

The government has not yet announced its response to the Report.

* * *

police powers

Every society gets the kind of criminal it deserves. What is equally true is that every community gets the kind of law enforcement it insists on.

Robert F Kennedy,
The Pursuit of Justice, 1964

The Committee established to review the Commonwealth criminal law has recommended new procedures for investigating federal offences.

The Review Committee, chaired by the former Chief Justice of Australia, Sir Harry Gibbs, was established by the Attorney-General, in February 1987. The other Committee members are Mr Justice Ray Watson, of the Family Court, and Mr Andrew Menzies, retired Deputy Secretary of the Attorney-General's Department.

The Committee's report, *Detention Before Charge*, covers a number of issues involved in this difficult area, and makes several recommendations which should be of considerable interest to those organisations directly involved, and to the wider community.

The Committee has proposed:

- the tape recording of admissions and confessions by persons in custody;
- providing safeguards for persons in the custody of federal investigators, including the right to communicate with a friend, relative or lawyer and to be cautioned as to his or her right to silence. The right to an interpreter is also recommended;

- establishing conditions for the detention of persons in the period before a charge is laid and the limits of that period. This would limit the 'investigation period' to a maximum of six hours for offences carrying a penalty exceeding 12 months' imprisonment, or four hours, for offences carrying a lesser penalty. This limit, which may be extended upon a successful application, would allow for practical delays which could inhibit a reasonable investigation. This would include such contingencies as the necessity of arranging an interpreter, conducting an identification parade or consulting a lawyer, friend or relative.

The Report includes draft legislation implementing the Committee's recommendations.

* * *

new law on fences proposed

Every man is the architect of his own fortunes, but the neighbours superintend the construction.

George Ade,
Hand-Made Fables, 1920

The New South Wales Law Reform Commission has recommended major changes to the law governing the rights and duties of neighbours over fences between their properties. The Commission's report, *Dividing Fences*, was tabled in Parliament in May. In the report, the Commission proposes a completely new Act to replace the current Dividing Fences Act which was passed in 1951 but has its origins in the beginning of last century.

Commenting on the report, the Chairman of the Commission, Mr Keith Mason QC, said that the recommendations should make the law fairer and simpler. Mr Mason continued: