

THE YOUNG LIBERAL MOVEMENT OF AUSTRALIA

NEW SOUTH WALES BRANCH

MEETING, BLACKHEATH, SUNDAY 3 SEPTEMBER, 1978

NOTE ON THE AUSTRALIAN LAW REFORM COMMISSION

The Hon. Mr. Justice M.D. Kirby
Chairman of the Australian Law Reform Commission

September 1978



THE LAW REFORM COMMISSION

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The Commission

The Australian Law Reform Commission, commenced operations in January 1975. Established under the Law Reform Commission Act 1973, the Commission reports to the Federal Parliament on References made to it by the Attorney-General. The legislation establishing the Commission was passed with the unanimous support of Government and Opposition Parties. Parliament has expressed in the Act its reasons for setting-up the Commission. Within References received from the Commonwealth Attorney-General, the Commission is required to examine laws with a view to the systematic development and reform of the law including in particular -

- * the modernization of the law
- * the elimination of defects in the law
- * the simplification of the law
- * the adoption of new or more effective methods for the administration of the law and the dispensation of justice.

Reports

When the Commission has finalized its examination of a particular aspect of the law referred to it, it submits a report to the Commonwealth Attorney-General. Under the terms of the Law Reform Commission Act, the Attorney-General is required to table in the Parliament reports of the Commission within fifteen sitting days. With each final report the Commission submits draft legislation. As part of its statutory function, the Commission is also required to consider proposals for uniformity between laws of the Territories and laws of the States. The following Reports have been produced by the Commission -

- * ALRC 1 Complaints Against Police
- * ALRC 2 Criminal Investigation
- * ALRC 3 Annual Report 1975
- * ALRC 4 Alcohol, Drugs and Driving
- * ALRC 5 Annual Report 1976
- * ALRC 6 Insolvency : The Regular Payment of Debts

- * ALRC 7 Human Tissue Transplants
- * ALRC 8 Annual Report 1977
- * ALRC 9 Complaints Against Police (Supplementary Report)

Current References

The Commission is at present working on eight References. These are -

	<u>Date Received</u>	<u>Expected Date of Completion</u>
* Privacy	9 April 1976	December 1979
* Consumers in Debt: Debt Recovery	10 May 1976	February 1979
* Defamation	23 June 1976	November 1978
* Insurance Contracts	9 Sept. 1976	Mid 1979
* Access to the Courts	1 Feb. 1977	Late 1979
* Aboriginal Customary Laws	9 Feb. 1977	Early 1980
* Lands Acquisition	7 July 1977	Early 1979
* Sentencing	11 Aug. 1978	1 June 1979 (Interim Report)

Public Consultation

All of the References which the Commission has received to date have involved complex sensitive social issues. The Commission has therefore taken a deliberate decision to promote, so far as it can, what the Prime Minister has described as "participatory law reform". The Commission considers it vital that law reform in a democracy should not be left to the "experts". As part of its public consultation processes, the Commission holds public sittings and seminars in all parts of Australia, distributes widely for comment tentative proposals for reform by means of its consultative papers and attempts to stimulate informed discussion in the media by means of talk-back programmes, television appearances, addresses to academic and professional organizations, and community service organizations.

Clearing House Functions

At the request of the Standing Committee of Attorneys-General, the Commission also performs clearing house functions on behalf of the law reform bodies in the six States and the Australian Territories. It also acts as a clearing house in the Australasian region for ideas on law reform topics and procedures

and is a focus of contact with law reform bodies overseas. The Commission has started a publishing programme aimed at consolidating past law reform reports listing current work, publications and statements. It has established a law reform library and has developed a large programme of publication exchange with Australia and overseas bodies. The Commission also issues a quarterly bulletin "Reform" which has articles on law reform, both local and overseas, lists of new reports received each quarter and progress reports on work in all of the law reform agencies in Australia as well as certain overseas agencies. It aims to keep both expert and laymen informed of law reform developments and to make these more accessible. The popularity of Reform is a measure of the need it meets. Subscriptions cost \$5.00 p.a.

Commission Staff

The Commission at present comprises a Chairman, three Full-time Commissioners and eight Part-time Commissioners. Commissioners can be appointed for up to seven years. The average period of appointment is about three years. The Commission also has a staff of 19 comprising a Secretary and Director of Research, a number of Law Reform Officers, a Librarian and clerical and secretarial staff. It is located at 99 Elizabeth Street, Sydney. The Commissioners and staff come from all parts of Australia.

Implementation of Reforms

The Government has seen the proposals in ALRC 4 Alcohol Drugs and Driving into law. It has introduced the Criminal Investigation Bill 1977 to implement ALRC 2. The proposals in ALRC 7 Human Tissue Transplants are under study in Canberra and are expected to be implemented in the A.C.T. shortly. As well, the Queensland Government has announced its intention to implement the report in that State and other State moves (including in N.S.W.) are imminent. The proposals in ALRC 1 and ALRC 9

Complaints Against Police are under consideration in Canberra. The recently announced intention to establish a Federal Police may provide the occasion to introduce new rules for the Commonwealth's police. The N.S.W. Government has announced the intention to introduce legislation based on the Australian Law Reform Commission's scheme for complaints against the N.S.W. Police, the largest in the country. A South Australian Bill was introduced in 1978 based in part on ALRC 6 Insolvency: The Regular Payment of Debts. This report is also under consideration in Canberra. The Senate Committee on Constitutional and Legal Affairs is considering the machinery that should be introduced to ensure prompt Parliamentary attention to law reform proposals. The Commission sees itself as a practical assistant to the lawmakers not as a scholarly debating society.

Copies of Reports

Copies of the Commission's Reports are available from the Australian Government Publishing Service, 309 Pitt Street, Sydney, N.S.W. Copies of Discussion Papers are available free of charge from the Commission and Summaries of reform proposals are distributed with Reform. Attendance at advertised Public Sitings of the Commission or at Public Seminars is welcomed. The Commission always welcomes suggestions on its References or on its role generally.

Further Information

Phone or write to:

Mr. George Brouwer,
Secretary & Director of Research,
The Law Reform Commission,
99 Elizabeth Street,
Sydney. N.S.W.
(02) 231-1733