

- *Evidence*. WIH. Consultative documents circulating. Further meeting with consultants July 1982. Three further Research Papers issued.
- *Aboriginal Customary Laws*. WIH. Dr. James Crawford has had regional meetings with consultants in the Northern Territory. Further hearings in Alice Springs planned October, 1982. A series of Research Papers is being distributed. Further Discussion Papers planned next quarter.
- *Standing and Class Actions*. WIH. Draft report on Standing being reviewed. Expected late 1982 or early 1983. Class Actions will follow.
- *Debt Recovery*. Project to be revived late 1982, following completion of Insurance report.

N.S.W. Law Reform Commission (NSWLRC)

- *Legal Profession*. Final Reports 1 and 2 delivered. Third report drafted (Advertising and Specialisation). See above p. 82.
- *Accident Compensation*. WIH. Issues Paper delivered. See above p. 92.
- *Evidence*. Work proceeding in cooperation with the ALRC.
- *De facto Relationships*. Issues Paper circulating. Public meetings held. WIH.
- *Unincorporated Associations*. Report delivered to NSW Attorney-General and now available.
- *Criminal Procedure*. WIH.

Northern Territory Law Review Committee (NTLRC)

- *Practice and Procedure*. New Supreme Court Rules. WIH.
- Position of Executive Officer vacant waiting on appointment.

New Zealand Law Reform Committees

- See [1982] *Reform* 73. No update reports since last issue.

Papua New Guinea Law Reform Commission (PNGLRC)

- See [1982] *Reform* 73.

Queensland Law Reform Commission (QLRC)

- See [1982] *Reform* 73. Report #32 on the Supreme Court and Ancillary Acts is in its final stages of preparation.

South Australian Law Reform Committee (SALRC)

- *Practice and Procedure*. WIH.
- *Locus Standi*. Report 70 relating to Prisoners Rights. WIH.
- *Real Property*. Mortgages. WIH.
- *Insurance*. Fire Insurance (#52) WIH.
- *Liens*. Workmen's Liens (#64). WIH.

- *Evidence*. (#51). WIH.
- *Crown Proceedings*. WIH.
- *Frustration of Contracts*. WIH.
- *Escheat*. WIH.
- *Perpetuities*. WIH.

Tasmanian Law Reform Commission (TasLRC)

- All appointments of Commissioners terminate on 31 July 1982. The approach of the new State Government towards law reform has not yet been made public.
- *Wills*. Draft Report circulating.
- *Boundary Fences, Rape and Other Crimes of Sexual Nature, Rule Against Perpetuities, Compensation for Personal Injuries in Tort*. Reports completed.
- *Variation of Charitable Trusts*. WP under discussion.

Victorian Chief Justice's Law Reform Committee (VCJC)

- *Occupiers' Liability*. Further consideration being given by full committee.
- *Habeas Corpus Act*. WIH.
- *Hearsay Rule*. Reported to ALRC in connexion with its Evidence Reference.
- *Competence and Compellability*. WIH.
- *Survival of Causes of Action for Personal Injury*. Report adopted and forwarded to Government.
- *Wills for Mentally Disordered Persons*. WIH.
- *Limitation of Actions for Personal Injury (Survival of Actions)*. Report adopted and forwarded to Government.

Victorian Law Reform Commissioner (VLRC)

- *Corporate Crime*. WIH.
- *Intoxication and Criminal Responsibility*. WIH.
- *Homicide*. WIH.
- *In Vitro Fertilisation*. Committee meeting frequently. See above p. 107.

Victorian Statute Law Revision Committee (VSLRC)

- The Committee has not been reappointed by Parliament since the recent election held in Victoria. Its future is uncertain as *Reform* goes to print.

Western Australia Law Reform Commission (WALRC)

- *Privacy*. The WALRC is collaborating with the ALRC. Meeting between Commissioners held in Perth May 1982.
- *Local Courts*. WP on general principles and structure, jurisdiction and administration of local courts to be published soon.
- *Strata Titles*. Report nearing completion.
- *Criminal Process and Mental Disorder*. WP in preparation.
- *Fugitive Fathers*. WIH.
- *Limitation of Actions*. WIH.
- *Expunction of Criminal Records*. WIH.

Personalia

The Hon. John Cain MP

The last issue of *Reform* contained a note on the election of the new Victorian government led by the Hon. John Cain MP See [1982] *Reform* 46. Between 1975 and 1977, Mr. Cain was one of the initial part-time Commissioners of the ALRC, having been appointed on the same day as Sir Gerard Brennan. A note on his election to Parliament is contained in [1976] *Reform* 35. A note on his retirement from the ALRC is contained in [1977] *Reform* 56. As there reported, Mr. Cain took a leading part in the ALRC projects on Criminal Investigation, Complaints Against Police and Alcohol Drugs and Driving. Mr. Cain's membership of the Commission is reflected in the Justice policy of the Australian Labor Party at the Victorian election and in various statements made by Ministers and in the media since the return of his Government. Mr. Cain graduated LLB from Melbourne University and practised as a solicitor before his election to Parliament in 1976. Between 1967 and 1976 he was a member of the Council of the Law Institute of Victoria, rising to President in 1972-3. In the new Victorian government sworn in following the elections, Mr. Cain holds the portfolio of State Attorney-General as well as that of Premier.

The Hon. Max Bingham QC, MP

The new Deputy Premier and Attorney-General for Tasmania, following the change of government in the State elections, is Mr. E.M. Bingham. This is Mr. Bingham's second term as Attorney-General. Mr. Bingham took an honours LLB at the University of Tasmania and was 1950 Rhodes Scholar for Tasmania, earning the BCL at Oxford University. He also furthered his legal studies at the University of California (Berkeley) and lectured in criminal law at the University of Tasmania for five years. On his return to Hobart from Oxford, Mr. Bingham entered private legal practice for three years before taking up a post with the Commonwealth Public Service. He returned to the law in 1958 as a Crown Prosecutor and in 1961 was appointed a magistrate, a post he later resigned. He entered Parliament in 1969 when he was elected a Member of the House of Assembly. Between 1969 and 1972 he was State Attorney-General and between 1972 and 1979 he was Leader of the Opposition Liberal Party, a position he resigned in 1979. He has made many speeches in Parliament about the needs of government to follow up law reform reports once they are delivered. He was appointed Queen's Counsel in 1974 and his practical and scholarly background in the law auger well for law reform in Tasmania.

The Hon. Dame Roma Mitchell DBE

In the Queen's Birthday honours list announced on 12 June 1982, Justice Roma Mitchell, a Judge on the Supreme Court of South Australia, was created a Dame Commander of the Order of the British Empire. Justice Mitchell was the first woman in Australia to be made a QC and the first woman to be appointed a Judge of a Supreme Court. She is currently also Chairman of the Human Rights Commission. Her professional career has been marked by many firsts. In November 1971 she was appointed Chairman of the newly established Criminal Law and Penal Methods Reform Com-

mittee of South Australia. She held that post until the termination of the Committee in 1981. The Committee, subsequently renamed the South Australian Criminal Law Reform Committee, supplemented, in the area of criminal justice, the work of the SALRC. It delivered a number of important reports on criminal law and sentencing. Dame Roma was personally honoured in 1971 by appointment as a Commander of the Order of the British Empire. She is Deputy Chancellor of the University of Adelaide.

The Hon. Sir Edward Woodward OBE

A Judge of the Federal Court of Australia, Mr. Justice Woodward has been created a Knight in the Queen's Birthday Honours List. Sir Edward's professional career has included participation either as counsel or commissioner, in a number of Federal and State inquiries with important law reform implications. He was appointed a federal judge in 1972. Between 1973 and 1974 he was Aboriginal Land Rights Commissioner, proposing novel law reforms, substantially adopted by the Federal Parliament, concerning the grant and organisation of Aboriginal land rights in Australia. Between 1976 and 1981 he was Director General of Security. His return to judicial duties was expected in 1981 but has been delayed by another inquiry, still current, concerning aspects of the meat industry.

The Hon. Justice Elizabeth Evatt AO

Also honoured in the Queen's Birthday Honours List is the Chief Judge of the Family Court of Australia, Justice Elizabeth Evatt. She is named an Officer of the Order of Australia for services to law. Justice Evatt has a long association with law reform. After a distinguished academic career (she took the University medal at Sydney University and an LL.M. at Harvard) she worked for a time in London with the English Law Commission before her recall to Australia in 1973 to become a Judge of the Arbitration Commission. Between 1974 and 1977 she was Chairman of the Federal Royal Commission on Human Relationships which made many proposals for law reform. Upon her appointment as Chief Judge of the new Federal Family Court of Australia in 1975, she also took up, for a time, the chairmanship of the Family Law Council, which is concerned in the ongoing review of the Family Law Act.

Dr. James Crawford

One of the full-time members of the Australian Law Reform Commission, Dr. James Crawford, has been promoted to Reader in law within the University of Adelaide, effective from 1 January 1982. Dr. Crawford commenced duties as a full-time member of the ALRC on 1 January 1982. A note on his appointment appears in [1982] *Reform* 38. Also during the last quarter Oxford University Press in Australia has published Dr. Crawford's new book *Australian Law Courts*. The book traces the development of the Australian court systems and gives an up-to-date account of all major courts operating in Australia. From the reform point of view, the most important section of the book is Part 4 dealing with 'Prospects for Change'. Chapter 15 ('Reform of Australian Courts') canvasses the new problems created by the interaction between the growing number of Federal courts and the established

State courts. Since his appointment to the ALRC, Dr. Crawford has twice proceeded overseas to fulfil invited international obligations. In March 1982 he attended in London a meeting of the International Law Association Committee on State Immunity. In April 1982 he delivered a paper to the annual conference of the American Society of International Law. Whilst in the United States he had discussions concerning laws on indigenous people with US officials and American Indian organisations, relevant to the project on Aboriginal customary laws which he is leading within the ALRC.

QLRC Changes

Since the last issue of *Reform*, changes have occurred in the membership of the QLRC. Mr. Glen Williams QC, a part-time Member, resigned consequent upon his being made an acting judge of the Supreme Court of Queensland. Mr. Richard Cooper, a practising member of the Queensland Bar, was appointed a part-time Member of the QLRC for the period 14 June 1982 to 31 December 1984.

Mr. Julian Disney

One of the full-time members of the New South Wales Law Reform Commission, Mr. Julian Disney has been appointed a part-time Commissioner for a period of 18 months. Mr. Disney's term as a full-time Commissioner expired on 31 May 1982, completing more than five years as a full-time member. During this period, Mr. Disney has been primarily concerned with the conduct of the NSWLRC inquiry into the legal profession. Announcing his reappointment, NSW Attorney-General Walker said that it was expected that Mr. Disney's role would continue to be closely linked to the proposals for reform already put forward by the NSWLRC concerning the legal profession. See above p. 82. At the time of announcing Mr. Disney's reappointment, Mr. Walker also announced the re-appointment of another part-time Commissioner, Judge Trevor Martin QC of the NSW District Court whose membership of the NSWLRC has been extended to and including 30 June 1982.

Mr. H.D. Sperling QC

The NSW Attorney-General, Mr. Walker, has also announced the appointment of Mr. Hal Sperling as a part-time Commissioner of the NSW Law Reform Commission. The appointment, effective from 28 April 1982, is for a two year period. Mr. Sperling holds the degree of Bachelor of Laws from Sydney University. He was called to the Bar in 1963 and appointed QC in 1979. Between 1978 and 1979 he was a member of the Council of the NSW Bar Association. His extensive experience in personal injury litigation and in litigation involving hospital and medical practice will be especially useful to the NSWLRC in its inquiry into accident compensation. See above p. 92.

The Hon. Mr. Justice J.H. Wallace

It was announced in Wellington, New Zealand in May 1982 that Mr. J.H. Wallace QC of Auckland has been appointed a Judge of the High Court of New Zealand effective from 30 July 1982. Mr. Justice Wallace was a member of the Royal Commission on the Courts, chaired by Sir David Beattie. The

report of that Royal Commission has led on to important reforms in the administration of justice in New Zealand. Mr. Justice Wallace was educated at Auckland University and Oxford. He was called to the Bar by Gray's Inn in 1958. After 13 years as a partner of an Auckland law firm he became a barrister in 1973 and was appointed Queen's Counsel in 1974. He has been Chairman of the NZ Equal Opportunities Tribunal since its inception in 1978 and was a past President of the Auckland Law Society and past Vice President of the New Zealand Law Society.

Commissioner J.B. Giles, GM, BEM, QPM

In mid-June 1982 it was announced in Adelaide that Mr. Brian Giles, a Deputy Commissioner of South Australia Police, had been appointed Commissioner. The new Commissioner has earned many honours in a lifetime's distinguished police service. He also has a number of links with law reform. In 1975, when he was Chief Superintendent in charge of the Legal and Training Section of the South Australia Police, he was appointed, with the approval of the Federal Attorney-General, an honorary consultant to the ALRC in its major projects on Complaints Against Police and Criminal Investigation. His appointment as Commissioner has been warmly welcomed in many parts of Australia.

Scottish Law Commission

The Lord Advocate of Scotland has appointed Sheriff Gordon Nicholson to be a full-time member of the Scottish Law Commission to succeed Mr. Alexander Anton CBE, FBA who is retiring on 1 October 1982. Sheriff Nicholson's appointment is for a period of five years. He has been Sheriff of Lothian and Borders since 1976 and was admitted to the Faculty of Advocates in 1961. His previous law reform service has included membership of the Scottish Council on Crime, of the Dunpark Committee on reparation by offenders and of the May Committee of Inquiry into the United Kingdom Prison Service. He was also Chairman of the Scottish Association for the Study of Delinquency. The departure of Mr. Sandy Anton will be noted with regret by his friends and colleagues. He has given 15 years distinguished service to the Scottish Law Commission.

Law Reform Commission of Canada

In mid-April 1982 the President of the Law Reform Commission of Canada, Mr. Frank Muldoon QC paid a visit to law reform agencies in Australia. A high point of the visit was an official luncheon offered by the Canadian High Commissioner to Australia at which Mr. Muldoon met a number of Australians who are or have been concerned with federal law reform. Amongst Australian guests were Sir Gerard Brennan, past ALRC member and now a Justice of the High Court of Australia, Mr. Justice Davies (President of the Administrative Appeals Tribunal), Professor Jack Richardson (Commonwealth Ombudsman) and the ALRC Chairman. Mr. Muldoon brought news of the appointment, effective 1 May 1982, of a new full-time member of the Law Reform Commission of Canada. He is Mr. Allen Reid, Legislative Counsel for the Province of New Brunswick in Canada.

Mr. A.C.C. Menzies OBE

Following administrative rearrangements which have resulted in an increase in the Ministerial responsibilities of the federal Attorney-General, an additional, third, post of Deputy Secretary of the Attorney-General's Department has been created. Appointed in an acting capacity to the post is Mr. Andrew Menzies, First Assistant Secretary in the Justice Division. Coinciding with this appointment it was announced that Mr. Menzies would be appointed Chairman of the Board of Management of the Australian Institute of Criminology and Commonwealth member of the Criminology Research Council. Mr. Menzies has since 1977 had principal administrative responsibilities for the Criminal Investigation Bill. Mr. Menzies is also to take over from a present Deputy Secretary, Mr. H.T. Bennett, responsibility as ALRC point of contact with the Federal Attorney-General's Department. Mr. Bennett has held this post for four years since the appointment of his predecessor Mr. F.J. Mahoney, CB, OBE as President of the Repatriation Review Tribunal. At the last meeting of the Commission, which was attended by the Federal Attorney-General (Senator Durack) and Mr. Bennett, tribute was paid to the assistance the ALRC had received from Mr. Bennett as ALRC point of contact with the administration.

Mr. Pomat Paliau

Mr. Pomat Paliau has been appointed as the Secretary to the Law Reform Commission of Papua New Guinea. Mr. Paliau is 28 years old and was born in Pere in Manus Province. Educated in his home province and at Sogeri High School before attending Law School at the University of Papua New Guinea, he was provisionally admitted to practice law in 1976. In 1977 he worked in the PNG Public Prosecutor's Office and the State Solicitor's Office and was fully admitted in July 1977. Mr. Paliau then went to the Manus Provincial Government as the provincial legal officer. In March 1981 he returned to Port Moresby as a legal officer and worked in the State Solicitor's Office until taking up his new appointment with the PNGLR in February 1982.

Fiji Law Reform Commission

The Judicial and Legal Services Commission of Fiji has appointed a Secretary to the Fiji Law Reform Commission. He is Mr. Warren Sisarich, who until recently and for the past several years has been an officer with the Law Reform Division of the New Zealand Department of Justice. In June 1982 it was announced in Suva that the Fiji Law Reform Commission has settled an initial program. It includes examination of legal aid and the duty solicitor scheme, expunging of criminal convictions, alternatives to imprisonment, examination of strata title ownership and divorce and testate succession.

ALRC Staff Changes

Two Law Reform Officers with the ALRC have been promoted to Senior Law Reform Officers. They are Mr. Stephen Odgers who holds the degrees of BA, LLB (ANU) and Ms Loretta Re, BA, LLB, Dip.Ed (Melb.). Mr. Odgers is chiefly concerned with the ALRC project on evidence law reform. He is the principal author of two important Research Papers in the evidence series, namely Evidence RP 2 dealing with Common Law differences in the law of evidence in different jurisdictions of Australia and Evidence RP 7 dealing with the law of relevance. Ms Re is principally concerned with the projects on Standing and is now also working on the law of evidence. She is concentrating on psychological research and its relevance to law reform. Ms. Fiona Howarth, an officer from the Department of the Prime Minister and Cabinet, has completed her placement with the ALRC and the Commonwealth Public Service Executive Development Scheme. During her tour of duty with the Commission, she prepared a Research Paper in the Aboriginal Customary Law series dealing with Child Custody and Adoption (ACL RP 4). Mr. Chris Kirkbright, a solicitor with the Aboriginal Legal Service at Redfern in Sydney, commenced duties as a research officer with the ALRC on 16 June. Mr. Kirkbright, who is an Aboriginal, is working with the ALRC under the NESA Scheme. He is a law graduate from the University of New South Wales. He will be assisting Dr. James Crawford in the Commission's inquiry into Aboriginal Customary Laws.

Sydney

18 July 1982

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, Australia.

(Telephone (02) 231 1733).

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