

AREAS OF LAW UNDER REVIEW

compiled by Joanna Longley

A

Acquittals

see Criminal Law

Administrative Law

see also Freedom of Information

VicAGLRAC

- Administrative law (Project No 5) – Dr P Bayne’s report on Reform of the *Administrative Law Act 1978* and the adoption of a Victorian equivalent to the *ADJR Act 1977* (Cth) has been referred to the AG with a view to implementation.

Administrative Tribunals

ARC

- Better decisions: review of Commonwealth Merits Review Tribunals, 1995 (Report No 39)

Adversarial System

ALRC

- Review of the adversarial system of litigation – WIH on this new reference

AIDS

SALC

- Aspects of the law relating to AIDS, 1995 (WP 58)

Alcohol and Crime

ILRC

- Intoxication, 1995 (LRC 51)

Alternative Dispute Resolution

see Dispute Resolution

Arbitration

see Dispute Resolution

B

Building Law

WALRC

- Financial protection in the building and construction industry – WIH on DP and IP due December 1995

C

Children

ALRC & HREOC

- Children and the legal process – WIH on an IP due February 1996

Civil Law

OLRC

- Prospects for civil justice, 1995 (Study paper)

Class Actions

VicAGLRAC

- Representative proceedings (Project No 16) – Reports relating to changes in representative actions have been received

SALC

- The recognition of a class action in South African law, 1995 (WP 57)

Commercial Leases

Manitoba LRC

- Covenants in commercial tenancies, 1995 (Report 86)

Complaints Against Police

see Police

Conflict of Interests

BCLRC

- Report on conflicts of interest: directors and societies, 1995 (Vols 1 & 2)

Conveyancing

ILRC

- Interests of vendor and purchaser in land during the period between contract and completion, 1995 (LRC 49)

Manitoba LRC

- Covenants in commercial tenancies, 1995 (Report 86)

Costs

ALRC

- Costs shifting – who pays for litigation, 1995 (ALRC 75)

Courts

VicAGLRAC

- Time limits for oral argument in court (Project No 13) – WIH on report

Covenants

VicAGLRAC

- Property law reform: easements and covenants (Project No 11) – Further recommendations have been made to the AG for reform of property law. A recommendation about amending the *Limitation of Actions Act 1958 (Vic)* to protect local government authorities from adverse possession claims will be made

WALRC

- Restrictive covenants – DP published July 1995. Comments being considered and WIH on report

Criminal Justice

NSWLRC

- People with an intellectual disability and the criminal justice system – WIH on report

Criminal Law

NSWLRC

- Directed verdicts of acquittal, 1995 (DP 37)

SALC

- International co-operation in criminal prosecutions, 1995 (WP 56)

Cross Border Disputes

ALRC

- Cross border civil remedies – WIH on this new reference to examine the remedies available when a civil dispute involves more than one jurisdiction

D

Damages

NSWLRC

- Provisional damages – WIH on report

Manitoba LRC

- Interim payment of damages, 1995 (Report 87)

SALC

- Report on interest on damages, 1994 (Project 78)

Death

VicAGLRAC

- Property in a corpse (Project No 20) - WIH on report

Defamation

NSWLRC

- Defamation, 1995 (LRC 75)

Designs

ALRC

- Designs, 1995 (ALRC 74)

Areas of law under review

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Diminished Responsibility

NSWLRC

- Provocation, diminished responsibility and infanticide – WIH on report

Disabled Persons

see Persons with Disabilities

Discrimination

NSWLRC

- Review of the *Anti-Discrimination Act 1977, 1995* – WIH on DP. A report is due by mid 1996

Dispute Resolution

NTLRC

- Alternative dispute resolution – WIH

VicAGLRAC

- Greater support for mediation and conciliation processes (Project No 14) – A DP and subsequent reports have been prepared, and recommendations relating to immunity of mediators involved in mediation activities have been made to the AG

OLRC

- Report on avoiding delay and multiple proceedings in the adjudication of workplace disputes, 1995

SALC

- Arbitration, 1995 (WP 59)

Domestic Violence

ALRI

- Domestic abuse: toward an effective legal response, 1995 (DP 15)

E

Easements

VicAGLRAC

- Property law reform: easements and covenants (Project No 11) – Further recommendations have been made to the AG for reform of property law. A recommendation about amending

the *Limitation of Actions Act 1958 (Vic)* to protect local government authorities from adverse possession claims will be made

Enforcement of Judgments

WALRC

- Enforcement of judgments in Local Courts – Report submitted November 1995

Environmental Law

NSWLRC

- Enforcement of environmental legislation – WIH on DP

Evidence

ALRC

- Evidence – WIH on the review of separate evidentiary provisions in other federal legislation to ensure consistency with the *Evidence Act 1995 (Cth)*

Vic Scrutiny

- Inquiry into the *Evidence Act* – The Committee is examining whether the *Evidence Act 1995 (Cth)* is an appropriate model for enactments in Victoria. The report is due early 1996

F

Family Law

see also Children

Fam

- Magistrates in family law: an evaluation of the exercise of summary jurisdiction to improve access to the family law, 1995

OLRC

- Pensions as family property: valuation and division, 1995

Forfeiture

VicAGLRAC

- Forfeiture rules (Project No 15) – A report has been referred to the AG with a recommendation that forfeiture rules be modified along the lines of the English legislation

Freedom of Information

ALRC & ARC

- Review of the *Freedom of Information Act 1982* (Cth) – WIH on a report due in December 1995

G

Gender Reassignment

VicAGLRAC

- Legal recognition of sex reassigned women and men (Project No 10) – A DP and one report have been received. A second report is pending

I

Insurance

see Liability Insurance

L

Labour Law

NSWLRC

- Review of aspects of the *Industrial Relations Act 1991* (NSW) – WIH on DP

OLRC

- Report on avoiding delay and multiple proceedings in the adjudication of workplace disputes, 1995

Land Law; Land Registration; Land Titles

see Real Property

Law Reform

ALRC

- 20 years of law reform (Volume 1 – History & Volume 2 – Summaries), 1995

Legal Profession

NSWLRC

- Scrutiny of the legal profession: accountability of government legal services – Deferred pending a restructure of the Crown Solicitor's Office and Legal Aid Commission

Legislation

Vic Scrutiny

- Inquiry into redundant and unclear legislation – WIH on an ongoing review of legislation that is unnecessary or redundant

Liability

see Vicarious Liability

Liability Insurance

VicAGLRAC

- Indemnity policies of insurance (Project No 19) – A recommendation has been made to the AG that legislation enabling an injured person to have direct access to the proceeds of a liability insurance policy

Limitation of Actions

WALRC

- Limitation and notice of actions – WIH on report due December 1995

M

Magistrates

Fam

- Magistrates in family law: an evaluation of the exercise of summary jurisdiction to improve access to the family law, 1995

Mediation

see Dispute Resolution

Areas of law under review

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N

Neighbour Relations

NSWLRC

- Neighbour and neighbour relations – Rights of Access report completed (LRC 71) and WIH on Trees and Noise report

P

Pensions

OLRC

- Pensions as family property: valuation and division, 1995

Personal Property

NSWLRC

- Personal property securities – No work programmed

Persons with Disabilities

ALRC

- Commonwealth disability services legislation: the Commonwealth's Disability Services Program and the Commonwealth Rehabilitation Service: review of legislation administered by the Department of Human Services and Health, 1995 (ALRC DP 60) – WIH on report. Submissions have been received and public consultations held. The report is due March 1996

NSWLRC

- People with an intellectual disability and the criminal justice system – WIH on report

Scot Law Com

- Report on incapable adults, 1995 (Scot Law Com 151)

Police

ALRC

- Under the spotlight: complaints against the AFP and NCA, 1995 (ALRC IP 16) – Submissions are

being received. WIH on draft recommendations. A report is due mid 1996

NSWLRC

- People with an intellectual disability and the criminal justice system – WIH on report

Practice and Procedure

see Courts

R

Real Property

see also Covenants; Forfeiture; Sale of Land

NSWLRC

- Torrens title: compensation for loss – WIH on report
- Rights to support by adjoining land – WIH on report
- Uniform Succession laws project – WIH on publication of 2 IPs

NTLRC

- Property law review – WIH

Tas LRC

- Report on adverse possession and other possessory claims to land, 1995 (Report No 73)

VicAGLRAC

- Property law reform: easements and covenants (Project No 11) – Further recommendations have been made to the AG for reform of property law. A recommendation about amending the *Limitation of Actions Act 1958 (Vic)* to protect local government authorities from adverse possession claims will be made

BCLRC

- The legal consequences of a temporary Land Title Office shutdown, 1995 (CP No 73)

ILRC

- Interests of vendor and purchaser in land during the period between contract and completion, 1995 (LRC 49)

Law Com

- Transfer of land: land registration: first report of a joint working group on the implementation of the Law Commission's third and fourth reports on land registration, 1995 (Law Com No 235)

Representative Actions

see Class Actions

S

Sale of Goods

WALRC

- Discussion Paper on implied terms in *The Sale of Goods Act 1895*, 1995 (Project No 89)
- Equitable rules in contracts for the sale of goods, 1995 (DP Project No 89)

Sale of Land

VicAGLRAC

- *Sale of Land Act 1962 (Vic)* (Project No 17) – Awaiting advice from the Law Institute about their concerns

Securities

SALC

- Report on the protection of a purchaser of shares, 1993 (Project 62)

Sex Discrimination

Commonwealth Secretariat

- South Africa: report of the Commonwealth Advisory Mission on National Machinery for Advancing Gender Equality: 1–7 June 1995

Standing

ALRC

- Who can sue? A review of the law of standing, 1995 (ALRC DP 61) – WIH on a report due February 1996

Succession

NSWLRC

- Uniform Succession laws project – WIH on publication of 2 IPs

T

Testators' Family Maintenance

VicAGLRAC

- Reform of testator's family maintenance legislation (Project No 3) – DP has been referred to AG for community consultation

Torts

NSWLRC

- Contribution among joint tortfeasors – WIH on DP

VicAGLRAC

- *Lister v Romford Ice and Cold Storage* (Project No 18) – a recommendation has been made to the AG that the rule be abrogated

Trespass

VicAGLRAC

- Criminal trespass (Project No 9) – A DP and draft legislation have been prepared and sent to the AG with recommendations for implementation

V

Vicarious Liability

QLRC

- Vicarious liability, 1995 (DP WP 48)

Areas of law under review

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abbreviations and acronyms

ACTAG	ACT Attorney-General	NSWLRC	New South Wales Law Reform Commission
ACTCLRC	ACT Community Law Reform Committee	NTLRC	Northern Territory Law Reform Committee
ALRC	Australian Law Reform Commission	NZLC	New Zealand Law Commission
ALRI	Alberta Law Reform Institute	Ontario LRC	Ontario Law Reform Commission
ARC	Administrative Review Council	QCJC	Queensland Criminal Justice Commission
BCLRC	Law Reform Commission of British Columbia	QLRC	Queensland Law Reform Commission
California LRC	California Law Revision Commission	Qld Parl CJC	Queensland Parliamentary Criminal Justice Commission
CASAC	Company and Securities Advisory Committee (Australia)	Qld Parl EARC	Queensland Parliamentary Electoral and Administrative Review Commission
Copyright LRC	Copyright Law Review Committee (Australia)	PP	Preliminary paper
CP	Consultation paper	RP	Research paper
DP	Discussion paper	SALC	South African Law Commission
FLC	Family Law Council (Australia)	SCAG	Standing Committee of Attorneys-General (Australia)
HofR	House of Representatives Standing Committee on Constitutional and Legal Affairs	Scot Law Com Sen	Scottish Law Commission Senate Standing Committee on Constitutional and Legal Affairs
HKLRC	Law Reform Commission of Hong Kong	TasLRC	Law Reform Commissioner of Tasmania
ICAC	Independent Commission Against Corruption (NSW)	ULCC	Uniform Law Commissioners Conference (Canada)
ILRC	Irish Law Reform Commission	VicAGLRAC	Victorian Attorney-General's Law Reform Advisory Council
IP	Issues paper	VicLRC	Victorian Parliamentary Law Reform Committee
Law Com	Law Commission (UK)	Vic Scrutiny	Victorian Parliamentary Scrutiny of Acts and Regulations Committee
LRACNI	Law Reform Advisory Committee of Northern Ireland	WALRC	Law Reform Commission of Western Australia
Manitoba LRC	Manitoba Law Reform Commission	WIH	Work in hand
Namibia LRDC	Namibia Law Reform Development Commission	WACC	Western Australian Constitutional Committee
NBAG	New Brunswick Attorney-General's Department		
NSLRC	Law Reform Commission of Nova Scotia		