

Overseas Reform

"I will talk of things past, or things to come;
things foreign, or things at home."

John Bunyan,
Pilgrim's Progress, Apology, 1678.

Because the source is the same, it is hardly surprising that common law countries find great similarity in the defects that are being discovered in the common law itself and in its procedures. It is therefore desirable that there should be co-operation and the exchange of information among law reform bodies throughout the English-speaking world, and indeed beyond.

The Commonwealth Secretariat in London has just released its report on the 1977 meeting of Commonwealth Law Reform Agencies. Titled *Law Reform in the Commonwealth* it reviews the tremendous growth of permanent law reform agencies now working on the systematic development of the legal system in all parts of the Commonwealth of Nations. To it are appended a series of papers that review law reform methods and concerns in countries as far apart as Canada and Zambia, Jamaica and New Zealand. Common themes emerge, not least the concern to make law reform practical and to avoid the departmental "pigeon holes". At the same time, especially in controversial references, law reform bodies must work compatibly with the responsible form of Parliamentary government, operating in many parts of the Commonwealth. The Law Commission of England and Wales in its *Twelfth Annual Report* puts it thus:

"Though the institutions differ widely according to the requirements of the system of which they form part, the problems of method and procedure which they have encountered show many striking similarities. . . . The *Commonwealth Law Bulletin* . . . meets a large variety of needs; but we still urgently require a means by which any country in the Commonwealth can inform itself quickly and in detail of law reform recommendations made in other member countries and of the extent to which those recommendations have been implemented. We should like to pay tribute to the pioneering work of the Australian Law Commission in this field."

The reference by the English Law Commission was to the *Interim Law Reform Digest*. This index of law reform reports from all over the world has been prepared by the A.L.R.C. for research purposes. It is in most Australian

Law Libraries and is brought up to date by regular supplements.

The Law Reform Commission of Uganda has published reports on *The Venereal Diseases Decree, 1978* and *Foreign Investment in Uganda*. In a Foreword, a statement is attributed to Field Marshal Amin, Life President of Uganda, that "one elder had informed him that venereal diseases were brought into Uganda by Englishmen". However that may be, the Uganda L.R.C. acknowledges that "a behavioural change approach" is necessary to control the epidemic. "The basic change must come from the man, the 'individual'." Legislation is proposed to provide medical education, medical facilities and "contact-tracing". It is interesting to observe that specific mention of privacy of treatment is included.

The Canadian Bar Association's *National* has lately carried a series of articles on *Law Reform—Who Needs It?* Emphasis is laid upon the need for the legal profession to:

- Allocate more resources to monitor legislation
- Devise new procedures to argue and consider law reform proposals

It is acknowledged that "change is generally difficult to accept, particularly when it involves traditions that affect many people". "Perhaps," the Canadian writers say, "this is why the reform of the law is difficult and unpopular." But "unpopular" to whom? The comfortable lawyer and well-organised administrator must not have the sole claim on convenience.

One interesting development in recent days is the distribution of a "consultative document" by the English Law Reform Committee. This body, established in 1952, is made up of part-time judges and other lawyers. The Committee's work supplements the work of the Law Commission. The consultative document deals with *The power and duties of Trustees*.

Odds & Ends

"I walked a mile with Pleasure
She chattered all the way,
But left me none the wiser,
For all she had to say."

R. B. Hamilton, *Along the Road*.

■ Changed attitudes of the legal profession in Australia were referred to by Mr. Justice