

should be entitled to compensation. This is the major recommendation in a Report prepared by the New South Wales Law Reform Commission: (NSWLRC 55); *Liability of Highway Authorities for Non-Repair*. Commenting on the report the Chairman of the Commission, Mr Keith Mason QC, said that its recommendations would help to alleviate personal hardship suffered by accident victims and their families and remove a legal anomaly that has caused much confusion.

The anomaly is the common law rule, dating back to eighteenth century England, that allows highway authorities an immunity from any liability for failure to maintain roads in a safe condition. For example, a motorist injured when his car hits a pot-hole may have no claim against the body responsible for the maintenance of the road. The abolition of this rule would affect mainly local councils and the Commissioner for Main Roads. Between them they have responsibility for most public roads in New South Wales. The report was prepared after lengthy consultation with these bodies and other interested individuals and organisations.

The recommendations made in the report seek to provide a remedy to road-users whilst also keeping the liability of highway authorities within reasonable bounds. The report therefore recommended that those claiming compensation should receive benefits assessed under the Transcover scheme. However since the report was completed the Transcover scheme has been abolished and limited common law rights for traffic accident victims have been restored. In the light of these developments the Commission has reconsidered aspects of the Report. The Commission's conclusion was that the monetary limits in the new compensation scheme under the Motor Accidents Act 1988 should apply to claims against

highway authorities, whether alleging misfeasance or nonfeasance.

The report's recommendations do not extend to allow claims for property damage to vehicles caused by negligent road maintenance. These have not been included because of concern about the potential number and cost of claims and the risk of fraudulent claims. The Commission also took account of the availability of property damage insurance. To allow the financial consequences for highway authorities to be gauged, the report suggests that further consideration be given to allowing claims for property damage after a period of five years following the abolition in respect of claims for personal injury.

The report is the thirteenth made by the Commission under its Community Law Reform Program which allows the Commission to respond to suggestions for law reform from members of the public. This topic had been suggested to the Commission by a woman who had been advised that she would receive no compensation for facial injuries suffered when she tripped and fell on a footpath which had fallen into disrepair. The recommendations in the Commission's report would enable a person to recover compensation for such injuries, provided negligence could be shown on the part of the responsible authority. □

family research conference

The Australian Institute of Family Studies will be holding its third Australian Family Research Conference at the Ballarat College of Advanced Education from 26-29 November, 1989.

The Conference is to be opened by the Minister for Social Security, the Hon. Brian Howe. It will feature a *Public*

Forum on 'Prospects and problems facing country families', to be addressed by the Governor of Victoria, Dr Davis McCaughey. and *Plenary Sessions* on the 'Housing futures for Australian families', 'Children's rights and the legal regulation of families' and 'Work and family wellbeing' with politicians and representatives from the ACTU, the Business Council of Australia, the housing industry and the Australian Law Reform Commission.

For further information contact the Australian Institute of Family Studies, 300 Queen Street, Melbourne Vic 3000 telephone (03) 608 6888. □

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law institute of victoria. The Law Institute of Victoria has announced the following new members of the Institute Council: Renata Alexander, Frank Caldwell, Michael Meagher, Murray McCutcheon, Nick Roberts and Michael Robertson. Renata Alexander represents the Legal Aid Law Association whose 200 members include solicitors employed by the Legal Aid Commission and others working in community legal centres. Ms Alexander is an employee of the Commission. Frank Caldwell is the outgoing President of the Corporate Lawyers' Association of Victoria and the Association's first representative on the Council. He is a lawyer with the ANZ Banking Group. Mr Michael Meagher is President of the Geelong Law Association and partner in a firm of solicitors. Murray McCutcheon is a partner in Darvill McCutcheon. Mr Nick Roberts represents the Mornington Peninsular Solicitor's Association. He is a partner in the Mornington Firm Roberts and Roberts. Mr Michael Robertson is a partner in Arthur Robertson and Hedderwick practising in tax and employment law.

administrative appeals tribunal. Justice Robert Bulley has been appointed a Presidential member of the Administrative Appeals Tribunal. Justice Bulley has been a judge of the Family Court since 1977 and will be based in Brisbane. Mr Brendan Burns has been appointed a full-time Deputy President of the Tribunal. He has been a judge of the District Court of South Australia since 1978 and before that a Stipendiary Magistrate. Mr Burns has held a variety of appointments including lecturer in law and inaugural member of the Children's Interest Beareau in South Australia. Mr Allen Blow, Mr Ray Watterson and Mr Kevin Lynch have been appointed part-time Senior Members. Mr Blow is a Barrister in Tasmania. Mr Lynch and Mr Watterson have previously been appointed as a part-time and full-time Senior Member respectively. Three part-time ordinary members have also been appointed, Mr Edmund O'Farwell, Mr Michael Shotter and Mr Edwin Keane. Mr Keane and Mr Shotter have each had careers in the Australian Navy whilst Mr Shotter has served for a number of years in public administration. Mr GF Brewer, Dr HD Browne, Mr JD Horrigan, DR JT Linn, Dr DJ Howell, Mr LS Rodopoulos, Mr GR Taylor, Mr JH Wilson and Mr CA Woodley have been re-appointed as part-time members.

companies and securities advisory committee. The Attorney-General has announced five appointments to the Advisory Committee on Companies and Securities. They are Mr John Argus, Executive Director (Banking), National Australia Bank Limited, Mr Dick Lester, Managing Director and Principal Shareholder of Growth Equities Mutual Limited and Michael Kent, Finance Director of the Adelaide Steamship Company Limited, Mr Kevin Driscoll, Chairman, National Homes Pty Ltd and Mr David Hoare, Chairman of Bankers Trust Aus-