

Focus on law reform



By Karyn Palmer, Deacons and Claire Mahon, Corrs Chambers Westgarth

Over the past few months, the Law Reform Committee of the Young Lawyers' Section has been actively involved in drafting and preparing submissions to the Victorian Government, writing letters to parliamentarians to raise concerns about bills and legislation before the Commonwealth Parliament, liaising with community groups to achieve law reform, and appearing at parliamentary committee hearings to discuss our ideas about reform.

Some of the projects undertaken this year include:

The "Greenhouse Challenge for Energy" consultation paper

Members of the committee drafted a submission focusing on the reduction of greenhouse gas emissions. The committee recommended to the Victorian Government that it should adopt a similar approach to that taken by the New South Wales Government to amend electricity supply legislation. This would result in the introduction of annual progressive state-wide greenhouse gas reduction targets, a penalty regime to ensure compliance with those targets, the establishment of a scheme giving legal ownership of the greenhouse gas reductions and the trading of certificates representing the greenhouse gas reductions.

Anti-terrorism legislation

The committee continued its campaign in relation to the *Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Bill 2002* (Cth) (as it then was), assisting in the preparation of a media release by the Law Institute of Victoria ("LIV") on our concerns relating to the impact of this legislation upon children. The committee also participated in a press conference held at the LIV involving a number of community organisations. Unfortunately this legislation was passed, with some amendments.

Income support for working aged people

The committee facilitated the LIV's endorsement of a submission made by the Public Interest Law Clearing House's Homeless Persons Legal Clinic to the Working Aged Task Force on the reform of income support for working aged people. The submission looked at the fundamental problems with the social security system for people of working age, in particular for homeless persons. It found that current social security arrangements failed to provide consistent and clearly directed incentives and awards for all people of working age and did not satisfy Australia's international treaty obligations.

Regulation 4.31B of the Migration Regulations 1994 (Cth)

In March 2003, Claire Mahon travelled to Canberra to appear at the joint parliamentary inquiry into proposed amendments to the Migration Regulations. The committee drafted a submission to this inquiry on behalf of the LIV, objecting to the imposition of large fees on asylum seekers trying to pursue judicial review

of unfavourable Refugee Review Tribunal decisions.

Australian Human Rights Commission Legislation Bill 2003

At Easter this year, a number of committee members kept themselves busy drafting the LIV's submission on legislation that proposed to amend the role of the Human Rights and Equal Opportunity Commission, in particular taking away the Commission's right to intervene in court cases without the approval of the Attorney-General. The committee's work was supported by the Human Rights Committee of the LIV and was well received, with the submission being quoted throughout the Senate Committee's report.

Future projects

The committee is looking at a number of new issues, including a possible submission to the Australian Law Reform Commission on gene patenting and human health, and a review of liquor licensing laws to ensure free water is available in all nightclubs. The committee has also been approached by the ALSO Foundation to assist with their campaign to expunge old criminal records for outdated offences based on homosexuality.

A pilot training session on 'the whys and hows of law reform' was held in March this year, which was followed by a workshop and training session at the start of December.

If any Young Lawyers' Section members are interested in this training, or in any of the other committee projects, please contact co-chairs Claire Mahon and Karyn Palmer at Claire_Mahon@deacons.com.au and karyn.palmer@deacons.com.au ■

Judge Strong, just before lunch after lengthy and apparently futile cross-examination:

HIS HONOUR: Could I just make this observation?

BARRISTER: Yes, your Honour.

HIS HONOUR: It's not a truism that the longer you cross-examine somebody, the better it gets.

BARRISTER: Yes, your Honour.

HIS HONOUR: 2.15, thanks.

Quotables

- Short is sweet