

Commission to work on the Criminal Procedure reference. Dr Sandra Egger, who had also been seconded to assist with the Criminal Procedure reference, completed her term with the Commission in December 1988. Dr Egger is pursuing her studies at the College of Law. Mr Andrew Frazer left the Commission in May 1989 after assisting the Community Law Reform Program for some 18 months. Mr Frazer contributed significantly to a number of projects, including those relating to Dividing Fences, the Assurance Fund and the Rule in *Bain v Fothergill*. Mr Peter Hennessy, Principal Law Reform Officer of the ALRC, has been appointed acting Executive Director of the NSWLRC. Mr Hennessy acquired a great deal of experience of law reform in his time at the ALRC, where he was very substantially involved with the references on Aboriginal Customary Laws, Insolvency and, more recently, Customs.

Mr William Tearle

Mr William Tearle resigned as Executive Director of the NSWLRC on 7 July 1989 to head a new research Department at Mallesons Stephen Jaques. At the time of his resignation he was the senior law reform person in Australia having been one of the first appointees to the ALRC in 1975. He became a senior law reform officer in the ALRC where he worked on the references involving bankruptcy, debt recovery and privacy. He was appointed Research Director of the NSWLRC in November 1985. As well as managing the research work in the Commission, Mr Tearle was largely responsible for writing and producing the Commission's research report in its survey of public opinion on surrogate motherhood. Throughout 1989 Mr Tearle has, as Executive Director, managed the Commission's work. He will be missed and we wish him well in his new career.

NTLRC

Mr Ian Grey has been appointed a member of the Committee. Ms Sue Phillip, a Lecturer in Law at the Northern Territory University, has resigned from the Committee.

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areas of law currently under review

administrative law

NTLRC

- *Administrative Appeals*. DP on Appeals from Administrative Decisions: Appellate Structure is under consideration. Due for release later 1989.

ARC

- *Access to administrative review*. Work on the next stage of the access project, on the role of information and advisory services, has been temporarily put aside to allow the Council to examine further the issues of legal aid in administration review. It previously reported on some aspects of this issue in its Report No 30, *Access to Administrative Review*.
- *Provision of Legal and Financial Assistance in Administrative Law Matters* (Report No 30). The Council is examining its conclusions and recommendations in this report further as a result of issues raised by the National Legal Aid Advisory Committee, which is seeking submissions by 21 July 1989 on funding, providing and supplying legal aid services.
- *Community Service and Health*. Work is progressing on a DP examining review issues in the area of joint Federal/State funding program, and a draft report on review of decisions involving assessment of products is in preparation. The Council has forwarded letters of advice on both these matters to the Attorney-General.
- *Migration*. The Council wrote to the Attorney-General on 11 May 1989 providing advice on the review aspects

of the Migration Legislation Amendment Bill. By that time the Bill has been introduced into the Senate but had not been debated. The legislation was passed in June 1989 with the review aspects of the Bill substantially unchanged.

- *Broadcasting.* The Council expects to receive an outline of its DP from the Communications Law Centre, University of New South Wales, in the next few weeks. The DP will deal with the review of the broadcasting regulations and procedural decisions of the Australian Broadcasting Tribunal.
- *Informal rule-making.* At its March 1989 meeting the Council agreed to organise a seminar to discuss the current tendency in government agencies to use informal subordinate rule-making in preference to changes to the legislation. Arrangements are currently being made to hold the seminar at Parliament House on 31 August 1989.

Admiralty

ALRC

- *Admiralty.* WIH on report on the Criminal Admiralty Jurisdiction.

Births, deaths and marriages

NSWLRC

- *Registration and Certification of Births and Deaths.* Report with printer.

By-laws and Regulations

VLCC

- *Subordinate Legislation.* The Committee has considered up to SR 107/89.

Charities

VLCC

- *Law Relating to Charitable Trusts in Victoria.* Report tabled 23 May 1989.

- *Public Liability of Voluntary Organisations.* Report tabled 19 April 1989.

Civil Rights

VLCC

- *Australian Constitutional Commission.* WIH. VLRC
- *Review of the Equal Opportunity Act, 1989.* DP has been issued.

Companies

H of R

- *Mergers, Takeovers and Monopolies.* Report tabled on 1 June 1989.
- *Insider Trading and Other Forms of Market Manipulation.* Submissions invited and public hearings commenced.

Sen

- *Social and Fiduciary Duties and Responsibilities of Company Directors.* Public hearings have been held. Report in preparation.

QLRC

- *Limited Liability Partnerships.* WIH.

Conflict of Laws

ALRC

- *Choice of Laws.* IP released. A series of working papers will be produced in the next 12 months for consideration by consultants.

Constitutional Law

Sen

- *Shield of the Crown.* New Reference

NSWLRC

- *Criminal Procedure.* Contempt of Court. WIH.

Courts and Judges

Sen

- *Cost of Legal Services and Litigation*. New reference.

NSWLRC

- *Alternative Dispute Resolution*. IP prepared.

VLCC

- *Delays in Courts*. WIH.

WALRC

- *Payment of Witnesses in Civil Proceedings*. Draft report under consideration.

Credit

VLRC

- *Credit Act*. WIH on preliminary report.

Criminal Law and Procedure

NSWLRC

- *Police Powers of Detention and Questioning*. Report nearing completion.
- *Contempt of Court*. WIH.

TasLRC

- *Criminal Code s 332 — Alternative Verdicts*. WIH.
- *Criminal Code s 157(1)(c) — Murder*. Draft Report completed and circulated for comment.
- *Compulsory Identification Parades*. WIH.
- *Competance and Compellability of Spouses to Give Evidence*. Recommendation made that no changes be made to the present law.
- *Regulations relating to the Refrigeration etc of Blood taken for Blood Alcohol Tests*. Report forwarded to Attorney-General.

- *Criminal Code s 268 — Arson*. Recommendations have been forwarded to Attorney-General. A Bill containing these recommendations has been prepared for Parliament.

- *Special Juries in Criminal Trials*. DP completed and circulated for comment.

- *Settling Appeal Books (Court of Criminal Appeal)*. Report forwarded to Attorney-General.

- *Criminal Code s 252A — Dishonestly Obtain a Financial Advantage*. Report forward to Attorney-General.

VLRC

- *Homicide*. WIH on draft report.
- *Insanity and Automatism*. WIH.

WALRC

- *Criminal Process and Mental Disorder*. Work on report suspended.

Customs and Excise

ALRC

- *Customs*. DP on Cargo Control has been released. WIH on DP on Licencing of Warehouses and Depots and a DP on Enforcement — Seizure and Forfeiture, Customs Prosecutions and the mental element of offences.

Damages ALRC

- *Pre-Judgment Interest an Damages*. WIH.

VLRC

- *Penalties and Liquidated Damages*. WIH on DP.

Debts

Sen

- *Debt Recovery under the Social Security Act and Veterans' Entitlements Act.* New Reference.

Discrimination

ALRC

- *Multiculturalism.* New reference.

WALRC

- *Incitement to Racial Hatred.* IP released.

Evidence

ALRC

- *Children's Evidence.* DP released. ACT Ordinance proclaimed 23 July 1987. Evaluation of project will be conducted over the next 12 months.
- *Guardianship and Management of Property.* DP has been released. WIH on report.

TasLRC

- *ALRC — Draft Evidence Bill.* Recommendations forwarded to Attorney-General.
- *Child Witnesses.* DP prepared. WIH on report.
- *Competence and Compellability of Spouses to give Evidence.* Recommendation made that no changes be made to the present law.

WALRC

- *Evidence of Children and Other Vulnerable Witnesses.* WIH on DP.

Infants and Children

ALRC

- *Children's Evidence.* DP released. ACT Ordinance proclaimed 23 July 1987. Evaluation of project will be conducted over the next 12 months.
- *Guardianship and Management of Property.* DP has been released. WIH on report.

TasLRC

- *Child Witnesses.* DP prepared. WIH on report.

WALRC

- *Evidence of Children and Other Vulnerable Witnesses.* WIH on DP.

International Law

H of R

- *Legal Regimes of Australia's External Territories and Jervis Bay.* Submission invited and Public Hearings commenced.

Landlord and Tenant

TasLRC

- *Shopping Centre Leases.* WIH.

Medicine and the Law

ALRC, NSWLRC, VLRC

- *Informed Consent to Medical Treatment.* Report completed.

VLRC

- *Genetic Manipulation.* WIH.

WALRC

- *Medical Treatment for the Dying.* Draft report under consideration.

- *Medical Treatment for Minors*. WIH on report.
- *Confidentiality of Medical Records and Medical Research*. Report in preparation.

Mental Illness

ALRC

- *Guardianship and Management of Property*. DP issued. WIH on report.

NSWLRC

- *Wills for the Mentally Incapable*. Draft consultative paper under consideration.

TasLRC

- *Insanity, Intoxication and Automatism under the Tasmanian Criminal Code*. Draft report has been completed and circulated for comment.

WALRC

- *Criminal Process and Mental Disorder*. Work on report suspended.

Perpetuities and Accumulations

NTLRC

- *Rules Against Perpetuities and Accumulations*. WIH. Report is expected by late 1989.

Police

NSWLRC

- *Police Powers of Detention and Questioning*. Report hearing completion.

TasLRC

- *Police Powers of Interrogation following Arrest*. WIH.

VLRC

- *Police Standing Orders*. WIH.

WALRC

- *Police Act Offences*. DP has been published; closing date for submissions is 6 October.

Privacy

VLCC

- *Use of Action for Breach of Confidence as a Means of Protecting Personal Privacy*. DP released. Written submissions to be received by 31 July. Public hearing will be held later in 1989.
- *Freedom of Information Act 1982*. Public hearings have commenced. Written submissions are still being received. Report is due 15 November 1989.

Product Liability

ALRC, VLRC

- *Product Liability*. Report was tabled in Federal Parliament on the 15th of August, 1989.

Real Property and Conveyancing

NSWLRC

- *Assurance Fund*. IP completed.
- *Dividing Fences*. Report released.
- *The Rule of Bain v Fothergill*. Draft Report under consideration.

QLRC

- *Real Property Acts*. WIH.
- *Property Laws Acts*. WIH.

VLRC

- *Trusts*. WIH on DP.
- *Sale of Land Act*. WIH on report.
- *Insurance*. WIH on DP.

Sale of Goods

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NSWLRC

- *Sale of Goods*. WIH.

WALRC

- *Review of the Sale of Goods Act 1895*. Work not yet commenced on DP.

Statutes

VLRC

- *Equal Opportunity Act Review*. DP released.
- *Obsolete Legislation*. Second report has been released.
- *Codes and Practice*. WIH on DP.

WALRC

- *Imperial Statutes*. Report in preparation.

Torts

NSWLRC

- *Contribution between Persons liable for the same Damage*. WIH.

Wills

NSWLRC

- *Wills for the Mentally Incapable*. Draft consultative paper under consideration.

WALRC

- *Review of the Administration Act 1908*. Work not yet commenced on DP.
- *Wills: Marriage and Divorce*. DP in preparation.

Other

NSWLRC

- *Neighbour and Neighbour*. WIH.

publications

Australia

ALRC

- Report on Product Liability, 1989, No. 51.
- Discussion Paper on Customs and Excise: Cargo Control, 1989, DP 38.
- Discussion Paper on Guardianship and Management of Property, 1989, DP 39.
- Discussion Paper on Children's Evidence by Video Link, 1989, DP 40.
- Issues Paper on Federal and Territory Choice of Law Rules, 1989, IP 8.

NSWLRC

- Community Law Reform Program Report on Disposal of Uncollected goods, 1988, LRC 54.
- Report on Dividing Fences, 1988, LRC 59.
- Discussion Paper on Torrens Title: compensation for loss, 1989, DP 19 (Joint DP with VLRC).

QLRC

- Report on the Oaths Act, 1989, QLRC Report 38.
- Working Paper on a Bill in respect of an act to reform and consolidate the Real Property Acts of Queensland, 1989, WP 32.

VLCC

- Thirty-fourth Report to Parliament on the Law Relating to Charitable Trusts, 1989.
- Thirty-Third Report to Parliament on the Public Liability of Voluntary Organisations, 1989.