Committee

### **WALRC**

- Annual report 1 July 1991 — 30 June 1992, 1992

### **ALRI**

- Annual Report 1991-1992, 1992

### **ULCC**

- Proceedings of the seventy-third annual meeting held at Regina, Saskatchewan August 1991, 1992

### **Ghana LRC**

- Fifteenth annual report (1st January-31st December 1990), 1991

### **NILRAC**

- Third annual report 1991-92, 1992

### **Scot Law Com**

- Twenty-Seventh annual report 1991-92, 1993 (Scot Law Com No 139)

### **California LRC**

- Annual report for 1992, 1992

## **Legal Profession**

### **Sen**

- The cost of justice: foundations for reform, 1993 — WIH on a further 6 reports. The second report dealing with Parliament and the Executive is due to be tabled shortly

### **NSWLRC**

- Scrutiny of the legal profession: complaints against lawyers, 1993 (Report 70)
- Barristers' practising certificates — WIH

## **Legal Services**

### **Sen**

- The cost of justice: foundations for reform, 1993 — WIH on a further 6 reports. The second report dealing with Parliament and the Executive is due to be tabled shortly

## **Legislation**

### **ACTAG**

- Law review program: audit of ACT and NSW law reform initiatives, 1993
- Report on legislation review, 1992

### **Vic Scrutiny**

- Operation of the *Subordinate Legislation Act 1962*, 1993 (DP) — WIH on the report
- Review of the *Equal Opportunity Act 1984* — WIH
- Scrutiny of Bills — The Committee has a reference to scrutinise all Bills introduced into the Victorian Parliament
- Scrutiny of Subordinate Legislation — this is the continuation of the work of the old Legal and Constitutional Committee. All delegated legislation is scrutinised

### **WALRC**

- United Kingdom statutes in force in Western Australia — WIH on draft report

## **Liens see also Personal Property**

### **ALRI**

- Report on liens, 1992 (Report for Discussion No 13)

## Limitation of Actions

### TasLRC

- Limitation of actions for latent personal injuries, 1992 (Report No 69)

### WALRC

- Limitation and notice of actions — WIH on report

## Media

### Sen

- Rights and obligations of the media — WIH on new reference

## Medical Law

### ACTCLRC

- Death with dignity — WIH on a review of the law relating to natural death

### QLRC

- Review of the law relating to consent to medical treatment for minors — an IP calling for submissions has been selectively distributed

### WALRC

- Informed consent to medical treatment: processes, practices and beliefs, 1992

## Mental Health *see Persons with Disabilities*

## Negligence

### BCLRC

- Report on apportionment of costs and contributory negligence: Section 3 of the *Negligence Act*, 1993 (LRC 131)

## Neighbour Relations

### NSWLRC

- Neighbour and neighbour relations — WIH on report

## Partnership

### ACTAG

- Review of the ACT partnership law: consultative document, 1991

## Perpetuities

### NTLRC

- Perpetuities and accumulations — Report due shortly

## Personal Injuries

### TasLRC

- Limitation of actions for latent personal injuries, 1992 (Report No 69)

## Personal Property

### ALRC

- Personal property securities, 1993 (ALRC 64)

### NSWLRC

- Personal property securities — WIH

### QLRC

- Personal property securities — WIH

### BCLRC

- Fixtures and the *Personal Property Security Act*: interim report, 1993 (LRC 130)
- Report on wrongful interference with goods, 1992 (LRC 127)

### SALC

- Report on the giving of security by means of movable property, 1992 (Project 46)

## Persons with Disabilities

### NSWLRC

- People with intellectual disability and the criminal justice system: consultations, 1993 (Research Report 3)
- People with an intellectual disability and the criminal justice system: appearances before local courts, 1992 (Research Report 4)

### QLRC

- Assisted and substituted decisions: decision-making for people who need assistance because of mental or intellectual disability — WIH on draft report

### Law Com

- Mentally incapacitated adults and decision-making: a new jurisdiction, 1993 (Consultation Paper No 128)

## Prescribed Interests

### ALRC

- Collective investment schemes — the report is finished and will be tabled in the Budget session of the Federal Parliament

## Privacy

### Sen

- Rights and obligations of the media — WIH on new reference

### ICAC

- Report on the unauthorised release of government information, 1992

### WALRC

- Professional privilege for confidential communications — Report submitted in June 1993

### HKLRC Privacy Sub-committee

- Reform of the law relating to information privacy, 1993 (A consultative document)

## Privilege

### WALRC

- Professional privilege for confidential communications — Report submitted in June 1993

## Product Liability

Sen

- Product liability: where should the loss fall?, 1993

## Public Administration

Sen

- Scrutiny of annual reports No 2 of 1992, 1993

## Public Inquiries *see Commissions of Inquiry*

## Public Order

ACTCLRC

- Public order and street offences — WIH on DP

## Real Property

NSWLRC

- Unilateral severance of a joint tenancy — WIH on report

ALRI

- Section 195 of the *Land Titles Act* — Edmonton: The Commission, 1993 (Report No 63)

## Restitution

VicLRC

- Progress and future directions: interim report, 1993 — The interim report details the progress to date of the Committee's references, one of which deals with restitution for victims of crime. Submissions are being received

## Royal Commissions *see Commissions of Inquiry*

## Sale of Goods

WALRC

- *Sale of Goods Act* — WIH on IP on Implied terms and Law equity in recession in the *Sale of Goods Act*

## Securities

ALRC

- Personal property securities, 1993 (ALRC 64)

BCLRC

- Fixtures and the *Personal Property Security Act*: interim report, 1993 (LRC 130)
- Report on wrongful interference with goods, 1992 (LRC 127)

SALC

- Report on the giving of security by means of movable property, 1992 (Project 46)

## Security

ACTAG

- Issues and policy options in the regulation of the ACT security (protection) industry, 1992 (DP)

## Sexual Offences

ACTCLRC

- Sexual assault laws — WIH on a DP

## Sterilisation

WALRC

- Consent to sterilisation of minors — report due to be submitted shortly

## Succession

QLRC

- Intestacy rules: proposed amendments to the *Succession Act 1981* — a report is due out in the near future

## Takeovers and Mergers

CASAC

- Anomalies in the takeovers provisions of the Corporations Law, 1993 (DP)

## Torts

NSWLRC

- Contribution among persons responsible for the same damage — WIH on DP

BCLRC

- Report on wrongful interference with goods, 1992 (LRC 127)

Manitoba LRC

- Tort liability for animals, 1992 (Report No 78)

## Tribunals

ARC

- Specialist tribunals — WIH on an IP. Contact officer is Charles Beltz on (06) 257 6115

## Trade Practices

ALRC

- Trade Practices enforcement — WIH

## Trusts and Trustees *see also Charitable Trusts*

ALRC

- Collective investment schemes — the report is finished and will be tabled in the Budget session of the Federal Parliament

BCLRC

- Report on non-charitable purpose trusts, 1992 (LRC 128)

Manitoba LRC

- Non-charitable purpose trusts, 1992 (Report No 77)

## Victims of crime

ACTCLRC

- Victims of crime — WIH on final report

#### **VicLRC**

- Progress and future directions: interim report, 1993 — The interim report details the progress to date of the Committee's references, one of which deals with restitution for victims of crime. Submissions are being received

#### **Wills**

##### **VicLRC**

- Progress and future directions: interim report, 1993 — The interim report details the progress to date of the Committee's references, one of which deals with proposed changes to the *Wills Act*. Submissions are being received.