

entirely from experienced and eminent members of the Bench and Bar. The traditional approach is to argue that it is only these groups who have significant court experience and the capacity to readily understand and apply the rules and procedure of evidence. The first point is whether this assertion is true. Perhaps a lawyer of intelligence and resources should be able to adapt and learn quickly enough to avoid any embarrassing mistakes when new to the Bench? The second point is whether criteria other than this strict professional requirement, such as academic, administrative or corporate experience should also be taken into account.

Justice Gaudron is the first woman appointed to the Australian High Court. If Australia is to follow historical developments in the United States, it would seem that in the future a legal academic who satisfies the mandatory qualification of professional experience will take a place on the nation's top Bench.

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odds and ends

□ *the age of marriage.* The Law Reform Commission of Ghana recently considered the age of marriage. At present the English Common Law Rules based on Canon Law which fixed the age of marriage at 14 for boys and 12 for girls applies in Ghana. Under Ghana customary law there is no prescribed age limit.

After a program of public consultation the Commission recommended that the age of marriage should be 'fixed at a reasonable age when young persons would be deemed to have acquired qualities of maturity, a sense

of responsibility and a sound financial base to support a family'. It recommended that the age of marriage should be 21 years for both sexes which would also have the effect of parental consent being unnecessary.

The Commission addressed the particular problem of young females in rural areas who tended to marry early. It has been suggested to the Commission that the proposed new age could prejudice these young girls. The Commission's conclusion on this point was that such girls should be given 'every opportunity to enhance their educational training and their individual development and that they should not be hampered by early marriage in achieving these objectives'. It also urged parents to 'refrain from pushing their infant daughters into early marriages most of which ultimately end on the rocks with disastrous social and psychological consequences to the young girls who had no say when their infant marriages were arranged'. It recommended an intensive education program to reform the attitudes of families regarding child marriages.

The Australian Law Reform Commission's Report on *The Recognition of Aboriginal Customary Laws* (ALRC 31, August 1986) considered the issue of the age of marriage in the context of its recommendation that Aboriginal traditional marriages should be recognised by the Australian legal system. As with Ghana customary law there is no prescribed age limit for marriage within Aboriginal customary law. ALRC 31 recommended that no age limit should be specified for the recognition of Aboriginal traditional marriages. However a minority view put forward in the report proposed that the same minimum age limits as are

currently specified in the Marriage Act 1961 (Cth) — 14 for girls and 16 for boys — should apply.

□ *minimum sentences.* The Premier of NSW, Mr Unsworth, announced a Cabinet review of criminal sentencing procedures saying public confidence in law and order needed reinforcement.

A Cabinet sub-committee headed by Mr Unsworth will consider changes to minimum sentences and the system of parole and remissions with a view to passing legislation.

The move was criticised by the Law Society of NSW which said it could find nothing in any prison research, literature or practice to support a system of minimum sentences, although it welcomed discussion arising at finding ways to improve the prison and parole system.

The Society said:

Minimum prison sentences have been spectacularly unsuccessful in other countries, including Papua New Guinea and various States of the USA. It must be recognised that only by careful judicial consideration of the facts of each individual case can an appropriate sentence for an individual offender be ascertained. No parliament can judge in advance every single example of an offence which will come before the courts, it said.

□ *new admiralty legislation.* The government has decided to implement the ALRC's recommendations in its Report on Civil Admiralty Jurisdiction.

Australia is to get new legislation that will repeal the operation of outdated Imperial admiralty legislation in Australia and replace it by national legislation that provides for admiralty jurisdiction for Australia that is certain,

accessible and relevant to Australian interests.

Adoption of the recommendations will involve the passage of an Admiralty Act by federal parliament, as well as consequential amendments to certain existing legislation. The government hopes to introduce the legislation as soon as the legislative program allows.

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The Hon Xavier Connor AO, QC

The Hon Xavier Connor was President of the Australian Law Reform Commission from 6 May 1985 to 11 December 1987. Fifteen of the Commission's 41 reports were tabled in Parliament during this period — a most impressive record. Mr Connor, who turned 70 years of age on the day his appointment expired, was appointed a Judge of the Supreme Court of the Australian Capital Territory in 1972 after a notable career at the Victorian Bar. He was Chairman of the Victorian Bar Council from 1967 to 1969 after serving a lengthy period as Chairman of the Law Reform Sub-Committee of the Council. He was President of the Medico-Legal Society of Victoria in 1976 to 1977. In 1977 Mr Connor was appointed a Judge of the Federal Court of Australia. He retired from both Commissions in 1982. He has been President of the Courts-Martial Appeal Tribunal since 1979. Between 1978 and 1985 Mr Connor was Chairman of the Parole Board of the Australian Capital Territory. In 1982 Mr Connor was Head of the Board of Enquiry into Casinos in Victoria. He also chaired the Committee of Review of the Special Broadcasting Service which reported to the Gov-