

what's going on in the Irc's

Australian Law Reform Commission (ALRC)

- *Admiralty*. Work in hand (WIH) on report on the Criminal Admiralty Jurisdiction.
- *Community Law Reform for the ACT*.
 - *Pre-Judgment Interest on Damages*. WIH
 - *Informed Consent*. WIH
 - *Children's Evidence*. DP released. ACT Ordinance proclaimed 23 July 1987. Evaluation of project will be conducted over the next 12 months.
- *Choice of Laws*. IP released. A series of working papers will be produced in the next 12 months for consideration by consultants.
- *Customs*. DP on Cargo Control has been released. WIH on DP on Licencing of Warehouses and Depots and a DP on Enforcement—Seizure and Forfeiture, Customs Prosecutions and the mental element of offences.
- *Guardianship and Management of Property*. DP has been released. WIH on report.
- *Multiculturalism*. New reference received.
- *Product Liability*. Report was tabled in Federal Parliament on the 15th of August 1989.

New South Wales Law Reform Commission (NSWLRC)

- *Criminal Procedure*
 - *Police Powers of Detention and Questioning*. Report nearing completion.

– *Contempt of Court*. WIH.

- *Registration and Certification of Births and Deaths*. Report with printer.
- *Alternative Dispute Resolution*. IP prepared.
- *Sale of Goods*. WIH.
- *Co-operative Law Reform*. WIH.
- *Informed Consent to Medical Treatment*. Report completed.
- *Assurance Fund*. IP completed.
- *Community Law Reform Program*.
 - *Contribution between Persons liable for the same Damage*. WIH.
 - *Disposal of Uncollected Goods*. Report released.
 - *Dividing Fences*. Report released.
 - *The Rule in Bain v Fothergill*. Draft Report under consideration.
 - *Wills for the Mentally Incapable*. Draft consultative paper under consideration.
 - *Neighbour and Neighbour*. WIH.

Northern Territory Law Reform Committee (NTLRC)

- *Administrative Appeals*. DP on Appeals from Administrative Decisions: Appellate Structure is under consideration. Due for release later 1989.
- *Rules Against Perpetuities and Accumulations*. WIH. Report is expected by late 1989.

Queensland Law Reform Commission (QLRC)

- *Real Property Acts*. WIH
- *Property Law Acts*. WIH.
- *Limited Liability Partnerships*. WIH.

**Tasmanian Law Reform Commission
(TasLRC)**

- *Child Witnesses*. DP prepared. WIH on report.
- *Criminal Law and Procedure*.
 - *Criminal Code s 392 — Alternative Verdicts*. WIH.
 - *Criminal Code s 157(1)(c) — Murder*. Draft Report completed and circulated for comment.
 - *Compulsory Identification Parades*. WIH.
 - *Competance and Compellability of Spouses to Give Evidence*. Recommendation made that no changes be made to the present law.
 - *Regulations relating to the Refrigeration etc of Blood taken for Blood Alcohol Tests*. Report forwarded to Attorney-General.
 - *Criminal Code s 268 — Arson*. Recommendations have been forwarded to Attorney-General. A Bill containing these recommendations has been prepared for Parliament.
 - *Special Juries in Criminal Trials*. DP completed and circulated for comment.
 - *Settling Appeal Books (Court of Criminal Appeal)*. Report forwarded to Attorney-General.
 - *Criminal Code s 252A — Dishonestly Obtain a Financial Advantage*. Report forwarded to Attorney-General.
- *Civil Procedure*
 - *Occupiers Liability*. Recommendation made that no further action be taken.

- *Special Juries in Civil and Criminal Cases*. Draft Report completed and circulated for comment.
- *Appeal Costs Fund Act 1968*. Draft report has been completed and circulated for comment.
- *Unclaimed Moneys Act 1918*. WIH.
- *Split Trials*. Recommendation made that no further action be taken.
- *Defective Premises*. WIH.
- *Insanity, Intoxication and Automatism under the Tasmanian Criminal Code*. Draft report has been completed and circulated for comment.
- *Shopping Centre leases*. WIH.
- *ALRC — Draft Evidence Bill*. Recommendations forwarded to Attorney-General.

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

- *Delays in Courts*. WIH.
- *Australian Constitutional Commission*. WIH.
- *Law Relating to Charitable Trusts in Victoria*. Report tabled 23 May 1989.
- *Public Liability of Voluntary Organisations*. Report tabled 19 April 1989.
- *Use of Action for Breach of Confidence as a Means of Protecting Personal Privacy*. DP released. Written submissions to be received by 31 July. Public hearings will be held later in 1989.
- *Freedom of Information Act 1982*. Public hearings have commenced. Written submissions are still being received. Report is due 15 November 1989.
- *Subordinate Legislation*. The Committee has considered up to SR 107/89.

**Victorian Law Reform Commission
(VLRC)**

- *Medicine Science and the Law.*
 - *Informed Consent to Medical Treatment.* Report due for tabling in 1989.
 - *Genetic Manipulation.* WIH.
- *Land Law.*
 - *Easements and Covenants.* DP released.
 - *Trusts.* WIH on DP.
 - *Sale of Land Act.* WIH on report.
 - *Insurance.* WIH on DP.
- *Criminal Law.*
 - *Homicide.* WIH on draft report.
 - *Insanity and Automatism.* WIH.
- *Business and Commercial Law.*
 - *Product Liability.* WIH on this joint reference.
 - *Penalties and Liquidated Damages.* WIH on DP.
- *Public Administration.*
 - *Codes and Practice.* WIH on DP.
 - *Police Standing Orders.* WIH.
 - *Credit Act.* WIH on preliminary report.

**Western Australia Law Reform Commission
(WALRC)**

- *Criminal Process and Mental Disorder.* Work on report suspended.
- *Payment of Witnesses in Civil Proceedings.* Draft report under consideration.
- *Medical Treatment for the Dying.* Draft report under consideration.
- *Medical Treatment for Minors.* WIH on report.

- *Police Act Offences.* DP has been published; closing date for submissions is 6 October.
- *Incitement to Racial Hatred.* IP published 8 May.
- *Wills: Marriage and Divorce.* DP in preparation.
- *Imperial Statutes.* Report in preparation.
- *Confidentiality of Medical Records and Medical Research.* Report in preparation.
- *Evidence of Children and Other Vulnerable Witnesses.* WIH on DP.
- *Review of the Administration Act 1903.* Work not yet commenced on DP.
- *Review of the Sale of Goods Act 1895.* Work not yet commenced on DP.

**Administrative Review Council
(ARC)**

- *Access to administrative review.* Work on the next stage of the access project, on the role of information and advisory services, has been temporarily put aside to allow the Council to examine further the issues of legal aid in administration review. It previously reported on some aspects of this issue in its Report No 30, *Access to Administrative Review.*
- *Provision of Legal and Financial Assistance in Administrative Law Matters* (Report No 30). The Council is examining its conclusions and recommendations in this report further as a result of issues raised by the National Legal Aid Advisory Committee, which is seeking submissions by 21 July 1989 on funding, providing and supplying legal aid services.
- *Community Service and Health.* Work is progressing on a DP examining review issues in the area of joint Federal/State funding program, and a draft

report on review of decisions involving assessment of products is in preparation. The Council has forwarded letters of advice on both these matter to the Attorney-General.

- *Migration*. The Council wrote to the Attorney-General on 11 May 1989 providing advice on the review aspects of the Migration Legislation Amendment Bill. By that time the Bill had been introduced into the Senate but had not been debated. The legislation was passed in June 1989 with the review aspects of the Bill substantially unchanged.
- *Broadcasting*. The Council expects to receive an outline of its DP from the Communciations Law Centre, University of New South Wales, in the next few weeks. The DP will deal with the review of the broadcasting regulations and procedural decisions of the Australian Broadcasting Tribunal.
- *Informal rule-making*. At its March 1989 meeting the Council agreed to organise a seminar to discuss the current tendency in government agencies to use informal subordinate rule-making in preference to changes to the legislation. Arrangements are currently being made to hold the seminar at Parliament House on 31 August 1989.

House of Representatives Standing Committee on Legal and Constitutional Affairs

(H of R)

- *Mergers, Takeovers and Monopolies*. Report tabled on 1 June 1989.
- *Insider Trading and Other Forms of Market Manipulation*. Submissions invited and public hearings commenced.
- *Legal Regimes of Australia's External Territories and Jervis Bay*. Submission invited and Public Hearings commenced.

Senate Standing Committee on Legal and Constitutional Affairs

(Sen)

- *Social and Fiduciary Duties and Responsibilities of Company Directors*. Public hearings have been held. Report in preparation.
- *Debt Recovery under the Social Security Act and Veterans' Entitlements Act*. New reference.
- *Cost of Legal Services and Litigation*. New reference.
- *Shield of the Crown*. New reference.

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new references

ALRC

- *Multiculturalism*.

TasLRC

- *Police Powers of Interrogation Following Arrest*.

Sen

- *Debt Recovery under the Social Security Act and Veterans' Entitlements Act*.
- *Shield of the Crown*.
- *Cost of Legal Services and Litigation*.