

ClearingHouse

Areas of Law Under Review

*Compiled by Sue Morris**

Administrative Law

ARC

• Use of expert systems in administrative decision-making – WIH on an issues paper, the IP will consider the implications of expert systems in primary decision-making, particularly the potential de-skilling of decision-makers. The IP is due by the end of 2002.

ARC

• Scope of judicial review – WIH on this project continues, a DP canvassing policy and legal factors is in its final stages.

LRCWA

• Judicial review of administrative actions: options for reform, 2002 (Project 95; DP). A final report will be released in December 2002.

Ageing

LCC

• Seeking justice between the generations: age distinctions in laws and policies. WIH on a DP examining intergenerational justice and issues relevant to older adults.

ALRI

• Enduring powers of attorney. WIH on discussion paper.

Alternative Dispute Resolution

NADRAC

• ADR terminology: a discussion paper, 2002.

Child Abduction

see **Children and Young People**

Child Care

SALC

• Review of the *Child Care Act*, Volumes 1-3, 2001 (Project 110; DP 103).

Children and Young People

FLC

• WIH on the interaction between private and public law in proceedings relating to the best interests of the child. Report expected late 2002.

LRCHK

• International parental child abduction, 2002.

NSWLRC

• WIH on new project to examine consent by minors to medical treatment.

Compensation see Damages

Constitutional Law

QLCARC

• The Queensland Constitution: specific content issues, 2002 (R 36).
• The Queensland Constitution: entrenchment. A CP has been released.

Contempt

LRCWA

• Contempt by publication, 2002 (Project 93 (II)).

- Contempt by disobedience to the Orders of the Court, 2002 (Project 93; DP).
- WIH – A final report is due by the end of 2002.

NSWLRC

- Contempt by publication – issues paper expected November 2002.

Contracts

Law Com; Scot Law Com

- Unfair terms in contract, 2002 (Law Com CP 166; Scot Law Com CP 199).

LRCHK

- Local completed residential properties: sales descriptions and pre-contractual matters, 2002.

Corporations

Law Com; Scot Law Com

- Partnerships – WIH on a joint report on ordinary and limited partnerships, the report is due at the end of 2002.

Courts

California LRC

- Statutes made obsolete by trial court restructuring: Part 1, 2002.

NSWLRC

- WIH on new project to review aspects of the *Jury Act 1977* (NSW), in particular whether blind and deaf people should be able to serve on juries.

NZLC

- Striking the balance: your opportunity to have your say on the New Zealand court system, 2002 (PP 51).

Criminal Appeals

ILRC

- Prosecution appeals in cases brought on indictment, 2002 (CP19).

Criminal Investigation

NZLC

- Entry, search and seizure: a discussion paper, 2002 (PP 50).

Criminal Law

NSWLRC

- Cross-examination of victims by unrepresented accused – issues paper expected September 2002.
- Apprehended violence orders – WIH on this new project.

QLRC

- Privilege against self-incrimination – WIH on this new reference will commence in the near future.

Scot Law Com

- WIH on a review of the defences of insanity and diminished responsibility. A DP is expected at the end of 2002.

TLRI

- Custody, arrest and police bail, 2002 (IP 1).

VLRC

- Defences to homicide, 2002 (IP).
- Who kills whom and why?: looking beyond legal categories, 2002 (Occasional Paper). WIH on a DP which will include proposals for reform.
- WIH on a number of research projects the aim of which is to determine what legislative, administrative or procedural changes would be necessary to ensure that the criminal justice system in Victoria is more responsive to the needs of complainants in sexual offence cases. An interim report is due before the end of 2002.

Criminal Liability

VLRC

- Criminal liability for workplace death and serious injury in the public sector: report, 2002.

Criminal Procedure

SALC

- Fifth interim report on simplification of criminal procedure: a more inquisitorial approach to

criminal procedure, 2002 (Project 73).

- Sixth interim report on simplification of criminal procedure: out of court settlements in criminal cases, 2002 (Project 73).

Customary Law

LRCWA

- WIH on inquiry into Aboriginal customary laws. Project overview and discussion paper due at end of 2002.

Damages

QLRC

- Damages for wrongful death, 2002 (WP 56).

Scot Law Com

- Discussion paper on damages for psychiatric injury, 2002 (DP 120).

Data Protection see Privacy

De Facto Relationships see Family Law

Discrimination

ALRI

- Recognition of rights and obligations in same sex relationships, 2002 (RP 21).

Debts

Ghana LRC

- WIH on a review of laws regarding loan recovery and guarantees.

LRCHK

- The regulation of debt collection practices, 2002.

Elections

LCC

- Renewing Canadian democracy: citizen engagement in voting system reform, 2002 (RP).

Family Law

ALRI

- Recognition of rights and obligations in same sex relationships, 2002 (RP 21).

FLC

- Statistical snapshot of family law 2000-2001, 2002.

LRCHK

- International parental child abduction, 2002.

NSWLRC

- Review of the *Property (Relationships) Act 1984* (NSW), 2002 (DP 44).

SALC

- The publication of divorce proceedings: section 12 of the *Divorce Act 70 of 1979*, 2002 (Project 114).

Fines

ILRC

- The indexation of fines: a review of developments, 2002 (R 65).

Fraud

Law Com

- Fraud, 2002 (Law Com 276).

Freedom of Information

Canada. AIRTF

- Access to information: making it work for Canadians, 2002.

Genetic Information

AHEC; ALRC

- Protection of human genetic information, 2002 (DP 66).

Genetic Modification

NZLC

- Liability for loss resulting from the develop-

ment, supply, or use of genetically modified organisms, 2002 (SP 14).

Homicide see Criminal Law

Indigenous People

see also **Native Title**

LRCWA

- WIH on inquiry into Aboriginal customary laws. Project overview and discussion paper due at end of 2002.

Judicial Review

ARC

- Scope of judicial review – WIH on this project continues, a DP canvassing policy and legal factors is in its final stages.

LRCWA

- Judicial review of administrative actions: options for reform, 2002 (Project 95; DP). A final report will be released in December 2002.

Land Law

Law Com

- Towards a Compulsory Purchase Code: (1) Compensation – a consultative report (CP 165).

Landlord and Tenant

Law Com

- Renting Homes – 2: Co-occupation, transfer and succession, 2002 (CP 168).

Law Reform

LRCWA

- 30th anniversary reform implementation report, 2002.

Legislation

California LRC

- Statutes made obsolete by trial court restructuring: Part 1, 2002.

Nova Scotia LRC

- Mental health provisions of the *Hospitals Act*, 2002.

Vic Parl SARC

- Review of the *Vagrancy Act 1966*, 2002.

Liability

NZLC

- Liability for loss resulting from the development, supply, or use of genetically modified organisms, 2002 (SP 14).

QLRC

- Vicarious liability, 2002 (R 56).

VLRC

- Criminal liability for workplace death and serious injury in the public sector: report, 2002.

Limitation of Actions

BCLI

- The ultimate limitation period: updating the *Limitation Act*, 2002 (R 19).

Medical Law

Manitoba LRC

- Discussion paper on withholding or withdrawing life sustaining treatment, 2002.

NSWLRC

- WIH on a new project to examine consent by minors to medical treatment.

Mental Health

Nova Scotia LRC

- Mental health provisions of the *Hospitals Act*, 2002.

Scot Law Com

- Discussion paper on damages for psychiatric injury, 2002 (DP 120).

Native Title

NZLC

- Treaty of Waitangi claims: addressing the post-settlement phase: advisory report for the Te Puni Kokiri, the Office of Treaty Settlements and the Chief Judge of the Maori Land Court, 2002 (SP 13).

Personal Injuries see Damages

Persons with Disabilities

ALRI

- Enduring powers of attorney. WIH on discussion paper.

NZLC

- Protections some disadvantaged people may need, 2002 (R 80).

VLRC

- People with intellectual disabilities at risk: a legal framework for compulsory care, 2002 (DP). A report with recommendations will be published by the end of 2002.

Privacy

NZLC

- Protecting personal information from disclosure: a discussion paper, 2002 (PP49).

VLRC

- Privacy – WIH on a reference that will be conducted in two stages: workers' privacy and surveillance in public areas. An IP is in production and a DP will be published by mid-2003.

Privilege

QLRC

- Privilege against self-incrimination – WIH on this new reference will commence in the near future.

Property

LRCHK

- Local completed residential properties: sales

descriptions and pre-contractual matters, 2002.

LCC

- Sharing homes: a discussion paper.

Scot Law Com

- WIH on a review of the *Land Registration (Scotland) Act 1979*.

Security

LCC

- In search of security: the roles of public police and private agencies, 2002 (DP).

SALC

- Report on the review of security legislation, 2002 (Project 105).

Securities

Law Com

- Registration of security interests: company charges and property other than land, 2002 (CP 164).

Sentencing

TLRI

- Sentencing, 2002 (IP 2).

Sexual Offences

SALC

- Adult prostitution, 2002 (Project 107; IP 19).
- Sexual offences: process and procedure, Volumes 1-4, 2001 (Project 107; DP 102).

VLRC

- WIH on a number of research projects the aim of which is to determine what legislative, administrative or procedural changes would be necessary to ensure that the criminal justice system in Victoria is more responsive to the needs of complainants in sexual offence cases. An interim report is due before the end of 2002.

Succession

NSWLRC

- Uniform succession laws: recognition of inter-

state and foreign grants of probate and letters of administration, 2002 (IP 21).

QLRC

- Uniform succession laws – report on administration of estates due in 2003.

Terrorism

SALC

- Report on the review of security legislation, 2002 (Project 105).

Torts

Nova Scotia LRC

- Joint tortfeasors and the common law “Release Bar Rule”, 2002 (Final Report).

Trusts

Scot Law Com

- WIH on a review of the law of express trusts. A DP concentrating on the powers, duties and liabilities of trustees is due early 2003.

Vagrancy

Vic Parl SARC

- Review of the *Vagrancy Act 1966*, 2002.

Wills see Succession

Abbreviations and Acronyms

AHEC	Australian Health Ethics Committee
ALRC	Australian Law Reform Commission
ALRI	Alberta Law Reform Institute
ARC	Administrative Review Council
BCLI	British Columbia Law Institute
Canada. AIRTF	Access to Information Review Task Force, Canada
CP	Consultation Paper
DP	Discussion Paper
FLC	Family Law Council
IP	Issues Paper
Law Com	Law Commission (England & Wales)
LCC	Law Commission of Canada
LRCHK	Law Reform Commission of Hong Kong
Manitoba LRC	Manitoba Law Reform Commission
NADRAC	National Alternative Dispute Resolution Advisory Council
Nova Scotia LRC	Nova Scotia Law Reform Commission
NSWLRC	New South Wales Law Reform Commission
NZLC	New Zealand Law Commission
P	Project
QLCARC	Queensland Legal, Constitutional and Administrative Review Committee
QLRC	Queensland Law Reform Commission
SALC	South African Law Commission
Scot Law Com	Scottish Law Commission
SP	Study Paper
TLRI	Tasmanian Law Reform Institute
VLRC	Victorian Law Reform Commission
Vic Parl SARC	Victorian Parliamentary Scrutiny of Acts and Regulations Committee
WIH	Work in hand

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