

quency with which it is argued to negative criminal intent and whether such arguments, if accepted, result in acquittal. An issues paper is being prepared, describing the preliminary results of this research and seeking a response from the legal profession and others, both to the law as it is found to operate in practice and to the various proposals for reform that have been made in Australia and elsewhere.

- *Law of Homicide*. A working paper on the law of murder is being prepared.

#### **Victorian Legal and Constitutional Committee (VLCC)**

- *Acts Interpretation Act*. Work on redrafting this Act is underway and includes the question of the standing of subordinate legislation and the use of extrinsic materials by the judiciary in the interpretation of legislation. Report to Parliament expected September 1983.
- *Delays in Hearing of Cases in Courts*. Committee initially investigating delays from alleged commission of offence until trial in criminal cases. Interim report expected September 1983.

#### **Western Australian Law Reform Commission (WALRC)**

- *Privacy*. Work proceeding in co-operation with the ALRC.
- *Companies Law*. Prescribed interests. WIH.
- *Criminal Records Expunction*. WIH.
- *Local Courts Act and Rules*. WIH.
- *Trustees' Powers of Investigation*. Report to be issued in near future.
- *Justices Act: General Procedure*. WIH.
- *Illegitimacy: Rights of Putative Fathers*. WIH.
- *Criminal Proceedings and Mental Disorder*. WIH.
- *Recognition of Interstate Foreign Grants and Probate*. WIH.
- *Administrative Review*. WIH.
- *Evidence: Reproductions*. WIH.
- *Uniform Law on Medical Services for Minors*. WIH.

## **personalia**

### **The Federal Shadow Ministry**

The first Shadow Ministry of the Honourable Andrew Peacock MP, the new Leader of the Federal Opposition in Australia, was announced after the last issue of *Reform* went to press. The new Shadow Ministry includes a number of new faces and a number of lawyers with established interests in law reform. Mr John Howard, a Sydney lawyer, is Deputy Leader of the Opposition and Shadow Treasurer. Mr Ian Sinclair, also a lawyer, is Shadow Min-

ister for Defence. Senator Fred Chaney, a Perth lawyer, is Leader of the Opposition in the Senate and Shadow Minister for Resources and Energy. Senator Peter Durack QC, the former Federal Attorney-General, is Deputy Leader of the Opposition in the Senate and Shadow Attorney-General. Senator Durack has continued to express interests in law reform, particularly in the achievement of a Uniform Defamation Act, a matter before the Standing Committee of Attorneys-General. Mr Ian Macphee, a Melbourne lawyer, is Shadow Minister for Employment and Industrial Relations. Senator Peter Rae, a Launceston lawyer, is Shadow Minister for Industry and Commerce. Mr Michael Hodgman, a Hobart barrister, is Shadow Minister for Immigration and Ethnic Affairs. Mr David Connolly is Shadow Minister for the Environment. Mr John Spender QC, a Sydney barrister, is Shadow Minister for Aviation and Defence Support. Mr Phillip Ruddock, a Sydney lawyer, is Shadow Minister for Territories. Mr James Porter, an Adelaide lawyer, is Shadow Minister for Aboriginal Affairs. New faces among the non-lawyers include Dr Harry Edwards (Science and Technology) and Senator Cathy Martin (Home Affairs and Administrative Services). The redoubtable Senator Reg Withers, self-described as a 'simple lawyer from Bunbury, Western Australia', is Secretary to the Shadow Cabinet.

### **The Hon Mr Justice M D Kirby CMG**

The Federal Attorney-General has announced the appointment of the ALRC Chairman as a Judge of the Federal Court of Australia. The announcement was made on 30 March 1983. Mr Justice Kirby was welcomed at a ceremonial sitting of the court held in Sydney on 7 June 1983. Since 1974, the ALRC Chairman has been a Deputy President of the Australian Conciliation and Arbitration Commission, a post he resigned to take up appointment to the Federal Court. Senator Evans said that Mr Justice Kirby would continue for the time being as Chairman of the ALRC. Earlier notes on the ALRC Chairman's career appear in [1982] *Reform* 38 and [1983] *Reform* 41.

### **The Hon Mr Justice B A Beaumont**

Senator Evans has also announced the appointment of Mr Brian Beaumont QC, a leading Sydney barrister, to be a Judge of the Federal Court of Australia. Mr Justice Beaumont was welcomed on 7 June 1983 at the same ceremony as the ALRC Chairman. In his practice at the Bar, he specialised in constitutional and commercial cases. But he also had a link with law reform. In 1981 he was appointed Chairman of a Royal Commission established by the Tasmania Government to inquire into the Tasmanian Constitution. The report of the Royal Commission recommended a rationalisation of the respective roles in the upper and lower Houses of that State. He has also advised the Government of Papua New Guinea on legislative and constitutional matters and has been an adviser to the New South Wales and South Australian Governments on constitutional issues.

### Professor James Crawford

One of the full-time members of the ALRC, Dr James Crawford, has been promoted to Professor by the University of Adelaide (a personal chair in law). Professor Crawford was appointed to the ALRC for a term of three years from 1 January 1982. See [1982] *Reform* 114. At the time of his appointment he was Reader in Law in the University of Adelaide. In addition to degrees in Arts and Laws from that University, he holds the degree of Doctor of Philosophy from Oxford University. He has published numerous articles and two books. His appointment to a chair in law recognises his high standing in Australian academic circles. It is expected that Professor Crawford will remain with the ALRC until the middle of 1984, at which time he will return to Adelaide to take up his chair. Within the ALRC he is Commissioner in charge of three projects: Aboriginal customary laws (see above p.109); foreign state immunity and admiralty jurisdiction.

### Mr Francis Gaffy QC

Professor Kevin Ryan, one of the full-time members of the Queensland Law Reform Commission whose career was noted in [1981] *Reform* 39, has returned to his post in the University of Queensland on the completion of his tour of duty. Professor Ryan's position will be taken by Mr Francis Joseph Gaffy QC. Mr Gaffy is at present Crown Counsel for the Northern Territory. He has been appointed by the Queensland Executive Council as a full-time member of the Queensland Law Reform Commission from 1 October 1983 for a period of three years.

### Mr M R Wilcox QC

A past full-time member of the ALRC, Mr Murray Wilcox QC, has been appointed to head an inquiry on behalf of the Victorian Government into whether poker machines should be permitted under the law of the State of Victoria. Mr Wilcox was a member of the ALRC from 1976 to 1979. During the course of service with the Commission he led the inquiries into lands acquisition, defamation and privacy, and standing and class actions. He immediately resumed a busy practice at the NSW Bar. See [1979] *Reform* 94. Mr Wilcox is President of the Australian Conservation Foundation and immediately after the announcement of his appointment he took what the *Age* newspaper described as an 'unusual' procedure of calling a press conference. He said he did this to ensure that all persons interested would submit written and oral evidence and would do so in good time to allow him to report to the Victorian Government by 31 October 1983. Also during the last quarter, in company with the ALRC Chairman, Mr Wilcox called on the Federal Minister for Administrative Services, Hon John Brown MP, to discuss the implementation of the ALRC report on lands acquisition (ALRC 14). Legislation is expected to be introduced in 1983.

### NZ Law Reform Council

Following various changes in the personnel of the Law Reform Council of New Zealand, the current list of mem-

bers is as follows: Mr Jim McLay, Minister of Justice (Chairman), Mr W Iles (Chief Parliamentary Counsel); Mr I L McKay (Chairman, Evidence Law Reform Committee); Mr D P Neazor QC (Solicitor-General); Mr C I Patterson (Chairman, Contracts and Commercial Law Reform Committee); Mr P G S Penlington QC (Chairman, Criminal Law Reform Committee); Judge D F G Sheppard (Chairman, Public and Administrative Law Reform Committee); Professor R J Sutton (Chairman, Property Law and Equity Reform Committee) and Mr S J Callahan (Secretary for Justice). The Secretary of the Committee is Mr L D Peters of the NZ Department of Justice.

### Dr Peter Handford

The new WALRC Executive Officer and Director of Research is Dr Peter R. Handford, 36, who commenced duty on 16 May 1983. Dr Handford took his LLB degree in Birmingham University in 1968. He won a post graduate scholarship to Trinity Hall, Cambridge where he was subsequently awarded degrees of LLB (1970) and PhD (1975). From 1970-8 he was Lecturer in Law at the University in Leicester. From 1978 to 1983 he was Lecturer in Law in the University of Western Australia, being sub-dean between 1978-82. Dr Handford was called to the Bar by the Middle Temple in England in 1970. He was admitted as a barrister and solicitor in Victoria (1979) and Western Australia (1981). He succeeds Mr Philip Clarke who left the WALRC in January 1983 to take up an appointment as Senior Lecturer in Law at Monash University. See [1983] *Reform* 91.

### Victorian Legal and Constitutional Committee

The Honourable B W Mier MLC has become a member of the committee, replacing Mr K King MP who died earlier in 1983. The committee has also appointed its first full-time senior researcher, Dr Jocelyne Scutt. Dr Scutt joined the committee on 2 May 1983. Dr Scutt is often described as the most highly qualified woman lawyer in Australia. She holds a number of post graduate degrees, the most recent being an SJD conferred on her by the University of Michigan. Amongst her varied experiences in the law, she has been an associate to a High Court Justice, a senior officer of the Australian Institute of Criminology and a Senior Law Reform Officer with the ALRC. See [1976] *Reform* 20. Mrs Tania Costello has been the Acting Secretary of the VLCC since March 1983.

### Mr Wayne Briscoe

Mr W Briscoe has recently joined the service of the Tasmanian Law Reform Commission as a researcher. He holds an LLB with honours degree from the University of Tasmania and an MA in criminal justice from California State University, Sacramento. His MA thesis concerned the transfer of juvenile offenders from juvenile courts to the criminal courts in California. He was admitted as a barrister and solicitor in Tasmania (1981) and worked for some time in private practice. He is currently undertaking an LLM degree in the University of Tasmania and con-

ducting research for a book on juvenile justice in that State. He recently completed the Tas LRC WP on the review of the Boundary Offences Act 1908. He is currently working on the Commission's references dealing with appeals, suretyship and guarantee, succession rights on intestacy, powers of attorney, rights of access to neighbouring land and computer crime.

### Mr Peter Carroll

Mr Peter Carroll, 28, since 1978 a legal adviser in the Department of Justice (Law Reform Division) in New Zealand, spent part of an exchange tour to Australia working with the ALRC. Mr Carroll visited Australia under the 'Nareen' scheme for exchanging officials between the Australian and New Zealand public services. His total period in Australia was six months, during which time he spent periods with the NSWLRC, the NSW Privacy Committee, the NSW Department of Consumer Affairs and the ALRC. Mr Carroll holds the degree of LLB within the Victoria University of Wellington (1976) and LLM, in the same University (1979). In New Zealand, he is Secretary of the Contracts and Commercial Law Reform Committee and has held this post since 1979. His areas of responsibility within the NZ Department of Justice include banking, contracts, companies, commercial law and censorship. Within the ALRC he worked on the production of a first issues paper on the ALRC's new reference on contempt law. See above p.94.

### ALRC Staff

Ms Loretta Re, a Senior Law Reform Officer with the ALRC, has been awarded the degree of Master of Laws within the University of Melbourne. The title of her thesis was *The Enforcement of Diffuse Rights: Class Actions* in which she examined 'opt-out' class action. Within the ALRC research work included work on the ALRC Class Actions reference. Mr Stephen Odgers, Senior Law Reform Officer, was awarded a United Nations Fellowship to undertake a study tour of the United States for six weeks.

He is spending part of this time at the United Nations headquarters in New York, where he will study human rights aspects of improperly obtained evidence, a subject he is researching in connection with the ALRC's inquiry into Federal Evidence law. Dr Damien Cremean has joined the Commission's staff for a period of approximately six months. Dr Cremean, a Melbourne barrister will be working on the Commission's new Reference on Admiralty Law in which Dr Cremean has a particular interest and expertise. He has written a thesis on this subject. Ms Mary Fisher has been appointed to the staff of the Commission as a Senior Law Reform Officer. Ms Fisher, has an honours degree in Law and is a qualified journalist. She has worked as a private secretary to the former Minister for Aboriginal Affairs and as a senior journalist with the Australian Broadcasting Commission.

### New ALRC Commissioners

As copy for this issue of *Reform* went to press the Federal Attorney-General, Senator Gareth Evans, announced the appointment of four new Commissioners of the Australian Law Reform Commission. Two of the new Commissioners will serve full-time, namely Professor David Hambly (ANU) and Professor Michael Chesterman (University of NSW). New part-time appointments announced by Senator Evans are the reappointment of Professor David St L Kelly, whose previous service is noted in [1980] *Reform* 63 and [1981] *Reform* 139 and Dr Michael Pyles. Professor Kelly will resume leadership of the ALRC project on debt recovery and insolvency, having seen to completion the major inquiry on insurance. See [1983] *Reform* 2. Dr Pyles will lead the ALRC project on service and execution of process, an area in which he is an established expert. See [1983] *Reform* 85. Professor Hambly, in addition to leading the ALRC project on matrimonial property which the Attorney-General announced, will also have responsibility for establishing the first branch office of the ALRC, in the Australian Capital Territory. Professor Chesterman will be leading the ALRC project on contempt of court. See above p.94. Further notes on the careers of the new Commissioners will appear in the October issue of *Reform*.

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Sydney

18 July 1983

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