

sure'd'. He acknowledged that the Bill would make 'a dramatic change' in the insurance industry. He also expressed the hope that the legislation based on the earlier ALRC report dealing with insurance intermediaries (*Insurance Agents and Brokers*, ALRC 16) would be introduced into the current session of Federal Parliament – something that has now happened. An Opposition Senator, Robert Hill (Lib-SA) commended the Commissioner in charge of the ALRC project, Professor David Kelly, and the efforts made by the Commission to consult widely in the insurance industry and beyond. He said that the ALRC report was 'a document produced by the co-operative endeavours of many within the community who have a particular interest or expertise in this subject'. Whilst this did not in any way allow the Parliament to 'abdicate its responsibility' in favour of the Commission, 'it does mean at the very least that the Bill deserves respect and careful attention'. Senator Hill acknowledged many 'worthwhile reforms' but expressed disagreement with the Bill, specifically because of provisions dealing with fraud which include a power to excuse fraudulent misrepresentation in limited circumstances. The former Federal Attorney-General, Senator Peter Durack (Lib-WA) was not so complimentary. 'The Law Reform Commission did not come up with any statistics which establish the need for reform. Because a reference is given to a law reform commission it does not mean to say that it has to come up with reform. It could say that it is not necessary. The Commission did not say that. This is something we have learned about the Law Reform Commission. It seems that if we give it a reference it will recommend reform, whether it is for its own sake or for good reasons. The Law Reform Commission in this case has not come up with any statistics which justify the major reforms it proposes in this case'. Senator Gareth Evans in reply declared that he had had a 'very nostalgic half hour' listening to Senator Durack. He declared that it reminded him 'compellingly and acutely' of the 'desolate lethargy' which he claimed 'so characterised the performance of the previous government in the law reform area'. He pointed out that the reference to the ALRC was given

by former Liberal Attorney-General Ellicott and that the ALRC consultation with the insurance industry and other interested groups had been careful and intensive. *Commonwealth Parliamentary Debates (Senate)* 7 May 1984, 1657. A typical day in the life of the Australian Senate. The Insurance Contracts Bill has now passed both the Senate and the House of Representatives. It is by any standard a major reform.

new reports

Australia

- ALRC : *ACL RP 11/12* : Aboriginal Customary Law and Local Justice Mechanisms: Principles, Options and Proposals, 1984.
- : *ACL RP 15* : The Recognition of Traditional Hunting, Fishing and Gathering Rights, 1984
- : *ACTLR 1* : Contributory Negligence, Consultative Paper, 1984. See above p 108.
- NSW LRC : *Community Law Reform 4* : Sound Recording of Proceedings of Courts & Commissions: The Media Authors and Parties, 1984. See above p 108.
- : *Community Law Reform 5* : Passing of Risk Between Vendor and Purchaser of Land, 1984. See above p 108.
- NTLRC : *DP 1* : Defacto Relationships, 1983.
- : : Annual Report 1983/84.
- SALRC : 73 : Relating to the Reform of the Law of Perpetuities, 1984.
- : 78 : Dealing with Disparate Subjects in the Inherited Imperial Law, 1984.
- : 79 : Dealing with the Inherited Imperial Law, 1984.
- TasLRC : *WP* : Law Relating to Powers of Attorney in Tasmania (by WG Briscoe), 1983.
- : *WP* : Law Relating to Succession Rights on Intestacy (by WG Briscoe), 1983.
- WALRC : 34 : Report on Trusts and the Administration of Estates Part V – Trustees' Powers of Investment, 1984.
- : *DP Progr # 80* : The Problem of Old Convictions, 1984.
- : *IP Progr # 80* : The Problem of Old Convictions, 1984. See above p 100.

[1984] Reform 124

Canada

- CLRC : WP 31 : Damage to Property: Vandalism, 1984.
- : WP 32: : Questioning Suspects, 1984.
- : Study Paper : Police Guidelines: Pretrial Eyewitness Identification Procedures, 1984.
- : Study Paper : Origins of Writ of Assistance Search in England, and its Historical Background in Canada (by MH Smith), 1984.

- BCLRC : 65 : Report on Foreign Money Liabilities, 1983.
- : 66 : Report on Competing Rights to Mingled Property: Tracing and the Rule in *Clayton's Case*, 1983.
- : 67 : Report on Bulk Sales Legislation, 1983.
- : 68 : Report on Intentional Interference with Domestic Relations, 1983.
- : 69 : Report on Illegal Transactions, 1983.

Saskatchewan LRC : Yearly Review 1983, 1984.

Ireland

- Irish LRC : 6 : Report on Restitution of Conjugal Rights: Jactitation of Marriage and Related Matters, 1983.
- : 7 : Report on Domicile and Habitual Residence as Connecting Factors in the Conflict of Laws, 1983.
- : 8 : Report on Divorce A Mensa Et Thoro and Related Matters, 1983.

New Zealand

NZCLRC : Report on Intoxication as a Defence to a Criminal Charge, 1984. See above 107.

United Kingdom

- Law Com : 131 : Eighteenth Annual Report 1982-3.
- : 132 : Family Law : Declarations in Family Matters, 1984
- : WP 86 : Transfer of Land Liability for Chancel Repairs, 1983.
- Crim Law Revision Cttee : 15 : Sexual Offences, 1984.
- Scot LC : 80 : Mental Element in Crime, 1983.

- : 81 : Eighteenth Annual Report 1982-83, 1983.
- : 82 : Family Law: Report on Illegitimacy, 1984.
- : Memo 59 : Recovery of Possession of Heritable Property, 1984.
- : RP : Actions of Ejection and Removing (by AGM Duncan) 1984.

United States of America

- Cal LRC : : Recommendations relating to Probate Law, 1983.
- : : Recommendations relating to Family Law, 1983.

new references

ALRC : Expungement of Criminal Records: Revival of Aspects of Privacy and Sentencing References. See above p 99.

: Domestic Violence. This reference has been given to the Commission as part of the Community Law Reform Program for the ACT.

NSWLRC : Accident Compensation: Employee's Liability. This reference was received in April and arises from recent judicial interpretation of the Employees Liability (Indemnification of Employer) Act, 1982 (NSW) which was passed in order to repeal the rule in *Lister v Romford Ice Cold Storage Co Ltd*.

what's going on in the LRCs?

Australian Law Reform Commission (ALRC)

- *Evidence*. Work in hand (WIH). Final meeting with consultants held in May 1984. Interim report being drafted. Expected later in 1984 under Mr TH Smith (part-time Commissioner).
- *Aboriginal customary laws*. WIH. Final research papers and consultation being directed by Professor James Crawford. Final report expected late 1984.
- *Debt recovery*. Project revived following re-appointment of Professor Kelly. Draft chapters of report being prepared. Meeting on key issue with consultants May 1984. Report expected at end of 1984. See above p 90.
- *Standing*. WIH. Draft report awaiting completion. Expected late 1984.
- *Class actions*. WIH. Project being revived under Professor Michael Chesterman. Expected to become active late 1984 for report 1985.
- *Sentencing*. Work until recently in suspension.