

Clearing House

Areas of Law Under Review

Compiled by Sue Morris

**Aborigines see
Indigenous People**

Access to Justice

AG

- Review of small business access to the legal system, 1998 (CP)

VLRC

- Inquiry into technology and justice – WIH into the use of technology to enhance the administration and delivery of justice

AIDS

SALC

- Second interim report on aspects of the law relating to AIDS: pre-employment HIV testing, 1998 (Project 85)
- Third interim report on aspects of the law relating to AIDS: HIV/AIDS and discrimination in schools, 1998 (Project 85)

Administrative law

ALRI

- Administrative procedures – WIH to develop a set of model rules and powers for administrative agencies

Admiralty Law

Scot Law Comm

- Report on diligence on the dependence and admiralty arrestments, 1998 (Scot Law Com 164)

Adoption

ILRC

- Intercountry adoption: implementation of the Hague Convention: final report, 1998

**Alternative Dispute
Resolution**

AG

- The delivery of primary dispute resolution services in family law: next steps, 1998

ALRC

- Technology: what it means for federal dispute resolution, 1998 (IP 23)
- Review of the adversarial system of litigation: Federal tribunal proceedings, 1998 (IP 24)
- Review of the adversarial system of litigation: ADR – its role in federal dispute resolution, 1998 (IP 25)
- Review of the adversarial system of litigation – WIH on a series of BPs on costs, experts, appellate procedure and legal ethics, due late 1998

Archives

ALRC

- Australia's federal record: a review of the *Archives Act 1983*, 1998 (R 85)

**Bankruptcy see
Insolvency**

Building Law

WALRC

- Financial protection in the building and construction industry (Project 82)

BCLI

- Questions and answers on the new *Builders Lien Act*, 1997, 1998

**Business Regulation
see also Company Law**

ALRI

- Limited liability partnerships and other hybrid business entities, 1998 (IP 4)
- Business name legislation – WIH on a report due late 1998 dealing with the registration and regulation of business names

California LRC

- Business judgment rule, 1998 (Recommendation 197)

Census see Privacy

Child Welfare

FLC

- Parental child abduction, 1998
- Child contact orders: enforcement and penalties, 1998
- Child and family services – a DP, the first of three, was released in January 1998
- Section 81 (Clean Break) – WIH on a DP

SALC

- The review of the *Child Care Act*: first issues paper, 1998 (IP 13 (Project 110))

LCC

- Institutional child abuse: interim report, 1998 - WIH continues on the final report

Children & Young Persons

SALC

- Third interim report on aspects of the law relating to AIDS: HIV/AIDS and discrimination in schools, 1998 (Project 85)

Children & the Legal System see also Evidence

QLRC

- Evidence of children - WIH on a WP due in late 1998

SALC

- The review of the *Child Care Act*: first issues paper, 1998 (IP 13 (Project 110))

Civil Law see also Courts & Tribunals, Legal System

ALRC

- Review of the adversarial system of litigation. IPs released on Rethinking the federal civil litigation system (IP 20), Rethinking legal education and training (IP 21), Rethinking family law proceedings (IP 22), Technology - what it means for federal dispute resolution (IP 23), Federal tribunal proceedings (IP 24), ADR - its role in federal dispute resolution (IP 25). WIH on a series of BPs on costs, experts, appellate procedure and legal ethics, due late 1998

WALRC

- Criminal and civil justice system: reforming the justice system, 1998 (IP) - WIH on an examination of the justice system in WA including the role of the legal profession, dispute resolution, access to justice, simplified procedures, delays and the cost of litigation

Civil procedure

NSWLRC

- Civil procedure: a review of use of discovery and interrogatories in the Supreme and District Courts - WIH

Collective Investments

JCCS

- Report on the Managed Investments Bill 1997, 1998

Common Law

SALC

- The harmonisation of the common law and the indigenous law: succession in customary law, 1998 (IP 12 (Project 90))
- The harmonisation of the common law and indigenous law: conflicts of law, 1998 (IP 76 (Project 90))

Company Law

JCCS

- Report on the Managed Investments Bill 1997, 1998
- Report on the Company Law Review Bill 1997, 1998

CASAC

- Corporate voluntary administration: final report, 1998

Law Com

- The execution of deeds and documents by or on behalf of bodies corporate, 1998 (Law Com 253)

ALRI

- Limited liability partnerships and other hybrid business entities, 1998 (IP 4)

Compensation

PNGLRC

- Attitudes towards land compensation and development in Papua New Guinea, 1997 (WP 27)
- Compensation for resource development in Papua New Guinea, 1997 (Monograph 6)

NZLC

- Compensation for wrongful conviction or prosecution: a discussion paper, 1998 (PP 31)

NZ Ministry of Justice

- Restorative justice: the public submissions, 1998

Constitutional Law

SALC

- Constitutional jurisdiction of magistrates courts, 1998 (IP 75 (Project 111))

Contempt

NSWLRC

- A review of contempt by publication - WIH

Conveyancing

ILRC

- Land and conveyancing law, 1998 (R 6)

Copyright see Intellectual Property

Corporations see Company Law

Costs

AG

- Report of the Review of Scales of Legal Professional Fees in Federal Jurisdictions, 1998

ALRC

- Review of the adversarial system of litigation. WIH on BP on costs, due late 1998

Courts & Tribunals, see also Civil Law, Criminal Justice, Legal System

ALRC

- Review of the adversarial system of litigation: Federal tribunal proceedings, 1998 (IP 24) - WIH on a series of BPs on costs, experts, appellate procedure and

legal ethics, due late 1998

Manitoba LRC

- Review of the Small Claims Court, 1998 (R 99)

SALC

- Constitutional jurisdiction of magistrates courts, 1998 (DP 75 (Project 111))

Namibia LRDC

- Report on small claims courts, 1997 (LRDC 6)

Criminal Codes

Law Com

- Legislating the Criminal Code: corruption, 1998 (Law Com 248)

Criminal Investigation

NSWLRC

- The right to silence, 1998 (DP 41)

ICAC

- A major investigation into corruption in the former State Rail Authority of New South Wales, 1998
- Investigation into the disposal of waste and surplus assets in TransGrid, Pacific Power and Integral Energy, 1998

Criminal Justice

QCJC

- A report of a review of the activities of the Criminal Justice Commission pursuant to s.118(1)(f) of the *Criminal Justice Act 1989*, 1998 (R 45)

WALRC

- Criminal and civil justice system: reforming the justice system, 1998 (IP) – WIH on an examination of the justice system in WA including the role of the legal profession, dispute resolution, access to justice, simplified procedures, delays and the cost of litigation

NZ Ministry of Justice

- From crime to sentence: trends in criminal justice, 1986 to 1996, 1998

Pakistan Law Com

- Report on criminal justice system, 1997

Criminal Law

MCCOC/SCAG

- Model Criminal Code: Chapter 5 – Fatal offences against the person, 1998 (DP)
- Model Criminal Code: Chapter 5 – Non-fatal offences against the person, 1998 (R)
- Model Criminal Code: Chapter 7 – Administration of justice, 1998 (R)
- Model Criminal Code: Chapter 8 – Public order offences: contamination of goods, 1998 (R)
- Model Criminal Code: Chapter 9 – Offences against humanity: slavery, 1998 (DP)

NSWLRC

- Review of section 316 of the *Crimes Act 1900* – WIH on final report, due late 1998

SA

- Criminal Law (Legal Representation) Bill 1998 – WIH dealing with issues arising from *Dietrich v The Queen*

Law Com

- Legislating the Criminal Code: corruption, 1998 (Law Com 248)

NZ Ministry of Justice

- Restorative justice: the public submissions, 1998.

NZLC

- Juries in criminal trials: part one, 1998 (PP 32)

Criminal Liability

SA

- Intoxication and criminal responsibility (DP) – WIH dealing the criminal responsibility of intoxicated persons

VLRC

- A review of criminal liability for actions performed while in a state of self-induced intoxication – WIH

Customary Law

SALC

- The harmonisation of the common law and the indigenous law: succession in customary law, 1998 (IP 12 (Project 90))
- The harmonisation of the common law and indigenous law: conflicts of law, 1998 (DP 76 (Project 90))

Damages

ILRC

- Consultation paper on aggravated, exemplary and restitutionary damages, 1998

Debts

NSWLRC

- Set-off, 1998 (DP 40) – WIH on final report due December 1998

Deeds

Law Com

- The execution of deeds and documents by or on behalf of bodies corporate, 1998 (Law Com 253)

Deregulation

California LRC

- Public utility deregulation, 1997 (R)

Disabled People

NSWLRC

- A review of the *Disability Services Act 1993* and the *Community Services (Complaints, Appeals and Monitoring) Act 1993* – WIH

Discrimination

HREOC

- Discrimination on the grounds of sexual preference, 1998

NSWLRC

- Review of the *Anti-Discrimination Act 1997* – WIH on the final report due late 1998

SALC

- Third interim report on aspects of the law relating to AIDS: HIV/AIDS and discrimination in schools, 1998 (Project 85)

Domestic Violence

FLC

Violence and family law – a DP has been finalised

Employment

HREOC

- The best person for the job, 1998
- Pregnancy and work – WIH on pregnancy in the workplace, IP due in November 1998, final report is due at the end of May 1999

SALC

- Second interim report on aspects of the law relating to AIDS: pre-employment HIV testing, 1998 (Project 85)

ALRI

- Loss of a chance of future earnings – final report due in October 1998

Environmental Protection

PNGLRC

- Compensation for resource development in Papua New Guinea, 1997 (Monograph 6)

Evidence

NSWLRC

- The right to silence, 1998 (DP 41)
- Review of section 409B of the *Crimes Act 1900* – final report, due late 1998

QLRC

- Evidence of children – WP due in late 1998
- Evidence and technology, 1998 (WP)

SA

- Evidence (Confidential Communications) Amendment Bill 1998 (SA) – WIH on the regulation of the use

of rape and sexual assault counselling records as evidence in court

Family Law see also Marriage

AG

- The delivery of primary dispute resolution services in family law: next steps, 1998
- Superannuation and family law: a position paper, 1998

H of R

- To have and to hold: strategies to strengthen marriage and relationships: a report of the Inquiry into Aspects of Family Services, 1998

FLC

- Parental child abduction, 1998
- Child contact orders: enforcement and penalties, 1998
- Child and family services – a DP, the first of three, was released in January 1998
- Section 81 (Clean Break) – WIH on a DP

ALRI

- Family law – WIH on a project to modernise, rationalise and consolidate the family law of Alberta. DPs will be released late 1998

Fences see Property

Finance

WALRC

- Financial protection in the building and construction industry (Project 82)

Fines

SA

- Fines enforcement – WIH

Governance

LCC

- Governance relationships and social relationships – WIH

Homicide

MCCOC/SCAG

- Model Criminal Code: Chapter 5 – Fatal offences against the person, 1998 (DP)

ILRC

- Homicide – WIH on a CP due in 1998

Human Rights

HREOC

- Those who've come across the seas: detention of unauthorised arrivals, 1998

Indigenous People

Joint Comm NT

- Twelfth report: the Aboriginal and Torres Strait Islander Heritage Protection Bill 1998, 1998

Insolvency

CASAC

- Corporate voluntary administration: final report, 1998

Insurance Law

Law Com; Scot Law Com

- *Third Parties (Rights Against Insurers) Act 1930*: a joint consultation paper, 1998 (CP 152; Scot Law Com DP 104)

NZLC

- Some insurance law problems, 1998 (R 46)

Intellectual Property

H of R

- Don't stop the music! A report on the Inquiry into Copyright, Music and Small Business, 1998

CLRC

- Report on the simplification of the *Copyright Act, 1968*: Part 1 exceptions to the exclusive rights of copyright owners, 1998

Juries

NZLC

- Juries in criminal trials: part one, 1998 (PP 32)

Justices of the Peace

QLRC

- The role of Justices of the Peace: issues paper, 1998 (WP 51) – WIH on a DP due in December 1998

Land Acquisition

PNGLRC

- Attitudes towards land compensation and development in Papua New Guinea, 1997 (WP 27)

Landlord & Tenant

Law Com

- Landlord and tenant law: termination of tenancies by physical re-entry, 1998 (Consultative document)

Scot Law Com

- Report on leasehold casualties, 1998 (Scot Law Com 165)
- Report on the law of tenement, 1998 (Scot Law Com 162)

Law Reform

Senate Committee of Privileges

- Possible improper interference with a potential witness before the Parliamentary Joint Committee on Native Title and the Aboriginal and Torres Strait Islander Land Fund, 1998 (R 73)

Legal Aid

Sen

- Legal aid, 1998 (R 3)

SA

- Legal Services Commission (Legal Representation) Amendment Bill 1998 (SA) – WIH on legislation to increase the

Commission's powers to investigate applications for legal aid

Legal Advice

NSWLRC

- Circulation of legal advice to government, 1998 (R 86)

Legal Profession

AG

- Report of the Review of Scales of Legal Professional Fees in Federal Jurisdictions, 1998

Legal System

AG

- Review of small business access to the legal system, 1998 (CP)

ALRC

- Review of the adversarial system of litigation. IPs released on Rethinking the federal civil litigation system (IP 20), Rethinking legal education and training (IP 21), Rethinking family law proceedings (IP 22), Technology – what it means for federal dispute resolution (IP 23), Federal tribunal proceedings (IP 24), ADR–its role in federal dispute resolution (IP 25). WIH on a series of BPs on costs, experts, appellate procedure and legal ethics, due late 1998

VLRC

- Inquiry into technology and justice – WIH into use of technology to enhance the administration and delivery of justice

WALRC

- Criminal and civil justice system: reforming the justice system, 1998 (IP) – WIH on an examination of the justice system in WA including the role of the legal profession, dispute resolution, access to justice, simplified procedures, delays and the cost of litigation

Legislation

Law Com; Scot Law Com

- Statute Law Revision: sixteenth report

draft Statute Law (Repeals) Bill, 1998 (Law Com 252; Scot Law Com 166)

ILRC

- *Civil Liability (Amendment) Act 1964* – WIH on section 2 of the Act
- Style and drafting of legislation – WIH on a CP due in 1998

Liability

Law Com

- Liability for psychiatric illness, 1998 (Law Com 249)

Law Com; Scot Law Com

- *Third Parties (Rights Against Insurers) Act 1930*: a joint consultation paper, 1998 (CP 152; Scot Law Com DP 104)

NZLC

- Apportionment of civil liability, 1998 (R 47)

ILRC

- *Civil Liability (Amendment) Act 1964* – WIH on section 2 of the Act

HKLRC

- Report on civil liability for unsafe products, 1998

PNGLRC

- Compensation for resource development in Papua New Guinea, 1997 (Monograph 6)

Limitation of Actions

QLRC

- Review of the *Limitation of Actions Act 1974* – WIH on a final report due in September 1998

Law Com

- Limitation of actions: a consultation paper, 1998 (CP 151)

ILRC

- The Statute of Limitations and latent defects, 1998 (CP)

Litigation see **Legal System**

Magistrates see **Courts & Tribunals**

Marriage see **Family Law**

Matrimonial Property

AG
• Superannuation and family law: a position paper, 1998

ALRI
• Division of matrimonial property on death, 1998 (DP 17)

Medical Negligence see **Liability**

Native Title

Joint Comm NT
• Twelfth report: the Aboriginal and Torres Strait Islander Heritage Protection Bill 1998, 1998

Neighbour Relations

NSWLRC
• Neighbour and neighbour relations – WIH on a report dealing with the problems between neighbours caused by trees and noise

Partnership see **Company Law**

Pensions

SALC
• Sharing of pension benefits, 1998 (DP 77 (Project 112))

Perpetuities

Law Com
• The rules against perpetuities and excessive accumulations, 1998 (Law Com 251)

Police

QCJC
• Policing and the community in Brisbane, 1998
• Police pursuits in Queensland resulting in death or injury, 1998

Prisons

Pakistan Law Com
• Report on jail reform, 1997

Privacy

ILRC
• Privacy: surveillance and the interception of communications: final report, 1998

H of R
• Saving our census: and preserving our history: a report on the Inquiry into the Treatment of Name-identified Census Forms, 1998

Proceeds of Crime

ALRC
• Proceeds of crime: an introduction to the inquiry, 1998 – WIH on review of the *Proceeds of Crime Act 1987* (Cth) and other related federal legislation, particularly its impact on innocent third parties, a DP is due late 1998

Product Liability see **Liability**

Property

VLRC
• Review of the *Fences Act 1968* (Vic) – WIH on a report to be tabled in November 1998

Scot Law Com
• Report on boundary walls, 1998 (Scot Law Com 163)

Prosecution

NZLC
• Compensation for wrongful conviction

or prosecution: a discussion paper, 1998 (PP 31)

Restitution

ILRC
• Consultation paper on aggravated, exemplary and restitutionary damages, 1998

Sale of Goods

WALRC
• Review of the *Sale of Goods Act 1895* (Project 89)

Self-Incrimination

NSWLRC
• The right to silence, 1998 (DP 41) – WIH on the final report due in December 1998

Statutory Interpretation

AG
• *Acts Interpretation Act 1901* – WIH on a review

Succession

NSWLRC
• Uniform succession laws: the law of wills, 1998 (R 85)
• Uniform succession laws: family provision – WIH on a final report, due late 1998

QLRC
• Uniform succession laws – WIH continues on the administration of estates and probate, a report is due at the end of 1998

ALRI
• Division of matrimonial property on death, 1998 (DP 17) – WIH on the final report due early 1999

SALC
• The harmonisation of the common law and the indigenous law: succession in customary law, 1998 (IP 12 (Project 90))

Superannuation

AG

- Superannuation and family law: a position paper, 1998

SSCS

- Resolving superannuation complaints, 1998

Surveillance

NSWLRC

- Surveillance - WIH on a report on a review of the *Listening Devices Act 1984*, due late 1998

Technology

ALRC

- Technology: what it means for federal dispute resolution, 1998 (IP 23)

QLRC

- Evidence and technology, 1998 (WP)

VLRC

- Technology and the law - WIH on an interim report

Tribunals see Courts &

Tribunals

Trusts & Trustees

BCLI

- CP on trustee investment powers, 1998

Victims of Crime

NZ Ministry of Justice

- Restorative justice: the public submissions, 1998

Wills see Succession

Writs

WALRC

- Writs and warrants of execution - WIH on a report due late 1998

Abbreviations and Acronyms

ADR	Alternative dispute resolution
AG	Attorney-General's Department
ALRC	Australian Law Reform Commission
ALRI	Alberta Law Reform Institute
BCLI	British Columbia Law Institute
BP	Background paper
California LRC	California Law Revision Commission
CASAC	Companies & Securities Advisory Committee (Australia)
CLRC	Copyright Law Review Committee
CP	Consultation paper
DP	Discussion paper
FLC	Family Law Council
H of R	House of Representatives Standing Committee on Legal and Constitutional Affairs
HKLRC	Law Reform Commission of Hong Kong
HREOC	Human Rights & Equal Opportunity Commission
ICAC	Independent Commission Against Corruption (NSW)
ILRC	Irish Law Reform Commission
IP	Issues paper
JCCS	Joint Committee on Corporations and Securities
Joint Comm NT	Joint Committee on Native Title and the Aboriginal and Torres Strait Islander Land Fund
LCC	Law Commission of Canada
Law Com	Law Commission (UK)
Manitoba LRC	Manitoba Law Reform Commission
MCCOC/SCAG	Model Criminal Code Officers Committee of the Standing Committee of Attorneys-General
Namibia LRDC	Namibian Law Reform Development Commission
NSWLRC	New South Wales Law Reform Commission
NZLC	New Zealand Law Commission
Pakistan Law Comm	Pakistan Law Commission
PNGLRC	Papua New Guinea Law Reform Commission
PP	Preliminary paper
QCJC	Queensland Criminal Justice Commission
QLRC	Queensland Law Reform Commission
R	Report
SA	South Australia
SALC	South African Law Commission
Scot Law Com	Scottish Law Commission
VLRC	Victorian Parliamentary Law Reform Committee
WALRC	Law Reform Commission of Western Australia
WIH	Work in hand
WP	Working paper