

being carried out by what is now a new and major form of service industry, namely, the so called Law Reform industry. It would be making a real contribution to the understanding of the issues by the Australian people if less tendentious language were used but as the use of reform carries with it to the ordinary citizen, the connotation that things are getting better by calling any and every change 'reform', you are engaged as hiding the deep issues which are often involved. Not only is the term reactionary, a smoke-screen, but the terms 'progressive' and 'reform' have become smoke-screens in current discussion. Where a major step like the creation of the Family Court of Australia has generated a large number of judges and a huge attendant bureaucracy, the reconsideration of what has been done becomes particularly difficult but it becomes more difficult every day the task is deferred as every day the solution to the recognised difficulties takes the form of expanding jurisdiction. It is indeed ironic that it is so intent in expanding its jurisdiction at the time when its delays are notorious and the judges and officers are loud in their complaints for the need for further expenditure and increase of its facilities.

One sign of the reform of 'Reform' is that some criticisms, namely those of myself and Professor Chipman have seeped into it even though only for the purpose of criticism. It would, however, be a great improvement if the editorial board of 'Reform' contained some people who are prepared to look with a critical eye at the things which pass for reform in Australia at the present time.

Yours faithfully,
F C Hutley

PS You may publish this letter or excerpts from it in 'Reform' if you wish to.

Dr Jocelyne Scutt, a Commissioner of the Law Reform Commission of Victoria, has pointed out the editors of *Reform* were incorrect in stating in the last issue that the NSWLRC started a trend when Dr Bettina Cass, a non-lawyer, was appointed a member. She writes

It is in error to state that Dr Bettina Cass was the first non-lawyer appointed to a Law Reform Agency in Australia. For a number of years prior to that, two members of the Tasmanian Law Reform Commission were lay members. Two of these were Ms Fran Bladell and Ms Jo Carruthers. Both were extremely effective members of that Commission, and Jo Carruthers in particular was a very good back-up in the organisation in the National Conference on Rape Law Reform which was co-hosted and co-organised

by the Australian Institute of Criminology, the Tasmanian Law Reform Commission, and the University of Tasmania Law School.

In the same letter Dr Scutt also points out that Professor Louis Waller has been appointed 'Chairperson' of the Victorian Law Reform Commission not 'Chairman' as stated in the previous issue of *Reform*.

new reports

Australia

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| ALRC | : Issues Paper on General Insolvency Inquiry. IP6. |
| NSWLRC | : Accident Compensation: Consultants Paper on the Aftermath — Caring for Accident Victims in New South Wales (by J Dewdney & I Irwin) 1984. CP3. |
| | : Community Law Reform Program Sixth Report Conscientious Objection to Jury Service 1984. CLR6. |
| QLRC | : Working Paper on Legislation to Review the Role of Juries in Criminal Trials 1984. WP28. |
| SALRC | : Report of the Dealing with the Inherited Imperial Law Between 1801 and 1820, 1984. SALRC89. |
| TasLRC | : Report on Variations of Charitable Trusts. 1984, No38. |
| | : Research Paper on Occupiers' Liability Law, 1984 (by M Atkinson). |
| | : Research Paper on Minor's Contracts. 1984 (by D Chalmers). |
| VLCC | : Report on the Subordinate Legislation (Deregulation) Bill 1983). 1984.* |
| | : Report on the Statute Law Revision Bill 1984.* |
| | : Report on Delays in Courts: Overseas Delays and Remedies, 1984 (2nd Report on this topic). |
| | (*Not VLRC as report in last issue.) |
| WALRC | : Report on Recognition of Interstate and Foreign Grants of Probate and Administration. 1984, Proj34, Part IV. |
| | : Proposals paper on Review of Pawnbrokers Act 1860. 1985, Proj81. |

Canada

- CLRC : Report on Questioning Suspects. 1984, No23.
: Working Paper on Damage to Property: Arson 1984. WP36.
- Alberta ILRR : Report on Debt Collection Practices. 1984, No42.
: Report on Protection of Children's Interests in Custody Disputes. 1984, No43.
- BCLRC : Report on Review of Civil Jury Awards. 1984, No75.
- Manitoba LRC : Report on the Uniform Sale of Goods Act. 1983, No57.
: Report on Administrative Law; Part I: Procedures of Provincial Government Agencies. 1984, No58.
: Report on Breach of Promise to Marry. 1984, No59.
- Saskatchewan LRC : Proposals Relating to Adoption by Equitable Conversion. 1984.
: Tentative Proposals Relating to Testamentary Custody and Guardianship of Children. 1984.

Fiji

- FLRC : Issues Paper on Imprisonment and Community Based Alternatives to Imprisonment — Some Proposals for Reform. 1984, No7.

New Zealand

- NZLRC : Report on Corroboration. 1984.

South Africa

- SALRC : Report which Reviewed Preferent Claims in Insolvency. 1984, Proj37.

United Kingdom

- Law Com : Working Paper on Private International Law: Choice of Law in Tort and Delict. 1984, WP87.
- Scot Law Com : Nineteenth Annual Report 1983-84. 1984, No89.

new references

Victorian Law Reform Commission (VLRC)

- Medicine, Science and the Law.
- Unsworn Statements.

- Commercial Sales and Lease of Goods.

Victorian Legal & Constitutional Committee (VLCC)

- *Burden of Proof*. To report upon the circumstances in which it is appropriate to impose the burden of proof upon the defendant in a criminal matter and upon rules of construction and procedure which should apply when this is done.(not VLRC as reported in last issue)
- *Australian Constitutional Convention*. Committee is to examine and report on recommendations for constitutional change made by Standing Committee of the Australian Constitutional Convention and its sub-committees and reports of Australian Constitutional Convention, its Standing Committee and the sub-committees.(not VLRC as reported in last issue)

what's going on in the LRCs

Australian Law Reform Commission (ALRC)

- *Insolvency*. IP published January 1985, has elicited widespread response, submissions received are being analysed. Preliminary consultations with Law Societies, Insolvency Practitioners Association, Official Receivers, Registrars in Bankruptcy, Corporate Affairs Commissions, representatives of consumer groups and small business held in March, with a further consultants meeting to be held in July 1985.
- *Service and Execution of Process*. WIH. DP under consideration.
- *Contempt of Court*. WIH under Professor Chesterman. RP and DP on 'Contempt and Family Law', expected early 1985. Report is due early 1986.
- *Standing*. Draft report now revised. Report expected mid 1985.
- *Class Actions*. Project to be revived when resources permit.
- *Aboriginal Customary Law*. WIH. Draft report under consideration by Division. Report due 1985.
- *Evidence*. Interim Report at printers. Tabling expected in autumn parliamentary session. WIH on the next stage of the Reference under part-time Commissioner TH Smith.
- *Debt Recovery*. WIH. Draft chapters of report being prepared. Report mid-1985.
- *Privacy/Sentencing: Expungement of Criminal Records*/WIH. Consultants meeting held in March. Report due 1985.
- *Admiralty Jurisdiction Law*. WIH. Public Seminars were held in February 1985. Work progressing on draft report.
- *Sentencing*. WIH under Mr George Zdenkowski. Working papers on 'Profile of Federal Offenders', 'Sentencing Research', 'Non-Custodial Sentencing Options' and 'Sentencing Discretion' proceeding.