

creation of a statutory offence with the full width of the common law offence of nonfeasance would, the Review Committee believes, be publicly unacceptable. It would be interpreted as intruding into industrial relations and indeed the facts in *ex parte Kearney* would support such an interpretation.' The Committee does however put forward the possible point of view that, if there were to be abolition of common law offences, new offences covering some of the ground of the common law offences should be created; for instance where a public official wilfully fails to carry out a duty of his office, knowing or having reason to believe that his failure might cause loss of life, personal injury or serious property damage.

The Committee raises an interesting point in regard to common law offences and the Commonwealth — "Is there a *separate* Common Law of the Commonwealth?" The Paper states that even if it is correct to say that there is a separate common law of the Commonwealth, it does not follow that, for Commonwealth purposes, the common law operates unaffected by State statutes although the question is perhaps arguable. The Review Committee is disposed to think that the matter would be governed by the relevant State statute in force in the State where the proceedings are brought subject, of course, to its consistency with the Constitution and any law of the Commonwealth. Where the locality is a Commonwealth place, the State law will generally be applied by the *Commonwealth Places (Application of Laws) Act 1970*. □

B.H.K. Donovan

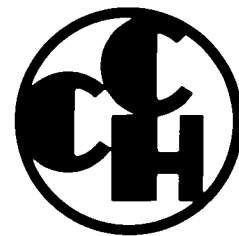
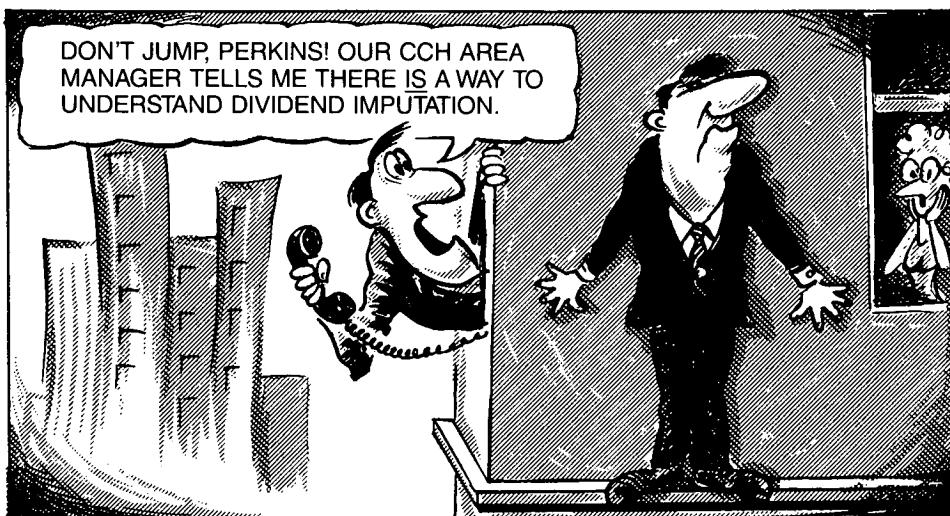
New Equity Procedures

The following procedures are to be introduced in the Equity Division in 1988.

1. A short notice list is to be instituted. The notice given to the parties on the list is to be a minimum of three days.
2. Cases to go automatically on the list are those which are estimated to last one day or less. Other cases may be placed on the list by consent. That consent could

be given at any time on or after entry in the General List.

3. Matters to be compulsorily placed in the list will be so placed by the Registrar when he is satisfied that the case is ready for trial or, if the matter of its category is in doubt, by a Master after reference to him by the Registrar.
4. For voluntarily submitted cases, application to be placed on the list should be made to a Master, who will give directions.
5. The list will be kept by the Registrar. Details kept should include the estimated length of trial.
6. When judges have notice of the settlement of a case fixed for hearing before them they will advise the Registrar who will then give the requisite notice to the parties in the case occupying the highest place in the list of cases in that category (i.e. short matters if only one day available, two day cases if two days available).
7. For those cases presently in the list which have had readiness hearings but have had no hearing date fixed, an opportunity to be listed will be given by advertising for the space of a week in the daily law list. Applications must be made to the Master as detailed in paragraph 4 above.
8. Other cases in the General List will be placed in a callover as at present, but the Registrar will fix only a provisional date for hearing, and will also fix a date for a directions hearing before the trial judge four weeks before the provisional date. If the case cannot be made ready by the provisional date, that fixture will be aborted and the place taken either by another matter in the General List or by a matter or matters in the Short Notice list.
9. Readiness hearings are to be abandoned.
10. There will be two judges dealing only with expedited matters. □



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