

Clearing House

Areas of Law Under Review

*Compiled by Sue Morris**

Aborigines see Indigenous People

Access to Justice

ALRC

- Review of the federal civil justice system - 6 IPs have already been produced, as have several BPs. A final report is due late 1999
- Review of the federal civil justice system, 1999 (DP 62)

LRCWA

- The LRCWA is conducting a review of the criminal and civil justice system (Project 92) and will be releasing a two-volume set of the consultation drafts, a final report, a public submissions report & executive summary in November 1999. The LRCWA has issued 30 consultation drafts and background papers. These are as follows:

- General topics:

- Role of the legal profession
- Justice and technology: consultation draft, 1999
- Measuring the effectiveness of the justice system
- Aspects of the law of evidence
- Court perspectives: architecture, psychology and Western Australian law reform: consultation draft, 1999
- Touchstones of the justice system
- Appeals

- Civil issues:

- The civil system in Western Australia; an overview

- The advantages and disadvantages of the adversarial system in civil proceedings

- The use of court-based or community alternative dispute resolution schemes & alternative forums for adjudication

- Pleadings - sacrificing the sacrosanct
- Expert evidence in civil proceedings
- Discovery - should the whistleblowers stop the train of inquiry?

- Costs

- Case management

- Means of commencing civil proceedings

- Summary judgment, preliminary issues and written and oral submissions

- Litigants in person: unreasonable and vexatious litigants

- The procedure of the local court, 1998

- Criminal issues:

- An overview of the criminal justice system in Western Australia

- The right to silence

- Trial by judge alone

- Preliminary hearings

- Costs in criminal proceedings

- The use of alternative dispute resolution in the criminal justice system

- The advantages and disadvantages of the present adversarial system of conducting criminal proceedings

- Curtailing irrelevant or unduly protracted cross-examination and testimony

- Pre-trial and trial practice in the

Courts of Petty Sessions

- Pre-trial management and trial procedure for trials on indictment

- Joinder of charges and joinder of accused

NZLC

- Justice: the experiences of Maori women, 1999 (R 53)

- Women's access to justice: women's access to legal services, 1999 (NZLC SP 1)

Administrative Law

ALRI

- Administrative procedure reform project. WIH on a draft model code, currently developing an annotated version for publication

ARC

- What decisions should be subject to merits review? 1999

Adversarial System

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AIDS see **Health**

Alcohol

VLRC

- Criminal liability for self-induced intoxication, 1999 (R 53)

Alternative Dispute Resolution

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- Review of the federal civil justice system - 6 IPs have already been produced, as have several BPs. A final report is due late 1999
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SALC

- Community dispute resolution structures, 1999 (DP 87, Project 94)
- Domestic Arbitration, 1999 (DP 83, Project 94)

Arbitration

SALC

- Arbitration: an international arbitration act for South Africa, 1998 (Project 94)
- Domestic Arbitration, 1999 (DP 83, Project 94)

Case Management

see **Courts**

Child Abuse

Namibia LRDC

- Violence against and abuse of women and children project: formal addresses made at the national hearing, May 1997, 1999 (LRDC 7)

- Violence against and abuse of women and children project: verbatim discussions made at the national hearing, May 1997, 1999 (LRDC 8)

QCJC

- Inquiry into allegations of misconduct in the investigation of paedophilia in Queensland: Kimmins Report, 1999 (Term of Reference no 5)

Class Actions

ALRI

- WIH - improving procedural framework to meet litigation demands, consultations are planned regarding the provisions of the Class Proceedings Act adopted by the Uniform Law Conference of Canada. A CP is planned for late 1999

Civil Procedure

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- Review of the federal civil justice system - 6 IPs have already been produced, as have several BPs. A final report is due late 1999
- Review of the federal civil justice system, 1999 (DP 62)

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Common Law

SALC

- The harmonisation of the common law and indigenous law: traditional courts and the judicial function of traditional leaders, 1999 (Project 90, DP 82)
- The harmonisation of the common law and the indigenous law: report on customary marriages, 1998 (Project 90)

Community Services

NSWLRC

- Review of the *Community Services (Complaints, Appeals and Monitoring) Act 1993* - Report 91 is to be tabled in parliament, September 1999

Company Law

ALRI

- Limited liability partnerships, 1999 (R 77)

HKLRC

- Report on the winding-up provisions of the companies ordinance, 1999

Computers see Technology

Conflict of Laws

SALC

- The harmonisation of the common law and indigenous law: traditional courts and the judicial function of traditional leaders, 1999 (Project 90, DP 82)
- The harmonisation of the common law and the indigenous law: report on customary marriages, 1998 (Project 90)

Constitutional Law

QLCARC

- Consolidation of the Queensland Constitution: final report, 1999

Contempt

NSWLRC

- Contempt by publication - WIH on a review of the law of contempt by publication, a DP will be published early in 2000

Contracts

ILRC

- Consultation paper on the Statutes of Limitation: claims in contract and tort in respect of latent damage (other than personal injury), 1998

Scot Law Com

- Report on penalty clauses, 1999 (Scot Law Com 171)
- Remedies for breach of contract, 1999 (DP 109)

Corruption see

Criminal Investigation

Costs

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- Review of the federal civil justice system - 6 IPs have already been produced, as have several BPs. A final report is due late 1999
- Review of the federal civil justice system, 1999 (DP 62)

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Courts

ALRC

- Review of the federal civil justice system - 6 IPs have already been produced, as have several BPs. A final report is due late 1999
- Review of the federal civil justice system, 1999 (DP 62)

ALRI

- Case flow management project - working with the Court of Queen's Bench of Alberta - WIH

LRCWA

- The LRCWA is conducting a

review of the criminal and civil justice system (Project 92) and has issued a number of papers - refer to the listing under 'Access to Justice'

Nova Scotia LRC

- WIH on the examination of the Civil Procedure Rules to see if the scope could be expanded in regard to interim payments of damages to plaintiffs

SALC

- The harmonisation of the common law and indigenous law: traditional courts and the judicial function of traditional leaders, 1999 (Project 90, DP 82)

Crime

QCJC

- A snap shot of crime in Queensland, 1999 (Queensland Criminal Justice Commission Research Paper Series Vol 5 No 1)

Criminal Codes

Law Com

- Legislating the Criminal Code: fraud and deception, 1999 (CP 155)

Criminal Investigation

ICAC

- Report on investigation into Aboriginal Land Councils in New South Wales: investigation report, 1999
- Investigation into the Department of Corrective Services. Third report: betrayal of trust: the activities of two correctional officers, 1999
- Tips from the top: senior NSW public sector managers discuss the challenges of preventing corruption, 1999
- Community and journalists' attitudes to corruption and the ICAC, 1999

- Gifts, benefits or just plain bribes? Guidelines for public sector agencies and officials, 1999

MCCOC

- Model Forensic Procedures Bill and the proposed national DNA database, 1999 (DP)

QCJC

- Inquiry into allegations of misconduct in the investigation of paedophilia in Queensland: Kimmins Report, 1999 (Term of Reference No 5)
- Police cautioning of adults: drug and other offences: a briefing paper, 1999
- Crime prevention partnerships in Queensland: an evaluation of a pilot program, 1999

Scot Law Com

- Report on unjustified enrichment, error of law and public authority receipts and disbursements, 1999 (Scot Law Com 169)

Criminal Justice

LRCWA

- The LRCWA is conducting a review of the criminal and civil justice system (Project 92) and has issued a number of papers - refer to the listing under 'Access to Justice'

QCJC

- Criminal justice system monitor, 1999 (Criminal Justice Commission Monitor Series Vol 4)

Criminal Law

NSWLRC

- Review of Section 316 of the *Crimes Act 1900* (NSW) - WIH on a report due for release before the end of 1999
- Review of Section 409B of the *Crimes Act 1900* (NSW), 1999 (R 87)

- Sentencing of Aboriginal offenders – WIH on a report due in December 1999

QCJC

- Inquiry into allegations of misconduct in the investigation of paedophilia in Queensland: Kimmins Report, 1999 (Term of Reference No 5)

SALC

- Aspects of the law relating to AIDS: Compulsory HIV testing of persons arrested in sexual offence cases, 1999 (DP 84, Project 85)

VLRC

- Criminal liability for self-induced intoxication, 1999 (R 53)

Custody of Children see Family Law

Customary Law

SALC

- The harmonisation of the common law and indigenous law: traditional courts and the judicial function of traditional leaders, 1999 (Project 90, DP 82)
- The harmonisation of the common law and the indigenous law: report on customary marriages, 1998 (Project 90)

Damages

ALRI

- Should a claim for the loss of a chance of future earnings survive death? 1998 (R 76)

Law Com

- Damages for personal injury: non-pecuniary loss, 1999 (Law Com 257)

NSWLRC

- Contribution between persons liable for the same damage, 1999 (R 89)

Debt

NSWLRC

- Set-off – WIH on a report to be completed in December 1999

SALC

- *Insolvency Act 24, 1936* – WIH on a comprehensive review of the law of insolvency, dealing with matters such as a presumption of insolvency to assist in setting aside depositions and the appointment of liquidators

Disabled Persons see Persons with Disabilities

Discrimination

NSWLRC

- Review of the *Anti-Discrimination Act 1977* – report to be released October 1999

Domestic Violence see also Violence

NZ Ministry of Justice

- The domestic violence legislation and child access in New Zealand, 1999

Drugs

QCJC

- Police and drugs, 1999

Electoral Law

QLCARC

- Electoral reform – WIH on a review of Queensland electoral law, specifically examining party/candidate identification on how-to-vote cards and allowing appeals from decisions of the Court of Disputed Returns to the Court of Appeal

Ethics

ICAC

- Best practice, best person: integrity in public sector recruitment and selection, 1999

Evidence

ALRC

- Review of the federal civil justice system – 6 IPs have already been produced, as have several BPs. A final report is due late 1999
- Review of the federal civil justice system, 1999 (DP 62)

LRCWA

- The LRCWA is conducting a review of the criminal and civil justice system (Project 92) and has issued a number of papers – refer to the listing under 'Access to Justice'

NCCUSL

- Uniform Rules of Evidence – revisions were required to keep abreast of developments in the law of evidence, particularly in the use of DNA evidence

NSWLRC

- Review of Section 409B of the *Crimes Act 1900* (NSW), 1999 (R 87)

NZLC

- Evidence: reform of the law, 1999 (R 55 – Vol 1)
- Evidence: total recall? The reliability of witness testimony, 1999 (MP 13)
- Evidence: Evidence Code and commentary, 1999 (R 55 – Vol 2)

Family Law see also Marriage

AG

- Property and family law: options for change: a discussion paper, 1999

NZ Ministry of Justice

- The domestic violence legislation and child access in New Zealand, 1999
- Same-sex couples and the law, 1999 (DP)

Feudal System

Scot Law Com

- Report on abolition of the feudal system, 1999 (Scot Law Com 168)

Finance

CLERP

- Financial products, service providers and markets: an integrated framework: implementing CLERP 6, 1999

Fraud

NZLC

- Computer misuse, 1999 (R 54)

Freedom of Information

QLCARC

- Review of the *Freedom of Information Act 1992* (Qld) WIH on whether or not the basic purposes and principles of the FOI Act have been satisfied and whether or not the Act should be amended

Health

California LRC

- Health care decisions for adults without decision making capacity, 1998 (Publication 201 Recommendation)

Nova Scotia LRC

- A review of the mental health provisions of the *Hospital Act* – WIH

QLCARC

- Inquiry into the *Transplantation and Anatomy Amendment Bill 1998*: report

SALC

- Aspects of the law relating to AIDS: Compulsory HIV testing of persons arrested in sexual offence cases, 1999 (DP 84, Project 85)

Homosexuality

NZ Ministry of

Justice

- Same-sex couples and the law, 1999 (DP)

Human Rights

NZ Ministry of

Justice

- Same-sex couples and the law, 1999 (DP)

Indigenous People

see also **Customary Law**

ICAC

- Report on investigation into Aboriginal Land Councils in New South Wales: investigation report, 1999

NSWLRC

- Sentencing of Aboriginal offenders – WIH on a report due in December 1999

Insolvency see Debt

Judiciary

LCC

- Setting judicial compensation: multidisciplinary perspectives, 1999

Vic AGLRAC

- Judicial review in Victoria, 1999 (Expert R 5)

Justices of the Peace

QLRC

- The role of Justices of the Peace in

Queensland, 1999 (DP WP 54)

Law Reform

Law Com

- Seventh programme of law reform, 1999 (Law Com 259)
- Modern law for modern needs, 1999 (Law Com 258)

Legal System

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- Review of the federal civil justice system – 6 IPs have already been produced, as have several BPs. A final report is due late 1999
- Review of the federal civil justice system, 1999 (DP 62)

LRCWA

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Legislation

ALRI

- Reform of the *Intestate Succession Act, 1999* (R 78)

NSWLRC

- Review of Section 409B of the *Crimes Act 1900* (NSW), 1999 (R 87)
- Review of Section 316 of the *Crimes Act 1900* (NSW) – WIH on a report due for release before the end of 1999

NZLC

- Evidence: Evidence Code and commentary, 1999 (R 55 – Vol 2)

SALC

- Arbitration: an international arbitration act for South Africa, 1998 (Project 94)

Limitation of Actions

ILRC

- Statutes of Limitation: claims in contract and tort in respect of latent damage (other than personal injury), 1998 (CP)

Marriage see also Family Law

SALC

- The harmonisation of the common law and the indigenous law: report on customary marriages, 1998 (Project 90)
- Review of the *Marriage Act, 1961* (DP)

Matrimonial Property see Family Law

Media

ICAC

- Community and journalists' attitudes to corruption and the ICAC, 1999

Partnership see Company Law

Personal Injuries see Damages

Persons with Disabilities

California LRC

- Health care decisions for adults without decision making capacity, 1998 (Publication 201 Recommendation)

NSWLRC

- Review of the *Disabilities Services Act 1993* – Report 90 to be tabled in parliament, September 1999

Police

QCJC

- Police and drugs, 1999
- Police powers in Queensland: Notices to appear, 1999 (Queensland. Criminal Justice Commission Research Paper Series Vol 5 No 23)

QCJC & Qld Police Service

- Trial of capsicum spray in Queensland: evaluation report, 1999

Prisons

ICAC

- Investigation into the Department of Corrective Services. Third report: betrayal of trust: the activities of two correctional officers, 1999

QCJC

- Criminal justice system monitor, 1999 (Criminal Justice Commission Monitor Series Vol 4)

Proceeds of Crime

ALRC

- Confiscation that counts: a review of the *Proceeds of Crime Act 1987* (Cth) 1999 (R 87)

Public Authorities

Scot Law Com

- Report on unjustified enrichment, error of law and public authority receipts and disbursements, 1999 (Scot Law Com 169)

Public Sector

ICAC

- Best practice, best person: integrity in public sector recruitment and selection, 1999
- Gifts, benefits or just plain bribes? Guidelines for public sector agencies and officials, 1999

- Tips from the top: senior NSW public sector managers discuss the challenges of preventing corruption, 1999

Regulation

CLERP

- Financial products, service providers and markets: an integrated framework: implementing CLERP 6, 1999

Remedies

Scot Law Com

- Remedies for breach of contract, 1999 (DP 109)

Restitution

Scot Law Com

- Report on unjustified enrichment, error of law and public authority receipts and disbursements, 1999 (Scot Law Com 169)

Sentencing

NSWLRC

- Sentencing of Aboriginal offenders – WIH on a report due in December 1999

QCJC

- Criminal justice system monitor, 1999 (Criminal Justice Commission Monitor Series Vol 4)

Sex Discrimination

Vic AGLRAC

- Transsexualism in a modern state: options for reform, 1999 (Expert R 4)

Sexual Offences see Criminal Law

Surveillance

NSWLRC

- Review of the *Listening Devices Act 1984* – a report is due to be released in the early part of 2000

Technology

NCCUSL

- Uniform Computer Information Transactions Act – the first uniform comprehensive computer information licensing law
- Uniform Electronic Transactions Act – establishes the legal equivalence of electronic records & signatures with paper writings & signatures

NZLC

- Computer misuse, 1999 (R 54)

VLRC

- Technology and the law, 1999 (R 52)

Torts

ALRI

- Should a claim for the loss of a chance of future earnings survive death? 1998 (R 76)

ILRC

- Statutes of Limitation: claims in contract and tort in respect of latent damage (other than personal injury), 1998 (CP)

Transsexuality

Vic AGLRAC

- Transsexualism in a modern state: options for reform, 1999 (Expert R 4)

Trials

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number of papers – refer to the listing under 'Access to Justice'

Trusts & Trustees

ALRI

- Trustee investments

BCLI

- Statutory remuneration of trustees and trustees' accounts, 1999 (R 7)
- Trustee investment powers, 1999 (R 6)

Manitoba LRC

- Trustee investments: the modern portfolio theory, 1999 (R 101)

Uniform Laws

California LRC

- Uniform Principal and Income Act, 1999 (Publication 202 Recommendation)

NCCUSL

- Uniform Computer Information Transactions Act – the first uniform comprehensive computer information licensing law
- Uniform Electronic Transactions Act – establishes the legal equivalence of electronic records & signatures with paper writings & signatures
- Uniform Rules of Evidence – revisions were required to keep abreast of developments in the law of evidence, particularly in the use of DNA evidence
- Uniform Disclaimer of Property Interests Act – revision was required in order to deal with gaps in existing estate plans beyond the traditional settings

QLRC

- Administration of estates of deceased persons, 1999 (DP MP 37)

Violence

Namibia LRDC

- Violence against and abuse of women and children project: formal addresses made at the national hearing, May 1997, 1999 (LRDC 7)
- Violence against and abuse of women and children project: verbatim discussions made at the national hearing, May 1997, 1999 (LRDC 8)

Wills & Succession

ALRI

- Reform of the *Intestate Succession Act, 1999* (R 78)

Nova Scotia LRC

- Probate reform in Nova Scotia: report

QLRC

- Administration of estates of deceased persons, 1999 (DP MP 37)

Witnesses see Evidence

Women and the Law

Namibia LRDC

- Violence against and abuse of women and children project: formal addresses made at the national hearing, May 1997, 1999 (LRDC 7)
- Violence against and abuse of women and children project: verbatim discussions made at the national hearing, May 1997, 1999 (LRDC 8)

NZLC

- Women's access to justice: women's access to legal services, 1999 (NZLC SP 1)
- Justice: the experiences of Maori women, 1999 (R 53)

Abbreviations and Acronyms

AG	Attorney-General's Department
ALRC	Australian Law Reform Commission
ALRI	Alberta Law Reform Institute
ARC	Administrative Review Council (Aust)
BCLI	British Columbia Law Institute
BP	Background paper
California LRC	California Law Revision Commission
CLERP	Corporate Law Economic Reform Program
CP	Consultation paper
DP	Discussion paper
HKLRC	Hong Kong Law Reform Commission
ICAC	Independent Commission Against Corruption (NSW)
ILRC	Irish Law Reform Commission
IP	Issues paper
LCC	Law Commission of Canada
Law Com	Law Commission (UK)
LRCWA	Law Reform Commission of Western Australia
Manitoba LRC	Manitoba Law Reform Commission
MCCOC	Standing Committee of Attorneys-General Model Criminal Code Officers Committee
MP	Miscellaneous paper
Namibia LRDC	Namibia Law Reform and Development Commission
NCCUSL	National Conference of Commissioners on Uniform State Laws (US)
Nova Scotia LRC	Nova Scotia Law Reform Commission
NSWLRC	New South Wales Law Reform Commission
NZLC	New Zealand Law Commission
QCJC	Queensland Criminal Justice Commission
QLCARC	Queensland Parliamentary Legal, Constitutional & Administrative Review Committee
QLRC	Queensland Law Reform Commission
R	Report
SALC	South African Law Commission
Scot Law Com	Scottish Law Commission
SP	Study paper
Vic AGLRAC	Victorian Attorney-General's Law Reform Committee
VLRC	Victorian Parliamentary Law Reform Committee
WIH	Work in hand
WP	Working paper

** Sue Morris is the Research & Information Manager at the Australian Law Reform Commission.*

*Entries to Clearing House can be made by emailing details of areas of law under review to **reform@alrc.gov.au***