

AUSTRALIAN LAW REFORM AGENCIES CONFERENCE

THE AUSTRALIAN LAW REFORM DIGEST : PROGRESS REPORT

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

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1. Origin and Main Purpose. The main aim of the Australasian Law Reform Digest (The Digest) is to summarise the recommendations of reports published by law reform agencies in Australia, New Zealand and Papua New Guinea since such agencies have been operating. Following the establishment of the Australian Law Reform Commission (ALRC) by the appointment of its first members in 1975, work was commenced on an Interim Digest. This publication has been maintained. However, it is, in essence, an index only. Furthermore, it is not confined to Australasian material and is in insufficient detail to be self contained. At the Third Australian Law Reform Agencies Conference in Canberra in 1976 a resolution was passed (ALRAC 5) on the motion of Mr. F.G. Brennan QC (ALRC) (as he then was), seconded by Mr. D.K. Malcolm (WALRC). That motion has been the charter of the ALRC in the preparation of the Digest. It was reported to the Standing Committee of Commonwealth and State Attorneys-General, who agreed that the ALRC should perform clearing-house functions for the Australian agencies. One of those functions was agreed to be the Digest. Lack of available personnel and resources slowed the project. The need for better information services to the Australian law reform agencies, to avoid unnecessary duplication, and to promote appropriate co-ordination of their work, was referred to in the report of the Senate Standing Committee on Constitutional and Legal Affairs, Reforming the Law, 1979. That report specifically recommended:

- 5.18 that sufficient funds be provided by the Commonwealth and States to the Australian Law Reform Commission to enable it to maintain future publication of the Law Reform Digest, the bulletin Reform and such other material as will assist in co-ordinating the exchange of information and research.

In his response on 15 May 1980, the Commonwealth Attorney-General (Senator Durack) affirmed that the Commonwealth Government considered that the publication of material of this kind by the ALRC served a useful purpose and 'sufficient funds will be provided for this activity in the future as they have been in the past'. Subsequently some adjustment of the Commission's staff ceiling was made to permit part-time assistance, designed to ensure completion of the Digest project. The main bulk of the work on the Digest has been done by an officer of the ALRC, Ms. Susan Reye, and more recently by Ms. Maria Behan and Mr. Malcolm Jones. The manuscript of the Digest is now virtually complete, having been distributed for comments to the agencies involved. Copy of the manuscript of the full Digest is tabled.

2. Agencies Covered. The published reports of the following law reform agencies have been included in the Digest:

- (1) Australian Law Reform Commission (ALRC)
- (2) Australian Capital Territory Law Reform Commission (ACTLRC)
- (3) New South Wales Law Reform Commission (NSWLRC)
- (4) New Zealand Committees i.e.
 - (a) New Zealand Contracts and Commercial Law Reform Committee (NZCCLRC)
 - (b) New Zealand Criminal Law Reform Committee (NZCLRC)
 - (c) New Zealand Public and Administrative Law Reform Committee (NZPALRC)
 - (d) New Zealand Property Law and Equity Reform Committee (NZPLERC)
 - (e) New Zealand Torts and General Law Reform Committee (NZTGLRC)
- (5) Papua New Guinea Law Reform Commission (PNGLRC)
- (6) Queensland Law Reform Commission (QLRC)
- (7) South Australian Criminal Law Reform Committee (SACLRC)
- (8) South Australian Law Reform Committee (SALRC)
- (9) Tasmanian Law Reform Commission (TasLRC)
- (10) Victorian Chief Justice's Committee (VCJC)
- (11) Victorian Law Reform Commissioner (VLRC)
- (12) Victorian Statute Law Revision Committee (VSLRC)
- (13) Western Australian Law Reform Commission (WALRC)

No reports were received from the Northern Territory Law Review Committee. So far the reports of this Commission have not been published.

3. Reports Included. The earliest report which appears in the Digest is dated 1916 — a report by the Victorian Statute Law Revision Committee on statute law revision. Reports up to and including 1980 have all been included in the Digest.

4. Subject Matter. The choice of subject matter for chapter headings was drawn largely from the Australian Digest. New headings were added e.g. Death, Women's Rights. Certain other headings e.g. Trade and Commerce were deleted in preference for use of more specific titles.

5. Organisation of Material. Only firm recommendations made in reports are incorporated in the text. No additional explanations or background material are given. Persons using the Digest will be urged to consult the original text of a report if they wish to study a topic thoroughly. The Digest should however be sufficient to give an accurate overview of the gist of a report and, by comparison with any reports of other agencies, an insight into policy differences.

6. Legislative Follow-up. The final version of the Digest will contain a list of what legislative or other action has been taken by governments as a result of recommendations made. Preparation of this information will be finished shortly.

7. Index. A comprehensive index will accompany the Digest. This will be arranged by subject headings. Reference to report numbers rather than page numbers has been adopted as the simplest and most effective manner of reference. The index is presently near completion.

8. Ongoing System. It is intended, if funds and staff ceilings permit, to publish a supplement to the Digest every second year. With the use of the word processing facilities of the ALRC this should be accomplished without too much difficulty and as a permanent ongoing service of the ALRC.

9. Publication. It is intended that the Australian Government Publishing Service should publish the Digest. A system of photo typesetting as distinct from manual typesetting will probably be used. This will involve making use of the full facilities of the word processing system currently used in the ALRC and will represent a considerable saving in time and cost. Overseas publishing firms have expressed an interest in the Digest. It will almost certainly be of great use in common law countries throughout the world in bringing to notice in a single, convenient volume, the essential proposals of the Australasian law reform agencies concerning improvement of the legal system. It should spread the influence of the reports of the agencies and contribute to the work of law reform, particularly in developing countries. One consequence of relevance for local agencies may however be a significant increase in the demand for copies of reports and other papers. This issue can be reviewed if it becomes serious.

10. Appreciation. The co-operation and assistance of the secretaries and staff of the law reform agencies who responded to our many requests for information and assistance is gratefully acknowledged.

11. For Discussion. It is proposed that the following could be discussed :

- (a) Approval of format of the Digest and last-minute suggestions
- (b) Suggestions concerning supplements
- (c) Suggestions concerning the future of the Law Reform Index
- (d) Distribution of the Digest.

M.D. KIRBY
ALRC CHAIRMAN