

members of the English Commission 'in a number of radio and television programs connected with our work'. The Law Commission, *14th Annual Report* 1979 (Law Com. No. 97).

South Africa. The Annual Report of the South African Law Commission for 1978 has now come to hand. It shows the Commission also working on the revision of the laws of evidence. One interesting task is the compilation of a register of common law sources. The task was apparently completed and the register was to be published during 1979. The Law Commission repeated its 1975 call for the appointment of 'at least some members permanently' to give their full attention to law reform. It concludes with a familiar lament:

As long as the Commission consists entirely of part-time members, progress will inevitably be slow and the number and size of projects which can be undertaken will be limited.

The part-time Chairman of the Commission is Mr. Justice Rabie, a Judge of Appeal.

odds and ends

■ At the end of March 1980, the third report of a Royal Commission on Drugs in Australia, became available. This time it was the report of a joint Federal/State Commission. The Royal Commissioner, Mr. Justice E.S. Williams of the Supreme Court of Queensland points out that most socially destructive drugs are already obtainable within the present law in Australia. Nevertheless, the Royal Commission report suggests that illegal drug abuse is a serious and growing problem which calls for a national policy to reduce drug abuse and to improve the rehabilitation of drug dependents. The need for education and a strategy concerning legal drugs is called to notice. Important suggestions are made concerning law enforcement and Mr. Justice Williams succinctly urges the importance of prevention rather than steeper penalties in deterring drug trafficking.

It is a far greater deterrent that nine drug traffickers go to gaol for five years each than that one is sentenced to gaol for life.

The Royal Commission report urges a uniform Australian Drug Trafficking Act, the establishment of national and State criminal drug intelligence centres, improved coastal surveillance and better treatment and rehabilitation facilities.

■ Following the ALRC proposals on child welfare law reform reported in [1980] *Reform* 49, a number of developments in the States show that this debate is alive and well.

- In Victoria, the Government has postponed a decision on compulsory reporting of child abuse cases by professionals. Instead, it is to concentrate on providing child protection units and to co-ordinate reporting of child abuse cases on a voluntary basis.
- In South Australia, the Attorney-General, Mr. Griffin has introduced a Bill to provide that a child who has defaulted in paying a fine should have the option of spending a number of hours in a work program instead of a period of detention in a training centre. Mr. Griffin said that 'the present system of a mandatory period of detention on the basis of one day's detention for each \$10.00 unpaid is both costly to the Government and non-productive for the child'. Similar provisions to avoid automatic imprisonment of fine defaulters are included in the ALRC's interim Sentencing report. See above p. 72.
- In Victoria, the Mental Retardation Services Staff Association has urged the improvement of services for the mentally retarded. One of the new ALRC Commissioners, Associate Professor Robert Hayes, is specially interested in the law as it affects mental retardation. The International Year of Disabled Persons (1981) should provide a focus of new attention on this topic.
- The Minister for the Capital Territory Mr. R.J. Ellicott has announced the establishment of a permanent advisory group to serve as a voice for the children of the A.C.T. The proposal arose out of the International Year of the Child. (1980) 5 *Cwlth Record* 466.

■ In Victoria on 8 May, the Minister for Police, Mr. L.H. Thompson has introduced a Bill to amend the Police Regulation Act. The Bill is

designed to implement the second part of the Norris Report on *Investigation of Complaints Against Police*. The Norris inquiry arose out of the earlier report by Mr. (now Mr. Justice) Barry Beach, criticising the independence of the handling of complaints against Victorian police. Interestingly, the Bill adopts the principle of 'community involvement'. Where the Police Discipline Board is hearing a charge arising from a complaint made by a member of the public, the Board is to include a person nominated by the Minister who is not a policeman, public servant or lawyer. Provision is also made for proceedings to be open to the public, unless otherwise ordered and for appeals to a Police Service Board. In N.S.W. the Police Association has called for changes in the reformed complaints procedure which was based substantially on ALRC reports. Specifically the Association criticised the role of the Ombudsman but the Ombudsman has, for his part, complained to Parliament of his lack of effective powers.

Meanwhile, in the Commonwealth's sphere the Prime Minister has indicated that the investigation of complaints against Federal police is 'under consideration by the Government'. Recommendations of the ALRC and the ARC are being taken into account. Meanwhile, administrative steps have been taken consonant with the ALRC proposals. *Commonwealth Parliamentary Debates (H of R)* 23 April 1980, 2227. In Britain, the third Annual Report of the Police Complaints Board 1979 just to hand reports 7,358 complaints during the year.

■ The Report of the ALRC *Lands Acquisition and Compensation* (ALRC 14) has attracted favourable comments from surveyors' and real estate organisations. It is under the consideration of the Law Council of Australia and other legal bodies, as well as of the relevant Federal departments involved. On the tabling of the report, the Minister said that the report dealt with the issues of compensation and injurious affection 'in a very thorough and comprehensive manner' leading to recommendations for significant changes to the existing law. The Minister said that the recommendations called for close consideration by the Government 'and that will be done'.

The matters covered by the report fall within the ministerial responsibility of the Minister for Administrative Services and he will be taking early action to have the report considered by his department and other relevant departments so that the Government will be in a position to determine its attitude to the Commission's proposals.

Meanwhile, copies of the report have been sought in a number of State jurisdictions where proposals are under consideration to reform State land acquisition and compensation laws.

■ **Correction.** In our last issue [1980] *Reform* 40 it was said that the consultative committee working towards consistent Australian rules on admission of legal practitioners did not include the Bar Association of Queensland. Although this was correct, it has been pointed out by the Law Council of Australia that the Barristers' Board of Queensland not the Queensland Bar Association is the relevant admitting authority of the Queensland Bar, which did not take part in the consultative committee. All other admitting authorities of the States and Territories did take part. The consultative committee is comprised of representatives of law admitting authorities themselves, not the professional bodies. As progress is made by the consultative committee, it will be relayed to the readers of these pages.

■ The ALRC report on defamation law reform in Australia *Unfair Publication* (ALRC 11) has been referred to a committee of Federal and State officers of the Standing Committee of Attorneys-General. (See (1980) 5 *Cwlth Record* 155). The Federal Attorney-General, Senator Durack, said that he supported the concept of uniform defamation laws. However, the Federal Government preferred to achieve uniformity either through passing complementary Federal legislation with the States or by reference of power to the Federal Parliament by the States or a combination of both. No report so far on the work of the Committee. In New Zealand, the *Otago Law Review* has published an article by C. R. French 'Defamation Law Reform – A Special Defence by the News Media' (Vol. 4, p.370). The author objects to the notion of special privilege for the media as 'undesirable, unnecessary and unworkable'. He calls attention to the need to consider privacy protection, in the context of defamation

law reform. He points out that American courts have developed a 'reasonably effective' tort of privacy and that Canadian judges 'are thinking along similar lines'.

■ The Federal Minister for Industry and Commerce, Mr. Phillip Lynch is reported as having told a breakfast meeting of the Australian Association of Independent Businesses that it was important that small businesses should not be made 'vulnerable' to class actions. According to the report, Mr. Lynch said that:

Class action suits have the potential to strike at the viability of many businesses – particularly smaller firms which may not be able to finance major legal battles of extended duration. I can assure you that the Government has no wish to see small businesses made vulnerable to the caprices of self-appointed crusaders claiming to defend consumers but in practice responsible to no one. Any class action proposals which are brought forward will be examined closely with particular regard to this aspect.

The Minister's statement has been noted by the ALRC and is under consideration by Mr. Bruce DeBelle, the Commissioner in charge of the Federal class actions project. Mr. DeBelle has recently returned from the United States and Canada, where he discussed class action procedures with experienced lawyers, judges, businessmen and government officials. Meanwhile, in Australia, the campaign against class actions continues unabated in some quarters. The Insurance Council of Australia has denounced class actions as 'a cure looking for an ill' (*ICA Bulletin*, April 1980). It claims that the ALRC had not established that 'our legal procedures are inadequate nor that class actions are actually needed'. In Britain, an important decision of Mr. Justice Vinelott has pushed forward the scope of the old 'representative action'. The comments of the London *Financial Times* (26 February 1980) concerning this development are very different to the comments lately heard in the Australian financial press. The claim involved a representative action brought by one large shareholder (Prudential Assurance) on behalf of other members of a company. Said the *Financial Times*:

representative or derivative actions looks unlikely is illustrated by the longevity and expense of the Pru case itself. The Prudential is to be congratulated on its determined action. . . . Other institutions must be awed by the effort which has been required to right a wrong. *Prudential Assurance Co. Ltd. v. Newman Industries and Ors* [1979] 3 All ER 507.

new reports

Australia

ALRC: 15: *Sentencing of Federal Offenders* (Interim Report) 1980. See p.72.

: DP 13: *Privacy and Intrusions* (June 1980) See p.68.

: DP 14: *Privacy and Personal Information* (June 1980) See p.68.

NSWLRC: BP II: *Legal Profession, 1980.*

: DP 3: *Legal Profession and Professional Indemnity Insurance 1979.*

Evidence DP: *Competence and Compellability, 1980.*

Evidence DP: *Oaths and Affirmations, 1980.*

Evidence DP: *Unsworn Statements of Accused Persons, 1980.*

VCJC: *First Report Concerning the Construction of Wills November 1978.*

: *Second Report Concerning the Construction of Wills, April 1980.*

: *Family Law Act and State and Territory Welfare Legislation, May 1980.*

WALRC: 53: *Report on Privilege of Journalists 1980.* See p.71.

Law Council of Aust:

: C29: *Minimum Standard Rules for Australian Prisons.*

: C30: *Family Law (Costs) Regulations.*

: C31: *Metric Convention Proposals.*

: C32: *Report on Options in Leases – Conveyancing Act N.S.W. Section 133.*

: C33: *Short form Extensions and Variations of Leases and Torrens Title Land.*

: C34: *The Family Law Act and State and Territory Welfare Legislation.*

: C35: *Report on Convention providing a Uniform Law on the form of an International Will.*

: C36: *Report on Teaching of Industrial Law.*

: C37: *Submission to Joint Parliamentary Committee on the Family Law Act.*

: C38: *Companies Takeovers (Australian Capital Territory) Bill 1979.*

: C39: *Time Limits in the Administrative Appeals Tribunal Act.*

: C40: *Statutory form of General Power of Attorney.*

: C41: *Consultative paper on Social Security Appeals.*

: C42: *High Court Rules.*

The most overwhelming reason why a proliferation of