

United States of America (cont'd)

- N.Y.L.R.C. : Memorandum relating to insurer's right to an autopsy of the insured, 1976.
- : Memorandum relating to liability insurance exclusion of coverage for injuries to spouse, 1976.
- : Memorandum relating to a provision for use and occupancy damages in summary proceedings under the real property actions and proceedings law, 1976.
- : Recommendation relating to all legislation proposed by the Commission to conform New York statutes to equal protection or equal opportunity requirements by the elimination of improper sex distinctions therein, 1976.
- : Memorandum of Elimination of Improper Sex Distinctions in the Alcoholic Beverage Control Law Requirements for Filing of Questionnaires, Fingerprints and Photographs of Male Employees of Liquor Wholesalers and Manufacturers, 1976.
- : Memorandum relating to Sections of the Surrogate's Court Procedure Act concerning Married Women in Order to Eliminate Improper Sex Distinctions, 1976.
- : Memorandum relating to the clarification of certain provisions of Part 5 of Article 7 of the Estates, Powers and Trusts law, dealing with Bank Accounts in Trust Form, 1976.
- : Memorandum relating to Expansion of the Civil Right of Privacy Contained in Section 51 of the Civil Rights Law and Elimination of Criminal Penalties for Violations of That Right Contained in Section 50 of such Law, 1976.
- : Recommendation relating to the Revision of New York Law Dealing with Peace Officers, 1976.
- : Summary of Legislation Recommended by The Law Revision Commission on Equal Protection relating to all legislation proposed by the Commission to conform New York statutes to equal protection or equal opportunity requirements by the elimination of improper sex distinctions therein, 1976.

Other

- Bahamas L.R.R.C. : Fatal Accidents : Amendments to the Act relating to claims for compensation by dependants (W.P.1, 1976).
- Trinidad & Tobago L.C. : 2 : Compensation for Injuries Arising out of Accidents, 1976.
- South Africa L.C. : Report on Codification of the Common Law relating to Crimes against the State, 1976.

Reform Proposals

The Australian Commission's Report *Alcohol, Drugs and Driving* (A.L.R.C.4) contains an interesting proposal on travaux préparatoires. Clause 50 of the Bill would permit courts interpreting the Ordinance to "have regard to the report" of the A.L.R.C. This experiment in the use of L.R.C. reports is justified by reference to the Law Com.'s recommendations on *The Interpretation of Statutes* (Law Com. 21) and the Renton Report. The proposal attracted some interest in the Legislative Assembly when Mr. Justice Kirby explained the Report to Members.

The A.L.R.C. also proposes the abolition of a "statutory lie". Liability will attach to the result of the breathalyzer *at the time of the test*. At present all Australian statutes require a "relation back" from the time of the breath test to the time of driving. The blood alcohol level will rarely stand still. This false statutory presumption will no longer be required if the A.L.R.C. proposal is accepted.

The Interim Report of the Royal Commission on Human Relationships sets out the wide consultation already completed. 350 people have given evidence and more than 1000 submissions have been received. The Report contains the Commission's statement following a Church challenge that "male and female relationships" excluded inquiry into homosexual relationships. The Royal Commission rejected this submission.

The N.S.W.L.R.C. W.P. on *The Rule Against Hearsay* proposes that out of court statements should be admissible if the maker is called as a witness or there is justification for not calling him or he is a co-accused. The report scrutinises "justification" and proposes the admission of "reliable statements" as well as other evidence presently excluded.

The Canada L.R.C. W.P. on *Community Participation in Sentencing* contains proposals concerning the administrative scheme of enforcing fines and the provision that all fines over \$25 should be judicially expressed in terms of "day fines". The object is to ensure that the fine falls equally on rich and poor alike. The A.L.R.C. reserved "day fines" for future study, in its Report on Breathalyzer laws.

The Alberta L.R.C. Report on *Status of Children* proposes that there should be one status for all children. The legal relationship should be dependent on biological relationship. With the exception of parental guardianship, all rights should be the same.

The B.C.L.R.C. Report on *Minors' Contracts* refers at length to the Latey Report in England and the N.S.W.L.R.C. Report on the subject. It proposes an action for grant of relief to enable a party contracting with a minor to recover, in some circumstances, just compensation or restitution. Notice to require repudiation is proposed. The B.C.L.R.C. Report on use of *Sworn Statements* suggests the repeal of requirements of an oath or affidavit except for the use of documents in court.

The Manitoba L.R.C. Report on *A Provincial Bill of Rights* concludes that it would be desirable to secure civil liberties "in face of the constant and rapid expansion of law, government and the emanations of government which bear upon the life of each individual". A proposed Bill of Rights is appended.

The Ontario L.R.C. Report on *The Law of Evidence* contains a draft Act with codification of some only of the common law. The Ontario L.R.C. concluded against "radical new directions" in this area.

The N.Z.P.A.L.R.C. W.P. on *Disciplinary and Complaints Procedure of the Legal Profession* recommends the appointment of a Lay Observer in New Zealand to review Law Society's treatment of complaints. It also proposes a National Disciplinary Committee and a right of appeal to an independent appellate court tribunal. The N.S.W.L.R.C. will now have this proposal and the first Annual Report of the British Lay Observer before it for its inquiry into the legal profession.

The P.N.G.L.R.C. W.P. on *Detention for Interrogation and Confession* comes to grips with the working of the Judges' Rules in the special circumstances of that country. Specific rules are suggested to keep the practice of voluntary assistance to the police within the limitations imposed by the Constitution. A legislative code to replace the Judges' Rules is proposed.

Finally, the Scottish Law Com.'s report on *Liability for Adultery* proposes abolition of the right. Only the expenses of a divorce action should be subject to recovery. The action of damages for enticement of a spouse should, the Commission proposes, be declared incompetent by statute.