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LAUNCH OF 'REFORM THE LAW!'

CANBERRA, 30 MARCH 1983

LAW REFORM FOR SAINTS AND SINNERS

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THE FIRST VOLUME

I am grateful to Senator Evans for finding the time to launch this little book. Even in the far-off days of student politics when I first met him, nearly 20 years ago, he was always a whirlwind of activity, energy and ideas. At last he has a job worthy of these qualities. I admit I was a little dismayed to read, even in his typical understatement in The Age (18 March 1983), that he felt as if he was 'bailing with a teacup', as the never ending flood of work entered his Ministerial office.

When I was approached by Oxford University Press to write a book on law reform, I told them I did not have the time. Instead, I offered my speeches and articles for the past few years. They accepted and this is the result. I should like to pay a special tribute to their editor, Valerie Haye, for the painstaking examination of all the speeches. She chose but 13 out of hundreds. I have every confidence that if this book sells well, it will be but the first in a series : a sort of book publisher's answer to M*A*S*H. When Senator Evans heard that the book was published by Oxford University Press, he immediately agreed to perform the launch. His own distinguished academic career at Oxford is not the only thing he has in common with the Prime Minister. It may be the only thing he admits in common with the former Prime Minister. In those almost unimaginable days when I fondly regarded him as my subordinate in the Law Reform Commission, he never ceased to remind me that whilst I had concentrated in my academic career on quantity (at Sydney University) he had taken the path of quality (at Oxford).

The book is not a book for lawyers only. The tasks given to the Australian Law Reform Commission, working under three successive governments and seven Federal Attorneys-General, have been matters of concern to all citizens. Many do not realise the complexity and urgency of the problems facing our legal system. These concerns are addressed in the book:

How do we cope with the social and legal impact of computers?

- * How do we tackle the complex problems of bio-ethics, the definition of death, the 'right to die', test tube babies and so on.
- * Should we recognise Aboriginal tribal laws in Australia?
- * What are class actions and should we introduce them in this country?
- * How can we improve the sentencing of offenders to ensure greater consistency in criminal punishments?
- * What adjustments should we make to the legal system to reflect the great influx of non English-speaking migrants?
- * What should we teach students at school about the law?
- * Does the legal profession have a future in Australia?

These and other questions are explored in my book. I hope that people reading it will contact the Law Reform Commission to generate community proposals for the improvement of the legal system. In fact, I hope they also contact Senator Evans. Only when we get a community that cares enough to ensure that injustices are removed will we have an effective system of law reform in Australia. This book is for people who care about legal injustice.

SAINTLY PATIENCE

Now, it is clear that Senator Evans brings to his tasks as First Law Officer of Australia abundant energy and intellectual gifts. But even Senator Evans will face the formidable obstacles that stand in the way of rapid implementation of law reform in Australia. Until we tackle the institutional and attitudinal obstacles to law reform, achievements in this area will be limited.

Of course, Senator Evans is no stranger to law reform. He was, as I have said, one of the foundation Commissioners of the Australian Law Reform Commission. Throughout his legal and political life he has had a consistent commitment to improving the law and removing injustices. There are many exciting and worthwhile commitments in the 54-item law reform program of the new Federal Government. But even Senator Evans will find his well known qualities of almost saintly patience tested by the obstacle course which law reform in Australia must run. The obstacles are outlined in the book. They include:

- * the inappropriateness of the Australian Constitution for many of the technological and other problems of the law today;
- * the inadequacy of resources devoted to the many sensitive and complex tasks of law reform that often accumulating unattended;

the limits on the speed of reform achievement if adequate public consultation and discussion with special interests is to be allowed;

- * the need to introduce changes to parliamentary procedures to ensure that reform reports are automatically considered, one way or the other, by government and parliament;
- * the frequent need to overcome bureaucratic resistance;
- * the increasing problem of tailoring law reform to the limited funds available to deliver better justice to the community;
- * the need to follow up reforms to ensure that they actually work as planned and are not frustrated.

DOORS WILL OPEN

The varied and ambitious Law and Justice program proposed by Senator Evans and the new Australian Government during the recent election presents opportunities and challenges to lawyers throughout Australia. There will, as usual, be winners and losers. Doors will shut. But doors will also open. Accident compensation work may fall off. Family law work may change. Work for the protection of the unrepresented defendant and for the assertion of basic human rights may become a greater part of the Australian lawyer's vocation in the future. No-one can afford to ignore the program of the new Australian Government. Students and teachers, practitioners and judges, do well to familiarise themselves with it. It represents an agenda for a great deal of action affecting all of us.

Once again I thank the Attorney-General for launching the book. I thank Oxford University Press for publishing it. I thank you for coming. Now I have another speech for inclusion in volume 33!