

The authors have been well served by their publishers; the book is excellently presented, with only two misprints (on pages 13 and 154) escaping the proof-readers' attention. One annoying feature is the reproduction of the notes and references at the end of the book rather than at the end of chapters or, better, on the pages to which they refer.

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Reform the Law. Essays on the Renewal of the Australian Legal System by Michael Kirby

(Oxford University Press, Melbourne, 1983) pp. 284, \$24.99 (hb), \$12.99 (pb).

Law is a vital part of the social system. It affects virtually every aspect of human activity. Until recently, very few of us realized how pervasive the law is. When we learn which of our activities are affected by law, we have good reason to ask how such ill-conceived and old-fashioned rules came to exist. This realisation is the real cause of movements for institutionalised law reform.

Mr Justice Michael Kirby has been a pioneer both in educating the community about law and in developing a new style of law reform which has proved effective. He has described himself as a 'multi-media' judge and as a 'democrat'. As a practising lawyer until 1975 he saw shortcomings in the law. As an intelligent and politically aware citizen, he realised that law reform is dependent on politics. He saw also that if law reform was to be legitimate, effective and acceptable, those affected by the law must have the opportunity to participate in the activity of law reform. The community must know what the law is and how it affects them before its members can usefully comment on the existing law and on proposed changes. So the role of publicist of the law is, to Kirby, an essential element in the style of law reform he sees as necessary and desirable, and which, as Chairman of the Australian Law Reform Commission since 1975, he has been able to achieve. *Reform the Law* is a collection of thirteen of the speeches and papers he has delivered on law reform. They are a small selection, for in addition to the technical papers produced by the Commission, Mr Justice Kirby delivers, to appreciative audiences drawn from all sections of the community, about 100 speeches each year.

Law reform is essentially political. The Law Reform Commissions do not set their own agendas. They are directed to report on matters referred to them by Attorneys-General who are government Ministers. The proposals for law reform must be enacted by Parliaments before they take effect. These proposals are subject to the widest possible scrutiny. Some of them — involving, for example, rules governing criminal investigation, human tissue transplants, privacy, and regulation of the insurance industry — are controversial. Politics determines the 'what' and 'when' of law reform, so the effective law reformer needs political skill and judgment.

In the past, law reform was left largely to lawyers, often engaged full-

time in practice, and reforming the law part-time. This is still the case in many States. Part-time law reformers, as judges, barristers, solicitors, and law teachers, can bring an awareness of technical rules which are cumbersome, outdated and often unjust. This fits them to reform 'lawyers' law'. But law has a wider impact. Legal training does not teach lawyers to search for fundamental purposes of rules, nor to consider the ultimate effects of either the existing rules or of proposed changes. Lawyers are trained to look for immediate and pragmatic solutions to specific problems. They brought this approach to law reform. While he is not alone, Mr Justice Kirby has been a leader in transcending the limits imposed by legal culture and in popularising law reform. In the first three essays in this collection ('Change and decay or change and renewal?'; 'Law reform: filling the institutional vacuum' and 'Reform: Australian style'), he expresses the "philosophy of law reform" which has made him exceptional among law reformers and which has earned him respect. Here he gives the reasons why, to be effective, law reformers seeking to adapt the law to existing needs of society must seek the underlying reasons for the existence of legal rules. The law reformer must, to some extent, be a visionary, with a goal in sight. In Kirby's case, that goal flows from a blend of a sense of social justice and appreciation that law reform agencies are expert instruments of their political masters, and a respect of what is good in the Anglo-Australian legal culture. Kirby is not a total conservative: he is, in the political sense, a reformist. He is certainly no radical, except, perhaps, when compared with the pillars of the legal establishment.

Kirby also appreciates, unlike many lawyers, that law and lawyers cannot solve every problem. He has ensured that in its work, his Commission appoints consultants who have special knowledge of the areas under consideration; for example, journalists and computing experts for the enquiry into laws affecting privacy; economists, credit managers and consumer representatives for the enquiries into insurance, debt recovery and insolvency. He has made a genuine effort to support law reform proposals with empirical evidence (usually gathered by survey) and cost/benefit analysis, though he would assert strongly that law reform also involves human values which cannot readily be measured in dollars and cents.

The great innovation of the Australian Law Reform Commission under Kirby's leadership has been the concept of 'participatory law reform' — mentioned earlier, and closely connected with the education of the community. This is the subject of the fourth and fifth essays ('Community legal education' and 'New laws for new Australians').

As well as being part politician, part publicist, and part-renaissance scholar (in the sense of needing eclectic knowledge), the law reformer must be a first-rate technical lawyer, able to ascertain what existing law is, what changes are needed, and how to express those changes in proper legal language. This is the starting point. Some might consider it enough if the sole function of law reform were to bring lawyers' law up to date. The breadth of understanding is, however, what separates Kirby from other law reformers. The combination of technical legal expertise and breadth of vision can be seen in the remaining essays in this collection.

Each essay deals with a particular subject of law reform. Two ('Reform and the bureaucracy' and 'The future of legal practice: does it have one?') are not based on the work of the ALRC, but rather of other law reform bodies. The rest ('Sentencing reform', 'Procedural reform and class actions', 'Reform and the fourth estate', 'The computer, the individual and the law', 'New dilemmas for law and medicine') arise directly from the law reform work of the Commission, and provide examples of the Australian approach to law reform.

This Australian approach is different, and its excellence is recognized outside this country, notably in the foreword by Lord Scarman, a former Chairman of the Law Commission for England and Wales. The material in the essays is interesting, beautifully and clearly expressed. Kirby has learnt the value of expressing himself in terms that non-lawyers can understand. *Reform the Law* provides for any concerned citizen a valuable insight into the aims and processes of law reform which will affect us all, often in unexpected ways.

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The Cost Effectiveness of Alternative Library Storage Programs by
R.A. Stayner and V.E. Richardson
(Monash University Graduate School of Librarianship, Melbourne, 1983)
pp. 149, \$10.00.

Early practitioners of the library art used the term 'economy' in the original sense of administration or management. In England, a nineteenth century librarian, James Duff Brown, authored a 'how-to' book on library practise called *The Manual of Library Economy* which, after its first publication in 1903, went to a 4th edition. This was no Samuelson-style achievement, but in those days it wasn't entirely bad either.

Until the last decade or two, most economists were just not interested in either the macro- or micro-economics of libraries. Fritz Machlup was the first to arouse public interest in the macro-aspects of the information industry, and William J. Baumol's landmark study¹ of the economics of academic libraries marked a point of departure for stimulating others to examine the economic functioning of libraries and related, information-providing document repositories.

In general, applied economists studying libraries' problems have been thin on the ground, despite a fair amount of more theoretical interest in the Economics of Information represented by such researchers as Arrow, Marschak, Boulding and Lamberton. In Australia, except for a fine study of the economics of Queensland public libraries by Karunaratne, Lamberton, Murnane and Stayner,² there have been no major economic library studies until this excellent report by Stayner and Richardson, which investigates methodologies appropriate to making rational choices among alternative forms of bookstock storage.

The library profession has benefitted in many ways from the application