

examination of the history of the legal profession in N.S.W. and then examines the general policy that should guide the preparation of people for the legal profession. The committee examines the suggestion that there was or shortly would be an over-supply of lawyers. It concludes that 'serious attention should be given to the need to reduce the number of persons embarking upon a legal education' (p.61). A number of specific recommendations are made, including:

- Establishment of a Council of Legal Education to prescribe education standards for admission to practice, approve courses and maintain liaison with government
- The State Supreme Court should remain the admitting authority with power to determine 'moral fitness to practise'
- Academic and practical qualifications should become matters for the Council for Legal Education
- Law should not become an exclusively post-graduate course 'at this stage'
- The percentage of teaching staff in law schools, with practical experience, should increase
- The requirement that an applicant for admission be a British subject and take an oath of allegiance to the Crown should be abolished, as no longer relevant to legal practice
- Suitable courses should be provided to train legal para-professionals

One of the points noted in the Bowen Committee Report was the desirability of achieving 'portability' of basic legal education qualifications throughout Australia and also securing agreement on a 'common core of subjects' which will be a compulsory element in all law schools (p.125). A step towards achieving this and other goals may be the formation of a consultative committee of the law admitting authorities of Australia, announced 21 February 1980. The Committee, convened by the Chief Justice of New South Wales (Sir Laurence Street) comprises representatives of State and Territorial law admitting authorities,

responsible for the admission of legal practitioners throughout Australia. The functions of the Committee are to include adoption of common criteria on:

- recognition of overseas legal qualifications
- admission of Australian practitioners
- other matters affecting divergences between admission requirements of the States and Territories of Australia.

The Secretary-General of the Law Council of Australia (Mr R.D. Nicholson) is Secretary of the consultative committee. All Australian law bodies took part in the initial meeting, except the Bar Association of Queensland. One of the forces encouraging new attention to a consistent, national approach to legal training and admission, is the expansion of Federal Courts and growth of Federal legislation. Mr Nicholson, in a paper for the 20th Legal Symposium of the Queensland Bar Association and Law Society, held at Surfers Paradise at the end of February 1980 predicted that more is to come:

"The survey in this paper suggests that . . . Federal influences are now more than nascent and, indeed, they could be described as pervasive, even though secondary to State influences . . . The problem of recognition is understandable, Federal influences have been recent. They have intensified in the last decade and particularly in the latter half of that decade . . . [They] will not recede in the years ahead."

R.D. Nicholson, *Federal Influences on Legal Practice*, 1980.

Rape Reform

"The expense of spirit in a waste of shame
is lust in action; and till action, lust
is perjured, murderous, bloody, full of blame."

Shakespeare, *Sonnet 129*

In the last issue of *Reform* we drew attention to the departmental study in Victoria of the operation of the Rape Offences (Proceedings) Act 1976. See [1980] *Reform* 16. The study has shown that in the overwhelming majority of rape cases in Victoria, rape victims are no longer having to face the emotional trauma of

generalised cross-examination about their sexual conduct.

Many of the law reform agencies of Australia have had the task of examining reform of the laws and procedures governing rape trials. In the Federal sphere, the Royal Commission on Human Relationships proposed important law changes and it is understood that draft legislation will shortly be forthcoming for reform in the Australian Capital Territory. The Federal Attorney-General, Senator Durack, on 23 October 1979 told the Senate that an inter-departmental committee had reported to him on the reform of rape laws in the Australian Capital Territory. As a result of discussions with departmental officers, he had given instructions for the preparation of a Bill and a draft of the Bill had been received and was under consideration (*CPD (Senate)* 23 Oct. 1979, 1605). A review of Australian reform proposals is found in the article by Deidre O'Connor [1979] 2 *Crim LJ* 115. The Tasmanian Law Reform Commission has now taken an important national initiative. Following the receipt by it of a reference on rape, the Commission is organising a National Conference on Rape and Other Sexual Offences to take place in Hobart on 28-31 May 1980. The Conference will be sponsored jointly by the TasLRC, the Faculty of Law at the University of Tasmania and the Australian Institute of Criminology. Preliminary discussions about the Conference have been held with Commonwealth and N.S.W. participation. At a time when legislation has been enacted in some Australian jurisdictions and is under immediate consideration in at least three others, the Conference should be extremely well timed. Explaining the purpose of the Conference, the TasLRC put it this way:

"This subject [rape] has lately been of concern to most State Governments and law reform agencies and some States have legislated or are contemplating new legislation. It has also aroused great public interest, particularly from women's organisations and is one which we feel requires a balanced approach, preferably from a national rather than a purely local standpoint, with maximum community participation."

The preliminary announcement on the conference indicates that there will be participation from overseas. The work of the workshop and discussion groups will be divided into four major areas of study:

- Substantive law of rape and sexual offences
- Laws of evidence affecting rape trials
- Administrative procedures, concerning the handling of rape complaints by police and other officials
- Support services, e.g., special rape crisis units in hospitals, follow-up social work support, victim compensation, etc.

The circular advertising the Conference indicates that at the closing session an attempt will be made to consider 'consensus conference resolutions'. No doubt all Australian Governments will be examining the outcome of the conference with special attention. Inquiries about it should be addressed to: Mr W.H. Goudie, Executive Director, Law Reform Commission of Tasmania, Box 825H, Hobart, Tas.

Debtors and Creditors Again

"The safest way to double your money is to fold it over once and put in your pocket."

Frank McKinney Hubbard

Bankruptcy Reform. The Federal bankruptcy systems of Australia and the United States are undergoing change and reform, designed to provide procedures attuned to the modern credit economy. In November 1978, a Bankruptcy Reform Act was passed in the United States, substantially to implement recommendations of the U.S. Commission on the bankruptcy laws. Amongst changes introduced:

- Establishment of a U.S. Bankruptcy Court to take over judicial functions from referees of the Federal District Courts
- Consolidation of 'wage-earner' schemes, to be available for all persons with a regular income
- Abolition of the 'act of bankruptcy'.