

# Commission news

## Current inquiries

The ALRC's legal teams involved in our reviews of federal sentencing laws and the uniform Evidence Act scheme have been travelling Australia as part of our community consultations.

Issues Paper 28 *Review of the Evidence Act 1995* (ALRC IP 28) was released in December last year, with Issues Paper 29 *Sentencing of Federal Offenders* (ALRC IP 29) following soon after, in February this year.

Both issues papers have been well received, and the teams are evaluating the feedback received through submissions and our consultation process.

The ALRC anticipates releasing a Discussion Paper on the uniform Evidence Acts in late June 2005. The ALRC is conducting this review in conjunction with the New South Wales and Victorian law reform commissions and is also consulting with the Tasmania Law Reform Institute and the Queensland Law Reform Commission.

A Discussion Paper on the sentencing inquiry is expected to be released in October 2005.

Further information on both inquiries is available in articles elsewhere in this journal.

## 30th anniversary celebrations

The ALRC celebrates its 30th anniversary this year. To mark the occasion, a one-day symposium, entitled 'The Promise of Law Reform', and a gala dinner is being held in Sydney in June 2005, about the time of publication of this journal. In addition to the

distinguished line-up of commentators at the symposium—leading figures in law reform, judges, academics, politicians, government officials and journalists—the ALRC will be hosting Her Excellency Professor Marie Bashir AC, Governor of New South Wales and Sir Nicholas Shehadie AC OBE, as well as former Prime Minister, the Hon Gough Whitlam AC QC, at the anniversary dinner.

A special video, recording an oral history of the ALRC and featuring interviews with the current and past Presidents/Chairs of the ALRC, has been produced to mark the occasion. The DVD, containing the video and the series of full interviews, can be purchased from the ALRC. We also anticipate that it will be available online.

## The Promise of Law Reform

The theme of the 30th anniversary symposium, 'The Promise of Law Reform', was drawn from a book of the same name, to be edited by the Australian Law Reform Commission and published by The Federation Press, to mark 30 years of law reform.

Contributors to the book include leading law reformers from Australia and across the world—from within institutional law reform agencies, the judiciary and executive.

Topics covered in the publication are the history, purpose and function of law reform agencies; the institutional architecture of law reform agencies; methodology and operations; outputs and outcomes; cooperation and mutual assistance; regional issues in Africa and the Pacific Islands; other law reform mechanisms and law reform in action.



The ALRC anticipates the book—the most comprehensive ever published on the topic of law reform—will be published late this year or early 2006. For inquiries or advance orders, please contact the ALRC.

## National Security Law Symposium

The ALRC hosted a National Security Law Symposium in the Federal Court Conference Room in Sydney on 12 March 2005.

The symposium provided an opportunity to hear from key people in the areas of intelligence, defence and national security; to explore some of the emerging international law issues related to efforts at combating terrorism; and to brief participants on the ALRC's report *Keeping Secrets: The Protection of Classified and Security Sensitive Information* (ALRC 98, 2004), as well as to hear from leading counsel about the practical implications of new federal legislation.

The symposium was conducted in accordance with the 'Chatham House rule'; however, the ALRC hopes to publish the proceedings on the web, subject to the consent of the individual speakers.

## ALRAC 2006

The ALRC is delighted to be hosting the biennial Australasian Law Reform Agencies Conference (ALRAC) in Sydney in April 2006.

ALRAC 2006 will bring together representatives of law reform agencies from across the world for a program of dynamic speakers and engaging workshops.

The conference opens with a welcome reception on the evening of Monday 10 April. The following two days will be divided into two distinct programs.

Day One: *The Business of Law Reform* will have sessions on community consultation; empirical research; and federalism, regionalism and law reform.

Day Two: *Peering Over the Horizon* will draw in leading experts from fields such as science; economics; demography; and human rights to predict the future challenges for law reform.

To receive further information on the conference as it becomes available, please contact the

ALRC, or register your interest online at <[www.alrc.gov.au](http://www.alrc.gov.au)>.

## New Commissioner

Associate Professor Les McCrimmon has taken over as lead Commissioner of the uniform Evidence Act inquiry, following his appointment as a full-time member of the ALRC in January 2005.

Les comes to the ALRC from the University of Sydney. He has expertise in the law of evidence, trial practice and real property.

He is a member of the Management Committee of the Australian Advocacy Institute, has been a member of various NSW Bar Association Committees, and the NSW Attorney General's working party established to review the law and practice relating to conflict of interest.

## Past report update

### Keeping Secrets—ALRC 98

In the last issue of *Reform* we reported that a significant number of the ALRC's recommendations from its 2004 report *Keeping Secrets: The Protection of Classified and Security Sensitive Information* (ALRC 98) had been implemented by the *National Security Information (Criminal Proceedings) Act 2004* (Cth), which commenced operation on 14 December 2004.

In March, the Australian Government introduced to Parliament the National Security Information Amendment Legislation Bill 2005. This Bill seeks to introduce a similar regime to that put in place by the 2004 Act, but applying to classified and security sensitive information in civil proceedings. The Bill was referred to the Senate Legal and Constitutional Legislation Committee for consideration.

The ALRC made a submission to the Senate inquiry, noting the few divergences between the ALRC recommendations and the provisions of the Bill (the text of the submission is available on the ALRC web site). The President of the ALRC also appeared before the Committee at a public hearing on 13 April in relation to the Bill.

The Committee report was due to be tabled in Parliament in May.

If enacted, this Bill will extend the implementation of the ALRC's recommendations, leaving only administrative proceedings in tribunals uncovered by the proposed regime. Other areas covered by the *Keeping Secrets* report that have not yet received attention include recommendations on whistleblowing, security clearances, and changes to the *Commonwealth Protective Security Manual*—although the ALRC understands that the last two areas are being considered as part of a review of the existing *Commonwealth Protective Security Manual*.

#### Essentially Yours—ALRC 96

The *Family Law Regulations 2004* (Cth), which commenced operation on 23 December 2004, implemented a number of recommendations from *Essentially Yours: The Protection of Human Genetic Information in Australia* (ALRC 96, 2003) in relation to forms required for parentage testing under the *Family Law Act 1975* (Cth).

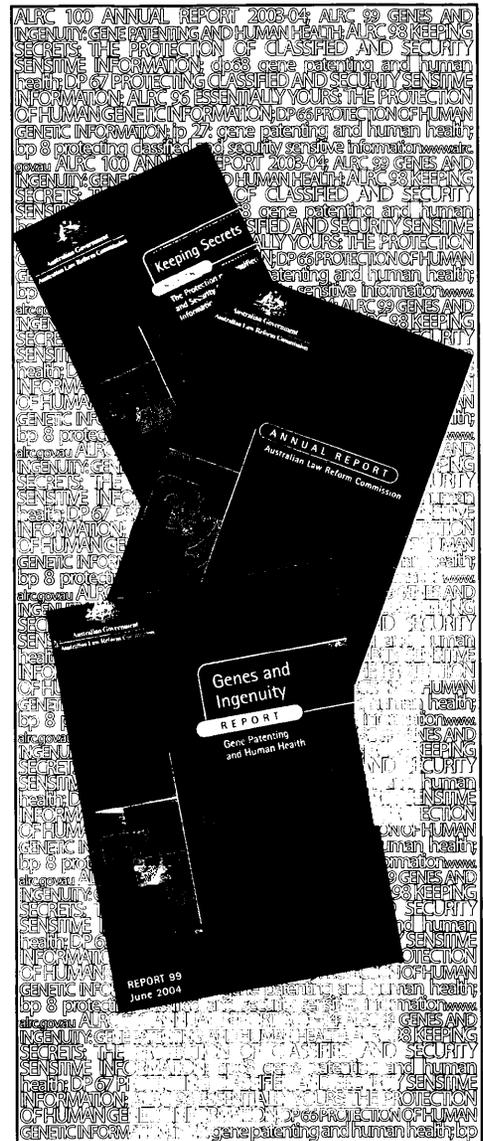
In particular, the amending Regulations prescribe that a recent photograph of the donor of a bodily sample must be attached to the affidavit that is to be provided to the sampler under the parentage testing procedures prescribed in the principal Regulations. The amending Regulations also prescribe that the relevant adult must swear or affirm that they consent to the taking of a sample from a child. This amendment addresses the concerns raised in ALRC 96 about substitution of a donor with the aim of avoiding a positive parentage result (Recommendation 35–6).

The ALRC is hopeful that a government response to the whole of ALRC 96 will be published in the near future.

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The Australian Government has announced it will provide funding of \$7.6 million over four years to establish an independent expert advisory body on human genetics as a principal committee of the National Health and Medical Research Council (NHMRC).

This move directly implements the central recommendation of ALRC 96 and will ensure that the complex social, legal, ethical and scientific issues that arise from rapid developments in human genetics and related technologies are carefully assessed.



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