

victorian changes

Change is the law of life. And those who look only to the past or the present are certain to miss the future.
President J.F. Kennedy, Address in Frankfurt, June 1963.

changed government. The Victorian State election on 3 April 1982 ushered in a peaceful but profound change in the government of that State. After 27 years in office, the Liberal Government led by the Premier Lindsay Thompson was defeated. At the head of the successful Labor team was the new Premier, John Cain. Mr. Cain is the first Labor Premier of Victoria since his father held office in the Labor interests in the early 1950s. A lawyer and a past President of the Law Institute of Victoria, it is understood that Mr. Cain will himself hold the position of Attorney-General, as well as that of Premier, at least during the initial phase of the Labor Government.

Mr. Cain was one of the first members of the ALRC. He was appointed a part-time Commissioner in May 1975, soon after the establishment of the Commission. His appointment coincided with that of Mr. F.G. Brennan QC of the Brisbane Bar, later Sir Gerard Brennan, now of the High Court of Australia. Upon his appointment, Mr. Cain took an active part in the first reports of the ALRC. He was a signatory to the report on Complaints Against Police. By an irony of history, the Federal legislation based on this report (Complaints (Australian Federal Police) Act 1981) came into force precisely one day before his election to government.

In 1976, whilst still an ALRC Commissioner, Mr. Cain was elected to the Legislative Assembly of Victoria as MP for the new seat of Bundoora. In a statement to the *Age* following his election, he said that he intended to concentrate on law reform, particularly the administration of justice. He has done this during the past six years. From time to time, he has referred in the Victorian Parliament to the ALRC report, *Criminal Investigation* (ALRC 2, 1975) which he also signed as a Commissioner. That report is now the basis of the Criminal Investigation Bill 1981 before Federal Parliament. It will be interesting to see whether similar legislation is introduced into the Victorian Parliament.

law issues. In an interview given to the *Age* (24 March 1982) Mr. Cain outlined a number of areas in which he hoped progress would be made under his government. These included:

- widening the provisions of the Equal Opportunity Act to include discrimination on the grounds of disability or race;
- provision of affirmative action in promoting employment equal opportunity for women;
- introduction of class actions 'not just in equal opportunity cases but in other disputes where individuals with little money are taking on a wealthy company or on behalf of a group';
- improvement in legal aid;
- revision of victimless crimes, including prostitution.

On this last point, Mr. Cain is quoted as saying:

Prostitution is a reality and apart from penalising associated activities which cause offence to others there seems no point in continuing with the present situation. There has been a slow movement away from a whole range of victimless crimes, if you like, being designated as crimes . . . It's a slow process and we're not going to frighten the horses. Certainly that and other areas are being viewed differently by the community at large and the government ought to respond to that.

Other law changes foreshadowed by Mr. Cain include:

- appointment of a Director of Public Prosecutions for Victoria;
- introduction of a Freedom of Information Act.

administrative reforms? In an address to the Victorian Branch of the Second Division Officers of the Federal Public Service immediately following the election, the ALRC Chairman, Mr. Justice Kirby, offered some advice to his 'erstwhile colleague', the new Premier. He referred to the 1968 report of the Victorian Statute Law Revision Committee which has not been implemented and which urged the creation of a general administrative appeals tribunal in Victoria akin to the Federal Administrative Appeals Tribunal. He said that State colleagues should consider the Federal reforms. Mr. Cain may be expected to continue his interest in law reform but now from the different perspective of the Treasury Benches in Spring Street, Melbourne.