

LEGISLATION

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Internet

The last few months have seen some sensational leaps forward on the Internet - easier to use than ever thanks to tools like Netscape and with the promise of greater response time from Telecom. The release of the Commonwealth Parliament's database with full text of Hansard, Votes and Proceedings, Notice Papers and more, VICNET's Victorian Parliamentary information and legislation, and the National Library's Government information site are events worth noting.

Diskrom and CCH Releases

Elsewhere in the electronic domain, Diskrom have released their consolidated Commonwealth Statutes and New South Wales Statutes disks and CCH have published the *Federal Tax Reporter* on CD-ROM - to be followed later this year by the family law and company law services.

Justice Statement, May 1995

On 18 May the Federal Government released its long awaited Justice Statement which announced a package of major reforms to the legal system. The main points of the statement cover:

- monitoring of legal fees by the Prices Surveillance Authority
- requirement that lawyers in federal matters provide estimates of costs to clients
- a review of Commonwealth court fee scales

- more money for legal aid, family law and civil cases
- support for trial televising of civil cases in the Federal Court
- a National Women's Justice Strategy
- major focus on prevention and resolution of family disputes
- removal of advertising restrictions on lawyers operating in federal jurisdictions
- subjection of lawyers to trade practices principles

In a significant comment on "access to justice" principles however, Monash University Law Library was unable to get copies of the report until the following week!

Bill of Rights

The push for an Australian Bill of Rights received a couple of helping hands from the retiring Chief Justice of the High Court, Sir Anthony Mason, who said in his Lucinda Lecture that he could now see value in such a Bill, and from the Law Council of Australia which released a draft Charter of Rights on 3 April - to "stimulate public debate on how rights and freedoms should be protected".

Native Title

The *Native Title Act* was upheld by the High Court in its decision (delivered 3 March) in *The State of Western Australia v The Commonwealth ((1995) 128 ALR 1)* - the WA Government had challenged the legislation. The conflicting elements of the WA legislation were invalidated under s 109 of the Constitution.

Treaties

The High Court's decision in *Minister for Immigration & Ethnic Affairs v Teoh* ((1995) 124 ALR 353) had the effect of greatly widening the force of international treaties entered into by the Government but not yet ratified by Parliament. The High Court said that merely entering into a treaty could give rise to a legitimate expectation that the government would consider the principles in the treaty when making executive and administrative decisions. The Government, through a press release issued by the Attorney General and the Minister for Foreign Affairs on 10 May, indicated that it would legislate to limit the effect of *Teoh* by ensuring that obligations under treaties could not be enforced unless they have been enacted in local law. A report in *The Australian* on 19 May indicated that this statement and subsequent legislation might not be able to completely nullify the effect of *Teoh*.

Chinese Law

Those interested in Chinese law will be pleased about the release of a new Web site at the University of Hong Kong which plans to make all Hong Kong and Republic of China legislative material available via the Internet. A great deal of information (more Chinese than English) has already been mounted. Use Netscape's *InfoSeek Search* and use "online law" as search terms, or connect to Monash University Law Library's homepage on the Web which has a link to the site (URL-<http://www.monash.edu.au/library/law>)

**MEDIA RELEASE**
DUNCAN KEER
MICHAEL LAVARCH
ATTORNEY GENERAL MINISTER FOR JUSTICE

18 May 1995
32/95

JUSTICE STATEMENT - BALANCING THE SCALES

A four year \$160 million strategy to reform the Australian justice system was announced by the Prime Minister in Brisbane today.

The Justice Statement is a detailed long term strategy to sharpen our legal focus on their primary purpose - to deliver justice to all people equally, regardless of who they are where they live or how deep their pockets are - through reforms to courts, the legal profession and legal assistance structures.

A fair and impartial justice system is the cornerstone of a peaceful and democratic society. In October 1993, the Attorney General, Michael Lavarch and the Justice Minister, Duncan Keer, established the Access to Justice Advisory Committee to investigate how the justice system could better serve the interests of all Australians.

The Justice Statement addresses a widespread loss of confidence in the justice system identified by the Committee's report. It aims to help more Australians resolve disputes without litigation by improving alternative dispute resolution processes. Where litigation is unavoidable, the formal legal processes should be as simple and accessible as possible.

The Justice Statement reinforces the Government's commitment to families through a range of community-based initiatives to assist them overcome legal problems. It is especially designed to help the vast majority of Australians who do not qualify for legal aid yet are not wealthy enough to afford litigation.

Resolving and Preventing Conflict

The Justice Statement:

- Doubles funding for marriage and relationship education with an extra \$4 million over four years.
- Extends family support programs including relationship skills training, adolescent mediation and family therapy into rural and regional Australia with an extra \$5.7 million over four years.
- Accelerates the shift in the Family Court towards mediation and counselling with an extra \$4.3 million over four years for mediation services and \$9.7 million over four years for counselling.

Refers to the Prices Surveillance Authority the issue of legal fees for a national survey with publicly available results.

Reduces costs to business with a \$1.7 million, four-year expansion of simplifying and improving legislation, an increased emphasis by the Australian Securities Commission on the needs of the "small end of town" and extended online access to an upgraded data base of all Commonwealth laws, rules and regulations.

Restoring Confidence in the Administration of Justice

The Justice Statement:

- Allocates \$2.7 million over four years to gender and cultural awareness program for judges and court staff.
- Provides \$700,000 over four years to fund community awareness
- Permits \$16.8 million over four years to increase the number of community based mediators specialising in family mediation
- Allocates \$5.3 million over four years to a pilot program of safe handover for children staffed by legal workers trained in dealing with family violence
- Strengthens consumer protection in the Trade Practices Act with penalties.
- Establishes a national network of specialist women's legal centres, one in each State and Territory, with \$12.5 million over four years.
- Establishes a "Safer Australia" program to identify crime problem areas and strategies to reduce crime.
- Establishes a National Missing Person's Bureau with \$1.2m over four years to coordinate State and Territory police to find missing people.

Access to Justice

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Requires lawyers operating in the federal jurisdiction to inform clients about the likely costs of proceedings and other options for resolving disputes.