LAW REFORM COMMISSIONS IN THE UNITED KINGDOM, AUSTRALIA AND CANADA

by William H. Hurlburt, Q.C. **TABLE OF CONTENTS**

Chapter 1. INTRODUCTION 1
1. Purpose and scope of this book
2. What is law reform? 3
3. Technical law and social policy law
Chapter 2. LAW REFORM COMMISSIONS IN THE UNITED KINGDOM 15
1. Early Attempts to Establish Law Reform Machinery
2. Nineteenth century law reform
(1) Beginning of the era of law reform
(2) Proposals for a Ministry of Justice
(3) Proposals for codes and digests
(4) Effect of nineteenth century law reform 35
3. The law reform committees
4. The Law Commissions
(1) The establishment, organization and function of the English and
Scottish Law Commissions
(2) The English Law Commission
(a) The Establishment and work of the English Law Commission 57 (b) Codification
(b) Codification
(d) Conclusion
(3) The Scottish Law Commission
(a) Work of the Scottish Law Commission
(b) Preservation of Scots law
(c) Codification
(d) Consolidation and statute law review
(e) Conclusion
Chapter 3 LAW REFORM COMMISSIONS IN AUSTRALIA
1. Early Proposals for law reform machinery
2. The law reform committees 102
3. The law reform commissions
(1) Law reform commissions established by the Commonwealth 106
(a) The Australian Law Reform Commission
(b) The Australian Capital Territory Law Reform Commission . 120
(2) Commissions established by the States
(a) The Law Reform Commission of New South Wales 123
(b) The Law Reform Commission of Western Australia 137
(c) The South Australian Law Reform Committee
(e) The Victorian Law Reform Commissioner and the Victorian Law
Reform Commission
(f) The Law Reform Commission of Tasmania
Chapter 4. LAW REFORM COMMISSIONS IN CANADA 169

Early Proposals for law reform machinery	
2. The Uniform Law Conference of Canada	
3. The law reform committees	
4. The Law Reform Commission of Canada	
5. The Ontario Law Reform Commission	. 204
6. The Institute of Law Research and Reform (Alberta)	. 215
7. The Law Reform Commission of British Columbia	
8. The Manitoba Law Reform Commission	
9. The Saskatchewan Law Reform Commission	. 240
10. The Nova Scotia Law Reform Advisory Commission	. 249
11. The Prince Edward Island Law Reform Commission	. 252
Chapter 5. EXPECTATIONS AND VALUES	. 255
1. What the founders of the law reform commissions expected	. 255
2. Values applied by the law reform commissions	. 264
(1) Prescribed values	
(2) Adopted values	
Chapter 6. A GENERAL DESCRIPTION OF THE LAW REFORM COMMISSION	S 297
1. Structure of the law reform commissions	
2. Full-time and part-time membership	. 300
3. Composition of the law reform commissions	
4. Non-lawyer members	
5. Legal Staff	
6. Work Methods	
(1) General	
(2) Research	
(3) Consultation	
(4) Decision making	
(5) Reports	
(6) Administration	
Chapter 7. IMPLEMENTATION OF LAW REFORM COMMISSION PROPOSALS	360
Relationship of the law reform commissions to their governments	
2. The processing of law reform commission reports	
3. Obstacles to the implementation of law reform proposals	
4. Improving the implementation of law reform	
5. Improving legislative procedures	
Chapter 8. EFFECT OF THE WORK OF THE LAW REFORM COMMISSIONS .	401
1. Effect on substantive law	
2. Effect on institutions and procedures	
3. Co-operation and co-ordination of the work of the law reform commission	
4. Harmonization and uniformity of laws	
Chapter 9 WHV I AW DEEDDM COMMISSIONS2	127
Chapter 9. WHY LAW REFORM COMMISSIONS?	
1. Why law reform?	
2. The agencies of law reform	
(a) The agencies of law reform	
(b) Parliament and the executive	
(c) Other agencies	. 449

3. The need for separate law reform machinery	454
5. The functions which separate law reform machinery should perform6. The legitimacy of law reform commissions	
Chapter 10. THE FUTURE OF LAW REFORM	