

## **LAW REFORM COMMISSION ANNUAL CONFERENCE 2019**

### **Welcome Address by the President of the Law Reform Commission**

Distinguished speakers, distinguished guests including former commissioners, and fellow Commissioners. You are all very welcome to the Law Reform Commission's Annual Conference for 2019.

Those of you who were here at last year's Annual Conference will recollect that it marked a departure from the usual approach we have taken to our Annual Conference theme, in that the theme was not directly related to a specific project on which we are, or will be, working. It related to the possible effects of Brexit on Law Reform in Ireland. Our distinguished speakers gave us a very interesting perspective on the likely outcome of Brexit on the work of the Commission in carrying out its statutory role: keeping the law under review; undertaking examinations and conducting research with a view to reforming the law; and formulating proposals for law reform. At that point in time, just a year ago, the focus was on what might happen after the end of March 2019. However, as that deadline is history, any assessment of the picture presented is for another day, perhaps, the Annual Conference next year!

I would like, however, to return to my final observation in the opening address at last year's Annual Conference in relation to this Commission's external links. As I stated, for many years, the Law Commissions' of England and Wales, Scotland, Jersey and Ireland (and Northern Ireland when its Law Commission was in operation) have developed and maintained close working relationships. Those relationships were reinforced by an annual meeting of the Commissions. This year the meeting, which took place last month, was hosted by the Law Commission of England and Wales. Once again it reflected that the close ties between the four Commissions are highly valued by each Commission. On behalf of the Commission, I reiterate that these ties will remain strong regardless of any form that Brexit may take.

One of the significant aspects of the Commission's work since the last Annual Conference has been the approval by the Oireachtas Joint Committee on Justice and Equality and, subsequently, on the 20<sup>th</sup> of March 2019, the approval without modification by the Government of the Commission's *Fifth Programme of Law Reform*.

Each of the two themes being addressed at this Conference reflects a project in the Fifth Programme.

Our first session this morning is entitled: *Technology and Privacy in the Digital Era*. As is recorded in the Commission's Report on the Fifth Programme (LRC 120-2019), the third project, *Privacy and Technology in the Digital Era*, will consider aspects of the impact of the digital era on the law.

As long ago as 1998, the Commission published a Report on *Privacy: Surveillance and the Interception of Communications* (LRC 57 – 1998). Obviously, the conclusions reached and the recommendations made in that Report require reconsideration in the context of the internet era. The first speaker in the first session, Dr. John Danaher, in his presentation on *Mass Surveillance, Artificial Intelligence and New Legal Challenges* will point the Commission and, indeed, us all, to the technological changes which have occurred since 1998 and how the law needs to be reviewed to address the implications of those changes.

Staying with the third project, of particular interest in relation to the first session is that the Report states that the project may “examine a discrete

area concerning the future impact of interconnected digital devices – the ‘Internet of Things’”, the example given being that the development of autonomous vehicles and vessels is likely to have significant effects on the interaction between road traffic law or maritime regulations, on the one hand, and product liability law, on the other hand. What we are to hear this morning during the first session will inform the Commission’s approach to developing this area of the law, specifically by reference to road traffic law. The second speaker in the first session, Moyagh Murdock, who is the CEO of the Road Safety Authority, will in her presentation address the legal impact of autonomous cars.

The second session: “*Reform of Sexual Offences Law*” reflects the fifth project in the Fifth Programme: “*Review and Consolidation of the Law of Sexual Offences*”. The Report on the Fifth Programme lists eight specific aspects of the law which the Commission will review under the project, for example, the first being the definition of rape.

However, this project concerns not only a review of the existing law and its possible reform, but also the consolidation of the law on sexual offences. While there has been considerable reform of the law on sexual offences

over the past twenty years, to take the most recent examples, the enactment of the Criminal Law (Sexual Offences) Act 2017, which was further amended this year by the Criminal Law (Sexual Offences) Act 2019, it would undoubtedly be in the everyone's interest if the wide ranging and complex law on sexual offences was consolidated, so as to be clear and accessible to all.

A broad view will be taken of the fifth project this morning. The first speaker in the second session, Noeline Blackwell, who is the CEO of the Dublin Rape Crisis Centre, will explore the extent to which the current sexual offences law has an effect on issues such as reporting of sexual violence and the attrition rate in terms of subsequent criminal cases.

In his presentation, the second speaker, Commissioner Tom O'Malley, will deal with some of the issues likely to arise as the Commission embarks on its work on the fifth project. He will address the particular problems that can arise in this regard in connection with the prosecution of so-called historic child sexual abuse offences and some of the challenges in developing a comprehensive and coherent statutory code of sexual offences, especially in light of the need to ensure that the law is kept up to date to reflect different forms of online abuse.

Incidentally, it is intended that the Commission's work on the fifth project will commence immediately, as the Commission's *Report on Knowledge or Belief Concerning Consent in Rape Law* has been submitted to the Attorney General and was published last week.

I have no doubt that my colleagues in the Commission and I will benefit greatly in relation to our work on the two projects from the presentations this morning and that all of you will find them most informative.

After the presentations, at about 12.15p.m., we will have a questions and answers session for approximately a half an hour. We would welcome contributions and comments, and, indeed, questions from you during that session. As always, the invaluable contribution to the work of the Commission from consultation is in my mind.