

specialisation, social interest lawyering and lawyers advertising. His presentation was followed by A.L.R.C. Chairman Mr. Justice Kirby who delivered a paper on *Lawyers' Futurology*. In it, he predicted :

- * An end to lawyers' monopolies (conveyancing etc.)
- * Loss of restrictive practices (Q.C.s with juniors, two-thirds fees etc.)
- * Increased women in the law (rising from 1% to 22% in 30 years).
- * Development of a national profession with national standards.
- * Organisation by specialty to replace barristers/solicitors.
- * New attention to work with no present "snob value".
- * Introduction of contingency fees, openly negotiated.
- * Continuing examination to ensure competence to replace the lifetime certificate to practise.
- * Advertising of specialties and costs.

The Legal Convention had a large number of papers on law reform. Mr. Justice Neasey delivered criticism of the *Criminal Investigation Bill 1977* presently before Federal Parliament. However, he conceded it might be worth trying in the A.C.T. to see if it works. The Bill was defended by Professor Richard Harding, one of the consultants who worked with the A.L.R.C. on *Criminal Investigation*. Mr. R.D. Nicholson and Professor Aubrey Diamond (past Law Commissioner) delivered papers on *Law Reform and the Legal Profession*. Mr. Nicholson's paper contains the most detailed analysis yet of Australian law reform agencies : composition, methods and work. It will shortly be published in (1977) 51 *Australian Law Journal*. For those interested in following up the theme (and doing a bit of crystal ball gazing on the N.S.W. L.R.C. inquiry) two books, recently published, are a "must". A substantial tome *Lawyers* (Law Book Co., 1977) written by Julian Disney and others is an indispensable source book on the structure, work, profile and ground rules of the legal profession in Australia. (750 pp). Bedside reading (it might create nightmares for some) is the A.B.C. book *Up Against the Law* (\$1.45). This is the transcript of a broadcast series in which Julian Disney, Michael Zander, Law Council President David Ferguson and others tackled the problems and opportunities of the Australian legal profession. Both compulsory reading for futurologists and unemployed lawyers.

Prime Minister on Law Reform

"What we are seeing in this country today is that law reform is being taken into the living rooms of the nation, by television and by other means. We are all becoming involved in it."

R.J. Ellicott, Q.C., M.P., 26 March 1977

The Prime Minister of Australia, Rt. Hon. J.M. Fraser M.P., opened the 19th Australian Legal Convention at the Sydney Opera House on 4 July 1977. He took time to refer to what he described as "the unprecedented program of law reform which is now being pursued by the Commonwealth Government."

"In the last eighteen months, there have been : a restructuring of the Federal courts systems; a fundamental revision of Federal administrative law; the introduction of important human rights legislation; a thoroughgoing review of legislation on trade practices and consumer protection; references on a wide range of issues to the Australian Law Reform Commission; and of course three constitutional amendments ... It required a Cabinet in which lawyers are for once outnumbered by the humble primary producer to give the necessary impetus for law reform".

In the course of his address, the Prime Minister referred to the new methodology of law reform in Australia.

"We have deliberately set about promoting what I might term 'participatory law reform'. If the law is to be updated, if the advances of science and technology are to be acknowledged and

accommodated and if our traditional liberties are to be protected, it is vital that the community governed by the law should take part in helping to frame reforms in that law. I for one reject the notion that important reforms should be left to the 'expert'. ... The A.L.R.C. has actively sought to engender public interest in the tasks assigned to it by the Government. The Commission has held public sittings and seminars in all parts of the country. It has distributed widely, tentative proposals for reform, and it has stimulated much informed discussion in the media. This process has amply shown that the Australian community will respond to an invitation to participate in the process of legal renewal. Public acceptance of the need for reform in many areas which have long remained untouched is now widespread"(1977) 2 *Cwth. Record* 863.

Mr. Fraser referred to the important references on Privacy, Defamation, Aboriginal Customary Laws and Standing in the course of his address. He also referred to the important developments in administrative law reform that had already been piloted through Parliament. These include, during the last session, the *Administrative Decisions (Judicial Review) Act* and the appointment of the first Commonwealth Ombudsman. He also referred to the Bill based on the A.L.R.C. report *Criminal Investigation* (A.L.R.C.2).

"Another current Bill of great importance in relation to human rights is the Criminal Investigation Bill. The basic purpose ... is to codify and clarify the rights and duties of citizens and Commonwealth Police when involved in the process of criminal investigation. This is an area in which there has been much dissatisfaction, considerable writing, many proposals for reform but not much legislative action". (*ibid* p.864).

The Prime Minister called on the legal profession to ensure that our social and legal institutions keep pace with our constantly changing society. He returned to this theme in the House of Representatives when Mr. Ellicott announced his resignation as Attorney-General. He praised Mr. Ellicott's administration of the portfolio which "has resulted in some notable advances and reforms of the law and judicial administration". Listing developments, he included the introduction of legislation to reform the law on criminal investigation and to establish a Human Rights Commission and the numerous references that have been made to the A.L.R.C.

"I have said in other forums that I believe that no government has a better record of law reform than has this government and the driving force in that reform has been the Attorney-General who, regrettably, resigned today". *C.P.D. (H of R)*, 6 September 1977, p.727.

Law Reform in the Commonwealth

"Hear him debate of commonwealth affairs,
You would say, it hath been all-in-all his study".
Shakespeare, Henry V, I, 1, 41

The Australian Law Reform Agencies, all of them, enjoy close contact with like institutions throughout the Commonwealth of Nations. At every meeting of law reform agencies, overseas Commonwealth participants have been present. Opening the Third Conference in Canberra in 1976, Attorney-General Ellicott pointed out that :

"The dynamics of the common law in its formative stages embodies the true spirit of law reform - law and lawyers responding to new situations demanding just solutions. It is symbolic of its acceptance in the four corners of the world, that we are able to sit down at this stage and discuss the problems associated with its reform ... None of us should forget the indebtedness we all have to the common law of England and the principles which it secures". (A.L.R.C.5, p.39).