

especially significant in matters of environment protection and consumer protection. In the last decade, Australia has seen the proliferation of "green bans", often because of an inability to have a matter determined in court, because no personal or commercial interest existed, beyond "public spirit". Should these controversies be settled in courts? Does the Australian Constitution inhibit such litigation?

The wider question of standing raises the desirability of relator actions and the principles upon which the Attorney-General's *fiat* should be given.

This new reference coincides with changes in the federal court system and important developments in the administrative law area. The Commonwealth Ombudsman, Professor Jack Richardson, has been named by the Prime Minister. Amendments to the *Administrative Appeals Tribunal Act* are pending. An important new code for administrative procedures has been foreshadowed. Legislation on freedom of information, i.e. access to government information is due soon. The new A.L.R.C. Reference should be seen in this context. Adapting Sir Leslie Scarman's comments, the A.L.R.C. Chairman put it this way:

"A legal system which puts insurmountable technical and procedural impediments in the way of resolving issues in court rooms, invites those frustrated of this means of redress to seek other, perhaps less orderly ways of resolving their disputes". *Law Reform, Why?* (1976) 50 A.L.J. 459.

## Odds & Ends

"The arts babblative and scribblative"

*Robert Southey, c. 1835*

\*\*\* Canada L.R.C. Vice-Chairman John Bouck completed a tour of Australian L.R.C.s in February 1977. Whilst in Sydney, He attended a full meeting of the A.L.R.C., met the N.S.W.L.R.C. and the Commonwealth and N.S.W. Attorneys-General. He also visited Melbourne, Canberra and Adelaide.

\*\*\* There is no news yet about the appointment of a successor to the Hon. T.W.Smith, Q.C., former Victorian Law Reform Commissioner. Mr. Smith completed his term in December 1976. The position has been vacant for three months.

\*\*\* Professor Sam Dash, who took a leading part as Counsel in the Watergate Hearings visited the A.L.R.C. on his way to Monash University where he will be a Visiting Professor. It is hoped that he will be able to draw on his experiences concerning wire taps to assist the A.L.R.C.'s project on protection of privacy in Australia.

\*\*\* Mr. Justice Blackburn, past Chairman of the A.C.T.L.R.C. told the Second Symposium on Law and Justice in the Capital Territory on 26 March that there was need for urgent reform of the Criminal Law by a series of steps of "piecemeal reform". He proposed a number of steps by specialist ad hoc committees. He also urged the Attorney-General to make sure that the A.L.R.C. always had before it Territory references.

\*\*\* The S.A.L.R.C. is showing the way on its reference concerning solar energy. The Commission has invited public and expert comments on the legal implications of solar energy. This is believed to be the first study of its kind in Australasia.

\*\*\* Former Attorney-General Kep Enderby, Q.C., delivered a paper to the A.C.T. Symposium on police involvement in criminal prosecution. He suggested that "the issue of reform of the prosecution process should be referred to the Australian Law Reform Commission for investigation and report". He said as much in the presence of his successor, Bob Ellicott.

\*\*\* Mr. Ellicott, in opening the Symposium said that he had decided not to refer the reform of rape laws to the A.L.R.C., at least pending consideration of the report of the Royal Commission on Human Relationships which, he said, was due within the next few months.

\*\*\* The Law Foundation of N.S.W. has printed two useful monographs in recent weeks. Roman Tomasic wrote *Drugs, Alcohol and Community Control* to illustrate Australian approaches to alcoholism and drug dependence. Mr. Tomasic was a consultant to the A.L.R.C. in its report on *Alcohol, Drugs and Driving*. No doubt his recommendation for diversion will be considered by Professor Sackville's enquiry into drugs in South Australia.

\*\*\* Mr. Tomasic also wrote *Bail and Pretrial Release*. In it he reviews the A.L.R.C. recommendations on bail law reform which, he says, are supported by overseas and local enquiries. The A.L.R.C. proposals have now, substantially, passed into the *Criminal Investigation Bill 1977*.

\*\*\* *Reform* is being read widely overseas. Numerous enquiries have been received from Europe, especially the Netherlands, Sweden and Norway for information on A.L.R.C. proposals.

\*\*\* The Irish Law Reform Commission has published its First Programme (1977). It includes items of administrative law, liability for animals, conflicts of laws, criminal law, evidence, family law, privacy and statutory interpretation. The similarity of common law reform projects is very much in evidence.

\*\*\* A new *Criminal Law Journal* has begun publication in Australia. The editorial to Volume 1, February, 1977 points to the "upsurge in interest in the criminal law". A feature of the *Journal* is the clear presentation of short case notes with pithy comments.

\*\*\* The A.L.R.C. *Law Reform Digest* still awaits a publisher. The Senate Standing Committee on Constitutional and Legal Affairs, under the chairmanship of Senator Missen, has taken an interest in the project.

\*\*\* It is reported that someone at the N.S.W. Bar's meeting to discuss the N.S.W.L.R.C.'s reference on the legal profession, asked whether it was necessary to incur the expense of engaging a solicitor to brief counsel making the Bar's submissions. The view gained support until it was pointed out that it was scarcely consistent with the desire to retain a separated profession.

\*\*\* The University of N.S.W., Sydney, has published its occasional paper on *Privacy*, collecting the papers of the Conference held in 1976, led off by Sir Zelman Cowen's opening address.

\*\*\* In the Northern Territory, a Northern Territory Law Review Committee has been established. Its Acting Chairman is Ward J. The Secretary is Mr. G. Nicholson, of the Attorney-General's Department. The Committee is, upon request and reference of the Executive Member for Law, to advise upon matters relating to law reform. Australia's 11th L.R.C.

\*\*\* The A.L.R.C. report on reform of the Bankruptcy Act has been settled by the Commission and legislation is now under scrutiny.

\*\*\* The Fourth Law Reform Conference of Australian Law Reform Agencies is to convene in Sydney on Friday 1 July 1977. It is expected that most, if not all, of the A.L.R.A.C. participants will be attending.

\*\*\* The Fifth Commonwealth Law Conference is to be held in Edinburgh, Scotland 24-29 July 1977. A major topic of the Conference is "Agencies of Law Reform in the Commonwealth".

\*\*\* The Secretary-General of the Commonwealth of Nations has invited Commonwealth Law Ministers to send participants to an International Law Reform Agencies Conference in London on 2-3 August 1977. Subjects for discussion include co-operation in law reform within the Commonwealth of Nations. Reference will be made to the A.L.R.C. *Digest* and the Commonwealth Secretariat's vigorous *Commonwealth Law Bulletin*.

\*\*\* The A.L.R.C. Chairman's paper to the Royal Australian Navy Legal Conference in Sydney in January 1977 described law reform as a "species of legal salvage". In a paper on "Law Reform, Science and Technology" at Monash University on 27 January, he outlined various ways in which L.R.C.'s can and have modernized the law.

\*\*\* Major developments in uniform laws appear imminent. The Commonwealth and State Ministers on 11 March agreed to a general framework for co-operation towards national regulation of the companies and securities industry and the adoption of legislative uniformity. The Standing Committee of Attorneys-General on 25 March agreed to confront the problems posed by the Commonwealth's limited powers in the family law area.

\*\*\* On 10 February a meeting took place between the A.L.R.C. and N.S.W.L.R.C. concerning methodology in law reform. Bouck J from Canada was present as were representatives from the Law Council, Law Foundation and Privacy Committee. Wootten J and Martin J of the N.S.W.L.R.C. described procedures to be adopted in securing public ideas on the reform of the legal profession.

## New Reports

The following reports were received between January 1977 and March 1977:

### Australia

- A.L.R.C.: W.P.4 *Defamation*, 1977
- W.P.5 *Human Tissue Transplants*, 1977
- W.P.6 *Complaints Against Police: Supplementary Report*, 1977
- Discn. P.1 *Defamation - Options for Reform*, 1977
- Aust. Cttee: Copyright Committee on Reprographic Reproduction, Report 1976 (tabled 9 December, 1976)
- Aust: Postal & Telecom Dept: Aust. Broadcasting. Sept. 1976. (F.J.Green, Secretary)
- Aust: Commissioner for Community Relations: Annual Report 1976
- Aust: I.D.C. Report on Policy Proposals for Freedom of Information Legislation, Nov. 1976
- Aust: Law Council of Aust. Annual Report, 1976
- A.C.T.L.R.C: Report on the law relating to Conveyancing, 1976.