

Adopting a position not entirely dissimilar to that of the majority in the A.L.R.C.2 report, the Committee proposed that police should be given power to detain suspects for questioning, for the first time. However, this power was to be subject to important controls. Two of them are similar to those included in the Commonwealth's Bill :

- * Interrogation by police must be recorded by tape recording or videotape recorder.
- * Failure to observe safeguards should have to run the gauntlet of judicial exclusion of evidence.

The Committee expressly adopted exactly the same approach as is now found in the *Criminal Investigation Bill* on this subject. It recommended that the A.L.R.C. approach should "become the law of [Queensland] whenever the question of the admissibility of evidence illegally or unfairly obtained arises". Tape recording of confessional evidence must surely arrive soon, despite some police opposition. It was recommended by Mr. Murray Q.C. in Victoria, and lately by Mr. Beach Q.C. It was recommended in the Thomson Report in Scotland and by a Home Office Committee. It has now been recommended by the A.L.R.C. and Lucas Committee. Far from inhibiting police, once they get used to the device, it will be a powerful forensic tool in their vital battle against crime. The *Criminal Investigation Bill* presently before Federal Parliament at last stops talking about this problem and does something. Federal Attorney-General Ellicott was not far wrong when he said that the Bill :

"comes to grips with a whole variety of difficult issues upon which there has been much writing, widespread dissatisfaction but little legislative action".

The Queensland report should take the debate further. Of course there are problems in modernising settled procedures. But sticking to the cavalry horse is not the way to win today's battles.

Odds & Ends

"A snapper-up of unconsidered trifles"

Shakespeare, The Winter's Tale

*** On 26 April 1977 his Honour Judge R.M. Bajracharya, Chairman of the Revenue Tribunal and District Judge of Kathmandu, Nepal visited the A.L.R.C., during a study tour of Australia. He spoke with Commissioners about the legal system of his landlocked country.

*** Professor T.G.H. Strehlow, Emeritus Professor of Australian Linguistics in the University of Adelaide, has agreed to help the A.L.R.C. in its project on Aboriginal Customary Laws. The Commission Chairman and Commissioner Professor Alex Castles called on Professor Strehlow in Adelaide recently to discuss the project. Born on a mission station at Hermannsburg in 1908, he was brought up with Aborigines and commands a unique understanding of their language and tribal customs. He has seen a thousand secret acts and recorded 8,000 secret verses of Central Australian tribal Aborigines. He has urged the investment of adequate funds to record this knowledge.

*** The *Womens Weekly* recently included an article on the A.L.R.C. project *Human Tissue Transplants* inviting comments on the Commission's proposals. Commissioner in charge, Russell Scott, has received a large batch of mail from interested readers. The *Womens Weekly* is said to have the largest weekly circulation and readership of any magazine outside the Soviet Union.

*** Also a visitor to the A.L.R.C. in May was Professor Sir Norman Anderson Q.C. Director of the Institute of Advanced Legal Studies, London, from 1959, he is a specialist in Mohammedan law. He has written books on law reform in the Islamic world. He expressed a keen interest in the movement for the protection of human rights by legislation.

*** The Commonwealth's *Human Rights Commission Bill 1977* was introduced into Federal Parliament on 1 June 1977. It sets up a Human Rights Commission with responsibility for Commonwealth and Territory legislation. The function of the Commission is to ensure that Commonwealth and Territory laws in Australia conform

with the International Covenant on Civil and Political Rights. The Chairman is to be a judge (or person with legal qualifications) and it will have between six and ten members. The Attorney-General said that most of the States of Australia had indicated that they would not propose to join the scheme at this stage.

*** Apart from the Prime Minister's recent statements at the Commonwealth Conference in London, Australian concern with human rights is reflected in the election of Australia to a three-year term on the United Nations Commission on Human Rights. The election took place in New York on 11 May. There are 32 States on the Commission. Foreign Minister Peacock said the election "reflects the government's desire to contribute more actively to the United Nations in the field of human rights".

*** The 8th edition of the List of Official Committees, Commissions and other Bodies concerned with the Reform of the Law has been published by the Institute of Advanced Legal Studies in London. It is vital reading for anyone drafting modern legislation. It collects an international short-list of L.R.C.s and Royal Commissions, suitably cross-indexed and stating the stage of projects. If anything was needed to demonstrate the similarity of law reform concerns throughout the Commonwealth of Nations, this does the job.

*** The painstaking task of scrutinising the great mass of insurance contracts, forms and documents sent to the A.L.R.C. by insurers throughout Australia has begun. The "volunteer" is Mr. F.H.Letcher, a retired insurance executive with considerable experience in working upon policy matters involved in government inquiries. Mr. Letcher was appointed a consultant to the A.L.R.C. by the Attorney-General, Mr. Ellicott.

*** The S.A.L.R.C. Inquiry into *Law and Solar Energy* is stunning the more conservative members of the profession by its imaginative advertisements calling for submissions on this vital subject. The items included are the identification of legal problems and legislative incentives for the use of solar energy; rights of access to solar radiation; building and planning regulations; the protection of consumers and control of the use of solar radiation. Submissions can be sent to S.A.L.R.C., 33 Franklin Street, Adelaide, 5000. Chairman of the inquiry is Mr. Justice Zelling.

*** The Law Foundation of New South Wales is planning a publication on *Perspectives on the Legal Profession in Australia*. One paper to be included is by Professor Ron Sackville on "Law Reform and Social Change". It takes a sober look at law reform and the legal profession. The A.L.R.C. Chairman's paper *Lawyers' Futurology* for the Young Lawyers' Convention is also to be included.

*** Mr. D.St.L. Kelly, formerly of the University of Adelaide, has been designated Commissioner in charge of the Privacy Reference in the A.L.R.C. Mr. Kelly hopes that the A.L.R.C. report on *Insolvency - The Regular Repayment of Debts*, will be tabled early in the Budget Sittings of the Australian Parliament, 1977.

*** Commenting on the A.L.R.C. working paper on *Human Tissue Transplants* the Melbourne *Age* on 18 May said that it was time the law looked at embryo transplants, transplantation of fallopian tubes and ovaries, A.I.D. and other "genetic engineering". Law makers should not turn their backs on these problems. They won't go away. "The march of science is relentless and the law has no choice but to keep pace", intoned *The Age*. The A.L.R.C. transplant report is in the Attorney-General's hands in manuscript. The statutory report will be tabled next Sittings.

*** Australian Governor-General Sir John Kerr, opening the Interparliamentary Union Meeting in Canberra on 11 April told delegates that many countries now have L.R.C.s "and time has to be found to consider multifarious law reform proposals in addition to a government's general legislative programme".

*** Clause 10(2)(a) of the A.C.T. *Legal Aid Bill 1977* requires the Legal Aid Commission to make recommendations to the Attorney-General "with respect to any reforms of the law, the desirability for which has come to its attention in the course of the performance of its function".