

ClearingHouse

Areas of Law Under Review

*Compiled by Sue Morris**

Aborigines see Indigenous People

Abuse

Law Com

- Publication of local authority reports – WIH on a consideration of the legal issues arising from the Waterhouse Report on Child Abuse in Wales (1999-2000).

Manitoba LRC

- Adult protection and elder abuse, 1999 (R 103).

Accidents

Manitoba LRC

- Assessment of damages under the Fatal Accidents Act for the loss of guidance, care and companionship, 2000 (R 105).

Acquittal see Criminal Law

Administrative Justice

Law Com

- Publication of local authority reports – WIH on a consideration of the legal issues arising from the Waterhouse Report on Child Abuse in Wales (1999-2000).

Administrative Law

CLRC

- Jurisdiction and procedures of the Copyright Tribunal: final report.

Adoption

NZLC

- Adoption and its alternatives, 2000 (R 65).

Aged Care

Manitoba LRC

- Adult protection and elder abuse, 1999 (R 103).

Animals

Sri Lanka LRC

- WIH on a report dealing with animal welfare in order to replace existing legislation.

Bail see Criminal Law

Building Law see Land Law

Children see also Juveniles

FLC

- The care, support and protection of children: interaction between the Family Law Act and state and territory child and family services legislation: the best interests of the child? The interaction of public and private law in Australia, 2000.

HKLRC Subcommittee on Guardianship and Custody

- Consultation paper, 1999.

Law Com

- Publication of local authority reports – WIH on a consideration of the legal issues arising from the

Waterhouse Report on Child Abuse in Wales (1999-2000).

QLRC

- The receipt of evidence by Queensland courts: the evidence of children: Part 1, 2000.

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 mid-2001, with a final report in 2002.

Class Actions

ALRI

- Class actions, 2000 (R 85).

Confidential Information

QCJC

- Protecting confidential information, 2000.

Conflict of Interests

Manitoba LRC

- The Legislative Assembly and conflict of interest, 2000 (R 106).

Constitutional Law

Malawi LC

- Report of the Law Commission on the technical review of the Constitution, 1998.

Contempt

NSWLRC

- Contempt by publication, 2000 (DP 43).

LRCWA

- WIH on consultation drafts, a final report will be released at the end of 2001.

Contract

HKLRC

- Contracts for the supply of goods – a CP was released in December 2000.

Law Com

- The effect of illegality on contracts and trusts – consideration is being made as to whether to extend the scope of the inquiry to include claims in tort.

NSWLRC

- The rule in *Pigot's case*, 2001 (R 97).

Copyright

CLRC

- Jurisdiction and procedures of the Copyright Tribunal: final report.

Courts

ALRI

- Alberta Rules of Court – WIH on background research, with consultations to take place in late 2001.

QLRC

- The receipt of evidence by Queensland courts: the evidence of children: Part 1, 2000 (R 55).

Scot Law Com

- Judicial factors – WIH on a long term project dealing with this procedure.

Criminal Law see also Sexual Offences

Hong Kong LRC

- Stalking, 2000

Law Com

- Prosecution appeals against judges' rulings – WIH on a report to be published early 2002
- Bail and the Human Rights Act – WIH on a report due early 2002.

NSWLRC

- The right to silence, 2000 (R 95).
- Sentencing: Aboriginal offenders, 2000 (R 96).
- The right to silence and pre-trial disclosure in NSW, 2000 (RR 10).

- Sentencing young offenders – WIH on an IP due May 2001.

NTLRC

- Self Defence and Provocation 2000 (R).

NZLC

- Juries in criminal trials, 2000 (R 69).
- Acquittal following perversion of the course of justice, 2000 (PP 42).

Scot Law Com

- Age of criminal responsibility – WIH on a DP examining the legal issues involved in rules fixing the age below which children cannot be guilty of any crime. The DP is due mid-2001 and final report end 2001.

Criminal Procedure

NZLC

- Simplification of criminal procedure legislation, 2000 (SP 7).

SALC

- Simplification of criminal procedure (sentence agreements), 2000 (DP 94 P 73).
- Sentencing: empirical study of the sentencing practices in South Africa (RP 17 P 82).

Customary Law

see Indigenous People

Damages

Law Com & Scot Law Com

- Damages under the Human Rights Act 1998, 2000 (Law Com 266; Scot Law Com 180).

Manitoba LRC

- Assessment of damages under the Fatal Accidents Act for the loss of guidance, care and companionship, 2000 (R 105).

Nova Scotia LRC

- Interim payment of damages: final report, 2001.

QLRC

- Effect of remarriage or divorce on damages in a wrongful death claim – WIH on a DP due late 2001.

Debts

HKLRC

- The regulation of debt collection practices – a CP was released July 2000.

NSWLRC

- Guaranteeing someone else's debts: summary, 2000 (IP 17).

Disclosure

NSWLRC

- The right to silence, 2000 (R 95).
- The right to silence and pre-trial disclosure in NSW, 2000 (RR 10).

Divorce see Family Law

Education

QCJC

- Safeguarding students: minimising the risk of sexual misconduct by Education Queensland staff, 2000.

Electoral Reform

QLCARC

- Inquiry into the prevention of Electoral fraud, 2000 (IP).

Electronic Commerce

NZLC

- Electronic commerce: part three, 2000 (R 68).

Employment

Manitoba LRC

- Wrongful dismissal – WIH on issues dealing with bad faith dismissal, the main focus being the adequacy of the current remedies, a final report is due towards the end 2001.

QLRC

- Vicarious liability – WIH on a report due mid-2001. The report will cover employment and relationships such as parent/child, teacher/pupil.

Environment

Scot Law Com

- Review of the law of foreshore and seabed – WIH on a final report due end 2002.

Evidence

Law Com

- Evidence in criminal proceedings: previous misconduct of a defendant – WIH on a report due 2002.

QLRC

- The receipt of evidence by Queensland courts: the evidence of children: Part 1, 2000.

Family Law

see also **Marriage; Relationships**

FLC

- The care, support and protection of children: interaction between the Family Law Act and state and territory child and family services legislation: the best interests of the child? The interaction of public and private law in Australia, 2000.

HKLRC Subcommittee on Guardianship and Custody

- Consultation paper, 1999.

NZLC

- Adoption and its alternatives, 2000 (R 65).

Sri Lanka LC

- A separate Divorce Act – WIH on a report on the law relating to divorce and matters incidental to divorce such as the rights of children and testation.

Fences

SALC

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

Government

Manitoba LRC

- The Legislative Assembly and conflict of interest, 2000 (R 106).

Human Rights

Law Com & Scot Law Com

- Damages under the Human Rights Act 1998, 2000 (Law Com 266; Scot Law Com 180).

Law Com

- Bail and the Human Rights Act – WIH on a report due early 2002.

Immunities

BCLI

- Consultation paper on exculpation clauses in trust instruments, 2000.

Indigenous People

LRCWA

- Aboriginal customary laws – WIH on a reference to cover issues relating to the recognition of traditional Aboriginal laws and customs within the WA justice system, it is hoped that a report will be published by the end of 2002.

NSWLRC

- Sentencing: Aboriginal offenders, 2000 (R 96).

SALC

- Customary law: administration of estates, 2000 (DP 95 P 90).
- Customary law: succession, 2000 (DP 93 P 90).

Insolvency

Scot Law Com

- *Sharp v Thomson* – WIH on a DP due 2001.

Insurance

ALRC

- Review of the *Marine Insurance Act 1909* (Cth). A final report was submitted to the Attorney-General of Australia in April for tabling.

Law Com & Scot Law Com

- Third Parties (Rights Against Insurers) Act 1930 – WIH on proposed amendments to this legislation. A report is due 2001.

International Trade

NZLC

- International Trade Conventions, 2000 (SP 5).

Jurisdiction

ALRC

- The judicial power of the Commonwealth: a review of the *Judiciary Act 1903* and related legislation, 2000 (DP 64). WIH on a final report due June 2001.

Juries

NZLC

- Juries in criminal trials, 2000 (R 69).

Juveniles

NSWLRC

- Sentencing young offenders – WIH on an IP due May 2001.

Land Law see also Property

Scot Law Com

- Report on real burdens, 2000 (Scot Law Com 181).
- *Sharp v Thomson* – WIH on a DP due 2001.

Legal Profession

NSWLRC

- Complaints against lawyers: review of Part 10, 2000 (IP 18).

NZLC

- Tax and privilege, 2000 (R 67).

Legal services

AG's Task Force

- Task Force investigation into pro bono law projects in Australia. The Task Force is due to report by mid-2001, with a further report to a national pro bono conference in due course.

Legislation

ALRC

- Review of the *Marine Insurance Act 1909* (Cth). A final report was submitted to the Attorney-General of

Australia in April for tabling.

- The judicial power of the Commonwealth: a review of the *Judiciary Act 1903* and related legislation, 2000 (DP 64). WIH on a final report due June 2001.

Law Com & Scot Law Com

- Damages under the Human Rights Act 1998, 2000 (Law Com 266; Scot Law Com 180).

Law Com

- Bail and the Human Rights Act – WIH on a report due early 2002.

Nova Scotia LRC

- Mental health provisions of the Hospitals Act, 2000 (DP).

NSWLRC

- *Property (Relationships) Act 1984* (NSW) – WIH on a DP focusing on the financial adjustment provision in the Act (s 20) to be published mid-2001.

NZLC

- Simplification of criminal procedure legislation, 2000 (SP 7).
- To bind their kings in chains: an advisory report to the Ministry of Justice, 2000 (SP 6) (Review of the NZ Interpretation Act).

SALC

- Review of security legislation: the Interception and Monitoring Prohibition Act (Act 127 of 1992), 1999 (DP 92 P 105).
- Review of security legislation: (terrorism: Section 54 of the Internal Security Act, 1982 (Act 74 of 1982)) Parts 1 and 2, 2000 (DP 92 P 105).

Vic Parl

- *Subordinate Legislation Act 1994* (Vic) – WIH on a report due late 2002.
- *Summary Offences Act 1966* (Vic) – WIH on a review of redundant sections of the Act. Public hearings are scheduled for 2001, with a report due November 2001.
- *Vagrancy Act 1966* (Vic) – submissions will be accepted until mid-2001, with a report due June 2002.
- *Parliamentary Committees Act 1968* (Vic) – WIH on a report due later this year.

Liability

NZLC

- To bind their kings in chains: an advisory report to the Ministry of Justice, 2000 (SP 6) (Review of the NZ Interpretation Act).

QLRC

- Vicarious liability - WIH on a report due mid-2001. The report will cover employment and relationships such as parent/child, teacher/pupil.

Limitation of Actions

Law Com

- WIH has recommenced on a draft Bill to be published mid to late-2001.

Litigation

NZLC

- Subsidising litigation, 2000 (PP 43).

Marine Insurance

ALRC

- Review of the *Marine Insurance Act 1909* (Cth). A final report was submitted to the Attorney-General of Australia in April for tabling.

Marriage

see also **Family Law; Relationships**

Northern Ireland LRC

- Marriage law, 2000 (R 11).
- Matrimonial property, 2000 (R 10).

SALC

- Islamic marriages and related matters, 2000 (IP 15 P 59).

Mental Health

Nova Scotia LRC

- Mental health provisions of the Hospitals Act, 2000 (DP).

Negligence

BCLI

- Consultation paper on exculpation clauses in trust instruments, 2000.

Partnership

Law Com & Scot Law Com

- Partnership law: a joint consultation paper, 2000 (Law Com CP 159; Scot Law Com DP 111).

Penal Codes

Malawi LC

- Review of the Penal Code, 2000 (R 4).

Police

QCJC

- Police strip searches in Queensland: an inquiry into the law and practice, 2000.

Privacy

Vic Parl

- WIH on an interim privacy code for Victorian MPs, with a report due in May 2001. The second phase of the inquiry will investigate communications technologies; developments in privacy legislation; existing legislation and regulations relevant to the conduct of Victorian MPs and associated issues of parliamentary privilege. A final report is due by the end of 2001.

Privilege

NZLC

- Tax and privilege, 2000 (R 67).

Property

HKLRC

- Local completed residential properties – a CP was released January 2001.

Law Com

- Land registration – WIH on the final report and draft Bill to be published mid-2001.
- Property rights in the shared home – WIH on a report to be published late 2001.

Scot Law Com

- Report on real burdens, 2000 (Scot Law Com 181).

Public Authorities

Law Com & Scot Law Com

- Damages under the Human Rights Act 1998, 2000 (Law Com 266; Scot Law Com 180).

Relationships

see also **Marriage; Family Law**

LCC

- WIH on a report dealing with close personal adult relationships. It deals with issues such as the alternatives to taxation of couples, the psychological and social importance of a range of relationships not limited to those of a conjugal nature, such as people with disabilities and their caregivers. The report is due early 2001.

NSWLRC

- *Property (Relationships) Act 1984* (NSW) – WIH on a DP focusing on the financial adjustment provision in the Act (s 20) to be published mid-2001.

Road Safety

SALC

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

Sentencing

NSWLRC

- Sentencing: Aboriginal offenders, 2000 (R 96).
- Sentencing young offenders - WIH on an IP due May 2001.

SALC

- Sentencing: empirical study of the sentencing practices in South Africa (RP 17 P 82).
- Simplification of criminal procedure (sentence agreements), 2000 (DP 94 P 73).

Sexual Offences

Law Com

- Consent in sex offences: a report to the Home Office Sex Offences Review, 2001.

NTLRC

- Laws relating to the Investigation and Prosecution of Sexual Assault in the Northern Territory, 1999 (R).

QCJC

- Safeguarding students: minimising the risk of sexual misconduct by Education Queensland staff, 2000.

Uganda LRC

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

Stalking see Criminal Law

Surveillance

SALC

- Review of security legislation: the Interception and Monitoring Prohibition Act (Act 127 of 1992), 1999 (DP 92 P 105).

Tax Law

NZLC

- Tax and privilege, 2000 (R 67).

Terrorism

SALC

- Review of security legislation: (terrorism: Section 54 of the Internal Security Act, 1982 (Act 74 of 1982)) Parts 1 and 2, 2000 (DP 92 P 105).

Treaties & Conventions

NZLC

- International Trade Conventions, 2000 (SP 5)

Trusts & Trustees

ALRI

- WIH on a review of the issue of non-resident trustees under the Dependent Adults Act.

BCLI

- Consultation paper on exculpation clauses in trust instruments, 2000.

Uniform Laws

QLRC

- Recognition of interstate and foreign grants of probate and letters of administration – a DP will be released mid-2001.

SALC

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

Wills & Succession

ALRI

- WIH on the development of a Succession Code for Alberta. It is anticipated that three reports for discussion will be issued on wills, administration of estates and other succession issues (including family relief).

Manitoba LRC

- WIH on a review of the various statutes dealing with wills and succession.

QLRC

- Recognition of interstate and foreign grants of probate and letters of administration – a DP will be released mid-2001.

SALC

- Customary law: administration of estates, 2000 (DP 95 P 90).
- Customary law: succession, 2000 (DP 93 P 90).

Writs & Warrants

LRCWA

- WIH on a final report due mid-2001.

** Sue Morris is the Information & Research Manager at the Australian Law Reform Commission.*

Entries to Clearing House can be made by e-mailing details of areas of law under review to reform@alrc.gov.au

Abbreviations and Acronyms

AG's Task Force: Attorney-General's Pro Bono Task Force (Australia)

ALRC: Australian Law Reform Commission

ALRI: Alberta Law Reform Institute

BCLI: British Columbia Law Institute

CLRC: Copyright Law Review Committee

CP: Consultation paper

DP: Discussion paper

FLC: Family Law Council (Australia)

HKLRC: Law Reform Commission of Hong Kong

IP: Issues paper

Law Com: Law Commission (UK)

LCC: Law Commission of Canada

LRCWA: Law Reform Commission of Western Australia

Malawi LC: Malawi Law Commission

Manitoba LRC: Manitoba Law Reform Commission

Northern Ireland LRC: Law Reform Advisory Committee for Northern Ireland

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 Legal, Constitutional & Administrative Review Committee

QLRC: Queensland Law Reform Commission

R: Report

RR: Research report

SALC: South African Law Commission

Scot Law Com: Scottish Law Commission

SP: Study paper

Sri Lanka LC: Law Commission of Sri Lanka

Uganda LRC: Uganda Law Reform Commission

Vic Parl: Victorian Parliamentary Scrutiny of Acts and Regulations Committee

WIH: Work in hand