Special Branch files has been terminated. Instead, a former Supreme Court judge, The Hon. David Hogarth Q.C., has been appointed to make an inspection at least once a year. The Premier told Mr. R. Millhouse Q.C. during Question Time in parliament that the Special Branch's activities would be directed specifically at terrorism. The change in arrangements followed consultations with the Chief Justice of South Australia, Mr. Justice King, who concluded that it would not be appropriate for 'a continuing audit' to be conducted by a Supreme Court judge.

social implications of informatics. Privacy is only one of the implications of the new computer technology. Other implications were unveiled at the OECD High Level Conference on Information, Computer and Communications Policies in the 1980s, held in Paris in early October 1980. Session D of that Conference dealt with aspects of the private interest raised by the new technology. Among problems for lawyers identified in the papers and debates were:

- The increasing vulnerability of computerised society to terrorism, accident, industrial unrest and crime.
- The need to redefine crimes to cover new anti-social conduct involving computers and telecommunications.
- The 'haemorrhage' of the government monopoly over telecommunications arising from the proliferation of satellites with inexpensive earth stations permitting the by-pass of orthodox 'secure' public telecom systems.
- Implications of computications for the workplace, work stress, unemployment, vulnerability of particular work groups and geographical areas.
- Delivery of legal information, including internationally, by computerised means.
- The need to revise intellectual property law, including copyright and patents.
- The need to work out a new regime for 'conflicts of laws' applicable to a medium which is transient, ephemerial and international.

living with the data base. From England comes the report that a Department of Trade Green Paper will be issued on the subject of computer copyright shortly. Attached to an article by A. Kellman, 'Copyright and Computer Programs: A New Approach', in *Computer Bulletin* (September 1980) 8, is a draft Copyright (Computer Programs and Digital Recording) Bill. It boasts such unlawyerly words as 'retransmutation', 'cross-transmutation' and 'non-linear processes'. Lawyers it seems must learn to live with the data base. Also from England is the report in *The Times* (1 December 1980) that pressure for privacy laws is now coming from an unexpected source: business interests. It is pointed out that seven countries of Europe have already enacted data protection laws. British computer firms are now losing business in Europe because there was no legal guarantee that private information could be enforceably protected. A Swedish contract with a British firm for the manufacture of plastic health cards on thousands of people was cancelled because there was no guarantee that the privacy of the information could be protected. The Home Affairs Committee of the House of Commons is reported to be about to publish a statement criticising the Home Office for its tardy action on privacy laws in Britain. Meanwhile, in Australia, Professor Hayes is aiming at the second half of 1981 for the draft ALRC report with privacy legislation for the federal sphere in Australia.

new zealand reform

> The past is a foreign country; they do things differently there.
>
> L.P. Hartley, 'The Go-Between', c.1956.

falling behind? The New Zealand legal profession is now gearing itself for the forthcoming Conference to be held in

Dunedin 21-25 April 1981. The conference should provide an opportunity for a new look at a number of issues, including law reform as it is done in that country. In late August 1980 Professor Douglas Whalan, delivering a paper to the Plenary Session of the Australasian Universities Law Schools' Association at Dunedin, urged that New Zealand was 'lagging behind' in reform of the law. Professor Whalan is Professor of Law at the Australian National University. He has long interested himself in law reform both in New Zealand, where he was born, and later in Australia. He chaired the federal Committee of Inquiry into Privacy Protection in 1973-75 and was a Law Reform Commissioner in the ACTLRC. Significantly, he has always interested himself in computers, though, more orthodoxly, his published works have concentrated on the law of trusts and land titles.

After recounting the early history of parliamentary reform in New Zealand, Professor Whalan concluded that the country had:

> fallen behind in not providing modern machinery for systematic law reform. ... In our own area, the Commonwealth countries of Australia, Papua New Guinea and Fiji have law reform commissions to deal with the need for reform of the law and to cope with the complex developments of modern society. New Zealand does not have a law reform commission; I believe it should. New Zealand's present law reform machinery cannot respond to the challenges to our law from now to the year 2000 and beyond.

The present arrangement for law reform in New Zealand rests with a Law Reform Council, five Law Reform Committees and a Law Reform Division within the Justice Department. The Council and Committees are part-time bodies. According to Professor Whalan, they deal mostly with reform of 'technical areas of the law most of which are non-controversial'. Professor Whalan urged that a New Zealand Commission should:

> be asked to tackle contentious or even socially or politically sensitive areas of reform. This is certainly happening in Australia with success. ... Law reform activities must become very much more public than is possible with present machinery. I doubt if one person in a thousand in New Zealand knows of the existence of the present New Zealand law reform bodies. In contrast, a very high proportion of the Australian population knows of the work of the Australian Law Reform Commission. I agree with the recent Report of the Australian Senate Standing Committee on Constitutional and Legal Affairs that public discussion before completion of reports is of great importance. For me, it is part of the democratic process.

Professor Whalan called for a full-time law reform commission 'of the modest kind' which need not be expensive but which could cope with the challenges to law, amongst the chief of which he cited the challenge of computers.

a good score? Responding to the Professor's broadside, the NZ Minister of Justice, Mr. J. McLay, said that the present law reform machinery was working well and had not avoided contentious areas of the law. He cited reports on credit contracts, culpable homicide and rights to damages for wrongful acts of government as examples of recent nettles grasped:

> New Zealand also achieves a great deal outside the formal committee system. Looking only at the last five years ... we have seen a completely new matrimonial property law, a Human Rights Commission administering equal opportunities legislation, and major changes in securities legislation. We are well advanced towards a complete revamping of our courts system and a fundamental rewriting of most of our family law. I know of no Australian jurisdiction with a full-time law reform commission that has a comparable record of legislation than New Zealand's in the last few years.

Mr. McLay said that he could always see room for improvement, but he thought there was no ground for supposing that New Zealand would do better 'by acquiring radically new law reform machinery'.

Meanwhile, somebody who should know has written an informative article on 'Law Reform and the Legislative Process'. Professor Gordon Orr, writing in (1980) 10 VUWLR 391, traces in a painstaking note the history of the development of law reform and law reform machinery in New Zealand. A good part of the article pays a handsome tribute to some of the Ministers of Justice who interested themselves in law reform, particularly J.R. Hanon, Dr. M. Finlay and the present Minister, Mr. McLay.

Although a backlog of 'unactioned reports' of law reform committees did develop, it has apparently been reduced, particularly in recent times. Summarising the 'tally', Professor Orr, who was for a time the Secretary for Justice of New Zealand, gives the following table:

Total NZ reports 1967-80	92
No change recommended	21
	—
	71
	—
Number implemented	40
Bills prepared for implementation	9
No action to date	22

Professor Orr agrees that the 'lack of adequate research personnel' is a long-standing complaint about the present part-time committees. So too are the irregular meetings, poor remuneration and limited public consultation. On the other hand, significant achievements have been made. It is plain that Professor Orr is not much in sympathy with the proposal of Professor D.L. Mathieson [1978] NZLJ 442, that a single full-time Commissioner with the status of a High Court judge, with a deputy and a small full-time research staff should be appointed. Nor does he favour the 'emasculation' of the role of the Department of Justice, fearing 'a likely consequence' to be rivalry between the two bodies ... in the promotion of law reform proposals.

> The proposal failed to appreciate that a principal reason for our achievement in law reform has been the close and continuous involvement of the Justice Department in all phases of the law reform process. Any suggestion that the Department has not actively promoted the implementation of Standing Committee reports, where these proved acceptable to government, is in my experience quite unfounded. The record can speak for itself.

Instead of setting up a New Zealand Commission, Professor Orr urges the appointment of a suitably qualified person as head of the Law Reform Division of the Ministry to assume responsibility for developing and co-ordinating the law reform programme of the part-time committees. Establishment of a law reform commission would not, in this view, result in more or better legislation. On the contrary, there is a danger, according to Professor Orr, that the pace of reform would diminish.

prisons, sentencing and crime

> As he went through Cold-Bath Fields he saw a solitary cell
> And the devil was pleased, for it gave him a hint
> For improving his prisons in Hell
>
> S.T. Coleridge, *The Devil's Thoughts*, c.1804

sentencing report. Crime and punishment continue to attract scholarly and popular comment. The release of the ALRC Interim Report, *Sentencing of Federal Offenders* has sparked off a continuing and sometimes heated national debate. The focus of *The Sydney Morning Herald* editorial (16 September 1980) was the unique survey of judges and magistrates throughout Australia engaged in sentencing. The editor's concerns were consistency, parole and victim compensation. The editor of *The Australian* (16 September 1980) picked up alternatives to prison as a chief theme:

> The need for thorough reassessment of legal methods of punishment in modern society has been apparent for some time. The report by the Australian Law Reform Commission underlines the urgency of the need. ... The findings of a survey of judges and magistrates ... clearly indicates the amount of uneasiness in the minds of those charged with administering the law. ... State and Federal Governments should follow through with action on the report and not let it become just another interesting volume of comment and statistics gathering dust in Public Service pigeonholes. The expense of keeping a person in jail — estimated by the Commission at more than $20,000 a year, when social security payments to the families are taken into account — is reason enough for the taxpayer to back government action, but the social aspects are every more important than the financial. It is patently a waste of lives — and of the human spirit — to lock people up. Often, there can be no alternative. But there are many more alternatives than the system at present provides.

Other themes are taken up in Sydney by the editor of *The Sun* (15 September 1980).

> One system is made for a national Sentencing Council made up of judges and other experts and community representatives to give judges sentencing guidelines and to promote greater consistency