

some effective action to be taken to combat the spread of organised crime. But the two-day conference in Canberra to discuss possible models which the Hawke Government has proposed for such a Commission came nowhere near reaching consensus. So it is obvious that, as a matter of simple realism, the government will have to lower its sights and settle for something much less ambitious — perhaps a new national intelligence-gathering agency, as suggested by Senator Evans.

In his closing address, summing up the conference, Senator Evans indicated:

Clearly the notion of a National Crimes Commission with a full range of Royal Commission-type powers on a standing permanent basis and with very wide jurisdiction ... is not likely to command much acceptance on the evidence of these last two days ... The strongest measure I discerned in discussion was support for the graduated response approach of the kind outlined in the Victorian paper, where police, assisted by special investigators, exercise traditional powers and further down the track contemplate a Royal Commission inquiry.

hope inquiry. Even this more modest proposal for a super national intelligence-gathering body was criticised by Arthur King in an article, 'Dangers in National Crime Intelligence Unit Proposal', (*Australian Financial Review* 9 September 1983):

The idea of a powerful Crimes Commission with a wide charter and vague lines of accountability was effectively sunk at the recent Crimes Commission conference in Canberra. What is to replace it is less clear. What is being offered is a new body that will co-ordinate investigations, collect and collate 'criminal intelligence'.

But King pointed out that the Australian Bureau of Criminal Intelligence had been:

'a complete failure' ... There is no indication that the new structure will be any more immune to bureaucratic rivalries than was ABCI. An iron law of bureaucracy is that intelligence information is not shared, but jealously guarded by the agency that collects it.

Whilst the debate was proceeding in the Senate Chamber, the newly revived Royal Commission on Intelligence and Security,

under Justice Hope, was investigating the activities of ASIO as they related to Mr David Combe, a former officer of the Australian Labor Party and Mr Valeriy Ivanov, expelled Soviet diplomat. In the course of that inquiry, the Director-General of ASIO, Mr H Barnett, revealed that he had refused to permit Federal Attorney-General Evans to read an ASIO transcript of the recorded conversation between Combe and Ivanov. Senator Evans acquiesced in this refusal. Both decisions the *Sydney Morning Herald* (17 August 1983) declared 'remarkable'.

Senator Evans' request would appear to most to have been a perfectly reasonable one. Selective quotation from any document can cause unintentional distortion of meaning. And Senator Evans was the Minister to whom ASIO is accountable and therefore a key member of the NIS Committee. Why then was he refused access? ... It is a pity that in his reference to the [earlier] Hope report, Mr Barnett overlooked a more relevant quotation ... [where] Justice Hope notes that those making executive decisions are 'entitled to receive meaningful advice and full information so that they will have a proper basis on which they can make their executive decisions'.

Yet as the *Canberra Times* (24 August 1983) wrote following the Federal budget:

Events surrounding the Royal Commission into Australia's Security and Intelligence Agencies do not seem to have affected the Government's attitude towards its security and intelligence services. ASIO ... has done better out of the Budget than other organisations ... an increase of about 12.5%. This year ASIS (Australian Secret Intelligence Service) has increased some 17% ... The cost of various Royal Commissions and Inquiries continues to attract considerable sums of money — an estimated \$11 million this year. By far the biggest spender has been the Royal Commission into the activities of the Federated Ship Painters' and Dockers' Union, which has spent \$6.4 million to June 30 last and estimated it will need about \$3.6 million this year for a running total of \$10.1 million.

west end

Work is the refuge of people who have nothing better to do.

Oscar Wilde

western changes. The change of government in Western Australia in February 1983, just

before the change of the Australian Federal Government, has inevitably resulted in some change of pace and direction for the WALRC. See [1983] *Reform* 65. In the past quarter, there has been a change of Chairman of the Commission. Mr Hal Jackson takes over as the new Chairman. (See below p.176.) Furthermore the foundation Chairman of the WALRC, Mr Barry Rowland QC, has been appointed a judge of the Supreme Court of Western Australia. (See below p.176.)

Also in the last quarter the Commissioners of the WALRC have met the new WA Attorney-General, Mr J M Berinson, to discuss the WALRC program of the Commission. As a result of this meeting, the program has been rationalised. Five projects have been deferred. Another five have been withdrawn completely.

The deferment of five projects allows the WALRC to give higher priority to work on other reports in the course of preparation. The reference on *Criminal Proceedings and Mental Disorder* (Project No 69) has been deferred pending release and consideration of the report of the Crown Counsel for Western Australia, Mr M J Murray, on the Criminal Code of Western Australia. Deferment of the reference on *Minors' Contracts* (Project No 25 Part II) has been arranged pending the report on the English Law Commission on the same topic. And the reference on *Limited Partnerships* (Project No 74) has also been deferred pending the result of work being done in other jurisdictions.

The other two deferred projects are *Local Courts: Enforcement of Judgments* (Project No 16 Part II) and *Review of the Justice Act: Enforcement of Orders* (Project No 55 Part III). The former has been deferred so that the WALRC may consider the forthcoming ALRC report on debt recovery and insolvency, and the latter in order to allow consideration of the forthcoming ALRC report on sentencing of federal offenders and

the report of a Committee of Inquiry into the rate of imprisonment in Western Australia. In both cases, however, the WALRC is working on other parts of the references. A working paper on the jurisdiction, procedures and administration of the Local Courts has just been issued, and one on the Justices Act will be issued shortly. Both contemplate changes to courts of inferior jurisdiction in Western Australia and it is important that these be readily compatible.

projects withdrawn. The five references which have been withdrawn are:

- Chattel Securities and the Bills of Sale Act (Project No 19)
- Admissibility in Evidence of Reproductions (Project No 27 Part II)
- Formalities of Oaths, Declarations and Attestations of Documents (Project No 28 Part II)
- Unauthorised Disposal of Goods Interstate (Project No 35)
- Compensation for Persons Detained in Custody (Project No 43)

Work on Chattel Securities and Unauthorised Disposal of Goods Interstate had previously been deferred because of moves to reform the law of consumer credit on a uniform basis throughout Australia. In April 1983 the West Australian Minister for Consumer Affairs announced that the model consumer credit legislation already enacted in Victoria and New South Wales would be introduced in Western Australia during the next year. Since this legislation will deal with the matters covered by the two projects under discussion, the references have both been withdrawn.

The WALRC, in its report on *Admissibility in Evidence of Computer Records and Other Documentary Statements*, had already dealt with a substantial part of the reference on Admissibility in Evidence of Reproductions. In light of the ALRC reference on Evidence, it was agreed that the remaining part of the project, microfilm evidence, would duplicate the work of the ALRC.

The object of the reference on Formalities of Oaths, Declarations and Attestation of Documents was to produce recommendations for uniform legislation throughout Australia. The WALRC dealt with part of this reference in its report on *Official Attestation of Forms and Documents*. The recommendations in this report dealing with statutory declarations had been submitted to the Standing Committee of Commonwealth and State Attorneys-General (SCAG), but in March 1983 it decided not to proceed with these proposals for uniform law. The remainder of the reference, dealing with attestation other than by statutory declaration, had been deferred pending the outcome of SCAG's deliberations, and has now been withdrawn since it seems unlikely that uniform legislation can be agreed on in this area.

The WALRC published a working paper on *Compensation for Persons Detained in Custody* in 1976. However, in accordance with the wishes of the then Attorney-General, work on the project was subsequently deferred. In June 1983 the present Attorney-General withdrew the reference. The report of an English inquiry into the same matter appeared in 1982. See 'Justice', *Compensation for Wrongful Imprisonment* (1982).

new reports

Australia

- ALRC : : The Law Reform Digest. See above p.143
- : *Evidence* : Admissions (S Odgers)
 RP 15
- : *Evidence* : Privilege (I Freckelton and T H
 RP 16 Smith)
- : *Foreign SI* : Basic Principles, Assessment of
 RP 3 Need for Legislation (Prof J R
 Crawford)
- : *Foreign SI* : Content of Legislation on Immunity
 RP 4 from Jurisdiction (S Curran)
- NSWLRC : 36 : Report on Defacto Relationships,
 1983. See above p.150
- QLRC : : Report on Easements: Registration
 Under the *Real Property Act*
 1861-1981
- SALRC : 64 : Report Relating to the Reform of
 the Law on Wills and Intestacies,
 1983

- : 72 : Report Relating to the Amend-
 ment of the Law of Escheat, 1983
- TasLRC: *WP* : The Boundary Fences Act 1908,
 1983 (W G Briscoe)
- WALRC: *WP 16* : Local Courts Act and Rules, 1983,
 Part I

Canada

- CLRC : *WP 30* : Criminal Law: Police Powers –
 Search and Seizure in Criminal
 Law Enforcement, 1983
- : *SP* : Administrative Law: Parliament
 and Administrative Agencies,
 1983 (F F Slatter)
- BCLRC : 62 : Report on Interspousal Immunity
 in Tort, 1983
- : 63 : Report on Peremptory Challenges
 in Civil Jury Trials, 1983

Hong Kong

- HKLRC: *Topic 7* : Report on Community Service
 Orders, 1983
- : : Review of Commission Activities,
 1983

New Zealand

- NZCCLRC : : Report on Rule in *White & Carter*
 (*Councils*) *Limited v McGregor*,
 1983
- : : Report on Aspects of Insurance
 Law (2), 1983.

United Kingdom

- Scot : 78 : Evidence: Report on Evidence in
Law Cases of Rape and Other Sexual
Com Offences, 1983

United States of America

- Calif : : Recommendation Relating to
LRC Liability of Marital Property for
 Debts, 1983
- : : Recommendation Relating to
 Durable Power of Attorney for
 Health Care Decision, 1983
- : : Tentative Recommendation
 Relating to Marital Property Pre-
 sumptions and Transmutations,
 1983
- : : Tentative Recommendation
 Relating to Rights Among Co-
 Tenants in Possession and out of
 Possession of Real Property, 1983
- : : Tentative Recommendation
 Relating to Disposition of Com-
 munity Property, 1983