proposed, as well as raising the amount above which an appeal lies as a right to the High Court from $3,000 to $20,000 and limiting certain personal injury appeals, propose significant initiatives. A barrister or solicitor of a Federal Court is to have a right of audience in any State Court exercising Federal jurisdiction. Mr. Ellicott saw this as perhaps the first step towards a system which would "enable practitioners the right to appear in any State court". Perhaps it will ultimately encourage a truly national legal profession. He also entered the debate on human rights legislation. The revival of the Committee on Freedom of Information and the passage of the Racial Discrimination Act were mentioned as was the aim of removing from all Commonwealth legislation provisions discriminating against women. Mr. Ellicott raised the possibility of the creation of a Human Rights Commission to consider in general terms the invasion of basic rights in specific areas. He applauded the appointment of women to the Bench and, as a warrant of his view, announced the appointment of Justice Maxwell, amongst others, to the Family Court of Australia.

The Commonwealth Attorney-General said that he saw law reform as one means "whereby a society achieves a sense of justice". He asserted that all lawyers are involved in it. He paid tribute to the "dynamism and learning" that Mr. Justice Kirby had brought to the A.L.R.C. and the work and expertise of the part-time Members who had comprised the Commission for its first eighteen months.

The Standing Committee of Commonwealth and State Attorneys-General which met in Adelaide at the end of June 1976 is a remarkably different body to that which in July 1975 rejected the uniform law reform proposals put forward by the Australasian law reform agencies. Apart from Mr. Ellicott there are five new faces. These include the Hon. P.I. Wilkinson (N.Z.), the Hon. Peter Duncan M.H.A. (S.A.), the Hon. Haddon Storey, Q.C., LL.M. (Vic), the Hon. Ebia Olewale (P.N.G.) and the Hon. F.J. Walker, LL.M. (N.S.W.). Mr. Storey is a past Member of the V.S.L.R.C. He has written extensively on Privacy (47 A.L.J. 498). Mr. Olewale's strong views on law reform were recently expressed to the A.L.R.C. Chairman. Mr. Walker comes to office on a platform which contains eight significant proposals for law reform including the improvement of legal aid, the reform of criminal laws impinging on civil rights and liberties and the preservation of jury trials. He has already expressed his personal views concerning the reform of so-called "victimless crimes". He is also committed to protection of the right of privacy, extension of the power of the Ombudsman and numerous other legislative innovations. Who can doubt Mr. Ellicott's assertion that the pace of the orderly reform of the law in Australia is quickening?

Uniform Law Reform : the New Phase?

Australia, in a manner reminiscent of a blindfolded elephant, gropes its way towards a mechanism for uniform law reform. Perhaps we should not get too impatient. After all, the magnum opus of the Uniformity Commissioners in the United States, the Uniform Commercial Code, began its life in 1940. It was not finally formulated until 1952. It now operates (with various modifications) in all States of the Union except Louisiana:(1976) 73 Law Soc. Gazette 191. In Canada the Model Acts drawn by the Uniformity Conference continue to be adopted with various amendments (see B.C.L.R.C. 23 p.151). New efforts in legal uniformity are being tried. Joint Federal-Provincial funding of specific projects for procedural law reform are mentioned in "National", Jan. 1976 p.16. But the big difference between the North American Federations and the Australian Federation is that, whilst they have had a mechanism to promote uniform laws in appropriate areas for upwards of 60 or 70 years, we still have no appropriate, accepted mechanism in this country.

The calls for uniformity continue apace. Take these examples: The President of the Victorian Law Institute in his Message (1976) 50 Law Inst. Jo. 105, urged the need for national thinking in the legal profession. "We are members of the one

profession whether in practice in Queensland, Western Australia or Victoria. Why should there not be a common code of ethics, a common system of costing and a common professional indemnity scheme?" Mr. Ellicott took this point in his speech on the Judiciary Act (Amendment) Bill 1976.

The need for urgent attention to adopting a choice of law rule in the Australian interstate context was urged by K. Pose in "The Proper Law of Tort - Some Recent Australian Developments" (1976) 50 A.L.J. 110 at p.117. The alternative was injustice and "the pitfalls of conflicts of laws".

Speaking in the Federal Parliament, Mr. Ellicott on 20 May 1976 (Cwth. Parl. Deb)(H. of R.) p.2362, discerned "strong arguments in favour of uniformity of legislation throughout Australia [on the question of penalties for offences relating to drugs]." In his speech to the Women Lawyers, the Attorney-General on 11 June 1976 returned to the question of defamation laws. He promised to discuss with State Attorneys-General the question of referring defamation to the A.L.R.C. for examination. "This is one branch of the law where there should be uniformity. For instance, television programmes are shown nationally. There are now numbers of national newspapers and magazines. These facts stress the need for uniform law on defamation. A reference of power to the Commonwealth on this matter will be considered at the next meeting of the Constitutional Convention".

The Federal Platform of the Liberal Party of Australia proposes national defamation laws. The outgoing Labor government had proposed to refer this question to the A.L.R.C. during 1976.

Whilst the law reform agencies around Australia wait for the decisions to be made concerning uniform law reform projects, positive steps are being taken in the direction of co-operation, the exchange of information and ideas and promotion of uniformity. One has only to look at the subjects referred to L.R.C.s to see the common areas of the law receiving separate, expensive attention throughout the country. The V.L.R.C., Tas.L.R.C., S.A.L.R.C. and a Committee in N.S.W. are all looking at reform of rape trials. Q.L.R.C. has just reported on evidence law reform, a matter now under study in the N.S.W.L.R.C. Commercial arbitration is, or has been, before the A.C.T.L.R.C., N.S.W.L.R.C. and W.A.L.R.C. How much longer can we afford in this country this utilisation of scarce resources?

In his paper to the Third Law Reform Conference, Mr. D.K. Malcolm, Chairman, W.A.L.R.C., proposed one way out. Consultation between State agencies, for terms of reference, reference by respective Attorneys-General and, after report back, possible discussion in the Standing Committee of Attorneys-General. Many years ago, Sir John Kerr pointed out that the Standing Committee of Commonwealth and State Attorneys-General was the obvious vehicle to provide momentum for uniform law reform in Australia. That Committee assigned clearing house functions to the A.L.R.C., which are proving of some use in reducing duplication. The Conference in Canberra studied a "mock-up" of the proposed Law Reform Digest. This will be designed as a supplement to the Second Edition of the Australian Digest. Proposals for law reform will be tied into the Digest, paragraph by paragraph, local and overseas reports, judicial and academic suggestions and proposals will be included in the system. The aim is to integrate law reform activity, so far as is constitutionally proper, within Australia. It is also to ensure that law reform proposals get proper ventilation in the right circles. The A.L.R.C. Chairman is having discussions with the Law Book Company Limited to explore the possibility of producing the Digest commercially. All the work has been done for the Digest and it will be published later in 1976. Overseas participants at the Conference expressed great interest in the Digest project. The collection of Australasian ideas for the modernisation and simplification of our legal system

will have a value (and possibly an impact) beyond this part of the world. The Secretary of Justice of Sri Lanka, Mr. N. Jayawickrama, informed the Conference that his country was in the midst of implementing legislation to adopt certain of the recommendations of the Canada L.R.C. on evidence law reform and of the A.L.R.C. on criminal investigation (A.L.R.C.2). There is a little irony in the fact that A.L.R.C.2 (which has been well received in legal journals) is to be implemented overseas before it finds its way into the Australian law.

Law Reform up North : The P.N.G.L.R.C.

This is an exciting time for law and lawyers in Papua New Guinea. The vital and energetic approach of the P.N.G.L.R.C. is evidenced in the first Annual Report of that Commission 1975. It was witnessed at first hand by Mr. Justice Kirby (A.L.R.C. Chairman) when he visited Papua New Guinea 29 May - 2 June 1976. The visit was at the invitation of the Minister for Justice, the Hon. N. Ebia Olewale, M.P. During his visit the A.L.R.C. Chairman met the Governor-General of Papua New Guinea (Sir John Guise), the Chief Justice (Sir Sydney Frost), other Members of the National Court, Ministers, Secretaries of Justice and Labour and other law officers. He participated in meetings of the P.N.G.L.R.C. to discuss the common work of the A.L.R.C. and P.N.G.L.R.C. concerning their respective criminal investigation references, and joint co-operation.

The P.N.G. Commission was established in May 1975 and, following Independence, re-established under the Constitution in September 1975. It has a distinct constitutional role to review the "underlying law". This is the customary law of Papua New Guinea and the introduced common law and equity of England. The power to review the "underlying law" and to recommend changes to it does not require reference by the Minister, the normal method of initiating commission work.

P.N.G.L.R.C. Chairman, Bernard Narakobi, graduated in Law at the University of Sydney and, in the discussions leading up to the Independence Constitution he was a Consultant to the Constitutional Planning Committee. The Deputy Chairman is Mr. Francis Iramu, a member for many years of the highest rank of magistrates. He has also recently been appointed to head the country's first Arbitration Tribunal. Other Commissioners include Bishop Riley Samson, Chief Commissioner John Nilkare, of the Liquor Licensing Commission, Mrs. Nahau Rooney, a District Officer in the Manus Province and Ms. Mek Taylor, who has the LL.B. degree from Melbourne University. The Chairman, Mr. Nilkare, Ms. Taylor and the Secretary, Mr. N. O'Neill, all attended the Third Law Reform Conference in Canberra. The strong view held in Papua New Guinea concerning the need for law reform agencies to closely consult the community in law reform proposals, is brought home in the Annual Report. It was explained to the A.L.R.C. Chairman on his visit. The problems of communicating law reform proposals in a developing country with people at different levels of development and sophistication expand the difficulties faced in Australia in the same enterprise. A first attempt was made in the P.N.G.L.R.C.'s working paper on Adultery: a matter which naturally occupies a much more important part of social control in Papua New Guinea than it does in Australia. The working paper was issued in English, Pidgin and Hiri Motu. Commissioners travelled widely throughout the country. The media were used and the Commission's proposals hit the headlines.

During Mr. Justice Kirby's visit, there was much interest expressed in the possible reference to the A.L.R.C. of the question of integrating Aboriginal customary law into the legal system in Australia. This question had been raised following a Royal Commission report in Western Australia, the decision of the Federal Government to proceed with land rights legislation for Aboriginals and a decision of Wells J. in South Australia attaching certain conditions to a bond granted to an Aboriginal prisoner. (R v. Williams, No. 8 of 1976. Delivered 25 May 1976).