

Odds & Ends

"Another good thing about gossip is that it is within everybody's reach
And it is much more interesting than any other form of speech."

Ogden Nash,
I have it on good authority, 1938.

■ The A.L.R.C. report *Human Tissue Transplants* has had a most favourable reception in the medical profession since it was tabled in Parliament on 21 September 1977. In a leading article in *The Medical Journal of Australia* (19 November 1977) it is conceded that "there were many Australian doctors who opposed the reference on the question of human tissue transplantation to the Law Reform Commission in 1976". Pointing to the successful introduction of clinical transplantation despite State laws and the fear of renewing a public debate on transplantation, the *Journal* conceded "that these fears were unfounded". The report is described as "a carefully researched and well-reasoned case for legal sanction of current practices . . . furthermore the Commission is in favour of cautious liberalisation of laws and practices relating to the use of cadaveric tissue". The article concludes "Introduction of new and preferably uniform legislation becomes both necessary and urgent." The A.L.R.C. understands that the report has been included on the agenda of Health Ministers of the Commonwealth and the States, meeting early in 1978.

■ The first statute based on a report of the A.L.R.C. has now come into operation. The *Motor Traffic (Alcohol & Drugs) Ordinance 1977* (A.C.T.) commenced operation from 1 December 1977 in the blaze of a publicity campaign mounted by the police. A number of new provisions were introduced which should generally make it easier for police successfully to prosecute drinking drivers in the Territory. The most modern Breathalyzer equipment is to be used. Offenders will be given a "printout" of their reading. Provision for treatment of alcohol-dependent drivers has been made for the first time. It is said that consumption at diplomatic cocktail parties and Christmas functions has fallen off. Hotels and clubs report significantly lower takings over the Christmas period.

■ Followers of Commonwealth reports and those who snoop about amongst pigeon-holes

will be interested to know that the Manning Committee Report on Bills of Exchange, delivered in 1964, is now under active review in the Commonwealth Attorney-General's Department. Some of the Committee's recommendations were implemented by amendments to the Bills of Exchange Act 1909, in 1971. A great deal of extra work has gone into the preparation of proposals for further legislation. These have been thoroughly discussed with representatives of the Banks but not, so far as is known, by processes of public discussion. The Manning Committee's recommendations for a *Cheques Act* is said to be high on the list of priorities. Attorney-General Ellicott foreshadowed the introduction of legislation and we may see it in 1978: 14 years after the Manning Report.

■ Two members of the A.L.R.C. were present in the Senate Chamber at the Swearing-in of the new Governor-General of Australia, Sir Zelman Cowen, on 8 December 1977. They were Mr. Justice Brennan, President of the Administrative Appeals Tribunal, and Mr. Justice Kirby, the A.L.R.C. Chairman. Since the last issue of *Reform* Sir Zelman, a former part-time Commissioner of the A.L.R.C., has been received by the Queen and has had conferred upon him three Orders of Knighthood, A.K., G.C.M.G., K.St.J.

■ *The Open Road*, Journal of the N.R.M.A., the N.S.W. Motorists' Association, has, in its latest edition, criticised the "hazards in different road laws" throughout Australia. Apart from the safety aspect, the Journal says, interstate motorists may unwittingly break unfamiliar laws. The N.R.M.A. was represented on a committee which drew up a national traffic code. "But even when national agreement is achieved, it is still up to individual States to make the necessary changes in legislation." Progress towards a national traffic code in Australia continues at a snail's pace.

■ The *Australian Women's Weekly* of 2 November 1977 contained an article illustrating the work of the A.L.R.C. and calling for information on cases where the law had caused hardship or injustice. The *Weekly* has a circulation of nearly one million and an estimated readership of three million each issue. Already hundreds of replies are being handled. About 30% deal with family law, custody,

maintenance and adoption. The A.L.R.C. is receiving help from the N.S.W. Law Foundation.

■ The *Canberra Times* (17 November 1977), whilst welcoming the new law based on A.L.R.C.4 *Alcohol, Drugs & Driving*, complained that "it cannot be repeated too often that procrastination in updating the law is an inexcusable affront to the people of the A.C.T.". It instances mental health reform and "the drastic updating of the Child Welfare Ordinance" as cases requiring attention. The A.L.R.C. Commissioners are to meet in Canberra with the Law Society in February 1978.

■ In the last issue of *Reform* we carried the story of the Royal Commission by Mr. Justice Woodward in N.S.W. on Drug Trafficking. Since then a further Royal Commission has been established in Victoria, Queensland, W.A. and Tasmania with a broad reference on drug use and misuse in Australia. The Royal Commissioner is Mr. Justice Edward Williams, a judge of the Supreme Court of Queensland. In addition to the State Commissions, Williams J. holds a Royal Commission from the Commonwealth. A sign of the times is the use of a computer to index and cross-reference the transcript.

■ The first woman to be appointed a Prosecutor for the Crown in New South Wales is Miss Jane Matthews, a Barrister of Sydney. Miss Matthews was Counsel assisting the Royal Commission into Human Relationships under Justice Elizabeth Evatt. In private life she is the wife of Mr. Justice Wootten, Chairman of the N.S.W.L.R.C.

■ The Aboriginal Customary Laws reference is moving ahead slowly. Commissioners have attended discussions in Canberra with the Institute of Aboriginal Studies and seminars have been conducted in Sydney, Canberra and Perth. A major seminar in Sydney was arranged by the N.S.W. Institute of Technology and its new Faculty of Law. Organiser was Mr. Nick O'Neill, formerly Secretary of the P.N.G.L.R.C.

■ An interesting analysis of judges and their education and social class is to be found in a Fontana paperback *The Politics of the Judiciary* by J. A. G. Griffiths. A summary

appeared in the *New Statesman* of 21 October 1977. Despite changes in the general population, the statistics show little change in the social and educational background of judges in England over nearly two centuries.

■ The A.L.R.C. has had discussions with a number of bodies concerning its future programme. Under the *Law Reform Commission Act* the Commission has power to suggest matters suitable for reference. Consultation concerning a reference on Admiralty laws has been had in Melbourne with the Maritime Law Association. Readers of *Reform* with suggestions for future tasks for the Commonwealth's Commission in Australia should write to the A.L.R.C. with their suggestions.

New Reports

The following reports were announced or received between October 1977 and December 1977:

Australia

- A.L.R.C.: Insolvency: The Regular Payment of Debts (A.L.R.C.6). ✓
- : Annual Report 1977 (A.L.R.C.8). ✓
- : W.P.7: Access to Courts—I Standing: Public Interest Suits. ✓
- : Discussion Paper No. 3: Defamation & Publication Privacy—A Draft Uniform Bill.
- : Discussion Paper No. 4: Access to Courts—I Standing: Public Interest Suits.
- : Discussion Paper No. 5: Lands Acquisition Law: Reform Proposals. ✓

Q.L.R.C.: W.P.18: On bill to remove the anomalies presently existing with respect to civil liability for Animals and to rationalise the existing rules of the common law for damage done by Animals.

Tas.L.R.C.: 1977 10: Second Report to year ended 31 December 1976: ✓

: 1977 36: Obligations arising from de facto relationships. ✓

: 1977 36: Report on discrimination on the grounds of sex. Aug. 1977. ✓

V.C.J.C.: Alternative remedies under the Workers' Compensation Act and at common law. ✓

W.A.L.R.C.: Annual Report 1976-1977.

: W.P.64: Review of bail procedures. (See pp. 12, 15.)

Australia: Royal Commission on Human Relationships: Final Report, 5 Volumes. ✓

Australian Senate Committee on Constitutional & Legal Affairs: Report on the Evidence (A.C.T.) Bill 1972.

: Report on Outstanding References, November 1977.