

"The respect that was born of infrequent contact, unquestioning reliance and blind faith has gone forever. We should not lament the more realistic assessment of our foibles and judgment according to human standards".

On the question of the regulation of the professions, he called for "the right balance" between:

- the legitimate demand of the community for a voice in the expenditure of its wealth and
- the need to preserve independent professions that will encourage the old fashioned virtues of excellence, service and devotion to higher ideals.

## Changes in South Australia

"Politicians make strange bedfellows, but they all share the same bunk.

Edgar Shoaff

The South Australian election which brought the administration of Dr. D.O. Tonkin to office was just in time for the last edition of *Reform*. We there noted the appointment of Mr. Trevor Griffin as State Attorney-General. A profile of Mr. Griffin in *The Advertiser* 27 September asserts that he comes to the Attorney General's job "very much as a lawyer, rather less as a politician". Presenting his commission to a full sitting of the Supreme Court of South Australia Mr Griffin said:

"The principal responsibilities of my office are to ensure that the Rule of Law, as an essential element of our democracy, is upheld, that its administration facilitates that and that the review and development of our laws is continued responsibly and sensitively".

According to the article one of Mr Griffin's major interests is law reform. As previously noted before his election to Parliament, he was a member of the S.A. Law Reform Committee. A good many of his speeches in Parliament have dealt with law reform. The Attorney also stated:

"Many reforms of the law have been in areas which can loosely be described as "lawyers law", away from the glamor of the public limelight. But I hold the view that often the quiet reform of lawyers law

will have more significant consequences for the administration of justice than the more colourful reforms in the spotlight. The reforms of "lawyers law" are most important, and arise from the practical experience of the Bench and lawyers".

Interestingly enough, the first item in the Liberal Party policy on legal matters was the establishment of a permanent Law Reform Commission in South Australia.

"There is a need for a permanent Law Reform Commission which will greatly facilitate law reform and the updating of our laws. South Australia is the only State without such a Commission. In recent years, with the growing complexity of our society and the volume and prolixity of legislation, this need has increased. Following the success of the Law Reform Committee ... when finances allow, we will set up a permanent Law Reform Commission with statutory authority and with adequate staffing".

In the policy, issued during the election campaign, the then Government was taken to task for having failed to implement a number of the recommendations of the S.A.L.R.C. Many of these were described as "non contentious". A commitment was made to effect reforms in a number of areas including occupiers liability, the law relating to investment of trust funds and the law relating to animals, upon all of which the S.A.L.R.C. had reported.

As further evidence of the growing utility of the A.L.R.C. to State Administrations, there are three areas in which the new government has entered a commitment to consider reports of the Australian Commission:

- *Privacy*: "We will consider the recommendations of the Australian Law Reform Commission on this matter when they are made".
- *Libel and Slander*: "We will take into account and be guided by the report of the A.L.R.C. We will co-operate with other states in producing uniform and reformed laws relating to defamation".
- *Compulsory Acquisition*: "We are alarmed that compulsory acquisition is being used almost as a method of government. ... We will take into account the report of the A.L.R.C. on Compulsory Acquisition when it is produced".

A common theme of the policy document and of Mr. Griffin's interview is the emphasis upon implementation of law reform. He told *The Advertiser*

"The important aspect of it is that I want to ensure that the work which they do is not wasted. ... There needs to be ... some mechanism worked out to ensure that reform proposals do not get lost in pigeon holes, that they do not get forgotten — that they are kept on the agenda even if they are not implemented".

Other interesting promises of action include attention to legal aid, Freedom of Information, reform of the *Legal Practitioners Act* and community legal education. The feasibility of setting up an independent committee to make recommendations on judicial appointments is also to be investigated.

## Federal Crime and Federal Punishment

"Prison reform will not work until we start sending a better class of people there".

Dr. Laurence J. Peter

The A.L.R.C. is moving rapidly to its interim report on the sentencing of federal offenders. It is expected that the report will be presented to Attorney-General Durack in February 1980. The Commissioner in charge of the A.L.R.C. Sentencing reference, Professor Duncan Chappell leaves in early 1980 to take up a Chair at Simon Fraser University in Canada.

The report will give the first overall picture yet presented of federal crime in Australia. The trial of federal offenders in State courts and their reception, when convicted and sentenced to imprisonment, in State prisons, has tended to obscure the operations of the federal criminal law. The A.L.R.C. reference on Sentencing, coinciding with the establishment of the Australian Federal Police, now provides an opportunity for the identification of problem areas and future directions.

Perhaps the most interesting work of the A.L.R.C., in laying the basis for its reform pro-

posals, has been in the gathering of empirical data and opinion. With the co-operation of the Federal Police, the Australian Bureau of Statistics and the Federal Attorney-General's Department, a detailed analysis has been made of crime files. A composite picture has been built up of the patterns and likely future growth areas. In addition, a number of important surveys have been conducted, all of which will be reported and commented on in the forthcoming report. These have included:

- The national survey of judges and magistrates
- The survey of Federal and other offenders
- A survey of Federal Prosecutors
- A national public opinion poll conducted by *The Age* newspaper.

It can be safely predicted that a recurring theme of the forthcoming report will be the shocking inadequacy of data on crime and punishment in Australia. Addressing an International Police Conference in Canberra, the A.L.R.C. Chairman castigated the slow progress towards national and comparable crime figures in Australia. He said that the subject, first raised at the Police Commissioners' Conference in 1961, had so far progressed at only a "snail's pace".

"That it took 60 years of Federation to reach the point where the first decisions could be made to move towards national and comparable crime figures is itself a sobering reflection on the occasional torpor of Federalism. Although some uniform crime figures have been published by the Bureau of Statistics since 1964, the number of crimes so far described remains very low, at present only seven".

The value of improved national crime information was described as including:

- Comparison between crime rates in different parts of the country.
- Comparison of "clear-up rates" of different crimes and by different police forces.
- Identification of problem areas of "new crime" e.g. drug offences and corporate crime.