

- * A new definition of "death", to include "irreversible cessation of all function of the brain of the person".
- * Simple machinery for donation by competent adults over 18 years.
- * Forbidding donation of non-regenerative tissue by minors except where there is a danger of death, consent by parents and child, approval by a committee presided over by a judge, based on a criterion of benefit to the donor.
- * Simplified procedure for securing immediate relatives' "non-objection" (not consent) for transplantation from dead persons.
- * Use of certain tissue for therapeutic purposes, where removed during autopsy.
- * New rules for anatomy schools.

The report is full of controversial recommendations. Some subjects are reserved for specific, separate, urgent attention in the future :

- * Test tube babies.
- * Transplantation of human ova.
- * Use of fetal tissue in transplants.
- * Euthanasia.
- * Genetic engineering generally.

The report was delivered in less than a year on 30 June 1977. The Commissioner in charge of the reference, Mr. Russell Scott, said that the most important single recommendation was for the adoption of a new definition of "death".

"The law must give clear guidance to the medical profession here. It should remove doubts which presently exist about doctors using kidneys, liver and other organs from a patient who has been sustained by artificial respirators but whose brain has irretrievably ceased to function".

The report urges uniform laws to promote greater availability of scarce organs and tissues. The use of driving licences, as in North America, is mentioned. Uniform laws on this subject have been achieved in fifty States of the United States. There is some hope that they may be achieved in Australia. The A.L.R.C. had much assistance from State Health Departments as well as from its own team of twenty top medical and other consultants. Copies of the A.L.R.C. report are available from the Australian Government Publishing Service (Price \$4.30).

Drug Trafficking Inquiry in N.S.W.

"I wonder what pleasure men can take in making beasts of themselves!"
"I wonder, madam, that you have not penetration enough to see the strong inducement to this excess; for he who makes a beast of himself, gets rid of the pain of being a man".

Dr. Samuel Johnson, c. 1780

Hot on the tail of the recently announced Royal Commission in South Australia on drugs (Professor Ronald Sackville, Royal Commissioner), the New South Wales Government has now launched its Royal Commission "with respect to certain matters relating to drugs". The Commissioner is the Honourable Mr. Justice P.M. Woodward, a judge of the Supreme Court of New South Wales.

The Royal Commissioner is to inquire into and report upon :

- * The cultivation, distribution, possession and use of drugs other than tobacco and alcohol.
- * The identity of persons involved in the same.
- * Whether in the light of findings changes are desirable in the laws relating to drugs of addiction or prohibited drugs or the administration of those laws.

The Royal Commission has taken up premises in 99 Elizabeth Street, Sydney, and has

already conducted sittings in Sydney and Griffith. At the preliminary sittings on 10 August, Woodward J. touched upon a matter of general concern for all inquiries in Australia. It was recently mentioned by Mr. Beach Q.C. in his *Report on the Victoria Police* and by Chief Judge Staunton (N.S.W.) in his report on the Granville Train Disaster.

"I will not be bound by legal technicalities or the strict rules of evidence. Because of the magnitude of the task which concerns me it is desirable to avoid duplication either of evidence, cross examination or appearances".

There is a clear need for a new, more informal and perhaps more inquisitorial system of collecting evidence and information. This may be the subject of a law reform inquiry in Australia. The Canada L.R.C. has recently delivered a working paper on this subject. In the course of his opening submission to the Commission, Counsel assisting, Mr. Fisher Q.C., referred to heroin and marihuana. Of the latter, there had been 900 seizures since 1973. One involved 15,000 plants equivalent to 40 tons of material. "If it retails at anywhere like \$30 - \$50 an ounce it follows consequently that you are looking at a potential street value in the millions of dollars range", Mr. Fisher told the Royal Commissioner.

The Commission has taken some evidence *in camera* and Woodward J. has invited people to come forward and to give assistance on the assurance that information given to him will be given in a private, individual and confidential capacity :

"I do not propose to conduct it as a hearing in open court, but merely to have it, as it were, something in the nature of a conference".

Hopefully, out of the South Australian and New South Wales Inquiries, new wisdom on the laws that should govern drugs of addiction will emerge for the guidance of Australian society.

Lawyers agonizing

"It was not about social change at all. It was about that highly ritualised activity of the courts which produces *Homo Legalis*, a species like *Homo sociologicus*, *Homo economicus*, *Homo psychologicus* in that he exists only because each discipline creates him in its own image. It is when he becomes real that he becomes a monster".

*Book Review by History Professor G.M. Denning (1977) 11
M.U.L.R. 139*

The N.S.W.L.R.C. reference on the legal profession continues to excite professional and public interest. A great deal of time at the Australian Legal Convention in July 1977 was devoted to agonised heart searching by lawyers. N.S.W. L.R.C. Chairman, Mr. Justice Wootten, delivered a paper *Creativity In The Law* dealing with the lawyers' perennially bad public image. He stressed the need for fundamental overhaul in law reform rather than detailed patching and superficial repairs.

N.S.W.L.R.C. Commissioner Julian Disney delivered a paper commenting on *Standards of Practice*. In it he criticised the fact that legal training in N.S.W. proceeds for almost five and a half years before practical experience is secured. "We have much to learn from the sandwiching of practical and academic training in other disciplines, such as medicine, architecture and social work", said Mr. Disney. Whilst recognising the values of specialisation, he pointed out that it was not "an utterly unmixed blessing". It can produce myopia and impede cross-fertilisation between areas of legal thought. He appealed for uniformity around Australia if specialisation was to be formalised.

A feature of the Australian Legal Convention was the Young Lawyers' Forum. This was addressed by Mr. Bill Neukom, President Elect of the Young Lawyers' Section of the American Bar Association. He dealt with trends in the United States, including