

- *Criminal Proceedings and Mental Disorder*. Discussion paper being drafted.
- *Wills: Substantial Compliance*. Discussion paper issues.
- *Problem of Old Convictions*. Following consideration of comments on discussion paper and issues paper, work in progress on drawing up final recommendations.
- *Pawnbrokers Act*. Discussion paper being drafted.

obituary

The Hon Paul Landa

Paul Landa the Attorney-General of New South Wales died suddenly on 24 November 1984, aged 43. Mr Landa began his legal career at the Sydney legal firm of McClellands in 1965 and six years later became a partner in that firm. Shortly after this he went to the Sydney Bar and in 1973 entered politics when he was appointed an ALP Member of the Legislative Council. Within three years Mr Landa was a Minister. His first portfolio was that of Industrial Relations which was followed by Education, Energy and Water Resources and Planning and Environment. In January 1983 Mr Landa became Attorney-General. In the March election of that year Mr Landa moved from the Upper House to become the Member for Peats in the Legislative Assembly, a move regarded by many as an essential step towards the Premiership.

Mr Landa's contributions to law reform in New South Wales were significant. As Minister for Planning and Environment he set up the Land and Environment Court. As Attorney-General he introduced legislation regulating the issue and execution of search warrants, clamped down on the activities of 'fly-by-night' insurance companies, established an independent tribunal to determine solicitor's fees and significantly restructured the workers compensation system. Perhaps his most innovative achievement, and the one of which he was most proud, was the passage of legislation implementing the NSWLRC's report on de facto relationships. At the time of his death, Mr Landa was putting the finishing touches to a proposal for the compulsory electronic recording of police interviews of suspects. This was designed to overcome the contentious problem of police verbals. Mr Landa also took an active part in successive constitutional conventions and in particular was a vocal proponent of constitutional reform to overcome the jurisdictional difficulties besetting the Family Court. The cause of law reform in Australia has lost a tireless worker and a significant ally.

Mr Justice McClelland and the Premier of New South Wales, Mr Wran QC led the tributes to Mr Landa. Mr Wran described Mr Landa as an innovative, committed Minister and a natural leader who had the ability to be a future Premier: 'He was one of those blokes who didn't know how to stop. I think one of the reasons his death is so shattering is that he enjoyed living so much.' he said.

Mr Landa's successor as Attorney-General is Mr Terry Sheahan; see *personalia*.

personalia

The second Hawke ministry and law reform

Shortly after the Hawke Federal Government was returned to office at the 1 December Elections, the second Hawke Ministry was formed. The Deputy Prime Minister Mr Lionel Bowen became Attorney-General and the former Attorney-General, Senator Gareth Evans, became Minister for Resources and Energy. Mr Bowen entered the Australian Parliament in 1969. During the Labor Government of 1972-1975, he served as Postmaster General, Special Minister of State and Minister for Manufacturing Industry. After the Labor Party left office in 1975 he became Labor's Shadow Attorney-General and was heavily involved in the Citizens for Democracy campaign for constitutional reform. In 1976, he proposed and drafted a New Constitution for Australia, a document that incorporates a Bill of Rights and eliminates the need for a head of State. In 1977 he was elected Deputy Leader of the Federal Parliamentary Labour Party and in 1980 he changed from Shadow Attorney-General to the Shadow Minister for Foreign Affairs.

Senator Evans was a foundation part-time member of the Australian Law Reform Commission from 1975. He resigned from the Commission to contest successfully his Senate Seat at the 1978 elections. Senator Evans was Shadow Attorney-General from November 1980 until the 1983 federal elections when he became the Attorney-General. Major law reform achievements during his period of office include the passing of the Insurance Contracts Act, the Insurance (Agents and Brokers) Act and, in conjunction with Senator Ryan, the Sex Discrimination Act. Other important reforms that he influenced included the amendment to the Acts Interpretation Act to enable courts to make use of extrinsic material such as reports, treatises and debates where relevant to interpretation of statutory provisions, the amendment of the Copyright Act to clarify and strengthen the protection offered to computer software; the provision of budget support for special family law centres to provide advice on conciliation and family disputes; proposals for a new Human Rights Commission and work towards a Federal Bill of Rights and a major overhaul of Federal criminal law by Justice Ray Watson. He also set up a law reform program for the ACT and embarked on a major co-ordination exercise between the Commonwealth and the States designed to produce a national no-fault accident compensation system.

The Prime Minister, Mr Hawke, paid tribute to Senator Evan's tireless efforts and dedication as Attorney-General and said that he felt sure that the Minerals and Energy portfolio would greatly benefit from the Senator's considerable talents.

The Hon Justice Murray Wilcox

Justice Wilcox, a judge of the Federal Court, was appointed Acting Chairman of the Australian Law Reform Commis-

sion on 24 September 1984. He replaces the former Chairman of the ALRC, the Hon Justice Michael Kirby, who resigned to take up appointment as President of the NSW Court of Appeal. Justice Wilcox was appointed to the Federal Court in May 1984 (see [1984] *Reform* 126) after a distinguished career at the NSW Bar. He was a full-time member of the ALRC in 1976 and 1977 and a part-time member in 1978 and 1979. During that period he led the projects which resulted in the ALRC Reports: *Unfair Publication: Defamation and Privacy* (ALRC 11) and *Lands Acquisition and Compensation* (ALRC 14). He also took a major part in the ALRC work on the law of standing and class actions. Justice Wilcox joined the Bar in 1963 and had a considerable involvement on briefs involving environmental issues. His interest in the environment resulted in his election as President of the Australian Conservation Foundation and President of the Environmental Law Association of NSW. Justice Wilcox was Procurator of the Presbyterian Church in New South Wales from 1974 to 1977 and has written a number of texts on land law.

Mr Terry Sheahan

On 12 December 1984 Mr Terry Sheahan was sworn in as Attorney-General of New South Wales following in his father's footsteps who was Attorney-General between 1953 and 1956. Mr Sheahan succeeded Mr Landa who died suddenly on 24 November 1984. Mr Sheahan the Member for Burrinjuck has been in Parliament since 1973. He has been in the Ministry since 1980 and has held the positions of Minister for Housing & Co-operative Societies, Minister for Energy & Finance, Minister for Planning & Environment. As well as now holding the position of Attorney-General, he is Leader of the House and Minister Assisting the Premier on Inter-Government Relations.

The Hon Justice Phillips

On 7 November 1984 John Phillips, QC was appointed a judge of the Supreme Court of Victoria. Justice Phillips went to the Bar in 1959 after graduating from Melbourne University. He was appointed a Queens Counsel in 1975. From 1981 to 1983 he was Chairman of the Criminal Bar Association. Justice Phillips was the foundation Director of Public Prosecutions in Victoria.

The Hon Justice McHugh

Michael McHugh, QC has been appointed a judge of the New South Wales Court of Appeal filling the vacancy caused by the resignation of Justice Hutley, see above, p 14. Justice McHugh served for two years as President of the New South Wales Bar Council from 1981 to 1983 and was considered by many to be one of Australia's leading barristers.

Mr John Coldrey

On 8 November 1984 Mr John Coldrey commenced as Victoria's Director of Public Prosecutions. Mr Coldrey has been the Director of Legal Services for the Central Land Council in Alice Springs where he has been involved in negotiating agreements on behalf of Aborigines. In 1975 and 1976 Mr Coldrey assisted the Beach board of inquiry

on allegations of corruption against members of the Victoria Police.

Law Reform Commission of Victoria

The Law Reform Commission Act 1984 was proclaimed in Victoria on 4 December 1984 establishing a Law Reform Commission. Professor Louis Waller, the former Victorian Law Reform Commissioner, has been appointed the Chairman of the Commission and Dr Jocelyne Scutt a full-time Commissioner. The Part-time Commissioners were drawn from varied backgrounds and include two non-lawyers. The lawyer Commissioners are His Honour Justice James Gobbo of the Victorian Supreme Court, Mr Leigh Masel, currently Chairman of the National Companies and Securities Commission, Mr Anthony Smith, a former President of the Law Institute and Chairman of the Law Council's Committee on Defamation law and Mr Frank Vincent QC, a leading criminal barrister. The non-lawyers are Dr Linda Hancock, a lecturer in Sociology at Swinburne Institute who has done extensive work on housing issues and the impact of the criminal justice system on women, and Ms Susan McCulloch, a journalist who has worked at the community level and is currently editor of *Women Australia*. The appointment of non-lawyers to law reform agencies continues a trend started by the NSWLRC with the appointment of Dr Bettina Cass and reflects the widening interests of other professions in the cause of law reform. The Commission will take over existing references from the Law Reform Commissioner: Intoxication and Criminal Responsibility, and it will finish a report which was being completed by the Victorian Law Reform Commissioner. The Act provides for the Victorian Attorney-General to refer matters to the new Commission and for the Commission to make reports without reference on minor legal issues of community concern. It can also suggest references to the Attorney-General and has been given the brief to monitor and co-ordinate law reform in Victoria. The Attorney-General, Mr Kennan, said that he was considering giving the new Commission a standing reference on the impact of the quickening pace of science on the law. The Attorney said that following on from the Waller Committee, there were general issues relating to medical treatment, particularly experimental treatment, and the requirement of the consent of a patient which may need to be looked at. The Commission will take over the existing staff of the Law Reform Commissioner's office.

NZLRC

The Deputy Prime Minister and Attorney-General of New Zealand, Mr Geoffrey Palmer, has announced the establishment of a permanent Law Reform Commission with an annual budget of \$600 000. The new Commission will replace the present part-time committees. While these Committees have worked successfully over the years they are no longer seen as adequate to meet the needs of law reform in New Zealand. The New Zealand Cabinet has also decided to appoint a Commissioner-designate immediately. His or her task will be to consult various interested groups and make recommendations on the form which the legislation should take. Mr Palmer said that while this was an unusual step,

the government had no intention of imposing a law reform structure without consulting those who would have to work with the new body or who would be affected by it. The Attorney-General said that consultation and opportunities for participation would be the hallmark of the new Commission. The appointment of a Commissioner-designate now would also give the new Commission a flying start when it is established.

QLRC

Mr Dean Mildren, QC has resigned from the Committee because of the pressure of his professional commitments and Mr Paul Griffin of Counsel has been appointed as a member of the Committee.

Tas LRC

The Commission since 1 August 1984 has been operating under an amended Act which has changed its composition. There are now five members (previously seven). These are representatives from the Bar Association, Law Society, University Law Faculty, the Chairman and the Research Director. The amendment also allows the appointment of advisory members, thus enabling lawyers and lay people with particular expertise and experience to assist the Commission directly.

As a result of the revised Law Reform Commission Act, the Commission's two lay members, Miss Pat Hewitt and Mrs Helen Simmons have stood down from the Commission. Their service to the Commission since 1982 has been greatly appreciated.

Mr Charles Woodhouse has stood down as Acting Executive Director and Deputy Chairman of the Commission. Mr Woodhouse has provided an invaluable service to the Commission over the past 2 years. During that time he has combined his work as legal officer for the State's Law Department with his position on the Commission. We all hope that Mr Woodhouse's interest in law reform will remain an active one.

Mr Peter Underwood has resigned as the Bar Association's representative on the Commission. Mr Underwood has been appointed to the newly created position of seventh judge of the Supreme Court of Tasmania. His elevation to the Bench comes after a most distinguished career at the Bar. His active involvement in law reform dates from 1977.

Mr John Kable has been appointed as the Bar Association's new representative on the Commission. Mr Kable is a graduate of the University of Tasmania Law School (1975) and was the Associate to the Chief Justice of the Tasmanian Supreme Court (1975-1976). He is currently a partner in the law firm of Zeeman, Kable and Page in Launceston. Mr Kable is a member of the Racing and Gaming Commission and Deputy Chairman of the Racing Appeals Board. He is Northern Vice President of the Tasmanian Bar Association and has been a Committee member of that Association since 1978. Mr Kable's appointment is for three years.

Mr David Gunson continues as the Law Society representative and Mr Don Chalmers as the University's representative for a further three years.

Mr Bruce Piggott CBE continues as Chairman of the Commission.

Miss Pat Smallbane continues as Secretarial Assistant, and Mr Glen Gibbs from the Parliamentary Counsel's office continues to attend all meetings of the Commission.

Mr Wayne Briscoe has been appointed Research Director of the Commission. This is the Commission's first full time position for some time. Mr Briscoe has prepared a number of Research Papers for the Commission over the last 18 months. He is an Honours graduate in law from the University of Tasmania and a Master of Arts (in Criminal Justice) graduate from the California State University, Sacramento. Mr Briscoe was admitted as a Barrister and Solicitor of the Supreme Court of Tasmania in 1981.

Administrative Review Council Appointments

Mr Julian Disney, a part-time member of the New South Wales Law Reform Commission, has been appointed to the Administrative Review Council. He will replace Sir Gordon Reid, who resigned from the Council when he became Governor of Western Australia. Mr Disney, a former full-time member of the New South Wales Law Reform Commission, is the Co-ordinator of the Welfare Rights Centre in Sydney and has been President of the New South Wales Council of Social Services since 1983. He is also a member of the Academic Advisory Board of the Ombudsman Committee of the International Bar Association. Mr Disney is a Barrister and Solicitor of the Supreme Court of South Australia and a Barrister of the Supreme Court of New South Wales.

The second appointment is of Dr Cheryl Saunders, a Melbourne lawyer and academic, who has been a member of the Administrative Review Council since 1981. Dr Saunders has been re-appointed for a three year term. Dr Saunders is a senior lecturer in law at the University of Melbourne. She has extensive knowledge of constitutional and administrative law and public administration and since 1975 she has been Secretary to the Victorian Delegation to the Australian Constitutional Convention as well as writing numerous opinions for committees of the Convention. Dr Saunders is Vice-President of the Victorian Regional Group of the Royal Australian Institute of Public Administration and a member of the Intergovernmental Relations in Victoria Program funded by the Victorian Government.

ALRC staff changes

Ms Philippa Horner from the Office of the Parliamentary Counsel in Canberra has been seconded to the ALRC for three months from December 1984. Mr Val Manera, an officer from the Australian Public Service Board's Executive Development Scheme recently completed a six months placement with the Commission. He has been assisting Professor Robert Hayes on the Expungement of Criminal Records Project. Ms Alexis Hailstone, Mr Peter Driessen

and Ms Catherine MacAdie, who have been assisting with the editing of the Interim Evidence Report left the Commission's staff in December 1984. Mr Peter Waters has transferred to the Sydney Office and will continue working on the Contempt reference. Ms Anne Riseley, a tutor in law from the University of Adelaide, has been appointed as a

Law Reform Officer in the Canberra Office, to work on the Matrimonial Property Reference. Mr Robert Creevey has been appointed to the Commission's Sydney office as a Clerical Assistant Grade 4. He was formerly on the staff of the CSIRO.

Sydney

1 January 1985

Views expressed are not necessarily those of the Attorney-General, his Department or the Commission. Correspondence, information and views should be addressed to GPO Box 3708, Sydney, NSW, 2001, Australia.

Telephone (02) 231-1733.

Subscription: \$7 per calendar year (\$4 for students and unemployed persons). Four issues including post.

Recommended price: \$1.75 per issue.