

The awareness of all legal actors must be raised — through education, evaluation and monitoring of practice.

Dr Parker asks what a law reformer can take out of Dr Hatty's report. He says:

There is probably little in the report that would surprise a realistic reformer who knows that the gap between law on the books and the law in action is extremely difficult to close. Nevertheless, seeing the complexities of the gap may be a useful experience. One major question, which Dr Hatty does not tackle, is whether statute law should now attempt to control the operational discretion of police officers to decide on arrest and charge. Whilst the law has traditionally been reluctant to do this, one wonders how bad the situation must become before that reluctance is abandoned. What are the grounds for allowing the police commissioner internally to direct arrest rather than enshrining it in formal law? □

consumer credit

Who goeth a borrowing
Goeth a sorrowing

Thomas Tussen, 1570
'September's Abstract'

The Credit Act 1984 is a legislative document which controls and regulates the provision of credit to Australian consumers. It affects holders of credit cards — Bankcard, Visa — shop credit cards, hire purchase agreements, personal loans, leases and loans from non-bank finance companies. Currently credit issued to Australians stands at around \$24 billion.

The Law Reform Commission of Victoria says the Credit Act is one of the least intelligible pieces of legislation ever drafted. It says the Act is difficult to read and the ideas are presented in a confusing and incoherent way.

The VLRC claims a new Bill it has drafted for the Standing Committee of Consumer Affairs Ministers will overcome these problems as it is written in a simple, straightforward, language and one which is compatible with the precision lawyers have come to expect in commercial legislation.

The draft Bill cuts the present Act by some 40 000 words. It includes new policy and loses none of the precision. It sets out consumers rights in words that can be easily understood and its major policy changes provide more effective protection for consumers.

The Credit Bill 1989 will apply only to consumer credit. It will not cover credit provision to business as the present Credit Act does. It will be a precise method of calculating the cost of the credit to the potential borrower.

Under the Credit Act 1984, it was sufficient to disclose an annual percentage rate of interest. Under this new Bill, a creditor or lender is required to disclose the full cost of credit including both the interest charge and any costs the creditor is allowed to charge separately. The new Bill will also make compliance easier, as the legal basis for credit provision is simpler and more straightforward.

The Credit Bill will not apply to housing finance. That will be governed in some jurisdictions, by a separate Act. □

roads gone to pot

Its [The common law's] origin . . . is as undiscoverable as the Head of the Nile.

Sir Matthew Hale
History of the Common Law, 1713

Motorists and pedestrians who suffer personal injury caused by the negligent failure to maintain roads and footpaths