

# ClearingHouse

## Areas of Law Under Review

Compiled by Sue Morris\*

### Aborigines see Indigenous People

### Abuse

#### Manitoba LR

- Adult protection and elder abuse, 1999 (R 103)

### Access to Justice

#### ALRC

- Managing justice: a review of the federal civil justice system, 2000 (ALRC 89)

#### LRCWA

- Review of the criminal and civil justice system in Western Australia: final report, 1999 (P 92)
- Review of the criminal and civil justice system in Western Australia: consultation drafts, Volume 1 & 2, 1999 (P 92)

### Administrative Law

#### ALRC

- WIH on a new reference on civil and administrative penalties. The ALRC is to inquire into such aspects as the advantages and disadvantages of a uniform system for imposing monetary penalties by means of civil and administrative penalties, the areas where provision for administrative and civil penalties is appropriate, the maximum level of these penalties and their enforcement. A final report is due March 2002

#### ALRI

- Powers and Procedures for Administrative Tribunals, 1999 (R 79)

#### SALC

- Report on administrative justice, 1999 (P 115)

### Adoption

#### NZLC

- Adoption: options for reform: a discussion paper, 1999 (PP 38)

### Bail see Criminal Law

### Building Law

#### NZLC

- Protecting construction contractors: an advisory report to the Ministry of Commerce, 1999 (SP 3)

### Civil Justice

#### ALRC

- Managing justice: a review of the federal civil justice system, 2000 (ALRC 89)

#### LRCWA

- Review of the criminal and civil justice system in Western Australia: final report, 1999 (P 92)
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### Class Actions

#### ALRC

- Class actions: consultation memorandum, 1999

#### SALC

- Report on the recognition of class actions and public interest actions in South African law, 1998 (P 88)

### Company Law

#### CASAC

- Shareholder participation in the modern listed public company, 1999 (DP)

#### PJSCCS

- Report on matters arising from the Company Law Review Act 1998, 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****NSWLRC**

- WIH on a review of the law in *Pigot's case*

**Scot Law Com**

- Report on remedies for breach of contract, 1999 (Scot Law Com 174)

**Conveyancing see Property Law****Corruption****ICAC**

- Investigation into Aboriginal Land Councils in New South Wales: report on investigation into travel allowance and expense claims by the Councillors of the New South Wales Aboriginal Land Councils, 1999
- Investigation into Aboriginal Land Councils in New South Wales: implementation progress report, 1999
- Investigation into the Department of Corrective Services. Fourth report: abuse of official power and authority, 1999
- Report on investigation into the disposition of funds remaining in the accounts of the former Illawarra Development Board (1987–1990), 1999

**Credit law****ALRI**

- Cost of credit: final report, 1999

**Criminal Justice****LCC**

- From restorative justice to transformative justice, 1999 (DP)

**LRCWA**

- Review of the criminal and civil justice system in Western Australia: final report, 1999 (P 92)
- Review of the criminal and civil justice system in Western Australia: consultation drafts, Volume 1 & 2, 1999 (P 92)

**QCJC Research and Prevention Division**

- Diversion of drug offenders and drug dependent offenders from the criminal justice system, 1999 (BP)

**Criminal Law****Law Com**

- Bail and the Human Rights Act 1998, 1999 (CP 157)
- Double jeopardy, 1999 (CP 156)

**MCCOC**

- Model Criminal Code: Chapter 4 – Damage and computer offences and amendment to Chapter 2: Jurisdiction, DP, 2000

**NSWLRC**

- Review of Section 316 of the *Crimes Act 1900* (NSW), 1999 (R 93)

**NZLC**

- Juries in criminal trials: part two, DP (2 vols), 1999 (PP 37)

**SALC**

- WIH on a DP, Simplification of the criminal procedure: the right of the Attorney-General to appeal on questions of fact. Due early 2000
- WIH on a DP on the application of the Bill of Rights to the criminal law, the law of criminal procedure and sentencing. Due early 2000

**Damages****ILRC**

- CP on Section 2 of the Civil Liability (Amendment) Act 1964: the deductibility of collateral benefits from awards of damages, 1999 (CP 15)

**Law Com**

- Damages for personal injury: medical, nursing and other expenses: collateral benefits, 1999 (Law Com 262)

**Nova Scotia LRC**

- Interim payment of damages, 2000 (DP)

**Debt see also Insolvency****NSWLRC**

- Set-off – WIH on a report due early 2000

**Scot Law Com**

- DP on pouncing and sale: effective enforcement and debtor protection, 1999 (DP 110)

**Discrimination****NSWLRC**

- Review of the *Anti-Discrimination Act 1977* (NSW) (R 92)

**Domestic Violence****Manitoba LRC**

- Adult protection and elder abuse, 1999 (R 103)

**Double Jeopardy****Law Com**

- Double jeopardy, 1999 (CP 156)

**Education****QCJC**

- WIH on two reports relating to allegations of inappropriate sexual relationships between teachers and students in Qld schools.

First report due early 2000, 2nd report due late 2000

### **Electoral Reform**

#### **QLCARC**

- WIH on an inquiry into certain issues of Queensland electoral reform resulting from the conduct of the 1998 state election and proposed amendments to the *Electoral Act 1992* (Qld)
- WIH on proposed amendments in the Electoral Amendment Bill 1999 dealing with political advertising

### **Ethics**

#### **QCJC**

- Ethics surveys of first year con-stables: summary of findings 1995–1998, 1999

### **Evidence**

#### **QLRC**

- Evidence of Children, 1999 (WP 53). WIH on final report due mid 2000

### **Family Law**

#### **Bangladesh LRC**

- WIH on possible reforms of Hindu family law and preparing a draft of Hindu Family Bill of Reforms

#### **NSWLRC**

- WIH on a review of the *Property (Relationships) Act 1984* (NSW)

### **Freedom of Information**

#### **QLCARC**

- WIH on a comprehensive review of the *Freedom of Information Act 1992* (Qld). A DP is due early 2000

### **Indigenous People**

#### **NSWLRC**

- Sentencing of Aboriginal offenders – WIH on a report due March 2000

### **Insolvency see also Debt**

#### **NZLC**

- Protecting construction contrac-tors: an advisory report to the Min-istry of Commerce, 1999 (SP 3)

#### **SALC**

- Interim report on review of the law of insolvency: the enactment in South Africa of UNCITRAL's model law on cross-border insolvency, 1999 (P 63)
- Review of the law of insolvency, volumes 1–2, 1999 (DP 86)

### **Judiciary**

#### **ALRC**

- WIH on a review of the *Judiciary Act 1903* (Cth). The ALRC has been asked to inquire into the source, scope and exercise of judi-cial power of the Commonwealth in civil matters. A final report is due at the end of February 2001

### **Juries see Criminal Law**

### **Justices of the Peace**

#### **QLRC**

- Role of Justices of the Peace, 1999 (WP 54). A final report is due early 2000

### **Land Titles**

#### **NZLC**

- Shared ownership of land, 1999 (R 59)

### **Legal System**

#### **ALRC**

- Managing justice: a review of the federal civil justice system, 2000 (ALRC 89)

#### **LRCWA**

- Review of the criminal and civil justice system in Western Aus-tralia: final report, 1999 (P 92)
- Review of the criminal and civil justice system in Western Aus-tralia: consultation drafts, Volume 1 & 2, 1999 (P 92)

### **QCJC Research and Preven-tion Division**

- Diversion of drug offenders and drug dependent offenders from the criminal justice system, 1999 (BP)

### **Legislation**

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- WIH on new reference on a review of the *Marine Insurance Act 1909* (Cth). Some of the aspects the ALRC is to take into account include any parts of the legislation that restrict competition, the desir-ability of having a regime consis-tent with international practice, effects on the environment, wel-fare, economic and regional devel-opment. A final report is due late December 2000

#### **Bangladesh LRC**

- WIH on a report to amend and improve the Ombudsman Act 1980

### **Law Com**

- Bail and the Human Rights Act 1998, 1999 (CP 157)

**NSWLRC**

- Review of the *Disability Services Act 1993* (NSW), 1999 (R 91)
- Review of the *Community Services (Complaints, Appeals and Monitoring) Act 1993* (NSW), 1999 (R 90)

- Review of Section 316 of the *Crimes Act 1900* (NSW), 1999 (R 93)

**SALC**

- Review of the Marriage Act, 25 of 1961, 1999 (P 109, DP 88)

**Marine Insurance****ALRC**

- WIH on new reference on a review of the *Marine Insurance Act 1909* (Cth). Some of the aspects the ALRC is to take into account include any parts of the legislation that restrict competition, the desirability of having a regime consistent with international practice, effects on the environment, welfare, economic and regional development. A final report is due late December 2000

**Marriage****SALC**

- Review of the Marriage Act, 25 of 1961, 1999 (P 109, DP 88)

**Mental Health see Persons with Disabilities****Personal Injuries see Damages****Ombudsman****Bangladesh LRC**

- WIH on a report to amend and improve the Ombudsman Act 1980

**QLCARC**

- Review of the report of the Strategic Review of the Queensland Ombudsman, 1999 (R 14)

**Persons with Disabilities****Manitoba LRC**

- Adult protection and elder abuse, 1999 (R 103)

**NSWLRC**

- Review of the *Disability Services Act 1993* (NSW), 1999 (R 91)

**Police****QCJC**

- Police powers in Queensland: strip searching, 1999 (IP)
- Police powers in Queensland: Notices to appear. Queensland. Criminal Justice Commission Research Paper Series Vol 5 no 23, 1999
- Ethics surveys of first year constables: summary of findings 1995–1998, 1999
- WIH on a survey on defendant's rights with the introduction of the *Police Powers and Responsibilities Act 1997* (Qld), report due March 2000

**Powers of Attorney****Nova Scotia LRC**

- Enduring Powers of Attorney: final report, 1999

**Prisoners****QCJC**

- WIH on a final report on prisoner numbers in Qld, due early 2000

**Privacy****HKLRC Privacy Sub-Committee**

- Civil Liability for Invasion of Privacy, CP, August 1999
- Regulation of Media Intrusion, CP, August 1999

**Property Law****ALRI**

- Occupiers' liability for non-commercial recreational use of land: final report, 1999

**ILRC**

- Report on gazumping, 1999 (LRC 59)

**Sentencing****New Zealand Ministry of Justice**

- Sentencing in New Zealand: a statistical analysis, 1999

**NSWLRC**

- Sentencing of Aboriginal offenders – WIH on a report due March 2000

**Sexual Offences****SALC**

- Sexual offences: the substantive law, 1999 (P 107; DP 85)

**Surveillance****NSWLRC**

- Review of the *Listening Devices Act 1984* (NSW), report due early 2000

**SALC**

- Review of the Interception and Monitoring Prohibition Act 127 of 1992, 1999 (R)

**Technology****MCCOC**

- Model Criminal Code: Chapter 4

– Damage and computer offences and amendment to Chapter 2: Jurisdiction, DP, 2000

### Treaties

#### QLCARC

- WIH on an inquiry into the role of the Queensland Parliament in treaty making

### Trusts & Trustees

#### Law Com & Scot Law Com

- Trustees' powers and duties, 1999 (Law Com 260; Scot Law Com 172)

#### BCLI Committee on the Modernization of the Trustee Act

- CP on statutory powers of delegation by trustees, 1999

### Uniform Laws

#### NSWLRC

- Uniform succession laws: administration of estates of deceased persons, 1999 (DP 42)

### Wills & Succession

#### ALRI

- Wills: non-compliance with formalities: consultation memorandum, 1999
- Reform of the Intestate Succession Act: final report, 1999 (R 78)

#### NSWLRC

- Uniform succession laws: administration of estates of deceased persons, 1999 (DP 42)

#### QLRC

- WIH on a draft DP on Recognition of Interstate and Foreign Grants of Probate and Letters of Administration, due mid-2000

## Abbreviations and Acronyms

ALRC	Australian Law Reform Commission
ALRI	Alberta Law Reform Institute
Bangladesh LRC	Bangladesh Law Reform Commission
BCLI	British Columbia Law Institute
BP	Background paper
CASAC	Companies and Securities Advisory Committee (Australia)
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
Nova Scotia LRC	Nova Scotia Law Reform Commission
NSWLRC	New South Wales Law Reform Commission
NZLC	New Zealand Law Commission
P	Project
PJSCCS	Parliamentary Joint Statutory Committee on Corporations and Securities (Australia)
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
WIH	Work in hand
WP	Working paper

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*Entries to Clearing House can be made by e-mailing details of areas of law under review to [reform@alrc.gov.au](mailto:reform@alrc.gov.au)*