

The Michael Kirby Library, Australian Law Reform Commission

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What is the ALRC?

The Australian Law Reform Commission was established by the Law Reform Commission Act 1973 (Cth) and began operation on 1 January 1975. The statutory functions of the Commission are set out in its Act, but essentially the role of the Commission is to review federal and territory laws so it can provide policy advice on the development and reform of the law. The Commission works on references with a view to:

- modernising and consolidating existing laws
- simplifying the law, making access to justice easier
- recommending new laws where necessary
- eliminating defects in laws
- repealing obsolete or unnecessary laws
- increasing the opportunities for uniformity of law within Australia
- reducing the duplication of law reform effort within Australia.

Advice is given to the Attorney-General in the form of a report or reports containing recommendations for reform. As I write this the Attorney-General has just tabled the Commission's 78th report, *Beyond the door-keeper: standing to sue for public remedies* (ALRC no. 78).

Unlike specialist bodies such as the Copyright Law Review Committee or the Family Law Council, the ALRC conducts references on a wide range of subjects. It cannot initiate its own work, but is requested by the Attorney-General to conduct an inquiry. A look at our publications list gives some idea of the wide range of subjects dealt with by the Commission over the past 21 years. Reports cover areas such as Aboriginal customary law, class actions, evidence, superannuation investment schemes, child welfare, equality for women and many, many more.

Methods of law reform

To formulate its recommendations the ALRC uses a variety of research methodologies to ensure that all Australians are able to participate in the law reform process. These include:

- the appointment of honorary expert consultants from a wide range of disciplines. This gives the Commission a broad, informed perspective of the area of law under review;

- publication of issues and discussion papers written in plain language in a variety of languages or formats as appropriate. These are widely distributed free of charge and in recent years papers have been available in large print, braille, audio tape, disk or in selected foreign languages depending on the subject matter of the reference. These papers call for submissions to the Commission from anyone who has an interest in the area of law;
- public hearings Public hearings and forums are held throughout Australia to allow interested members of the public to express their views;
- surveys, polls and questionnaires; and
- specialist consultations with peak bodies, interest groups, relevant business etc.

When undertaking a reference the Commission is required to take note of previous and current law reform efforts. To do this it informs itself of legal developments in Australia and overseas and monitors the law reform initiatives undertaken by other agencies

The role of the library

In addition to the research methodologies listed above the Commission undertakes in-depth research on the area under review. To make effective recommendations for reform, research staff must be aware of the current status of the law, the law in other jurisdictions - both Australian and overseas (always a challenge!), issues of concern to practitioners and those effected by the law, and any existing or current research from other relevant bodies. The role of the library is to support this research

To do this the library maintains a good collection of primary and secondary legal materials which forms the core of the collection, and it supplements this with material specific to a reference topic. Supplementation is done through a mix of selective purchasing and inter-library loan.

The core collection includes the legislation and case law of all Australian States and territories, and some overseas legislation. In addition to these primary materials the library maintains a large collection of legal journals and a core collection of texts. Access to overseas legislation has always been a key need for the Commission and in the past our legislation holdings have been extensive. The combination of budget constraints and the availability of the information through online systems has seen this part of the collection shrink

To support the requirement of monitoring the work of other agencies the library also holds a very extensive collection of law reform agency reports. I would not say that the collection was complete, but there are not too many law reform publications that we do not hold

The Michael Kirby Library and its staff

The ALRC library was established along with the Commission in 1975. The importance of a library has always been acknowledged by the Commission, and a lot of work was put into creating a comprehensive collection. To gauge the importance of the collection to the Commission one only needs to read the minutes of early Commission meetings. Justice Michael Kirby and his fellow Commissioners devoted large amounts of time discussing the proposed purchases of the library. Appended to these minutes are very long and very detailed lists of all proposed purchases.

The first Librarian, Roy Jordan (now with the National Library of Australia) began work in October 1975. Purchase of a collection was well under way by then, and under Roy's direction the nucleus of the current library evolved. Roy left for England in 1977 and was replaced by Virginia Pursell. Virginia was Librarian until 1986 when I took over her job. In 1983 a second staff position was created and our current staffing level remains at 2.

In 1994 the ALRC moved to new premises in Castlereagh Street and in September of that year the library was officially named and opened by Justice Michael Kirby, the first ALRC Chairman.

An odd collection

I have already mentioned the core of the collection. In addition to this core the library maintains specific reference based collections which exist for the duration of a reference (usually between 18 months and 3 years).

Because of the constant turnover of references we collect intensely in certain subject areas for several years and stop when the reference is over. I'm sure we are the bane of publishers' representatives lives. Just as they have firmly fixed in their minds that we are interested in intellectual property, freedom of information or some such topic we suddenly stop being interested and take up something else!

One of the issues we face at the end of each reference is what to do with the material we have collected. Rather than keep it or throw it away our best option is to find a good home for it. For some subjects this is quite easy, but for others it is not so obvious. For instance, the Aboriginal material collected as part of the Aboriginal customary law reference mostly went to the University of New South Wales because they had a research institute that was interested in the material. Sometimes the material has never found a home and has remained at the Commission. Anyone looking through our textbooks would be surprised to find a collection of late 1970s insurance texts second to none! Legacies like this are due to a lack of the time needed to thoroughly weed the collection - a situation I suspect is common to many libraries.

Law reform publications

As there only 2 library staff, maintenance of the collection is to a minimum. Very few of our law reform publications prior to 1990 have been catalogued and none are classified. They are all treated as serials and arranged by agency. We try, when time permits, to add old titles to our catalogue, but the whole process will take years.

In part the need to catalogue our old law reform publications diminished when the Law Reform Commission of British Columbia produced its very comprehensive Law Reform Database (thank goodness!). This gives us subject access to our law reform collection. A copy of this database can be downloaded from their Internet homepage if anyone is interested.

Although the ALRC has been part of the ABN network since 1981 we have only been regularly contributing our holdings for the past few years. Anyone who finds difficulty in locating law reform material is welcome to contact us as our older holdings are not on ABN.

Library services

As part of our support role for the reference teams the library maintains, in addition to the catalogue, a bibliographic database for each team. The databases are structured so that the library provides the bibliographic details of the team's research materials and the research staff are able to add annotations, summaries and comments to the records. Along with the submissions database created by each team the reference databases provide research staff with a comprehensive record of all their research materials.

Another library function is to contribute to the Commission's biannual journal *Reform*. As part of our need to monitor the activity of other agencies we compile a subject listing of areas of law under review. This is useful for researchers to see what is happening in their subject area, but also useful for librarians wishing to keep track of what is being published. The listing includes all law reform publications along with details of the current research work of the Australian agencies.

Technology

When the ALRC moved to a Mac platform several years ago the library found itself without an operational library system and no suitable commercial product. To overcome this the library staff in conjunction with a priceless IT Manager developed a series of networked in-house databases. These include the catalogue, reference bibliographies and an ILL database. In 1996 we finally automated our loans system and for the first time in 21 years we know (in theory at least) where everything is!

As well as our in-house databases the library has access to the usual range of online and CD-ROM services, and we are carefully monitoring new developments in electronic publishing

A few months ago the Commission took a big technological step by establishing an Internet homepage. So far six of our most recent reports are available on the Internet, along with recent issues papers. The already mentioned report on standing (ALRC, no 78) was our first report to be simultaneously published in hard copy and electronic form! Our Internet address is <http://uniserve.edu.au/alrc/>

Co-operation

Co-operation is very important for law reform agencies. Where practicable the ALRC conducts joint references with state law reform agencies or specialist Commonwealth agencies and every two years the Commission participates in the Australasian Law Reform Agencies Conference (ALRAC).

For the library this high level of co-operation between law reform agencies means that we are able to call on other agencies for help in finding information - always wonderful when you need overseas material! In return we offer our assistance in locating Australian materials.

Since moving to our new office we have developed strong co-operative arrangements with the Human Rights and Equal Opportunities Commission and the Australian Government Solicitor's Office who are in the same building. Even though our connections were always strong, being together in one building is a real benefit for us all.

While the library is not open to the public we are happy to provide access to anyone wishing to use our publications, and we will always make them available on ILL

Want to know more?

As I have already mentioned the Commission publishes a journal, *Reform*, as a way of informing the community of its work and the work of other agencies. The annual report is also a useful source of information on current and past references, including the terms of reference and details of any legislative or policy action on our recommendations.

In 1995 as part of the celebration of its 20th year of operation the Commission published a 2 volume book called *20 years of law reform* outlining the history, functions and references of the ALRC. This is available from the Commission free of charge