

Under its Act, the Committee has a specific responsibility to recommend law reform and changes in administrative and business practices. One of its major achievements is the voluntary agreement procured from credit bureaux to comply with self regulation rules suggested by the Committee. A.L.R.C. Chairmam, Mr. Justice Kirby, has stressed many times the role of self regulation in privacy protection. However, the recent report in England on *Privacy and Computers* suggests that the time for self regulation in this field has passed.

Privacy : The Opposition Speaks Out

On the Federal Reference, the A.L.R.C. project has secured support from every political quarter. In a speech to the Australian National University, Senator James McClelland, talking on *Privacy and the Law* put it this way:

"I am pleased to be talking to you on a subject which transcends party politics. One of the more tedious aspects of my trade is that I must always find only virtue on my side of politics and only vice on the other side. ... So I am delighted to be able to tell you that there is at least one thing on which both Labor and Liberals agree : the need for the law to renew itself in the protection of individual privacy".

Senator McClelland called attention to the complexity of the task and the difficulties of securing national privacy protection in a federation:

"The problem confronting the Law Reform Commission is to strike some balance between the individual's desire for privacy, the legitimate activities of a free press and the need to collect and disseminate information implicit in being able to govern a modern society. It won't be an easy task but ... the inquiry is in good hands and it will conduct its hearings under the scrutiny of the public. I for one wish it well".

New Reports on Law Reform

The following are the reports relating to law reform received by the A.L.R.C. between July 1976 and September 1976:

Australia:

- A.L.R.C. : *Alcohol, Drugs and Driving* (A.L.R.C.4), 1976.
- A.L.R.C. : Australian Law Reform Agencies Conference, *Minutes of First, Second and Third Conferences 1973-6*; including the record of the Third Conference Canberra, May 1976 (135pp).
- Aust. Roy. Comm. : Royal Commission on Human Relationships *Interim Report 1*
- Aust. Roy. Comm. : *Royal Commission on Australian Government Administration* (Dr. H.C. Coombs, Ch.) 1976. Report and Appendices.
- Aust. Comm. : *Commission of Inquiry on Law and Poverty*. Second Main Report 1976 (Prof. Sackville).
- Aust.Cttee : *Report of the Committee to review the Trade Practices Act 1974*. 1976 (Chairman : T.B. Swanson).
- N.S.W.L.R.C. : *On the Courts*, 1976, W.P.
- N.S.W. Registrar-General : *Application to Torrens Title of Land Laws Relating to Limitations of Action*, 1976, W.P.
- N.S.W.L.R.C. : *The Rule Against Hearsay*, W.P. 1976
- V.L.R.C. : *Rape Prosecutions (Court Procedures and Rules of Evidence)* 1976

United Kingdom

Law Commission:

W.P. 66 : Interest, 1976.

Scottish Law Commission:

Scot.Law.Com : 42 : Right of Action to Damages for Adultery 1976.

Scot.Law.Com : Memorandum No. 22 Family law : Aliment and Financial Provision
(2 Vols., 1976).

Royal Commission:

Royal Commission on Standards of Conduct in Public Life. Cmnd. 6524.

Canada

Canada L.R.C. : Studies on Imprisonment 1976 (W.P. and Research Papers).
: Community Participation in Sentencing, 1976 (" ").
: The Immigration Appeal Board, 1976 (Study Paper).

Alberta L.R.R. : Annual Report 1975
: Illegitimacy, 1974 (1976 Reprint) (Bkgrd. P.)
: 20 : Status of Children, 1976.
: Family Relief, 1976 (W.P.)

B.C.L.R.C. : 26 : Report on Minors' Contracts
: 27 : Report on Extra-judicial Use of Sworn Statements
: Enforcement of Judgments : The Creditors' Relief Act, 1976 (W.P.21).

Manitoba L.R.C. : 25 : Report on The Case for a Provincial Bill of Rights, 1976.

New Brunswick L.R.D. : Survey of the law of real property : Working Report, 1976.

Ontario L.R.C. : 9th Annual Report 1975
: Report on Landlord & Tenant Law, 1976
: Report on the Law of Evidence, 1976

Quebec C.C. : Report on Administration of the Property of Others, 1976 (R.42)

Saskatchewan L.R.C. : Proposals for a Saskatchewan Matrimonial Homes Act, 1976
(W.P.)

Ghana

Ghana L.R.C. : 4th Annual Report, 1975.

New Zealand

N.Z.C.C.L.R.C. : Report on the Effect of Mistakes in Contracts, 1976.

N.Z.P.A.L.R.C. : The Disciplinary and Complaints Procedure of the Legal
Profession, 1976 (W.P.)

Papua New Guinea

P.N.G.L.R.C. : W.P.3 : Detention for Interrogation and Confessions, 1976.

United States of America

N.Y.L.R.C. : Annual Report, 1976.

: Bills introduced in the 1976 Legislature on the recommendation
of the Law Revision Commission.

: Memorandum relating to the modification of the joint tenancy
concept in connection with joint bank accounts established after
August 31, 1976.

United States of America (cont'd)

- N.Y.L.R.C. : Memorandum relating to insurer's right to an autopsy of the insured, 1976.
- : Memorandum relating to liability insurance exclusion of coverage for injuries to spouse, 1976.
 - : Memorandum relating to a provision for use and occupancy damages in summary proceedings under the real property actions and proceedings law, 1976.
 - : Recommendation relating to all legislation proposed by the Commission to conform New York statutes to equal protection or equal opportunity requirements by the elimination of improper sex distinctions therein, 1976.
 - : Memorandum of Elimination of Improper Sex Distinctions in the Alcoholic Beverage Control Law Requirements for Filing of Questionnaires, Fingerprints and Photographs of Male Employees of Liquor Wholesalers and Manufacturers, 1976.
 - : Memorandum relating to Sections of the Surrogate's Court Procedure Act concerning Married Women in Order to Eliminate Improper Sex Distinctions, 1976.
 - : Memorandum relating to the clarification of certain provisions of Part 5 of Article 7 of the Estates, Powers and Trusts law, dealing with Bank Accounts in Trust Form, 1976.
 - : Memorandum relating to Expansion of the Civil Right of Privacy Contained in Section 51 of the Civil Rights Law and Elimination of Criminal Penalties for Violations of That Right Contained in Section 50 of such Law, 1976.
 - : Recommendation relating to the Revision of New York Law Dealing with Peace Officers, 1976.
 - : Summary of Legislation Recommended by The Law Revision Commission on Equal Protection relating to all legislation proposed by the Commission to conform New York statutes to equal protection or equal opportunity requirements by the elimination of improper sex distinctions therein, 1976.

Other

- Bahamas L.R.R.C. : Fatal Accidents : Amendments to the Act relating to claims for compensation by dependants (W.P.1, 1976).
- Trinidad & Tobago L.C. : 2 : Compensation for Injuries Arising out of Accidents, 1976.
- South Africa L.C. : Report on Codification of the Common Law relating to Crimes against the State, 1976.

Reform Proposals

The Australian Commission's Report *Alcohol, Drugs and Driving* (A.L.R.C.4) contains an interesting proposal on travaux préparatoires. Clause 50 of the Bill would permit courts interpreting the Ordinance to "have regard to the report" of the A.L.R.C. This experiment in the use of L.R.C. reports is justified by reference to the Law Com.'s recommendations on *The Interpretation of Statutes* (Law Com. 21) and the Renton Report. The proposal attracted some interest in the Legislative Assembly when Mr. Justice Kirby explained the Report to Members.

The A.L.R.C. also proposes the abolition of a "statutory lie". Liability will attach to the result of the breathalyzer *at the time of the test*. At present all Australian statutes require a "relation back" from the time of the breath test to the time of driving. The blood alcohol level will rarely stand still. This false statutory presumption will no longer be required if the A.L.R.C. proposal is accepted.