

evidence that the results, in a diminished road toll, warrant the departure from time-honoured legal requirements. Far from supporting such a conclusion, the preponderance of expert opinion before the Commission is to the effect that no long-term diminution in the road toll could be anticipated. We should not sacrifice precious rights without assurance of the most substantial social gains".

A different stand has been taken in the State of Victoria which, let it be said, pioneered the worldwide move to compulsory seat belt legislation. A form of random breath test legislation was introduced in that State in July 1976 as an experiment. It provides for a special uniformed police "flying squad" in distinctively marked vehicles. They will have the power to stop any driver and order a breath test even if the driver has given no sign that he is driving under the influence. A month after this law came into operation, Assistant Commissioner for Traffic Newell said that 888 drivers had been tested and 15 were subsequently charged with a breathalyzer offence. The Victorian Premier, Mr. Hamer, has announced that Victoria will continue with its experiment.

The A.L.R.C. report, proposes a number of reforms:

- * Police powers to test should be extended from public roads to places near hotels and clubs
- * The latest American breath testing equipment should be introduced. The "printout" produced by this certificate should be given to the accused
- * Stiff new penalties are proposed, rising from \$1,000 to \$4,000
- * Provision is made for taking body samples necessary for detection of drugs
- * Thought should be given to banning or limiting advertisements for alcohol
- * Doctors should warn of the dangers of mixing drugs such as Valium with alcohol
- * Referral centres are proposed for the treatment of drivers with a drinking or drug problem.

The Commission's report makes a number of other proposals. See *Reform Proposals*, this issue.

Capital Territory : A case of "snail pace" reform?

A recent editorial in the *Canberra Times* criticised the "snail-pace reform" in the A.C.T. The low priority given by successive Federal Governments was blamed for concentration on national rather than local laws.

The editorial praised the valuable work of the A.C.T. Law Reform Commission. It pointed out that its Chairman now has to spend part of his time hearing cases in court. The occasion was taken to call for new attention to law reform. (23 July 1976).

Since that date, the A.C.T.L.R.C. has delivered its Report on its last outstanding Reference. The government has decided to transfer its operations to the Australian Law Reform Commission. The A.C.T.L.R.C. office closed on 30 September 1976. In its short time it produced a number of reports on civil procedure, landlord and tenant law, management of the property and affairs of mentally infirm persons, statute law revision, commercial arbitration, guardianship of infants and land law. The last Report is titled *The Law Relating to Conveyancing*. It will be published and distributed soon. Despite the editorial, things are

moving. The A.L.R.C. Report *Alcohol, Drugs & Driving* has been twice discussed with Members of the Assembly. This represents a new departure. Members of the Assembly and of the Commission sit together at the early stage of a project to discuss the issues. Then, when the report is delivered, Members of the Commission are invited to explain and elaborate it in the Assembly Chamber. The relations between L.R.C.s and legislators has often been one of "arms length" in the past. Sir Robert Menzies once explained this tension. Law reform commissioners, he said "fetter the choice of Parliament, because [they] have a coercive influence upon government and upon the elected representatives of the people (1971) 4 *Fed.L.R.* 209. The Law Commission led the way by preparing notes and otherwise participating, in a proper way, in the Parliamentary processing of reports. The new procedure being attempted in the Capital Territory takes this a step further. It has been tried with the encouragement of successive Attorneys-General and Ministers for the Capital Territory. It may bear lessons for other Parliaments throughout Australia.

All of the A.L.R.C. references affect the A.C.T. It is in the Territories that the Commonwealth has plenary constitutional power. It is likely that the A.L.R.C. will seek to pick up the slack referred to in the newspaper. It is undoubtedly true that a lack of reform "contributes to a general ignorance and fear of the law among the public and it must in the end lessen respect for the law".

Law Reform in N.S.W. : Bold moves

Law Reform in N.S.W. has received a boost with the announcement on 7 September that the new Government will create a Criminal Law Review Division in the Attorney-General's Department. Its job will be to continuously overhaul the State's criminal laws. N.S.W. Premier, Mr. N.K. Wran, Q.C., announced that the new body will deal initially with the laws on rape, corporate crime and victimless crimes and with changes to the bail system. Head of the Department will be Mr. Roger Court.

(see *Personalia*). The object of the Division, in the words of the Premier, will be "to keep our criminal law in step with community thinking".



The Government also set up a special committee to review the State's system of bail. Mr. K.F. Anderson S.M. and Miss Susan Armstrong, a Lecturer in Law at the University of New South Wales, were appointed to the committee. With commendable speed, the committee has already delivered its Report to the Attorney-General recommending a significant overhaul of N.S.W. bail law and procedures. Many of the A.L.R.C. proposals on police bail, as set out in the A.L.R.C. report *Criminal Investigation* have been commended by the N.S.W. Committee. The Government is now studying the Report.