

N.S.W. Parliament: Report on the Formal Investigation of an Accident on or about the up main western railway line at Granville on 18 January 1977.

N.S.W. A.G. & J. Criminal L. Review Division: Rape & Various Other Sexual Offences, Supplement to 1st Report. Oct. 1977.

N.S.W. Univ. of Sydney Inst. of Crim.: Annual Report 1977.
: No. 31: Bail No. 2.

United Kingdom

Law Commission: No. 83: Criminal Law Report on Defences of General Application.

: W.P.72: 2nd Prog.: Item XVII: Codification of the Criminal Law, Treason, Sedition and Allied Offences.

L.R.C.: 21: Final Report on Limitation of Actions.

Home Office: Criminal Statistics, England & Wales, 1975, Cmnd. 6566.

: W.P.: A Review of Criminal Justice Policy, 1976. (See p. 11.)

Scottish Home & Health Dept. & Crown Office: Criminal Procedure in Scotland (2nd Report), Cmnd. 6218.

Justice: Lawyers & the Legal System: A Critique of Legal Services in England & Wales.

: Casualties of the Legal System.

Canada

C.L.R.C.: W.P.18: Federal Court.

✓: W.P.19: Theft & Fraud.

✓: W.P. 20: Contempt of Court.

B.C.L.R.C.: 31: Waiver of Conditions Precedent in Contracts.

: 32: Proof of Marriage in Civil Proceedings.

: 33: Statute of Frauds.

New Zealand

N.Z.P.L.R. & E.R.C.: The Decision in *Frazer v. Walker*.

✓ N.Z.P.A.L.R.C.: Discipline Within the Legal Profession.

N.Z. Law Society: Second Submission to the Royal Commission on the Courts.

Papua New Guinea

P.N.G.L.R.C. & Chief Magistrates: Joint W.P.2: Committal Proceedings.

P.N.G.L.R.C.: Occ. Paper No. 4: Sorcery.

United States of America

Calif.L.R.C.: Tentative Recommendations Relating to Evidence of Market Value of Property.

Other

Bahamas L.R. & R.C.: W.P.6, 1976: Family Provision.

: W.P.1, 1977: Amendment & Consolidation of the Law of Property.

Jamaica Ministry of Justice: Green Paper on Proposals of the Family Law Committee: Interim Report.

S.Africa L.C.: Annual Report 1976.

: Report of Inquiry into Granting Persons Convicted in Criminal Cases an Absolute Right of Appeal.

Trinidad & Tobago L.C.: W.P.4: The Amendment and Re-enactment of the Law Relating to Marine Insurance.

What's going on in the L.R.C.s

Australian Law Reform Commission (A.L.R.C.)

• *Privacy*. Work in hand (W.I.H.). See Discussion Paper No. 3 (Privacy in Publication) (p. 3). A schedule of in-house research papers requires completion of a series by March 1978.

• *Defamation*. Discussion paper No. 3 (Draft Act) (see p. 3). Draft report due early 1978.

• *Insolvency: The Regular Payment of Debts*. Report tabled November 1977. (See p. 6.)

• *Debt Recovery*. Discussion for distribution early 1978. (See p. 7.)

• *Insurance Contracts*. Seminar held with consultants. In-house paper on *Conduct of Insured*.

• *Access to the Courts (Locus Standi & Class Actions)*. Discussion Paper No. 4 (Standing in Public Interest Suits) distributed. (See p. 10.) (W.P. No. 7 available.)

• *Aboriginal Customary Laws*. Seminars and consultations continuing. (See p. 17.)

• *Lands Acquisition*. Discussion Paper No. 5 distributed. (See p. 12.)

• *Law Reform Digest*. Manuscript being reorganised and checked.

N.S.W. Law Reform Commission (N.S.W.L.R.C.)

• *Annual Report 1977*. This is now available in letterpress form.

• *Testator's Family Maintenance*. The report (L.R.C.28) is now printed.

• *Legal Profession*. W.I.H. The Commissioners have made visits interstate for comparative investigations. (See p. 5.)

• *Evidence*. Professor J. D. Heydon's extended term as a Commissioner expires at the end of January 1978. By that time a report is planned to be completed on *Hearsay Evidence* and a W.P. on *Evidence—General*.

• *Unincorporated Associations*. W.I.H. A consultative committee is considering draft legislation.

• *Money Judgments*. W.I.H. Co-operation with A.L.R.C. (See p. 7.)

N.T. Law Review Committee (N.T.L.R.C.)

• *Workmen's Compensation*. New rules including appeal rules and miscellaneous amendments to the Ordinance.

• *Criminal Procedure: Fitness to Plead*. W.I.H.

• *Aged and Infirm Persons*. Management of property and continuing Powers of Attorney. W.I.H.

- *Criminal Law: Malicious Damage to Property.* W.I.H.
- *Local Court: Possible Extension of Jurisdiction.* W.I.H.
- *Costs in Summary Proceedings.* W.I.H.

Under new administrative arrangements, responsibility for law reform has been passed to the Legislative Assembly. The Chief Secretary, Mr. Everingham M.L.A., is now Cabinet Member for Law and has a keen interest in law reform.

N.Z. Criminal Law Reform Committee (N.Z.C.L.R.C.)

As [1977] Reform 73.

N.Z. Public and Administrative Law Reform Committee (N.Z.P.A.L.R.C.)

As [1977] Reform 73.

N.Z. Property Law and Equity Reform Committee (N.Z.P.L.E.R.C.)

As [1977] Reform 74.

Papua New Guinea Law Reform Commission (P.N.G.L.R.C.)

As [1977] Reform 74.

Queensland Law Reform Commission (Q.L.R.C.)

- *Animals: Civil Liability for Damage Caused by.* W.P. circulated.
 - *Succession Act: Administration of Estates.* Report now to be submitted.
- Otherwise as [1977] Reform 74.

South Australian Criminal Law and Penal Methods Reform Committee (S.A.C.L.R.C.)

- *Criminal Law.* Fourth and final report due shortly.

South Australian Law Reform Committee (S.A.L.R.C.)

As [1977] Reform 74.

Tasmanian Law Reform Commission (Tas.L.R.C.)

- *Uncollected and Found Goods, Disposal of.* Committee Draft to Tas.L.R.C.
- *Exemption (Exemption Clauses and Implied Obligation in Goods and Services Contracts).* W.I.H. Cttee. in contact with Consumer Affairs Council.
- *Evidence: Corroboration.* W.I.H. Draft report prepared.
- *Evidence: Admissibility of Computer Data.* Report approved for submission to A.G.
- *Civil Procedure.* In Committee. W.I.H.
- *Landlord & Tenant: Residential Tenancies.* Report approved for submission to A.G.
- *Evidence: Spouses.* Report on privileged communication between spouses and others submitted to A.G.
- *Drinking Drivers: Course for Disqualified Drivers.* Report approved for submission to A.G.

- *Criminal Code: Civil Disabilities of Convicted Persons.* Draft report prepared and awaiting consideration by Tas.L.R.C.
- *Liaison.* The Tas.L.R.C. has met Elizabeth Evatt C.J. (Family Court) and Commissioner David Kelly (A.L.R.C.) during the past quarter.

Victorian Chief Justice's Law Reform Committee (V.C.J.C.)

- *Occupier's Liability.* Draft Bill approved by full committee. Minor drafting changes being made and then for submission to A.G.
- *Wills: Construction.* New subcommittee constituted.
- *Unincorporated Associations.* W.I.H.
- *Escape from Custody.* Report submitted to A.G. Project concluded.
- *Oaths and Affirmations.* W.I.H.
- *Workers' Compensation Act s.6.* Report to Chief Secretary. Concluded.
- *Insurance on Real Property.* Report by Committee for consideration by VCJC.
- *Habeas Corpus Act.* W.I.H.
- *Limitation of Actions s.23A.* Project deferred 12 months.
- *Supreme Court Act 1958, ss.142-159.* W.I.H.
- *Commercial Arbitration.* Report submitted to A.G. It recommends significant variations on the proposals made by the N.S.W.L.R.C.
- *Contribution: Review of Law Commission Report.* W.I.H.

Victorian Law Reform Commissioner (V.L.R.C.)

- *Pre-incorporation Contracts.* Referred 16 December 1977.
- *Innocent Misrepresentation in Contract.* W.I.H.

Victorian Statute Law Revision Committee (V.S.L.R.C.)

- *Imperial Acts Application Act.* W.I.H. Report expected Autumn Sitting.
- *Constitution Act 1975.* Submissions being received. W.I.H.
- *Privacy.* Submissions being received. Interim report expected Spring Sitting 1978.
- *Animals on Highway.* W.I.H. actively. Report expected Spring Sitting 1978.
- *Protection of Animals Act 1966.* W.I.H. Progress report on some aspects to be tabled in Autumn Sitting 1978.
- *Magistrates Summary Proceedings Act 1975 s.44.* Witnesses have been heard. Report expected Autumn Sittings 1978.
- *Adoption of Children Act 1964 and Access to Information.* All submissions received have been examined. A large number of witnesses have been called. W.I.H.
- *Trustee Companies.* New Reference received. W.I.H. (See p. 20.)

Western Australian Law Reform Commission (W.A.L.R.C.)

- *Bail Procedures*. (No. 64.) W.P. issued. (See p. 11.)
- *Annual Report 1977*. Report issued. (See p. 8.)
- *Appeals from Petty Sessions*. (No. 55(1).) W.P. due in the near future.
- *Highway Authorities: Reliability for Non-Feasance*. (No. 62.) W.P. due soon.
- *Fatal Accidents Act*. (No. 66.) W.P. due in near future.

New Reference

The following new references were received between October 1977 and December 1977:

V.L.R.C.: *Pre-Incorporation Contracts*. Referred 16 December 1977.

V.S.L.R.C.: *Trustee Companies*.

- (1) The restriction on shareholdings in trustee companies. Whether directors should be empowered to refuse to register transfers of shares.
- (2) Participation of real estate agency activities in trustee companies.

Personalia

The New Australian Ministry

Following the General Election in Australia, a new Ministry has been announced. Senator Peter Durack, a Perth barrister and a Senator since 1971, remains Attorney-General. Some details of Senator Durack's career are to be found in [1977] *Reform* 59. During the last quarter he has addressed himself on several occasions to law reform. A former Attorney-General, Mr. Robert Ellicott Q.C., returns to the Ministry as Minister for Home Affairs and Minister for the Capital Territory. During his term as Attorney-General he gave the A.L.R.C. many challenging references. He also introduced the *Criminal Investigation Bill 1977* into Parliament. The revival of a Department of Home Affairs raises the hope in some quarters that new initiatives will be taken to remove, what the *Canberra Times* has described as the "log jam of the law" in the Federal Territories. The Prime Minister, Mr. Fraser, in his first statement following the election, named as major objectives "seeking to remove areas of disadvantage in Australia" and "seeking to enhance individual liberty and justice for all Australians, wherever they may be"; commitments important for the work of the A.L.R.C.

Senator-elect G. J. Evans

One of the initial Commissioners of the A.L.R.C., Mr. Gareth Evans, a Melbourne barrister, has been elected to the Australian Parliament as a Senator for Victoria. Mr. Evans joins the Opposition ranks in the Senate. He resigned from the A.L.R.C. in 1975 to contest, unsuccessfully, a Senate seat. Since the review of his career in [1976] *Reform* 13, Mr. Evans has left academic life to practise at the Melbourne Bar. In 1977 he edited a collection of essays *Labor and the Constitution*.

Mr. M. R. Wilcox Q.C.

In December 1977 it was announced that one of the A.L.R.C. Commissioners, Mr. Murray Wilcox, had been appointed one of Her Majesty's Counsel for N.S.W. On 31 December 1977, Mr. Wilcox completed an 18-month term as a full-time Commissioner of the A.L.R.C. During this time he was Commissioner in charge of the references on Defamation and Publication Privacy, Lands Acquisition and Standing. His innovation of Discussion Papers and their distribution through the *Australian Law Journal* promises to be a lasting development in law reform technique in Australia. Mr. Wilcox returns to his practice at the N.S.W. Bar.

Tasmanian L.R.C. Changes

The two new Commissioners of the Tas.L.R.C. are Mr. Peter Cranswick and Mr. Peter Underwood. Mr. Cranswick, whose appointment to the Tas.L.R.C. was noted in the last issue of *Reform*, was educated in Hobart and Launceston before admission to practice in 1955. He was President of the Law Society of Tasmania in 1972. In 1975 he joined the Commonwealth Attorney-General's Department in Canberra, returning to Hobart in 1976. Mr. Underwood holds the LL.B. degree and was a member of the Law Society Council 1973-5. He is a committee member of the Tasmanian Bar Association.

A.L.R.C. Staff Changes

Mr. William Tearle, LL.B. has been promoted to Senior Law Reform Officer within the A.L.R.C. Mr. Bryan Keon-Cohen has been appointed a Senior Law Reform Officer. He was granted leave of absence from Monash Law School for three years where he edited the *Legal Service Bulletin*. New Law Reform Officers are Mr. Mark Richardson and Miss Susan Reye. Mr. Richardson, 25, holds the degrees of B.A., LL.B.(A.N.U.) and is a practitioner of the A.C.T. Supreme Court. Between 1975 and 1977 he was a research assistant at the A.N.U. Miss Reye received an Honours B.A. degree (Qld.) with university medal. Her LL.B. degree was conferred with Honours by the A.N.U. where she was on the editorial board of the *Federal Law Review*.

Sydney

9 January 1977

Views expressed are not necessarily those of the Attorney-General, his Department, or the Commission. Correspondence, information and views should be addressed to G.P.O. Box 3708, Sydney, N.S.W., 2001 (Telephone 02-231-1733 (Sydney)).

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