

sion has issued its Working Paper No. 29 on the *Criminal Law – The General Part: Liability and Defences*. The aim of the WP 29 is to codify the various rules of criminal liability and defences. It discusses the two fundamental elements of criminal liability, the physical and mental elements and then seeks to catalogue the exemptions from, excuses for and justifications of otherwise criminal conduct. The Canada LRC has invited comments and suggestions before submitting to the Canadian Parliament its final recommendations. As was mentioned in [1982] *Reform* 143 a major review of Canadian Criminal Law is underway, getting right back to basics. The Canada LRC has a leading role in this review.

■ *interpreters*. In the last issue of *Reform* (see [1982] *Reform* 139) mention is made of the developments in Australian law to adjust to the growing number of migrants in Australia without command of the English language and knowledge of our institutions and laws. Arising out of a review of post-arrival programs offered by the Australian Institute of Multicultural Affairs, the Federal Government has announced its intention to refer to the ALRC a consideration of the adequacy of the availability of translators and interpreters under Australian law in Australian courts. The reference has not yet been made to the ALRC by the Federal Attorney-General. But in the course of the ALRC project on the reform of evidence law being led by Mr. Commissioner T.H. Smith, the ALRC has already been considering the rule that should be introduced into Federal Courts and Territory Courts concerning the right to an interpreter. In an address to the Annual Dinner of the Association of Translators and Interpreters of Australia on 11 November 1982, the ALRC Chairman mentioned proposals which had been put forward by Commissioner Smith in his Evidence research papers now being distributed throughout interested circles. These

suggestions included extending the legal right to an interpreter to cases where particular questions and answers cannot be satisfactorily dealt with; abolishing the present 'vague test for the use of interpreters ('the interest of justice') and substituting a more specific test ('whether it is necessary to permit the witness to understand and answer questions') and seeking to change professional attitudes of judges, magistrates and lawyers to the particular needs of persons not fluent in the English language. One particular point brought out of the ALRC research paper on this topic was the difficulty of securing precisely identical translations of foreign words into English. One example mentioned is the word 'afternoon'. Although in the English language this begins at noon, in Polish it starts later, at approximately 3.30 p.m. Questions asked by an interpreter of a witness to clarify such matters might be entirely reasonable. Insistence without elaboration on so-called 'literal translation' might be entirely unreasonable and even misleading to the court. A person could suffer severe punishment on such a little thing as the word 'afternoon'. And there are many other examples given by the ALRC which is cooperating with the Australian Institute of Multicultural Affairs and other bodies representing ethnic communities in studying the reform of an area of the law drawn for a earlier and largely monocultural society.

new reports

- Australia**
- ALRC: ✓20 : Insurance Contracts , 1982. see above p. 2
 - ✓ Evid 12 RP: Identification Evidence, 1982.
 - ACL RP Cases on Traditional Punishments and Sentencing, 1982.
 - ✓ 6A RP : Aboriginal Customary Law: General Regime for Recognition, 1982.
 - ✓ RP 9 : Separate Institutions and Rules for Aboriginal People: Pluralism, Equality and Discrimination, 1982.

- RP 10* ✓: Separate Institutions and Rules for Aboriginal Peoples -- International Prescriptions and Proscriptions, 1982.
- NSWLRC : Annual Report 1982
- : Criminal Procedure First Issue Paper: General Introducing and Proceedings in Courts of Petty Sessions, 1982.
- QLRC: 32 : Report on a Bill to Consolidate, Amend and Reform the Supreme Court Acts and Ancillary Acts Regulating Civil Proceedings in the Supreme Court, 1982.
- TasLRC : Seventh Annual Report 1981, 1982.
- : 29 : Report on the Rule in *Hollington v. Hewthorn*, 1982.
- : 30 : Report on the Use of Tranquillizer Guns, 1982.
- VCJC : Report on Occupiers' Liability, 1982.
- : Survival of Causes of Action for Personal Injury and Matters Related to Claims for Wrongful Death, 1982.
- : Construction of Wills and Limitation of Actions in Personal Injury Claims (survival of Actions), 1982.
- VLCC : Report on the Statute Law Revision (Repeals) Bill, 1982.
- WALRC : Annual Report, 1982.
- : 36 Pt 1 : Report on Limitation and Notice of Actions: Latent Disease and Injury, 1982.
- : WP 65 : Working Paper and Survey on Privacy and Statutory Powers of Intrusion, 1981.
- Human Rights Commission : Annual Report 1981--82, 1982.
- : 2 : Report on Proposed A.C.T. Mental Health Ordinance 1981, 1982.
- Institute of Family Studies DP 5 : Rights of the Child, 1982.
- : DP 6 : Family Change and Early Childhood Development, 1982.
- : DP 7: : Violence in the Family, 1982.
- Canada**
- CLRC: 17 : Report on Contempt of Court, 1982.
- BCLRC 55 : Report on Arbitration, 1982.
- : WP 35 : Statutory Succession Rights, 1982.
- : WP 36 : Competing Rights to Mingled Property Tracing and the Rule in *Clayton's case*, 1982.
- : WP 37 : Peremptory Challenges in Civil Jury Trials, 1982.
- : WP 38 : Illegal Contracts, 1982.
- Manitoba 51 : Report on the Survivorship Act, 1982.
- LRC
- New Zealand**
- NZPLERC : Report on Distributions from Share Premium Accounts, 1982.
- Papua New Guinea**
- PNGLRC : Annual Report 1981.
- : WP 18 : Seminar on a Legal Profession Act for Papua New Guinea, 1982.
- : WP 19 : What Should be Done About Corruption and Bribery? 1982.
- United Kingdom**
- Law : 111 : Property Law: Rights of Reverter, 1981.
- Com : 115 : Property Law: The Implications of *Williams and Glyn's Bank Ltd. v. Boland*, 1982.
- Scot : Memo 55 : Civil Liability in Relation to Animals, Com 1982.
- Law : Memo 56 : Polygamous Marriages: Capacity to Contract a Polygamous Marriage and the Concept of the Potentially Polygamous Marriage, 1982.

new references

- ALRC: : Admiralty Law. see above p.11
- : : Foreign State Immunity. see above p.17
- : : Service and Execution of Process. A review of procedures and current problems in the service and execution of process of courts and tribunals throughout Australia.
- NZPALRC : Powers of Delegation.
- NZPLERC : Law Reform Testamentary Promises and Family Protection Act 1955.