

- legal aid be denied to those charged with drug and alcohol offences and
- even though many private lawyers have in the past refused to do legal aid work because of the small financial returns involved, the private legal profession be given a far greater role in the management and delivery of legal aid services.

The submission said that the payment of \$25 per day would 'involve the client in the matter and hopefully encourage a more reasonable attitude.' The denial of legal aid to those charged with drug and alcohol offences was justified on the basis that, if a person had enough money to buy alcohol or drugs, they did not need legal aid. So far no action has been taken on the Law Society's proposals.

criticism of both proposals. Both proposals have been severely criticised. In respect of the Law Society's submission, Roger West of the Public Interest Advocacy Centre stated

What breathtaking arrogance! What happens to those who cannot afford \$25 per day (the pension for a couple without dependants is currently \$14.29 per person per day)? Where is the evidence that legal aid clients . . . have unreasonable attitudes? Who says they are not involved in their cases? . . . What plans do they have in store for wealthy clients who act unreasonably and use judicial time and court resources at taxpayer's expense? (*Sydney Morning Herald*, 30 November 1988).

The \$30 application fee provoked strong criticism from both legal centres and the State Opposition.

compulsory contributions. Less than a month after the introduction of the application fee queries were raised as to its legality. These queries resulted in the abolition of the fee. The Commission has not, however, abandoned the concept of a fee for service and has decided instead to impose a \$30 compulsory contribution on grants of legal aid. The contribution will not apply to the giving of advice, duty solicitor matters or to specialist areas such as children's court matters, prisoners legal aid or legal aid for the mentally ill.

Guidelines for when the contribution can be waived or postponed and the method of collection of the contribution are being developed.

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local court act

report on local courts. The Law Reform Commission of Western Australia (WALRC) recently presented to the Attorney-General its report on the jurisdiction, procedures and administration of Local Courts. The Commission's recommendations are aimed at streamlining and modernising the operation of the Local Courts and assisting all who have dealings with the Court to understand their rights and responsibilities.

jurisdiction. The Commission recommended that the jurisdiction of the Court be extended to include actions where, generally speaking, amounts up to \$15 000 were in dispute. It also argued that the powers of the Supreme and District Courts to transfer actions to and from Local Courts be widened so that, if the original choice of Court is inappropriate, the case can easily be transferred.

lodgement of documents. Instead of having to lodge documents personally, the WALRC recommended that lodgement by post be permitted. The clerk could then correct any minor errors after telephoning the person who had lodged the document. The WALRC noted that the government had approved a major computerisation programme for the courts which, when fully operational, would allow court users to lodge documents electronically — either by facsimile or directly from computer to computer.

assistance to litigants. The WALRC recommended a number of measures designed to assist litigants.

- A booklet explaining Local Court procedure should be available at the Court either free of charge or at a minimal cost.

- Court staff should be required to assist unrepresented litigants in matters of a procedural or administrative nature.
- A review should be conducted of the forms used in Local Courts with the object of making them as helpful to the parties as possible.

other matters. There are many other matters covered in the report including questions of procedure and the role of magistrates, clerks and bailiffs. Copies of the report can be obtained from the State Printing Division, Publication Sales Office, Alexander Library, Francis Street, Perth.

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transcover to be abolished

Politics: n. A strife of interests masquerading as a contest of principles.

Ambrose Bierce, *The Devil's Dictionary*, (1881–1911)

The New South Wales Government has decided to abolish the Transcover third party motor vehicle insurance scheme established by the previous government in 1987 (see [1987] *Reform* 43). In late November 1988 it accepted the common law based scheme recommended by the Committee investigating accident compensation chaired by the Attorney-General, Mr John Dowd.

The new scheme, to be backdated to 1 July 1987, will give accident victims access to the courts but with limitations on their rights. Features of the scheme include

- Maximum entitlement of \$180 000 for 'general damages' which include pain and suffering and loss of enjoyment of life.
- Judgments for general damages of less than \$40 000 to be automatically reduced by \$15 000. This is designed to discourage minor claims and ensure that funds go to the seriously injured.

- Insurers to determine liability within 12 weeks.
- On acceptance of liability, insurers to pay medical and rehabilitation costs and loss of earnings.
- Victims to be 'genuinely involved' in rehabilitation before actions for general damages can be commenced.
- Like Transcover, the scheme is to be fault-based.
- The introduction of jury trials, due to their value in educating and moderating judges.

The new scheme will cost each motorist an extra \$51 per year in addition to the \$19 increase expected under Transcover, meaning that the average third party premium will increase to \$350.

The Government is yet to deal with the problem of funding the backlog of claims from previous schemes — estimated to be anywhere between \$1.2 billion and \$3 billion. (*Canberra Times* 23 November 1988.) A Committee is investigating other ways of raising this money through options such as petrol taxes, registration charges or licencing fees.

Private insurers will be allowed into the new scheme, ending the monopoly of the Government Insurance Office. Mr Dowd expected that up to 20 new companies would move in (*Sydney Morning Herald (SMH)* 23 November 1988).

The Chairperson of the Board of the Australian Quadraplegic Association, Mr Mark Brayshaw, said that seriously injured victims wanted to be rehabilitated into their own environment, not given large lumps of money.

This scheme is going to cost more and be of less benefit to the people it's designed for. Making a person a multi-millionaire is not going to get that person back to the lifestyle [he or she was] in.

He said that the adversarial system, with someone in the wrong and someone in the right, was 'inappropriate' for a third party in-