

# ClearingHouse

## Areas of Law Under Review

Compiled by Sue Morris\*

### Aborigines

see **Indigenous People**

**Abuse** see also  
**Domestic Violence**

### LCC

• Restoring dignity: responding to child abuse in Canadian institutions, 2000.

### Administrative Law

#### A R C

• WIH on a review of the use of federal civil and administrative penalties in Australia, including the relationship between criminal, civil and administrative penalties and the principles that should guide the formulation and application of civil and administrative penalties. A DP is due in the first half of 2001, with a final report in 2002.

#### CLRC

• Jurisdiction and procedures of the Copyright Tribunal, final report. This has been presented to the Attorney-General but had not been published at the time of writing.

**Bail** see **Criminal Law**

### Biodiversity

#### LCI

• Report on Biodiversity Bill, 2000 (R 171).

### Children

#### FLC

• WIH on a project to examine the nature and extent of the principle that a child's best interests must be regarded as the paramount consideration. This will involve an examination of the law before and after the *Family Law Reform Act 1995* (Cth).

#### HKLRC

• WIH on a draft final report on laws relating to guardianship and custody of children.  
• Report on the age of criminal responsibility in Hong Kong, 2000.

#### LCC

• Restoring dignity: responding to child abuse in Canadian institutions, 2000.

#### Manitoba LRC

• Compensation of vaccine-damaged children, 2000 (R 104).

#### QLRC

• The receipt of evidence by Queensland courts: the evidence of children, 2000 (R 55).

#### SALC

• Report on juvenile justice, 2000 (P 106).

### Civil Penalties

#### ALRC

• WIH on a review of the use of federal civil and administrative penalties in Australia, including relationship between criminal, civil and administrative penalties and

the principles that should guide the formulation and application of civil and administrative penalties. A DP is due in the first half of 2001, with a final report in 2002.

### Class Actions

#### ALRI

• WIH on a final report due towards the end of 2000.

### Company Law

#### AsAC

• Corporate groups, final report, 2000.  
• Shareholder participation in the modern listed public company, 2000.

#### Law Com & Scot Law Com

• WIH on a review of the law of partnership. A consultation paper is due September 2000.

### Conflict of Interest

#### Manitoba LRC

• WIH on a review of the Legislative Assembly and Executive Council Conflict of Interest Act. The project includes a comparative study of legislation from other jurisdictions with emphasis on improving the clarity of the current statute. A final report is planned for the end of 2000.

### Conflict of Laws

#### SALC

• The harmonisation of the common law and the indigenous

law: report on conflicts of law, 1999 (P 90).

## Contempt

### NZLRC

• Contempt by publication, 2000 (DP 43).

### WALRC

• WIH on an inquiry into principles, practices and procedures pertaining to the law of contempt.

## Contracts

### BCLI

• New home warranties, 2000 (R 10).

### HKLRC

• WIH on a reference on contracts for the sale of goods and supply of services, an IP is due late 2000.

### Law Com

• WIH on a report on the effect of illegality on contracts and trusts.

### NSWLRC

• WIH on a review of the law in *Pigot's case*. A draft report has been released.

## Copyright

### CLRC

• Jurisdiction and procedures of the Copyright Tribunal, final report. This has been presented to the Attorney-General but had not been published at the time of writing.

## Corruption

### ICAC

• Investigation into Parliamentary and electorate travel: third report. Monitoring report on the implementation of recommendations relating to the administrative systems operating within the NSW Parliament, 1999.

• Report on the investigation into the conduct of an officer of the Environment Protection Authority, 1999.

## Costs

### NZLC

• Costs in criminal cases, 2000 (R 60).

## Courts

### HKLRC

• Report on the procedure governing the admissibility of confession statements in criminal proceedings, 2000.

### Law Com

• WIH on the final recommendations concerning evidence in criminal proceedings: previous misconduct of a defendant. A report is due 2001.

### Law Com & Scot Law Com

• Powers of Criminal Courts (Sentencing) Bill: report on the consolidation of legislation relating to sentencing, 2000 (Law Com 264; Scot Law Com 175).

### QLRC

• The receipt of evidence by Queensland courts: the evidence of children, 2000 (R 55).

### SALC

• Report on the constitutional jurisdiction of Magistrates' Courts, 1999 (P 111).

## Credit see Debt

## Criminal Justice

### Malawi LC

• Report on criminal justice reform on the review of the Penal Code (CAP 701), 1999.

## Criminal Law

### HKLRC

• Report on the age of criminal responsibility in Hong Kong, 2000.

• Report on the procedure governing the admissibility of confession statements in criminal proceedings, 2000.

## Law Com

• Prosecution appeals against judges' rulings, 2000 (CP158).

### Law Com & Scot Law Com

• WIH on a joint paper aiming to provide guidance to the courts on the assessment of damages under section 8 of the Human Rights Act 1998 for breaches of Convention rights. The paper is due September 2000.

### Malawi LC

• Report on bail guidelines, 2000.

### NSWLRC

• Right to silence, 2000 (R 95).

• Sentencing of Aboriginal offenders - report due for release in late 2000.

• Concealment of serious offences, 2000 (R 93).

### NZLC

• Costs in criminal cases, 2000 (R 60).

### SALC

• Simplification of criminal procedure (the right of the Attorney-General to appeal on questions of fact), 2000 (P 73, DP 89).

• The application of the Bill of Rights to criminal procedure, criminal law, and the law of sentencing, 2000 (P 101, DP 90).

### QLC and QPS

• Beenleigh break and enter reduction project. A public report is due late 2000.

## Customary Law see Indigenous People

## Damages

### Maritoba LRC

• Compensation of vaccine-damaged children, 2000 (R 104).

• WIH on a report that will consider the issue of the amount of bereavement damages for non-pecuniary loss being awarded for wrongful death. The report will be released early 2001.

**Nova Scotia LRC**

• Interim payment of damages: discussion paper, 2000.

**Law Com & Scot Law Com**

• WIH on a joint paper aiming to provide guidance to the courts on the assessment of damages under section 8 of the Human Rights Act 1998 for breaches of Convention rights. The paper is due September 2000.

**QLRC**

• Reference received on the effect of remarriage or divorce on damages in a wrongful death claim.

**Debt see also Insolvency**

**ALRI**

• Cost of credit disclosure, 2000 (R 82).

**HKLR**

• WIH on a consultation paper on the regulation of debt collection practices in Hong Kong.

**NSWLRC**

• Guaranteeing someone else's debts, 2000 (IP 17).  
• Set-off, 2000 (R 94).

**Scot Law Com**

• Report on poiding and warrant sale, 2000 (Scot Law Com 177).

**Defamation**

**IZIC**

• Defaming politicians: a response to *Lange v Atkinson*, 2000 (R 64).

**Domestic Violence**

**Namibia LRDC**

• Domestic violence cases reported to the Namibian police – case characteristics and police response, 1999 (LRDC 9).

**NZLC**

• Battered defendants: victims of domestic violence who offend, 2000 (PP 41).

**Electoral Reform**

**QLCAC**

• Implications of the new Commonwealth enrolment requirements, 2000 (R 19).  
• Issues of Queensland electoral reform arising from the 1998 State election and amendments to the *Commonwealth Electoral Act 1918*, 2000 (R 23).  
• Report of the Queensland Constitutional Review Commission's recommendation for four-year parliamentary terms, 2000 (R 27).  
• WIH on an IP dealing with the best way to minimise electoral fraud.

**Electronic Commerce**

**Law Com**

• WIH on the impact of electronic commerce on the sale and carriage of goods and associated insurance and banking transactions.

**Environment**

**Scot Law Com**

• WIH on a review of the law of the foreshore and seabed. A CP is due late 2000.

**Evidence**

**HKLR**

• Report on the procedure governing the admissibility of confession statements in criminal proceedings, 2000.

**Law Com**

• WIH on the final recommendations concerning evidence in criminal proceedings: previous misconduct of a defendant. A report is due 2001.

**JALC**

• The application of the Bill of Rights to criminal procedure, criminal law, the law of evidence and sentencing, 2000 (P 101, DP 90).

**QLRC**

• The receipt of evidence by Queensland courts: the evidence of children, 2000 (R 55).

**Family Law**

**BCLI**

• Report on recognition of spousal and family status, 1998 (R 5).

**FIC**

• WIH on a DP on the interaction of Commonwealth family law with state and territory care and protection legislation, including the interaction of agencies that give effect to that legislation and related services and practices and principles in implementing the legislation. A DP is due for release late 2000. A report will be released before July 2001.

• WIH examining changes to the family system relating to children and parenting arrangements after separation and whether and to what extent these changes have created or increased risks to children's health or safety. It is anticipated that a DP will be released late 2000.

• WIH on a DP dealing with the difficulties that may occur when a civil divorce has been obtained but a religious divorce has not. The DP is due late 2000.

• WIH on a project that will examine the nature and extent of the principle that a child's best interests must be regarded as the paramount consideration. This will involve an examination of the law before and after the *Family Law Reform Act 1995* (Cth).

**Fraud**

**Law Com**

• WIH on a report to be published 2001.

## Freedom of Information

### QLCARC

• WIH on a comprehensive review of Queensland's freedom of information legislation. A DP was released February 2000.

## Indigenous People

### NSWLRC

• Sentencing of Aboriginal offenders. A report is due for release in late 2000.

### SALC

• Customary law: succession, 2000 (P 90, DP 93).  
• The harmonisation of the common law and the indigenous law: report on conflicts of law, 1999 (P 90).

## Insolvency see also Debt

### Law Com & Scot Law Com

• Third Parties (Rights Against Insurers) Act 1930. WIH on a report dealing with third party claims against an insured person who is or becomes insolvent. A report will be produced in early 2001.

### JAC

• Report on the review on the law of insolvency, 2000 (P 63).

## Insurance

### ALRC

• Review of the *Marine Insurance Act 1909*, 2000 (DP 63). Closing date for submissions on DP 63 is 30 November 2000. A final report is due April 2001.

### Law Com & Scot Law Com

• Third Parties (Rights against Insurers) Act 1930. WIH on a report dealing with third party claims against an insured person who is or becomes insolvent. A report will be produced in early 2001.

## Judiciary

### NZLC

• Coroners, 2000 (R 62).

## Jurisdiction

### ALRC

• Review of the *Judiciary Act 1903* (Cth). A DP is due in November, with a final report in mid-2001.

### Scot Law Com

• Report on jurisdictions under the Agricultural Holdings (Scotland) Acts, 2000 (Scot Law Com 178).

### SALC

• Report on the constitutional jurisdiction of Magistrates' Courts, 1998 (P 111).

## Justices of the Peace

### QLRC

• The role of Justices of the Peace in Queensland, 1999 (R 54).

## Land Law

### Law Com

• WIH on a consultation paper on land registration, involving a comprehensive modernisation of this area of law. A final report and a draft Bill will be published early 2001.

### Scot Law Com

• Report on jurisdictions under the Agricultural Holdings (Scotland) Acts, 2000 (Scot Law Com 178).

• WIH on a series of projects on diligence against land, attachment orders and money attachment. A report is expected at the end of 2001.

• A project dealing with a reform of the law of real burdens is almost complete. Real burdens are conditions imposed on title deeds for the purpose of regulating the maintenance and use of land and building for the benefit of neighbours.

• WIH on reform to the Land Registration (Scotland) Act 1979.

## Leases

### Scot Law Com

• WIH examining sections 4 to 7 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 against the penal enforcement of irritancies in leases.

• WIH on a project dealing with the conversion to ownership of some categories of long lease.

## Legal Profession

### NSWLRC

• WIH on a revision of Part 10 of the *Legal Profession Act 1987* (NSW). An IP will be published in October 2000.

### VLR

• WIH on a review of legal services in rural and regional Victoria.

## Legislation

### ALFC

• Review of the *Judiciary Act 1903* (Cth). A DP is due in November, with a final report in mid-2001.

• Review of the *Marine Insurance Act 1909*, 2000 (DP 63). Closing date for submissions on DP 63 is 30 November 2000. A final report is due April 2001.

### LCI

• Report on Biodiversity Bill, 2000 (R 171).

### Malaw' LC

• Report on the technical review of the Constitution (under Chapter XII of the Constitution), 1998.

### Manitoba LRC

• WIH on a review of the Legislative Assembly and Executive Council Conflict of Interest Act. The project includes a comparative study of legislation from other jurisdictions with emphasis on improving the clarity of the current statute. A final report is planned for the end of 2000.

**NZLC**

• Tidying the Limitation Act, 2000 (R 61).

**QLC ARC**

• Review of the Queensland Constitutional Review Commission's recommendations relating to a consolidation of the Queensland Constitution, 2000 (R 24).

**FLC**

• Review of security legislation: terrorism – Section 54 of the Internal Security Act 74 of 1982, 2000 (P 105, DP 92).

**Scot Law Com**

• WIH on a consolidation of the legislation relating to salmon and freshwater fisheries in Scotland.

**Vi AGL AC**

• Review of the structure, wording and operation of the *Judgment Debt Recovery Act 1984* (Vic), 2000 (Expert Report 6).

**VPLI**

• WIH on a review of the *Theatres Act 1958* (Vic).

**Licensing**

**VPLR**

• WIH on a review of the *Theatres Act 1958* (Vic).

**Limitation of Actions**

**Law Com**

• WIH on a report due mid to late 2001.

**NZLC**

• Limitation of civil actions, 2000 (PP 39).  
• Tidying the Limitation Act, 2000 (R 61).

**Litigants in Person**

**FLC**

• A report has been completed and will be published soon. The report examines the incidence of litigants

in person in family law proceedings in both the Family Court and Magistrates' Court.

**Marine Insurance**

**ALRC**

• Review of the *Marine Insurance Act 1909*, 2000 (DP 63). Closing date for submissions on DP 63 is 30 November 2000. A final report is due April 2001.

**Marriage see also Relationships**

**SALC**

• Islamic marriages and related matters, 2000 (P 59, IP 15).  
• Sharing of pension benefits, 1999 (P 112).

**Matrimonial Property**

**ALRI**

• Division of matrimonial property on death, 2000 (R 83).

**Occupiers' Liability**

**ALRI**

• Occupiers' liability: recreational use of land, 2000 (R 81).

**Ombudsman**

**QLC ARC**

• Report of the strategic management review of the Queensland Ombudsman and the Information Commissioner, 2000 (R 26).

**Police**

**Namibia LRDC**

• Domestic violence cases reported to the Namibian police – case characteristics and police response, 1999 (LRDC 9).

**QCJC**

• Police powers in Queensland: findings from the 1999 defendants survey, 2000.  
• Police strip searches in Queensland: an inquiry into the law and

practice, 2000.

• Public attitudes towards the QPS, 2000.

**Powers of Attorney**

**NZLC**

• Misuse of enduring Powers of Attorney, 2000 (PP 40).

**Prisons**

**ICAC**

• Investigation into the Department of Corrective Services. Fifth report: two escapes, 2000.

**QCJC**

• Prisoner numbers in Queensland: an examination of population trends in Queensland's correctional institutions, 2000.

**Privacy**

**HKLRC**

• WIH on a comprehensive review of laws relating to privacy: stalking; invasion of privacy; media intrusion; surveillance. A final report is due late 2000.

**Property Law**

**Law Com**

• WIH on a consultation paper dealing with home sharers' property rights.

**LCI**

• Property Rights of Women: Proposed Reforms under the Hindu Law, 2000 (R 174).

**HKLRC**

• WIH on CP dealing with problems of inadequate regulation of sales descriptions of residential property.

**Real Estate**

see **Property Law**

**Relationships**

**LCC**

• Recognizing and supporting close

personal relationships between adults, 2000 (DP).

### **NSWLRC**

• WIH on a review of the *Property (Relationships) Act 1984* (NSW), the focus of the review is on the financial adjustment provision of the Act and will also take into account superannuation and other entitlements. It is also looking at the broader impact of relationships in other state legislation. A report is scheduled for publication in December 2000.

### **Sentencing**

#### **NSWLRC**

• Sentencing of Aboriginal offenders. A report is due for release in late 2000.

#### **SALC**

• The application of the Bill of Rights to criminal procedure, criminal law, the law of evidence and sentencing, 2000 (P 101, DP 90).  
• Sentencing (A New Sentencing Framework), 2000 (P 82, DP 91),

### **Sexual Offences**

#### **Law Com**

• Consent in Sex Offences, 2000.

#### **LCI**

• Review of rape laws, 2000 (R 172).

#### **NTLRC**

• Report on the laws relating to the investigation and prosecution of sexual assault in the Northern Territory, 1999.

#### **QCJC**

• Reported sexual offences in Queensland, 1999.  
• Review of complaints of inappropriate sexual conduct towards students by Education Queensland staff. The report is due late 2000.

#### **Uganda LRC**

• A study report on rape, defilement and other sexual offences, 2000 (R 1).

### **Social Security**

#### **SALC**

• Sharing of pension benefits, 1999 (P 112).

### **Surveillance see also Privacy**

#### **NSWLRC**

• WIH on a review of the *Listening Devices Act 1984* (NSW). A report is now due December 2000.

### **Stalking see Privacy**

### **Terrorism**

#### **LCI**

• Report on Prevention of Terrorism Bill, 2000 (R 173).

#### **SALC**

• Review of security legislation: terrorism – Section 54 of the Internal Security Act 74 of 1982, 2000 (P 105, DP 92).

### **Treaties**

#### **QLCARC**

• The role of the Queensland Parliament in treaty making, 2000 (R 22).

### **Trusts and Trustees**

#### **ALRI**

• Trustee investment powers, 2000 (R 80).

#### **BCLI**

• Statutory powers of delegation by trustees, 2000.

#### **Law Com**

• WIH on a consultation paper dealing with trust formalities.

#### **Law Com**

• WIH on a report on the effect of illegality on contracts and trusts.

#### **Scott Law Com**

• WIH on a project to reform express trusts.

### **Uniform Laws**

#### **SALC**

• Uniform national legislation on the fencing of national roads, 2000 (P 119 IP 16).

### **Wills and Succession**

#### **ALRI**

• Division of matrimonial property on death, 2000 (R 83).  
• Wills: non-compliance with formalities, 2000 (R 84).  
• WIH on the development of a Succession Code for Alberta. Considerable reliance on the work of the QLRC. Areas to be covered include succession, status of children, matrimonial property and debt.

#### **Manitoba LRC**

• WIH on an inquiry into wills and succession law.

#### **QLRC**

• Recognition of interstate and foreign grants of probate and letter of administration. A DP has been prepared and will be released late 2000.

#### **SALC**

• Customary law: succession, 2000 (P 90, DP 93).

## Abbreviations and Acronyms

ALRC	Australian Law Reform Commission
ALRI	Alberta Law Reform Institute
BCLI	British Columbia Law Institute
CASAC	Companies and Securities Advisory Committee (Australia)
CLRC	Copyright Law Review Committee
CP	Consultation paper
DP	Discussion paper
FLC	Family Law Council (Australia)
HKLRC	Law Reform Commission of Hong Kong
ICAC	Independent Commission Against Corruption (NSW)
IP	Issues paper
LCC	Law Commission of Canada
LCI	Law Commission of India
Law Com	Law Commission (UK)
Malawi LC	Malawi Law Commission
Manitoba LRC	Manitoba Law Reform Commission
Namibia LRDC	Namibia Law Reform and Development Commission
Nova Scotia LRC	Nova Scotia Law Reform Commission
NSWLRC	New South Wales Law Reform Commission
NTLRC	Northern Territory Law Reform Committee
NZLC	New Zealand Law Commission
P	Project
PP	Preliminary Paper
QCJC	Queensland Criminal Justice Commission
QLCARC	Queensland Parliamentary Legal, Constitutional & Administrative Review Committee
QLRC	Queensland Law Reform Commission
QPS	Queensland Police Service
R	Report
SALC	South African Law Commission
Scot Law Com	Scottish Law Commission
Uganda LRC	Uganda Law Reform Commission
VicAGLRAC	Victorian Attorney-General's Law Reform Advisory Council
VPLRC	Victorian Parliamentary Law Reform Committee
WIH	Work in hand

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