

tion, to keep abreast of the swelling flood of laws and regulations. It is therefore more important than ever to know where to look for information and for governments to make it easily and readily available. ... In recent years, the Federal Government, in particular, has had a poor record. ... In this age of do-it-yourself conveyancing, do-it-yourself divorce actions and other examples of legal self-help, it is essential for citizens to be able to discover ... what laws and regulations say". (25 October)

The Federal Attorney-General, Senator Durack, is reported to have agreed with the Chief Justice's comments. He referred to the efforts to update the Federal Statutes, including by computerised techniques and to a new system by which the Minister for Administrative Services must explain to Parliament why any new regulations are not publicly available when they come into force. Judicial calls for reform promptly heeded.

Five Years of Federal Law Reform

"Laws are generally not understood by three sorts of persons viz. by those that make them, by those that execute them and by those that suffer if they break them".

Lord Halifax

The fifth Annual Report of the Australian Law Reform Commission was tabled in Parliament by the Federal Attorney-General, Senator Peter Durack Q.C., on 22 November 1979. Features of the report (*Annual Report, 1979*, ALRC 13) are:

- Review of new ALRC tasks on Child Welfare and Sentencing
- Review of the report on Defamation (*Unfair Publication*, ALRC 11).
- Comments on workloads and deadlines.
- Discussion of the implementation of law reform, in the light of the report of the Senate Standing Committee on Constitutional and Legal Affairs.
- Description of the adoption of ALRC reports in the Australian States.

It is this last subject which is the most heartening news in the report. Examples given include:

- *Complaints Against Police*: Substantially implemented in N.S.W.; aspects implemented in Qld., Vic. and S.A. It has already been announced that this report will be implemented in the Commonwealth sphere.
- *Criminal Investigation*: Implemented in part by the Northern Territory Police Administration Act, N.S.W. Bail Act and N.S.W. Child Welfare Act. A Federal Bill is also promised.
- *Insolvency: The Regular Payment of Debts*: Substantially implemented in S.A. by the Debts Repayment Act 1978. An important aspect (the discharge of non-business bankrupts) is adopted in part in the Bankruptcy Amendment Bill 1979, presently before Federal Parliament. This reduces the period for "automatic" discharge from five years to two years. The ALRC had recommended six months.
- *Human Tissue Transplants*: The Queensland Government has announced its intention to accept most of the ALRC recommendations (already in operation in the A.C.T.). Special inquiries have been initiated in N.S.W., S.A., N.T. and Vic.
- *Defamation and Privacy*: Already the Supreme Court procedures have been modified in N.S.W. along general lines favoured in the report. A recommendation that privilege should attach to reports of Parliamentary proceedings anywhere in Australia, is being furthered as a special project by the Standing Committee of Attorneys-General. (See below, p. 12).
- *Lands Acquisition*: In advance of the ALRC report, the Northern Territory has enacted legislation based largely on the ALRC discussion paper.

Commenting on these moves, the A.L.R.C. Commissioners say:

"Although Australia lacks the machinery available in the United States and Canada for achieving uniform State laws, increasing willingness of legislatures to adopt and use Law Reform Commis-

sion reports prepared for other governments is a healthy sign. The willingness of Australian parliaments to face up to difficult and controversial issues such as complaints against police, brain death and criminal investigation suggests that there is a growing realisation of the importance of translating good law reform work into the law of the land".

The A.L.R.C. Commissioners also refer with approbation to the Senate Committee Report, *Reforming the Law*. Among subjects dealt with in that Report are:

- political acceptability of reform proposals
- bureaucratic acceptability of proposals
- implementing law reform recommendations
- collection and assessment of law reform proposals
- register of law reform suggestions
- co-ordination of law reform work in Australia.

During the past decade, Parliaments everywhere have created permanent law reform bodies to assist them in the review and modernisation of the law. The pressing need is to find appropriate machinery to ensure regular attention to the proposals of these bodies, so that, despite the pressures of political debate, the necessities of implementing law reforms are not overlooked. This need is addressed in *Reforming the Law*.

There is a detailed discussion about the A.L.R.C.'s novel procedures of public consultation. The report itemises steps taken to improve attendances at public hearings and seminars, in all parts of Australia, at which citizens and interested groups can state their views on tentative proposals made by the A.L.R.C.:

"The Commission is making a special effort to ensure that all points of view are expressed at hearings. ... Before a hearing takes place in a particular locality, letters are written to persons and organisations who have an interest or who have made submissions or expressed an interest in a particular Reference, inviting them to come along to the hearing. ... This is supplemented by a variable list of persons and organisations who have a special interest in a particular subject matter. In addition, more emphasis is being placed on the informality of

the hearings so as to make them appear less intimidating".

The report details the critical examination which is carried out in the A.L.R.C. concerning means of improving public consultation. It mentions the use of surveys and public opinion polls. The recent national survey of judges and magistrates carried out in connection with the Sentencing reference procured a final return of more than 75% of Australia's judicial officers.

Another recent development of note, is the most useful publication of a pilot issue (October 1979) of a new law reform journal distributed by the Commonwealth Secretariat in London. Titled *Law Reform in the Commonwealth: Law Reform Proposals and Their Implementation*, it contains an organisation of the reports and consultative papers of the law reform agencies of the Commonwealth of Nations. Not only are these publications listed, but with them:

- A note on the implementation of reports.
- Cross reference to summaries of reports in the Commonwealth Law Bulletin.
- An analytical index by subject matter to reports on the same topic in different countries.

This publication will be an indispensable work tool to law reformers throughout the world. It is a great tribute to the initiative of Judge Kutlu Fuad, the Director of the Legal Division of the Commonwealth Secretariat, who gained the idea from the 12th Annual Report of the English Law Commission and followed it through with enthusiasm. The pilot issue states that it is hoped to bring out an annual edition.

Law Reformers Meet in England

"England is the Paradise of individuality, eccentricity, heresy, anomalies, hobbies and humours".

George Santayana

Each year the United Kingdom National Committee of Comparative Law picks a theme for