

Every State Attorney-General has appointed a representative to assist and consult with the A.L.R.C. in its work. This has been done without commitment to accept the result. Mr. Wilcox says "Meetings with the interstate representatives have proved to be of tremendous use in refining the Commission's views." The A.L.R.C. is about to publish its second Discussion Paper on *Privacy and Publication*. This will complement the proposals for defamation law reform. The pace at which the reform proposals have been put forward, distributed throughout the Australian community and prepared for public submissions and expert contributions, proves once again that uniform law reform need not be a snail's pace business. If there is a will, and support from political leaders, rational uniform laws in appropriate areas can be promptly prepared.

What about the media? Their response to the A.L.R.C. proposals has been favourable. The *Australian*, 2 February 1977, described present laws as "punitive and archaic". The A.L.R.C. suggestions are described as "sweeping changes to the law ... which would go a large part of the way to meet the objective of giving Australia a libel law fit for the 20th century." Uniform laws are welcomed. "The distinctions between the defamation laws in different States are one of the most stupid anachronisms". The *Sydney Morning Herald*, in like vein, calls the case for uniformity "convincing and it seems to transcend political differences". The proposals "should command wide support". The media welcomed the notion that truth should be its defence. Only *The Age*, Melbourne, expressed apprehension about complementary privacy protection.

"We invite public comment and criticism on our Discussion Paper and on the forthcoming paper on *Publication and Privacy*. Only when we have put our views through the filter of our consultants, the public and expert opinion, will the Commission report", Mr. Wilcox said. Although the A.L.R.C. has approached the design of a national defamation law through securing agreement between the Commonwealth and the States, the recent decision of the High Court of Australia in *Ex parte C.L.M. Holdings Pty. Limited; re the Judges of the Australian Industrial Court* might, on one view, suggest that the Commonwealth's power to provide a national defamation law, based on the external affairs power and international agreements concerning defamation, could be wider than was previously thought. Meantime, the quest for a single Australia-wide defamation law, in the age of mass communications, goes on.

## Long Hard Look at the Lawyers

"Every lawyer must be regarded as a man deficient by nature or else deformed by usage".

Adolf Hitler quoted in "The Bar in the Third Reich" (1976) 20 *A.J.Leg.Hist.* 1.

The N.S.W.L.R.C.'s reference on the legal profession is off to a vigorous start. A public sitting has been held at which the appearance and interest of more than 60 persons and organisations has been noted. The N.S.W. Law Society and the Bar Association are busily at work preparing their submissions on the Commission's wide ranging terms of reference. The daunting scope of the inquiry can be seen by the variety of questions asked of the N.S.W.L.R.C. See [1976] *Reform* 71.

The popular press can scarcely hide their delight. Comments on the inquiry range from "The legal eagles to get their feathers ruffled" to "A case for trimming the wigs?" Interest is not confined to New South Wales. The prestigious Melbourne *Age* intoned: "The implications should not be lost on the profession in Victoria: this sort of thing could become catching". High on the list of solutions posed by the media is this:

"The first thing we do, let's kill all the lawyers".

This rather radical approach is often attributed to Lenin but it actually appears in Shakespeare's *Henry VI, Part II*. It is unlikely to be a N.S.W.L.R.C. recommendation.

One book which should sell well is the Australian Broadcasting Commission's *Up Against the Law*. This records the transcript of a radio series late in 1976. Participants included the *enfant terrible* of the English legal profession, Michael Zander, and the N.S.W. Attorney-General, Frank Walker, who gave the reference to the N.S.W.L.R.C. But it also includes comments by Mr. David Ferguson, President of the Law Council of Australia and Commissioner Julian Disney of the N.S.W.L.R.C. Mr. Disney's words will no doubt be submitted to special scrutiny because he has since been appointed to be a Commissioner of the N.S.W.L.R.C. (See *Personalia*).

If the A.B.C.'s programme and the questionnaire of the Law Foundation are any guide, the big concerns in the public minds about the legal profession are:

- \* The scale of conveyancing costs and why land transactions cannot be handled by land agents, as in South Australia.
- \* The unexplained delays by lawyers handling cases.
- \* The antique English court dress which still marks the Bar off as "an elitist hierarchical institution".
- \* The role which society is entitled to have in the work the legal profession does in the new age of legal aid from government.

Anyone with a spot of knowledge of legal history will realise the tremendous value of a vigorous, independent legal profession. How is independence to be maintained, consistent with the accountability that must go with publicly-funded legal aid?

The N.S.W. Premier, Neville Wran, Q.C., told a Law graduation in Sydney on 26 March:

"I am fully alive to the fact that the prospect of these reforms will cause some hearts to sink. As a result of changes that will be made, doors will undoubtedly shut on the legal profession. But doors will also open."

Mr. Wran promised that his Government would consider most carefully the N.S.W.L.R.C. report. He stressed the role of lawyers to:

"Insist upon orderly reform and take their part not only in the practice of law, but in its renewal".

Information or views can be sent to the N.S.W. Law Reform Commission, Box 6, G.P.O., Sydney, 2001, N.S.W. The parallel inquiry in England and the awareness of this N.S.W.L.R.C. exercise throughout Australasia, probably makes it that Commission's most important reference yet.

## What is Death? Transplant Inquiry Concludes

"Life. A Spiritual pickle preserving the body from decay".

Ambrose Bierse.

Is it not remarkable how similar are the problems of law reform throughout the world? In December, 1976, the French Parliament passed a new law which, put briefly, provides that in this age of transplantation, a person's body organs and tissues are available for therapeutic or scientific purposes after his death, without his (or his relatives') consent, unless in his lifetime the deceased vetoed such use. The British Medical Association Journal review of this legislation described it as "courageous". The self-same question is presently before the A.L.R.C.

In January 1977 the Commission issued its Working Paper No. 5 *Human Tissue Transplants*. The working paper was produced after the Commissioners had lengthy consultations and a weekend conference with thirteen specialist medical practitioners called to Sydney from all parts of Australia to help the lawyers with the concept of "brain death".

The working paper has been widely distributed, and on 7 March 1977, the Commissioner in charge, Mr. Russell Scott of the A.L.R.C., appeared on the national television programme *Monday Conference* to explain the Commission's proposals to an audience of more than a million Australians. He was assisted by two doctors, one of whom, Professor J.R. Lawrence, is one of the team of consultants appointed by the Federal Attorney-General, Mr. Ellicott, to help the Commission in its task.

In March 1977 Commissioner Scott and A.L.R.C. Chairman, Mr. Justice Kirby, sat in public sittings in all capitals and in Darwin and Canberra to receive public and expert submissions on the working paper proposals.