

ClearingHouse

Areas of Law Under Review

*Compiled by Sue Morris**

Aborigines

see **Indigenous People**

Administrative Law

ALRC

- Principled regulation: federal civil and administrative penalties in Australia, 2003 (R 95).

ARC

- Automated assistance in administrative decision making — WIH on an IP considering the implications of the use of expert systems for primary decision making; due early 2003.
- Report on the Council of Australasian Tribunals, 2002.
- WIH on a project examining the coercive powers of the ACCC, ATO, ASIC, APRA, ACS and Centrelink.

Adoption

see **Family Law**

Bail

TLRI

- Custody, arrest and police bail, 2003 (R 1).

VLRC

- Failure to appear in court in response to bail, 2002 (R).

Building Law

BC

- Report on builders liens and arbitration, 2002 (R 22).

Nova Scotia LRC

- Builders liens in Nova Scotia: reform of the *Mechanics Lien Act*, 2003 (DP).

Child Abuse

FLC

- Family law and child protection: final report, 2002 (R).

SWCCYP

- Fatal assault of children and young people, 2002 (R).

TLP

- Physical punishment of children, 2002 (IP 3).

Child Care

SALC

- Review of the *Child Care Act*, Volumes 4–5, 2002 (Project 110; DP 103).

Children and the Law

MLC

- WIH on a project reviewing the laws affecting children in order to comply with the Malawi Constitution and the UN *Convention on the Rights of the Child*. A final report is due in August 2003.

NSWLRC

- WIH on a review of the law relating to the consent by minors to medical treatment.
- Sentencing: young offenders — WIH on a report due May 2003.

TLRI

- Physical punishment of children, 2002 (IP 3).

Civil Law

SALC

- Consolidated legislation pertaining to international co-operation in civil matters, 2003 (Project 121, IP 21).

Coercive Powers

ARC

- WIH on a project examining the coercive powers of the ACCC, ATO, ASIC, APRA, ACS and Centrelink.

Commissions of Inquiry

TLRI

- WIH on a project examining criticisms of the *Commissions of Inquiry Act 1995* (Tas) made in the Report of the Commission of Inquiry into the death of Joseph Gilewicz. A final report is due April 2003.

Community Justice Centres

NSWLRC

- WIH on a review of the *Community Justice Centres Act 1983* (NSW).

Company Law

Scot Law Com

- Registration of rights in security of companies, 2002 (DP 121).

Compensation

Law Com

- Towards a compulsory purchase code: (1) compensation: an overview, 2002.
- Towards a compulsory purchase code: (1) compensation: a consultative report, 2002 (CP 165).

- Towards a compulsory purchase code: (2) procedure: a consultative report, 2002 (CP 169).

Constitutional Law

CCV

- A House of review: the role of the Victorian Legislative Council: issues and options for the Victorian community, 2001.

Contempt

NSWLRC

- Contempt by publication — a final report has been completed and will be available May 2003.

WALRC

- Discussion paper on contempt by disobedience to the orders of the court, 2002 (Project 93 III). A final report is due early 2003.

Contracting Out

QCMC

- Spending public money, 2002.

Contracts

CLRC

- Copyright and contract, 2002.

LPACNI

- Formalities for contracts relating to the sale of land or interests in land and the rule in *Bain v Fothergill*, 2003 (R 12).

Law Com; Scot Law Com

- Unfair terms in contract — WIH on a final report, due towards the end of 2003.

Courts

ALRI

- Rules of Court Project — consultation documents: 12.1 Commencement of Proceedings, 2002; 12.2 Document discovery and examination, 2002; 12.3 Expert evidence, 2003; and 12.4 Parties, 2003.

MLC

- WIH on a program examining court structure and procedures with a view to streamlining and simplifying them.

NZLC

- Seeking solutions: options for change to the New Zealand court system: have your say, part 2, 2002 (PP 52).

Criminal Law

MLC

- Review of the *Corrupt Practices Act*, 2002 (R 8).

NSWLRC

- Questioning of complainants by unrepresented accused in sexual assault trials, 2002 (IP 22). WIH on the final report, due May 2003.
- Apprehended violence orders: Part 15A of the *Crimes Act*, 1900 (NSW), 2002 (DP 45).
- Legislative sentencing: mandatory penalties — WIH on a report due May 2003.
- Sentencing: corporate offenders — WIH on a report due May 2003.
- Sentencing: young offenders — WIH on a report due May 2003.

QCMF

- Forensics under the microscope: challenges in providing forensic science services in Queensland, 2002.

VLRC

- Family violence — WIH examining the *Crimes (Family Violence) Act* and whether differing approaches taken to combat family violence within Australia and overseas have any lessons for Victoria.
- WIH on a discussion paper examining defences to homicide, due mid 2003.

Criminal Procedure

MLC

- Review of the *Criminal Procedure and Evidence Code*, 2002 (R 10).

NSWLRC

- Questioning of complainants by unrepresented accused in sexual assault trials, 2002 (IP 22). WIH on the final report, due May 2003.

SALC

- Fifth interim report on simplification of criminal procedure (a more inquisitorial approach to criminal procedure, police questioning, defence disclosure, the role of judicial officers and judicial management of trials), 2002 (Project 73).
- Final report on simplification of criminal procedure (out-of-court settlements in criminal cases), 2002 (Project 73).

Customary Law**see Indigenous People**

Damages

ILRC

- Section 2 of the *Civil Liability (Amendment) Act*, 1964: the deductibility of collateral benefits from awards of damages, 2002 (R 68).

Scott Law Com

- Psychiatric injury — WIH on a final report due mid 2003.

Diminished Responsibility**see Mental Health**

Disability**see Persons with Disabilities**

Divorce**see Family Law**

Domestic Violence

NSWLRC

- Apprehended violence orders: Part 15A of the *Crimes Act*, 1900 (NSW), 2002 (DP 45).

VLRC

- Family violence — WIH examining the *Crimes*

(Family Violence) Act and whether differing approaches taken to combat family violence within Australia and overseas have any lessons for Victoria.

Education

MLC

- WIH on a project that seeks to overhaul the laws regulating the education system in Malawi.

Elections

QLCAR

- Hands on Parliament, 2002 (IP). An inquiry into Aboriginal and Torres Strait Islander peoples' participation in Queensland's democratic processes.

Employment

VLRC

- Workplace privacy: issues paper, 2002 (IP).

SALC

- Protected disclosures, 2002 (Project 123; IP 20).

Equality

MLC

- Gender related law reforms — WIH on a review of the laws impinging on gender equality. An overview paper, highlighting the areas of concern, has been produced.

Ethics

BCLI

- Health care decisions and end-of-life issues: terms of reference for a possible project, 2002 (R 21).

Evidence

MLC

- Review of the *Criminal Procedure and Evidence Code*, 2002 (R 10).

Family Law

FLC

- Family law and child protection: final report, 2002 (R).
- WIH continues on the review of section 65E of the *Family Law Act 1975* (Cth) which sets out the 'best interests of the child' principle, also known as the paramountcy principle.

-ALC

- Publication of divorce proceedings: Section 12 of the *Divorce Act* (Act 70 of 1979), 2002 (Project 114).

TLRI

- Adoption by same sex couples, 2003 (IP 4).

VLRC

- Reproductive technology and adoption — WIH on a new reference dealing with assisted reproduction and adoption and issues of access for same sex couples.

Fisheries

Scott Law Com

- Report on the consolidation of certain enactments relating to salmon and freshwater fisheries in Scotland, 2002 (R 188).

Forensic Science

QCMC

- Forensics under the microscope: challenges in providing forensic science services in Queensland, 2002.

Fraud

QCMC

- Spending public money, 2002.

Genetics

ALRC; AHEC

- Final report on protection of human genetic information due March 2003, expected public release in May 2003.

ALRC

- WIH on new inquiry into issues of gene patenting and human health, IP due mid 2003.

Homicide**NSWCCYP**

- Fatal assault of children and young people, 2002 (R).

VLRC

- WIH on a discussion paper examining defences to homicide, due mid 2003.

Indigenous People**QLCARC**

- Hands on Parliament, 2002 (IP). An inquiry into Aboriginal and Torres Strait Islander peoples' participation in Queensland's democratic processes.

SALC

- Customary law: report on traditional courts and the judicial function of traditional leaders, 2003 (Project 90).

WALRC

- WIH continues on the Aboriginal customary law inquiry. Throughout 2003 the WALRC will conduct consultations in remote and regional parts of WA.

Insanity

see **Mental Health**

Intellectual Property**ALRC**

- WIH on inquiry into issues of gene patenting and human health, IP due mid 2003.

ALRC

- Copyright and contract, 2002.

Judicial Review**ARC**

- Scope of judicial review — WIH on a DP due March 2003.

IRLC

- Judicial review procedure, 2003 (CP 20).

WALRC

- Report on judicial review of administrative decisions, 2002 (Project 95).

Juries**NSWLRC**

- WIH on a project examining the *Jury Act* and whether people who are blind or deaf should be able to serve on juries.

Land Acquisition**Law Com**

- Towards a compulsory purchase code: (1) compensation: an overview, 2002.
- Towards a compulsory purchase code: (1) compensation: a consultative report, 2002 (CP 165).
- Towards a compulsory purchase code: (2) procedure: a consultative report, 2002 (CP 169).

Land Law**LRACNI**

- Formalities for contracts relating to the sale of land or interests in land and the rule in *Bain v Fothergill*, 2003 (R 12).

MLC

- Land reform — WIH on an IP with the aim of producing a legal framework for land reform.

Legal Aid**MLC**

- WIH on overhauling the law providing for state funded legal aid and moving to a scheme that meets the needs of the poor in Malawi. A DP has been produced and a final report is due by the end of 2003.

Liability

ILRC

- Section 2 of the *Civil Liability (Amendment) Act, 1964*: the deductibility of collateral benefits from awards of damages, 2002 (R 68).

Scot Law Com

- Psychiatric injury — WIH on a final report due mid 2003.

Medical Law

BCLI

- Health care decisions and end-of-life issues: terms of reference for a possible project, 2002 (R 21).

NSWLRC

- WIH on a review of the law relating to the consent by minors to medical treatment.

Mental Health

Scot Law Com

- Discussion paper on insanity and diminished responsibility, 2003 (DP 122).

Multiculturalism

VPLR

- Inquiry into oaths and affirmations with reference to the multicultural community, 2002.

Parliament

CCV

- A House of review: the role of the Victorian Legislative Council: issues and options for the Victorian community, 2001.

QLCARC

- Hands on Parliament, 2002 (IP). An inquiry into Aboriginal and Torres Strait Islander peoples' participation in Queensland's democratic processes.

Persons with Disabilities

VLRC

- WIH on a report due May 2003.

Police

MLC

- Review of police legislation, 2002 (R 9).

Privacy

VLRC

- Workplace privacy: issues paper, 2002.

Privilege

QLRC

- WIH on a review of Queensland legislation which abrogates the privilege against self-incrimination, a DP is due in the first half of 2003.

Same Sex Relationships see Family Law

Securities

Scot Law Com

- Discussion paper on registration of rights in security of companies, 2002 (DP 121).

Security

ICC

- In Search of Security: an International Conference on Policing and Security, February 2003 — the research findings from this inquiry will be consolidated into a final report due late 2003.

Sentencing

NSWLRC

- Legislative sentencing: mandatory penalties — WIH on a report due May 2003.

- Sentencing: corporate offenders — WIH on a report due May, 2003.
- Sentencing: young offenders — WIH on a report due May 2003.

Sexual Offences

- Sexual offences: adult prostitution, 2002 (Project 107; IP 19).
- Sexual offences, WIH on an interim report due April 2003.

Trade

- Consolidated legislation pertaining to international co-operation in civil matters, 2003 (Project 121, IP 21).

Whistleblowers

- Report on Whistleblowers Legislation, 2003.
- Protected disclosures, 2002 (Project 123; IP 20).

Abbreviations and Acronyms

AHEC	Australian Health Ethics Committee of the National Health and Medical Research Council
ALRC	Australian Law Reform Commission
ALRI	Alberta Law Reform Institute
ARC	Administrative Review Council
BCLI	British Columbia Law Reform Institute
CCV	Constitutional Commission of Victoria
CP	Consultation Paper
DP	Discussion Paper
FLC	Family Law Council (Australia)
IP	Issues Paper
IRLC	Ireland. Law Reform Commission
Law Com	Law Commission (England and Wales)
LCC	Law Commission of Canada
LRACNI	Law Reform Advisory Committee for Northern Ireland
MLC	Malawi Law Commission
Nova Scotia LRC	Law Reform Commission of Nova Scotia
NSWCCYP	New South Wales Commission for Children and Young People
NTLRC	Northern Territory Law Reform Committee
NZLC	New Zealand Law Commission
QCMC	Queensland Crime and Misconduct Commission
QLCARC	Queensland Legal, Constitutional and Administrative Review Committee
R	Report
SALC	South African Law Commission
Scot Law Com	Scottish Law Commission
TLRI	Tasmania Law Reform Institute
VLRC	Victorian Law Reform Commission
VPLRC	Victoria. Parliament. Law Reform Committee
WALRC	Law Reform Commission of Western Australia
WIH	Work in hand

** Sue Morris is the Information & Research 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*