

RECENT PUBLICATIONS BY LAW REFORM BODIES WORLDWIDE

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This section of the Journal provides summaries of recent publications by law reform bodies worldwide with the aim of assisting Irish Judges in their work. The issues that arise in the Irish courts are not generally unique to Ireland and it is always useful to see how cognate jurisdictions view problems. The analysis provided and the solutions suggested hold their own intrinsic interest and may often shed light on similar matters that come before our courts. Web site links are provided to the relevant publications to enable ease of access as are the contact details of the law reform bodies in question. The Irish entries were submitted by Mr. Ray Byrne, Director of Research at the Law Reform Commission of Ireland, to whom we are most grateful.

I. CRIMINAL LAW

A. Ireland

- ***Consultation Paper: The Court Poor Box***

The Law Reform Commission of Ireland. (LRC CP 31-2004).

This Paper deals with the procedure which has been adopted over many years by the courts, particularly the District Court, where the judge may take the view that, although the prosecution has proved its case, it is not appropriate to enter a conviction, but that a contribution is made to the court poor box, the content of which is then given to relevant charities. As well as involving this element of restorative justice, this disposition recognises that, in certain circumstances, it is appropriate to refrain from registering a criminal conviction for some minor offences, especially against a young person or first-time offender. On the other hand, concerns have been expressed as to the need to ensure equal treatment for offenders from

different economic backgrounds and also as to the lack of transparency regarding the use of funds. The Commission has provisionally recommended that the essential elements of the existing arrangement be put on a statutory basis, while omitting its adverse features. The Commission also recommended that the procedure be renamed the 'Court Charity Fund.' The proposed new statutory model would include the criteria to be used in its application, using an expanded version of the factors in the *Probation of Offenders Act, 1907*, and also incorporating a revised version of the compensation order regime in the *Criminal Justice Act, 1993*.

Website Address:

<http://www.lawreform.ie/Court%20Poor%20Box%20Consultation%20Paper.pdf>

B. England and Wales

• ***Final Report: Partial Defences to Murder.***

The Law Commission for England and Wales. (August 2004).

The objective of this Final Report is to consider the partial defences to murder, namely, provocation, diminished responsibility and excessive self-defence. The Law Commission did not make any recommendations to amend the law of diminished responsibility, however, the Law Commission did recommend that the partial defence of provocation be amended in three ways: that it should be extended so as to potentially be available to certain defendants who kill in response to fear of serious violence to themselves or another; that the defence of provocation be more tightly drawn so as to prevent it being advanced in certain cases where presently it is available; and that an explicit power be given to the court to withdraw the issue of provocation from the jury. The Law Commission does not recommend any separate partial defence to murder based on the excessive use of force in self-defence.

Website Address:

<http://www.lawcom.gov.uk/files/lc290.pdf>

*C. Tasmania***• Research Paper (No. 1): Offending While on Bail**

Tasmania Law Reform Institute. (May 2004).

The purpose of granting bail to those accused of the alleged commission of criminal offences is that they may remain at liberty in the community until such time as they are convicted of the criminal offences charged. The primary criteria in deciding whether or not to grant bail is whether the accused will appear in court when required to do so in addition to the likelihood of the accused committing further offences while out on bail. This Research Paper examines the nature and extent of offending while on bail and it finds *inter alia* that on 25.7% of the charge occasions the person charged was already on bail. The Tasmania Law Institute recommends that the benefits of granting bail and the presumption in favour of bail outweigh the possible advantages in curtailing bail laws. These benefits include: allowing accused persons to remain in employment, maintain family and social ties in addition to avoiding the expense to the State of detaining accused persons in custody .

Website Address:

<http://www.law.utas.edu.au/reform/Publications/Bail/BailResearchPaperA4.pdf>

*D. Victoria***• Options Paper: Defences to Homicide**

Victorian Law Reform Commission. (September 2003).

The objective of this Options Paper is to outline a series of options for reforming the law with regard to defences to homicide. In particular the Paper considers: amending the defence of self-defence to take into consideration women who kill as a direct result of domestic violence; amending the defence of provocation so as to restrict the application of the defence for men where it has been raised in the context of their wives or partners leaving them; abolishing the particle excuse for the defence of provocation and introducing the defence of diminished responsibility; updating the defence of infanticide in response to contemporary understanding

about child killing; and expanding the ambit of the defence of mental impairment to account for a broader range of mental illnesses.

Website Address:

[http://www.lawreform.vic.gov.au/CA256902000FE154/Lookup/Homicide/\\$file/Options_Paper.pdf](http://www.lawreform.vic.gov.au/CA256902000FE154/Lookup/Homicide/$file/Options_Paper.pdf)

II. ADMINISTRATIVE LAW

A. Ireland

• ***Report: Judicial Review Procedure***

The Law Reform Commission of Ireland. (LRC CP 71-2004).

This Report follows a 2003 Consultation Paper on this topic. Judicial review is a procedure for ensuring procedural fairness in individual cases and also, more widely, of calling ministers, local authorities and other public bodies to account. The Report examines the long-established conventional judicial review procedure as well as numerous special statutory regimes in such fields as planning and refugees. In conventional judicial review, the Report recommends retention of the leave stage and the ‘arguable case’ test. In the context of statutory schemes for judicial review, the Report recommends the retention of the leave stage and of the higher standard of ‘substantial grounds,’ which it considers is justifiable. A number of recommendations concern time limits in judicial review procedure, greater use of case management and the awarding of costs. The Report does not recommend the introduction of an ‘Administrative Court’ or of a ‘single order’ in judicial review cases.

Website Address:

<http://www.lawreform.ie/Judicial%20Review%20Procedure%20Report%201.pdf>

B. England and Wales

• ***In the Public Interest: Publication of Local Authority Inquiry Reports.***

The Law Commission for England and Wales. (Law Com No. 289/Cm. 6274) (July 2004).

Local authorities have statutory responsibilities to provide for

various essential and other extensive social services for the benefit of the community. However, local authorities may not be able to make provisions for these social services in every instance and it is the duty of the local authority to make inquiries with the objective of addressing these deficiencies. There are certain instances which may result in the local authority being unable to publish the findings of the inquiry because of legal consequences, in particular: the law of defamation as it applies and the privileges that local authorities may claim; the possible loss of public interest immunity against disclosure and the making of admissions of liability; and the way in which existing practices for insuring local authorities against liabilities in relation to defamation or other torts may contribute to these problems. The principal conclusions in this Report *inter alia* are: many of the problems relating to inquiries would not occur if inquiries were properly run and established; the law of defamation, in particular the defence of qualified privilege should be amended so that an inquiry that has been conducted fairly and where neither the inquiry nor the local authority has been motivated by malice, the publication of the report should be privileged.

Website Address:

<http://www.lawcom.gov.uk/files/lc289.pdf>

C. New Zealand

- ***Report: Delivering Justice For All: A Vision for New Zealand Courts and Tribunals***

New Zealand Law Commission. (NZLC R85) (March 2004).

The New Zealand Law Commission is recommending significant changes to the court system, which it says has become an impenetrable maze to many New Zealanders. The Commission makes 160 recommendations aimed at improving the way the court system works. This Report is the final part of a three-stage review, which has focused on the daily reality for those using and working in the court system.

Website Address:

<http://www.lawcom.govt.nz/>

III. COMMERCIAL LAW

A. England and Wales

• ***Consultative Report: Company Security Interests.***

The Law Commission for England and Wales. (CP No. 176) (August 2004).

This Consultative Report details the Law Commission's provisional recommendations for a scheme of electronic notice-filing for mortgages and charges over the property of companies and associated rules on priority. Notice-filing would replace the current procedure of paper registration (which is unnecessarily cumbersome and expensive for what it achieves) of charges created by companies under Part XII of the *Companies Act, 1985*. English law currently treats mortgages and charges differently from other transactions that have a security purpose (quasi-securities). If the Law Commission's recommendations are enacted into legislation, notice-filing would apply also to these quasi-securities; additionally, there would be a legislative statement of the rights and remedies of the parties to all transactions involving personal property that have a security purpose. The Law Commission also recommends that the procedure for notice-filing would include security interests over personal property created by unincorporated businesses. The Law Commission welcomes comments on this Consultative Report before 23 November 2004.

Website Address:

http://www.lawcom.gov.uk/files/cp176_web_version.pdf

B. Tasmania

• ***Issues Paper (No. 6): Vendor Disclosure.***

Tasmania Law Reform Institute. (Issues Paper No. 6) (July 2004).

This Issue's Paper proposes the introduction of legislation in Tasmania that would require vendors of residential real estate to disclose certain information to potential purchasers prior to sale, thus allowing purchasers to make better informed decisions, and to

negotiate a fair purchase price.

Website Address:

<http://www.law.utas.edu.au/reform/Publications/Vendor%20Disclosure/VendDiscJune15A4.pdf>

C. Hong Kong

- ***Consultation Paper: Privity of Contract.***

The Law Reform Commission of Hong Kong. (May 2004).

The privity doctrine has two aspects. As a general rule, a person cannot acquire and enforce rights under a contract to which he is not a party; and a person who is not party to a contract cannot be made liable under it. While the second aspect is generally regarded as just and sensible, the first aspect has been subject to widespread criticism by the courts, academics and law reform bodies in a number of common law jurisdictions. The main concern of this Consultation Paper is therefore with this first aspect of the doctrine. The Law Reform Commission Sub-Committee believes that the doctrine frustrates contracting parties' intention to benefit third parties, and the doctrine is unduly complex, uncertain and artificial. The Sub-Committee recommends that the doctrine should be reformed (but not completely abolished), by means of a detailed legislative scheme that would provide a comprehensive, systematic and coherent solution. It also recommends that all the major issues arising from their proposed statutory exception should be dealt with in the new legislation. The underlying principle for reform is to respect contracting parties' freedom of contract and, where appropriate, to give effect to their intention to benefit a third party. If the parties prefer, they will be able to make it clear in their contract that the proposed legislation is not to apply to their contract. The Law Reform Commission welcomes comments on this Consultation Paper before 31 August 2004.

Website Address:

<http://www.hkreform.gov.hk/reports/privity-e.pdf>

IV. LAND LAW

*A. Ireland***• Consultation Paper: Judgment Mortgages**

The Law Reform Commission of Ireland. (LRC CP 30-2004).

The judgment mortgage is one of a number of different procedures available to a judgment creditor seeking to enforce a judgment against a judgment debtor who fails or refuses to pay. The Paper sets out briefly the current law, which is based upon the *Judgment Mortgage (Ireland) Act, 1850* and the *Judgment Mortgage (Ireland) Act, 1858*, with particular reference to the deficiencies in current law and procedures. The Consultation Paper makes provisional recommendations for reform, including that a judgment mortgage should be subject to the same registration requirements as applied to the other forms of security set out in section 99 of the *Companies Act, 1963*, so that failure by the judgment creditor to register particulars of the charge within 21 days of its creation should render the judgment mortgage void as against a liquidator and other creditors of the company. The Commission also recommends that an innocent error as regards identification of the judgment debtor should be capable of rectification and should not affect the validity of the judgment mortgage. As part of the overall review of pre-1922 property legislation, the Commission will make further recommendations in relation to this topic at a later date.

Website Address:

<http://www.lawreform.ie/Consultation%20Paper%20on%20Judgment%20Mortgages.pdf>

*B. England and Wales***• Consultation Paper: Termination of Tenancies for Default.**

The Law Commission for England and Wales. (CP No. 174) (December 2003).

This Consultation Paper seeks the views of respondents on reforming the means whereby a landlord can terminate tenancies during the term where the tenant has breached obligations in the

tenancy agreement. This is an area of the law that has been criticised for many years as it is complex, it lacks coherence and may result in injustices. It is intended that the Law Commission's proposals will provide a statutory scheme for reforming the current law of forfeiture of tenancies. The Law Commission welcomes comments on this Consultation Paper before 30 April 2004.

Website Address:

<http://www.lawcom.gov.uk/files/cp174.pdf>

V. TRUSTS

A. *England and Wales*

- ***Consultation Paper: Capital and Income in Trusts: Classification and Apportionment.***

The Law Commission for England and Wales. (CP No. 175) (July 2004).

The terms of reference to the Law Commission were: 'To examine: (1) the circumstances in which trustees may or must take apportionments between the income and capital of the trust fund; (2) the rights and duties of charity trustees in relation to investment returns on a charity's permanent endowment; (3) the circumstances in which trustees must convert and re-invest trust property; and (4) the rules which determine whether money or other property received by trustees is to be treated as income or capital.' The principle issues for consideration are: (1) the rules governing the classification of trust receipts as income or capital; (2) the rules, both equitable and statutory, requiring conversion of the original trust property or apportionment between the capital and income accounts; (3) the impact of these rules on charities, with particular reference to permanent endowments. The Law Commission welcomes comments on this Consultation Paper before 31 October 2004.

Website Address:

<http://www.lawcom.gov.uk/files/cp175.pdf>

VI. FAMILY LAW

*A. Ireland***• Consultation Paper: *The Rights and Duties of Cohabitees***

The Law Reform Commission of Ireland. (LRC CP 32-2004).

According to the 2002 Census, there are over 70,000 cohabiting couples in Ireland. This Consultation Paper makes numerous provisional recommendations for reform for 'qualified cohabitees,' defined as persons who live together in a 'marriage-like' relationship for a continuous period of three years or, where there is a child of the relationship, for two years. This includes relationships between same-sex or opposite-sex couples, neither of whom are married to each other or to any other person. The Paper does not deal with whether such relationships should be the subject of civil partnership-type registration. The Commission proposes that 'qualified cohabitees' should be given the right to apply to Court for certain rights and financial reliefs following the termination of the cohabiting relationship. Among the specific provisional recommendations are: the right to apply for a property adjustment order in exceptional circumstances; the right to apply for relief under succession law where provision has not been made in the Will of the deceased or under the intestacy rules; the right to apply for a maintenance order in exceptional circumstances; the extension of the definition of cohabitation in social welfare legislation to include those in same-sex relationships; that a relationship of 'qualified cohabitees' should be recognised by the taxation code; that 'qualified cohabitees' should be notice parties for the purposes of an Enduring Power of Attorney; that 'qualified cohabitees' be given greater recognition in the context of health care situations and decision-making; and that 'qualified cohabitees' be included within the definition of dependants for the purposes of the legislation dealing with civil actions for wrongful death. In addition, the Paper proposes a number of changes to the *Domestic Violence Act, 1996* concerning applications to court for barring and safety orders.

Website Address:

<http://www.lawreform.ie/Cohabitees%20CP%20%20April%202004.pdf>

B. New Zealand

- ***Discussion Paper: New Issues in Legal Parenthood***

New Zealand Law Commission. (NZLC PP54) (April 2004).

This Discussion Paper reviews the laws relating to parental status and parental rights and responsibilities in light of social change and new developments in assisted human reproduction. It considers, in particular, the laws that govern parenthood in cases of donor gamete conception and surrogacy, and presents a number of options for reallocating parenthood in these situations. The paper also raises issues about proving parenthood; the presumption of paternity; agreements between parents and issues to do with children and identity. Following on from the latter are issues about what information should be recorded on birth certificates and how to get more fathers recorded on birth certificates. The Law Commission welcomes comments on this Discussion Paper before 31 May 2004.

Website Address:

<http://www.lawcom.govt.nz/>

C. Victoria

- ***Consultation Paper: Assisted Reproduction & Adoption: Should the Current Eligibility Criteria in Victoria be Changed?***

Victorian Law Reform Commission. (December 2003).

The objective of this Consultation Paper is to provide the basis for discussion and community consultation with regard to two principal issues. It considers the laws which govern access to infertility treatment in which donated sperm and/or eggs are used, and the laws which determine eligibility to adopt children. It also considers legislation which deals with the parentage of children conceived through assisted reproduction. The Law Reform Commission welcomes comments on this Consultation Paper before 30 June 2004.

Website Address:

[http://www.lawreform.vic.gov.au/CA256902000FE154/Lookup/Assisted Reproductive Technology and Adoption/\\$file/Consultation Paper.pdf](http://www.lawreform.vic.gov.au/CA256902000FE154/Lookup/Assisted%20Reproductive%20Technology%20and%20Adoption/$file/Consultation_Paper.pdf)

D. Hong Kong

• *Consultation Paper: Rules for Determining Domicile*

The Law Reform Commission of Hong Kong. (February 2004).

The rules for determining a person's domicile have repeatedly been criticised as unnecessarily complicated and technical, and as sometimes leading to absurd results. In July 2002, the Law Reform Commission of Hong Kong established a Sub-Committee to study this subject. This Consultation Paper contains the Sub-Committee's proposals. The Consultation Paper recommends *inter alia* that: there should be no differentiation between legitimate and illegitimate children in determining their domicile; any person who is not mentally incapacitated may acquire a domicile of his choice once he attains the age of 18; the act necessary for a person of full age and capacity to acquire a domicile should be presence in the country concerned; the abolition of the domicile dependency of married women. The Domicile Sub-Committee anticipates that the recommendations put forward in the Consultation Paper will improve this complex and confusing area of common law by simplifying the concept of domicile and making it easier to ascertain a person's domicile. The Sub-Committee sought comments on its proposals and the consultation period concluded on 31 May 2004.

Website Address:

<http://www.hkreform.gov.hk/reports/domicile-e.pdf>

VII. EVIDENCE / PRACTICE AND PROCEDURE

A. Ireland

• *Consultation Paper: The Establishment of a DNA Database*

The Law Reform Commission of Ireland. (LRC CP 29-2004).

This Consultation Paper follows a request in 2003 by the Attorney General to consider the issue. In making its recommendations, the Commission took account of the broad and complex constitutional and human rights issues that may arise; and secondly, the more specific question of what classes of DNA profiles

would make up any database. In making its recommendations, the Commission draws a clear distinction between DNA samples and DNA profiles, concluding that profiles only would be retained on the database. The Commission provisionally recommended the establishment of a limited DNA Database, in which profiles of those reasonably suspected of (or convicted of) arrestable offences (those carrying, on conviction, a term of imprisonment of at least 5 years) and other serious crimes would be retained on the database. The Paper addresses the issue of who should regulate and maintain the DNA Database, recommending that an independent State Forensic Agency be established for this purpose. The Paper also deals with issues concerning the presentation of DNA evidence in court and its evidential status.

Website Address:

[http://www.lawreform.ie/Consultation%20Paper%202\(1\).pdf](http://www.lawreform.ie/Consultation%20Paper%202(1).pdf)

• *Consultation Paper: Prosecution Appeals from Unduly Lenient Sentences in the District Court*

The Law Reform Commission of Ireland. (LRC CP 33-2004).

This Paper follows a request in 2003 from the Attorney General to consider the conferring of a power on the Director of Public Prosecutions, to appeal lenient sentences from the District Court. The Consultation Paper provisionally recommends the conferral of such an appeal power on the Director of Public Prosecutions, which would involve a re-hearing in the Circuit Court. The Paper recommends that the test to be applied in such appeals would be whether the sentence imposed in the District Court involved a significant departure from the appropriate sentence amounting to an error of principle. This is the test currently applied in cases where the prosecution appeals from unduly lenient sentences in prosecutions on indictment. The Paper also makes provisional recommendations on the use of non-statutory sentencing guidelines, which would be prepared under the auspices of the proposed Judicial Council.

Website Address:

<http://www.lawreform.ie/CONSULTATION%20PAPER%20ON%20PROSECUTION%20APPEALS%20FROM%20DISTRIC%20C%20OU.pdf>

B. New South Wales

• ***Discussion Paper: Blind or Deaf Jurors.***

New South Wales Law Reform Commission. (No. 46) (March 2004).

The objective of this Discussion Paper is to address the issue of whether people who are blind or deaf should be eligible to serve as jurors. At present the practice in New South Wales is to exclude such persons, on the basis that their disability prevents them from performing the duties of a juror, such as hearing, understanding and assessing the evidence, and communicating with other jurors to reach a verdict. The terms of reference for this Discussion Paper were to: ‘To inquire into and to report on whether persons who are profoundly deaf or have a significant hearing or sight impairment should be able to serve as jurors in New South Wales and, if so, in what circumstances. In undertaking this review, the Commission should have regard to the *Anti-Discrimination Act, 1977*, the *Disability Discrimination Act, 1992*, and the need to maintain confidence in the administration of justice in New South Wales.’ The Discussion Paper explores the arguments for and against altering the present position in New South Wales. The Commission invites submissions from interested individuals and associations. The closing date for submissions to this Discussion Paper is 30 April 2004.

Website Address:

<http://www.lawlink.nsw.gov.au/lrc.nsf/pages/dp46toc>

C. British Columbia

• ***Report: Post-Accident Remedial Measures.***

British Columbia Law Institute. (BCLI Report No. 28) (January 2004).

After an accident occurs on or with a person’s property, that person will usually take steps to ensure that a similar accident will not occur in the future. It is sound public policy to encourage people to take these post-accident remedial measures. They reduce the possibility that others will be exposed to the risk of future accidents.

The British Columbia Law Institute has concluded that the law no longer provides people with an adequate incentive to take post-accident remedial measures. Indeed, to the extent that the law now permits post-accident remedial measures to be admitted in litigation as evidence of negligence, it may be discouraging people from taking the necessary steps to ensure that future accidents do not occur. The British Columbia Law Institute recommends that the *Evidence Act* be amended to address this concern. The amendment recommended in this report would provide that evidence of remedial measures taken after the occurrence of an injury or damage, which is alleged to give rise to liability in an action for breach of duty, will not be admissible in a trial of that action, unless it is offered to prove a fact other than liability and that other fact has actually been disputed by the defendant.

Website Address:

http://www.bcli.org/pages/projects/accidents/Rem_Meas_Rep.pdf

D. New Zealand

- ***Preliminary Paper: Reforming Criminal Pre-Trial Processes.***

New Zealand Law Commission. (NZLC PP55) (August 2004).

This Preliminary Paper on Reforming Criminal Pre-trial Processes draws on the experience of status hearings and callovers, and of overseas pre-trial systems, in order to make a number of preliminary proposals for changes to criminal pre-trial processes. Comments on the proposals, which will inform the Commission's final report to government in early 2005, are sought by 8 October 2004.

Website Address:

<http://www.lawcom.govt.nz/>

VIII. MEDICAL LAW

A. New South Wales

- ***Issues Paper: Minors' Consent to Medical Treatment.***

New South Wales Law Reform Commission. (No. 24) (June 2004).

The Terms of Reference for this Issues Paper were to: ‘To inquire into and to report on the laws relating to the consent of minors in New South Wales to medical treatment, with particular reference to: (a) whether the rights and interests of minors and of parents and guardians are appropriately recognised; (b) whether medical practitioners are adequately protected; (c) whether codification and/or amendment of the law is necessary; and (d) any related issues.’ The Commission invited submissions on the issues relevant to this review, including but not limited to the matters raised in this Issues Paper. The closing date for submissions to this Issues Paper is 31 August 2004.

Website Address:

<http://www.lawlink.nsw.gov.au/lrc.nsf/pages/ip24toc>

B. Hong Kong

• ***Consultation Paper: Substitute Decision-Making and Advance Directives in Relation to Medical Treatment.***

The Law Reform Commission of Hong Kong. (July 2004).

This Consultation Paper contains proposals to reform the law relating to decision-making by a third party in relation to the medical treatment or the management of the property and affairs of persons who are comatose or in a vegetative state, and the giving of advance directives by an individual as to the health care or medical treatment he wishes to receive at a later stage when the individual is no longer capable of making such decisions. It is unclear under the relevant statutory provisions as to who has authority to authorise medical treatment of persons who are comatose or in a vegetative state, or to manage their property and affairs in the absence of an enduring power of attorney, as such persons do not fall within the definition of “mentally incapacitated person” in the Mental Health Ordinance. To answer this difficulty, the Sub-Committee proposes that the definition of “mentally incapacitated person” be amended to make it clear that the statutory provisions which deal with the giving of consent for medical treatment, guardianship and the management

of a mentally incapacitated person's property and affairs should apply to persons who are comatose or in a vegetative state. In relation to advance directives given by persons when mentally competent as to the form of health care or medical treatment which they would like to receive at a future time when they are no longer competent, there is at present no legal framework to give force to such advance decision-making. The Sub-Committee therefore proposes that a model form of advance directive should be adopted by those wishing to make decisions as to their future health care. The Sub-Committee envisages that the proposed form of advance directive would provide a means to help ensure that the individual's wishes are made clear. The Sub-Committee sought comments on its proposals and the consultation period concluded on 30 September 2004.

Website Address:

<http://www.hkreform.gov.hk/reports/decision-e.pdf>

IX. PRIVACY / CONFIDENTIALITY

A. New Zealand

- ***Commission Study Paper: Intimate Covert Filming.***

New Zealand Law Commission. (NZLC SP15) (June 2004).

In this Study Paper, the Law Commission was requested to consider how the law should respond to situations involving the taking of a visual record of another person without their approval in situations involving nudity, partial nudity, or physical or bodily intimacy where people have a reasonable expectation of privacy, and the subsequent use of any such record.

The Study Paper considers the impact and harms such behaviours cause to the individuals filmed and to society as a whole, and reviews the possible motivations for such conduct. It considers what coverage already exists in New Zealand statutory and common law to deal with such behaviour, and discusses approaches taken in overseas jurisdictions. The paper does not address the wider issue of covert filming in general. Its review is specifically limited to

“intimate” covert filming. The Study Paper recommends a dual response: new criminal offences and amendments to the *Privacy Act, 1993* to facilitate use of that Act’s complaints procedures to pursue civil remedies.

Website Address:

<http://www.lawcom.govt.nz/>

X. MAJOR LAW REFORM BODIES WORLDWIDE

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C. Northern Ireland

• *The Office of Law Reform: Modern Law Reform for Northern Ireland.*

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Internet: <http://www.lawcom.govt.nz>

• *New Zealand Ministry of Justice.*

Address: PO Box 180
Wellington
Tel: +64-4-918 8800
Fax: +64-4-918 8820
E-mail: reception@justice.govt.nz
Internet: <http://www.justice.govt.nz>

F. Canada

• *Law Commission of Canada.*

Address: Law Commission of Canada
222 Queen Street, Suite 1124
Ottawa, Ontario
K1A 0H8
Tel: (613) 946-8980
Fax: (613) 946-8988
E-mail: info@lcc.gc.ca
Internet: <http://www.lcc.gc.ca/en/index.asp>

• *The British Columbia Law Institute.*

Address: British Columbia Law Institute
1822 East Mall
University of British Columbia
Vancouver, B.C.
V6T 1Z1
Tel: (604) 822-0142
Fax: (604) 822-0144
E-mail: bcli@bcli.org
Internet: <http://www.bcli.org>

• *Alberta Law Reform Institute.*

Address: 402 Law Centre
University of Alberta
Edmonton
Alberta T6G 2H5
Tel: 780-492-5291

Fax: 780-492-1790
Internet: <http://www.law.ualberta.ca/alri/>

• *Law Reform Commission of Nova Scotia.*

Address: Law Reform Commission of Nova Scotia
1484 Carlton Street, 2nd floor
Halifax, Nova Scotia
Canada, B3H 3B7
Tel: (902) 423-2633
Fax: (902) 423-0222
E-mail: info@lawreform.ns.ca
Internet: <http://www.lawreform.ns.ca>

• *Manitoba Law Reform Commission.*

Address: 1210-405 Broadway
Winnipeg
Manitoba
Canada R3C 3L6
Tel: (204) 945-2896
Fax: (204) 948-2184
E-mail: lawreform@gov.mb.ca
Internet: <http://www.gov.mb.ca/justice/mlrc/>

• *The Law Reform Commission of Saskatchewan.*

Address: 410 26th St. W.
Saskatoon
Saskatchewan
Canada
S7L 0H9
Tel: (306) 665-6428
Fax: (306) 525-8884
Email: mjfinley@shaw.ca
Internet: <http://www.lawreformcommission.sk.ca/>

G. United States

• *Uniform Law Commissioners: The National Conference of Commissioners on Uniform State Laws (NCCUSL).*

Address: National Conference of Commissioners on Uniform
State Laws
211 E. Ontario Street, Suite 1300
Chicago
Illinois 60611
Tel: (312) 915-0195
Fax: (312) 915-0187
E-mail: nccusl@nccusl.org
Internet: <http://www.nccusl.org/nccusl/DesktopDefault.aspx>

• *New Jersey Law Revision Commission*

Address: 153 Halsey Street, 7th Floor
Newark,
NJ 07102
Tel: 973-648-4575
Fax: 973-648-3123
E-mail: njlrc@eclipse.net
Internet: <http://www.lawrev.state.nj.us/>

• *New York State Law Revision Commission*

Address: Albany Law School
Albany
New York 12208
Tel: 518-472-5858
E-mail: nylrc@mail.als.edu
Internet: <http://www.lawrevision.state.ny.us/>

H. South Africa

• *South African Law Commission.*

Address: South African Law Commission
12th Floor
Sanlam Centre

Corner Andries and Schoeman Streets
Pretoria
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Pretoria, 0001, South Africa
Tel: +27-12-322-6440
Fax: +27-12-320-0936
E-mail: lawcom@salawcom.org.za
Internet: <http://wwwserver.law.wits.ac.za/salc>

I. Tanzania

• *Law Reform Commission of Tanzania.*

Address: P O Box 3580
Dar es Salaam
Tanzania
Tel: (022) 2123533/2111387 (International calls: Dial
international access code, followed by 255
222123533/2111387)
Email: lrct@lrct-tz.org
Internet: <http://www.lrct-tz.org/>

J. Hong Kong

• *The Law Reform Commission of Hong Kong.*

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Fax: 2865 2902
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Internet: <http://www.info.gov.hk/hkreform>

K. India

• *Law Commission of India.*

Address: Dr. K.N. Chaturvedi
Member-Secretary
Law Commission of India
7th Floor, A-Wing, Shastri Bhawan
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