

Court of the Federal Court before the High Court was required to consider the issue. Earlier in 1983 Justice Toohey in the Federal Court in Perth ruled that there was a triable issue in a case brought by a shipping company against a newspaper which raised a similar point.

- In Hobart, for the first time in 100 years, journalists have been summoned to appear before the Legislative Council's Privileges Committee. The summons follows publication of an article in the Launceston *Examiner*. The case arises out of the publication of a report prior to its tabling in the Legislative Council. It is claimed that the article contravenes the Standing Orders.

Meanwhile, the ALRC is continuing its work on reform of contempt law, involving contempt of Federal courts, commissions and tribunals. See [1983] *Reform* 94. The Commissioner in charge of the reference, Professor Michael Chesterman, expects to distribute an issues paper on the subject of contempt law during January 1984.

## bio-ethics

What a piece of work is a man! How noble in reason!  
how infinite in faculty! in form, in moving, how express  
and admirable!

Hamlet II, ii

**ivf go-ahead.** The Victorian Government announced in December 1983 the lifting of its moratorium on the use of donor sperm and eggs in the State's in vitro fertilisation (IVF) program. The moratorium had been imposed in May 1983 pending consideration of the subject by the Victorian IVF Committee headed by Victorian Law Reform Commissioner, Professor P L Waller ([1983] *Reform* 125). In August the committee reported recommending that the use of donor sperm and eggs should be permitted in Victoria. The committee also recommended that comprehensive information on all as-

pects of the treatment of infertility should be made widely available to infertile couples; couples should attempt other methods of curing their infertility for at least 12 months before entering any IVF program; counselling should accompany participation in an IVF program; donors should not receive payment; donors known to the recipient couple should be permitted on the couple's request; children born in IVF programs should have a right to limited information on their origins; and written consent should be required of all participants prior to entry to an IVF program. In giving the go-ahead the government told hospitals to follow the IVF Committee's guidelines until legislation is passed. The Victorian Attorney-General, Mr J Kennan, said that the planned legislation would follow the model legislation drafted by the Standing Committee of Federal and State Attorneys-General covering both artificial insemination by donor and IVF. However, Mr Kennan said that a decision on the use of frozen embryos and on surrogate motherhood would not be made until 1984. The Waller Committee is still examining these topics with a report expected early this year.

**premature decision?** The Victorian decision to allow IVF programs to continue brought a mixed reaction. An editorial in the *Age* (14 December 1983) said the decision was 'welcome news':

Some people will continue to have moral reservations about IVF procedures and qualms about the possibilities of genetic engineering. But it is not the responsibility of the State to assume the role of a moral and ethical arbiter in matters better resolved by the individual conscience and professional ethics. In this case the Government is fulfilling its proper function of laying down rules under which in vitro fertilisation may be carried out and of legislating to protect the rights and interests of those involved.

The *Australian* (15 December 1983) labelled the decision 'premature':

The rights of parents and donors have been set out, but as yet no proper consideration would seem to have been given to the life created. What psy-

chological problems of identification will a child who is the product of a three or four way donor-recipient birth have? While it is accepted that the other States are 'watching with interest' the developments in Victoria, surely this issue is of national importance and should be resolved at a federal level. At present only Victoria, Western Australia, Queensland and NSW have committees to lay down guidelines ... it would seem unwise for the Victorians or anyone else to allow this restructuring of human relations at a most fundamental level until there has been a thorough national debate, and there has been nothing like it yet.

**nsw moves.** In November the New South Wales Government introduced legislation to dissolve all legal links between the donors of sperm and children produced through artificial insemination. The Bill makes the husband of a woman who conceives through artificial insemination the legal father of the child.

In October, the New South Wales Law Reform Commission received a reference from Attorney-General Paul Landa on in vitro fertilisation, artificial insemination by donor and related matters.

The Commission has been asked to report on the need to make laws on human artificial insemination, in vitro fertilisation of human ova with human sperm and transfer of the resulting embryo to the human uterus and any other procedure whereby human ova may be fertilised than by sexual intercourse.

The reference, which is a very broad one, also requires the NSWLRC to report on the legal aspects of any other procedure whereby the process of human reproduction may be commenced, continued or completed otherwise than in the body of a human female; the preservation of human ova, human sperm and human embryo outside the human body; surrogate mothering arrangements whereby a woman agrees to bear a child for another person; and any other related matters.

## new reports

## Australia

- ALRC : 22 : Privacy. See above p2.
- : 23 : Annual Report 1983. See above p20.
- : *DP 19* : Foreign State Immunity, 1983.
- : *Foreign SI RP 5* : Enforcement of Judgments Against Foreign States, 1983.
- : *Foreign SI Consultative paper* : Annotated Draft of Australian Legislation on Foreign State Immunity, 1983.
- : *ACL RP 11* : Aboriginal Customary Law and Justice Mechanisms for Aboriginal Communities, 1983.
- NSWLRC : 37 : Community Law Reform Program, Third Report, Service of Civil Process on Sunday, 1983.
- : 38 : Interim Report, First Appointments as Magistrates Under the Local Courts Act, 1982, 1983.
- SALRC : 71 : Report relating to the Doctrine of Frustration in the Law of Contract, 1983.
- : 75 : Report relating to the Reform of the Law of Set-Off, 1983.
- Tas LRC : : Eighth Annual Report, 1982, 1983.
- WALRC : : Annual Report 1982-1983, 1983.

## Canada

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|---------|---------|---|
| CLRC    | : 19    | : Writs of Assistance and Telewarrants, 1983.                                     |
|         | : 20    | : Euthanasia, Aiding Suicide and Cessation of Treatment, 1983.                    |
|         | : 21    | : Investigative Tests Alcohol, Drugs and Driving Offences, 1983.                  |
| Alberta | :       | : Annual Report 1982-83, 1983.  |
| ILRR    |         |   |
| BCLRC   | : 64    | : Report on Breach of Promise of Marriage, 1983.                                  |
|         | : WP 43 | : Compensation for Non-Pecuniary Loss, 1983.                                      |
|         | : WP 44 | : Review of Civil Jury Awards, 1983.  |
| Ontario | : 78    | : Annual Report 1982-83, 1983.  |
| LRC     |         |   |
|         | : 75    | : Report on the Enforcement of Judgment Debts and Related Matters, Part IV, 1983. |
|         | : 76    | : Report on the Enforcement of Judgment Debts and Related Matters, Part V, 1983.  |
|         | : 77    | : Report on Powers of Entry, 1983.  |