

The A.L.R.C. has a reference on privacy protection. Australian concern about trans border data flows arises not only because of the international debate but because Australian internal borders present jurisdictional problems of a kind similar to those being faced acutely in Europe. An O.E.C.D. Seminar in Vienna took place at the end of September 1977. One of the two Australian representatives was A.L.R.C. Secretary and Director of Research, Mr. George Brouwer. Mr. Brouwer's paper on Australian perspectives of the problem was widely discussed within Australian government circles before presentation to the O.E.C.D. Conference. The 1975 report *Telecom 2000* pointed out that there were sixteen hundred computers installed in Australia that year, with a current growth rate of 25%. In June 1977, the figure stood at 2,500. Australia can expect to have at least 16,000 computers in use within 10 years. Technological developments towards miniaturisation will almost certainly make this a conservative estimate. More and more information is being held on people in computerised systems. Some of it is highly personal. The A.L.R.C. study is specifically focusing on privacy protection in the computer age. The N.S.W. Privacy Committee has put out guidelines which are currently under consideration. Can individual privacy survive international access? For reasons of economy and security, can a national approach be found for privacy protection in Australia? Commenting on the Vienna Conference, the Economist intones "Government telecommunications experts [in Vienna] will be talking in the future tense about what is already going on under their noses".

Odds & Ends

"There are two kinds of people who blow through life like a breeze,
And one kind is gossipers, and the other kind is gossipees"

Ogden Nash, 1938

*** The biggest delegation ever visited the A.L.R.C. on 22 September 1977. It comprised 25 members of the Swedish Parliamentary Constitutional Committee visiting Australia at the time. Leader of the delegation was Mr. Karl Boo M.P. (Center Party). Deputy Leader was Dr. Hilding Johansson (Social Democrat). There was a lively discussion about law reform, administrative review and press ombudsmen. Surprise was expressed at the absence of lay members on most Australian L.R.C.s.

*** The *Annual Report* of the Administrative Review Council is due shortly. It will be widely read in government circles as indicating something of the approach of the A.R.C. This new body, chaired by Brennan J. (President of the Administrative Appeals Tribunal) promises to have an active part in supervising administrative law reform in Australia. The introduction of five major Acts in three years represent a profound change in administrative laws and practices at a federal level in Australia. Available A.G.P.S. in November.

*** After he addressed the Conference of the Australian Computer Society at Maroochydore, A.L.R.C. Chairman, Kirby J., received an unusual present. It was a picture of the *Mona Lisa* reproduced by computer. He told his audience that computerists were not doing enough to explain their developments to society generally.

*** The Senate Committee on Constitutional and Legal Affairs (Senator Missen, Chairman), continues to receive submissions on its project *Processing Law Reform*. The Law Council of Australia has sent a submission favouring bipartisan Parliamentary machinery to receive and review L.R.C. proposals. It does not favour the system of delegated legislation suggested by Mason J. (1975) 49 *A.L.J.* at 573.

*** Commissioner Russell Scott of the A.L.R.C., fresh from completing on time the report on *Human Tissue Transplants* spent between 22 August and 4 September in Papua New Guinea examining the system of village courts. This study was made in connection with the A.L.R.C. reference on *Aboriginal Customary Laws*. With the help of the P.N.G. L.R.C., Mr. Scott conducted an extensive tour of the highlands and was able to sit with magistrates at three villages and to attend a training course for 80 trainee magistrates. The close co-operation given by P.N.G.L.R.C. to Mr. Scott has produced a report *The Village Courts of Papua New Guinea* which is now under study.

*** The Law Faculty in the N.S.W. Institute of Technology is arranging a day-long seminar on 15 October 1977 in Sydney concerned with the methodology which the A.L.R.C. should adopt in its *Aboriginal Customary Laws* Reference. Moving force in the Seminar is Mr. N. O'Neill, now on the staff of the Faculty. He was formerly P.N.G. L.R.C. Secretary. Dr. H.C. Coombs has agreed to chair the session.

*** The new Majority Leader and Chief Secretary of the Northern Territory is Mr. Paul Everingham M.L.A. Mr. Everingham, a Darwin solicitor, has had a long interest in law reform. He takes over responsibility for legal matters. The implementation of A.L.R.C.4 *Alcohol, Drugs & Driving* in the Capital Territory may augur well for territorial implementation of A.L.R.C. reports, including in N.T.

*** Fiji now has a full time Law Revision Commissioner. He is Mr. Harold Picton-Smith, Solicitor-General and he had discussions in London with Australian representatives attending the Commonwealth Law Reform Conference.

*** Many of the visitors to the Legal Convention and I.V.R. Congress in Sydney visited the A.L.R.C. and spoke with Commissioners. The Chief Justices of Canada and Nigeria and the President of the Federal Courts of Malaysia paid visits. Laskin C.J. of Canada discussed at length recent important cases concerning standing to sue in Canada. This matter is before the A.L.R.C. in its reference on *Access to the Courts*.

*** Forthcoming reports of the A.L.R.C. include :

A.L.R.C.6 : *Insolvency : The Regular Payment of Debts Program*

A.L.R.C.8 : *Annual Report, 1977*

A.L.R.C.9 : *Complaints Against Police : Supplementary Report*

A.L.R.C. numbers have gone awry. Because of final touches on the *Insolvency* legislation and the deadline fixed for *Human Tissue Transplants*, the latter, bearing reference A.L.R.C.7, has already been tabled. A.L.R.C.6 will follow soon.

*** Mr. Kevin Crotty, a First Assistant Secretary of the Federal Attorney-General's Department, has been appointed a Deputy Commonwealth Ombudsman. Mr. Crotty played a vital part in the establishment of the A.L.R.C., securing premises, personnel and funds, when these were hard to get. The forthcoming *Annual Report* of the A.L.R.C. pays tribute to the assistance it has had from Commonwealth Departments, especially the Attorney-General's Department.

*** Not everybody thinks law reform is wonderful. Writing in *The Age* Victorian C.C.L. Secretary, John Bennett, points out that not a single law in Victoria has yet been changed as a result of A.L.R.C. activity. Mr. Bennett questioned the references given to the A.L.R.C., whilst admitting the value of raising debate in society, to take our minds off economic ills. *Age*, 23 September 1977.

*** Major conferences were held on the weekend of 17-18 September 1977 in connection with the A.L.R.C. project towards a *Uniform Defamation Act*. Twenty five consultants appointed with the approval of the Attorney-General from all interests in the media and consumer groups met with Commissioners on Saturday. On Sunday, the Commissioners continued discussions with State representatives appointed by State Attorneys-General to observe the proceedings. Close scrutiny of a draft Bill led to many suggestions for improvement. The final form of the Bill will be available soon.

*** The sub-committee of the S.A.L.R.C. on *Solar Energy* continues to excite interest. S.A.L.R.C. Chairman, Zelling J., conducted discussions in London concerning the reference. A Professor of Mechanical Engineering and a Reader in Physics are members of the sub-committee. A full-time research assistant should be added soon.

*** A feature of the A.L.R.C. report on *Human Tissue Transplants* is the collection of comparative law material in this universal problem area. The A.L.R.C. has had much help from Australian Embassies overseas. It now has offers of help from Embassies in Australia. Notable assistance has been given by Mr. K.T. Fuad, the Commonwealth Secretariat. The Commission is also lucky to have on-the-spot help from Attorney-General's representatives in London and Washington. In London Mr. C.L. Hermes has the status of Minister. In Washington, Mr. R.A. St. John is a Counsellor. They normally have local information in the mail before the A.L.R.C. can ask for it.

*** The N.S.W. Law Foundation's readable publication *Legal Eagle* seeks to bring the law, its methods and principles to High Schools throughout N.S.W. About 340 schools are on the receiving list. The project's originator and manager, Tjerk Dusseldorp, is trying to make the law less of a mystery. The project has now received a grant from the Federal Government's Curriculum Development Centre. Interest in the law and in teaching it to all citizens is on the move.

*** During his visit to the Legal Convention, Dean Norval Morris alerted Australians to the proposal by the American Bar Association for the creation of a United States National Institute of Justice. The A.B.A. has now sent the A.L.R.C. its draft Bill designed to "improve the quality of justice and the fairness and effectiveness of the administration of law for all individuals throughout the country". It proposes an Institute to conduct basic and empirical research, to perform clearing house functions. The proposal is under examination by the Committee on the Judiciary of the United States House of Representatives. It is a development worth watching.

*** The New Zealand Royal Commission on the Courts is continuing its inquiry. The Royal Commissioner, Mr. Justice Beattie, recently visited Australia. New Zealand Law Society has produced a detailed first submission which has now reached us, suggesting important changes in court appointments and organisation.

Lively Law Council

"A Councillor ought not to sleep the whole night through".
Homer, The Iliad, II, 24.

No-one could accuse the Law Council, in its new image, of oversleeping. Apart from traditional activities in organising legal conventions and information within the profession, the Law Council is now playing an active part in responding to A.L.R.C. and other law reform bodies.

The Council's legal convention was outstandingly successful and included, in the closing session, a report by the Chief Justice, Sir Garfield Barwick, on the state of the Australian judiciary. This was the first such report. It is expected to become a regular feature of the Legal Convention. It is modelled on a similar event in the United States.

The Council also arranged for the return to Australia of Dr. Ian Scott, Director of the Institute of Judicial Administration at the University of Birmingham in England. Dr. Scott addressed numerous meetings on new methods of delivering justice in an efficient manner. He visited the A.L.R.C. and discussed ideas with the Commissioners.

Commenting on law reform proposals is now an arduous and time-consuming obligation of law council committees. Committees exist in respect of all references given to the A.L.R.C. But submissions are not limited to the A.L.R.C. The Council's Underprivileged and the Law Committee has delivered a report on *Social Security Appeals*. This is a matter currently under study by the Administrative Review Council in Canberra. It is critical for proposals concerning a better system of appeals in social security matters.

The Law Council has already produced the *Australian Legal Profession Digest*. This contains an epitome of important articles, newspaper comments and law journal material relevant to the legal profession.

Reform also comes in for competition. The rather staid *Law Council Newsletter* has blossomed forth as *Law News*. Sober presentation is replaced by pithy news items. Large photographs of legal personalities are scattered through its pages. *Reform* continues to restrain itself in this direction.