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## ***Attorneys-General Agree to Reforms***

A range of proposed new legislative measures was discussed at a meeting of all attorneys-general in early November

The proposals include uniform state legislation banning female circumcision, a national defamation code, and laws to crack down on computer-generated pornography. The attorneys-general also agreed to consider ways to incorporate Aboriginal customary law into the mainstream of the Australian legal system

The national defamation legislation is proposed in response to the High Court's landmark decision in *Theophanous* which apparently allows for more open criticism of politicians

Another meeting, also in early November, of Commonwealth and State Aboriginal affairs ministers agreed to develop national uniform legislation to protect Aboriginal sacred sites

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## ***Incitement to Racial Hatred Legislation***

Federal Cabinet, on 31 October, approved a bill to amend the *Racial Discrimination Act*. The bill seeks to impose harsh penalties, including gaol sentences, for people who incite racial hatred and violence. There has been much criticism of the bill by civil right groups and media commentators who argue that it is unnecessary and might transgress upon the right of free speech. The Opposition has said that it will oppose the bill and will propose alternate legislation.

## ***Treaty-making Power Attacked by Opposition***

The Federal Opposition has attacked the use of the external affairs power by the Government to override state powers, referring particularly to the recent use of the power to override Tasmania's anti-sodomy laws. The Leader of the Opposition, Mr Downer, on 30 October, pledged to make treaties a key issue in the Coalition's election campaign. Mr Downer said that a Coalition Government would establish a "treaties council" to review the impact of all treaties in consultation with the states - before ratification.

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## ***The Aboriginal Land Fund***

The Federal Government introduced the *ATSIC Amendment (Indigenous Land Corporation and Land Fund) Bill 1994* in the House of Representatives on 30 June 1994. The second reading debate on the bill commenced on 30 August. The bill establishes the land fund which was foreshadowed in the *Native Title Act 1993* and the Indigenous Land Corporation, an independent body, to administer it.

Debate continued on 31 August with consideration of the bill in detail on 1, 19 and 20 September and the third reading of the bill also on 20 September

The bill was introduced into the Senate on 21 September and read a second time on 18 October. Debate continued on 19 October and the bill was considered in committee on 20 October and 7 and 8 November. At time of going to press (11 November) media reports indicated that the numerous amendments proposed by the Opposition and uncertain support from the Greens senators made it likely that the Government would deem

the bill unworkable and that the Prime Minister might even use it as a trigger for double dissolution of the Parliament (see e.g. *The Age*, November 1994)

## Copyright Law Reform

The Federal Minister for Justice, Mr Duncan Kerr, has announced plans for a complete re-writing of the *Copyright Act 1968*. This work will likely commence in 1995 with the reconstituting of the Copyright Law Review Committee after the completion of work by the current Committee members on remaining references. Mr Kerr, at time of going to press, was about to leave on a research tour to meet members of the World Intellectual Property Organisation and the US Government. WIPO is considering major changes to the Berne Convention and the US Government is undertaking a similar exercise with respect to their copyright legislation. The report of the Copyright Convergence Group, *Highways to Change*, is an important summary of changes to Australian law in light of technological change and the Preliminary Draft Report of the US Information Infrastructure Task Force, Working Group on Intellectual Property Rights (July 1994) summarises the current US approach.

## Law of the Sea Convention

The United Nations Convention on the Law of the Sea came into force on 16 November. Under it Australia becomes responsible for an additional 7.7 million square kilometres of land and a further 14.8 million square kilometres of sea and seabed. The Convention gives Australia sovereign rights over all mineral, living and non-living resources in its Exclusive Economic Zone which extends in a 200 nautical mile radius from Australia's coastline.

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