said that even though the patient had been compelled to submit to treatment it did not mean that it had to be provided. The Director of Mental Health had decided that this patient was best treated in the community. He had responded well at first but had then deteriorated. After a violent attack he had said that he wanted to be taken to Ward 12B but was refused admission.

The parents wrote to the Minister:

> Because Ward 12B refused to accept our son a criminal charge had to be laid. Staff of Ward 12B have disregarded the court order by refusing him admittance. As a result he has been charged with a criminal offence when he needs treatment, not punishment.

The parents said that:

> the police would take him to 12B gladly but 12B won't take him. You would think that if the authorities had decided to put him out in the community they would have to take him back when he needs help. His is a difficult case and it seems as if they don't want anything to do with him. If the system was right it would allow us to cope. It seems the only patients they like are those who are medicated like zombies. Our son didn't even get to see a doctor. He was turned away by telephone. If it takes examination by a psychiatric registrar to gain admission, how can it be that a nurse has this authority over the telephone?

The Minister said that he could not interfere in what were essentially medical decisions.

a right to assessment. The types of problems raised by this case was considered by the Seddon committee. One of its recommendations was that, though it was practically impossible to legislate for a right to treatment, it would have a direct bearing on this case. The Advocate's role in such a case would be to mediate so that possibly there would have been a different outcome.

The case shows how many of the problems relate to appropriate services rather than law as such. The committee was keenly aware of this problem but was limited in what it could say about services because its principal job concerned the law.

Nevertheless it was invited by the Minister to draw attention to services problems.

An article reviewing mental health law in New South Wales appeared in the April 1990 issue of *Reform,* [1990] *Reform* 77-82.

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domestic violence

In its 1986 report (ALRC 30) *Domestic Violence* the ALRC recommended the introduction of protection orders in the Australian Capital Territory to stop threatened or actual violence or harrassment. Legislation implementing some of the recommendations in the report came into operation on 1 October 1986. The legislation permitted married persons or those in de facto relationships to obtain a protection order if they were threatened with violence by their partner. The Commission also recommended that people in other domestic relationships would also benefit from the proposed protection orders. Where violence in the home arises in connection with a past marriage or past de facto relationship, as, for example, where a divorced person harrasses or assaults the former spouse, violence between parents and their children, including adult children, disputes between neighbours, etc. New legislation came into force on 3 October 1990 in the ACT which covers all family and household members. For the first time, children will be able to obtain protection orders from a violent parent.

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new procedures for interstate litigation

The federal Attorney-General, Michael Duffy, announced on 24 August 1990 that new procedures would be introduced for the conduct of interstate litigation in Australia.

Mr Duffy said that the Government has agreed to repeal and replace the *Service and Execution of Process Act 1901,* following consideration of recommendations of the Australian Law Reform Commission in its 1987 report: *Service and Execution of Process* (ALRC 40). He said:

> Present procedures date from the beginning of the century and reflect a pre-technological age when Australian society and its legal systems were much less integrated than is now the case. In several cases, there are clear deficiencies in present procedures. For example, they apply only to proceedings before courts, and not to proceedings before tribunals. Tribunals now have a wide dispute resolution role, particularly in the consumer law areas. Other tribunals conduct inquiries, often into matters of great public importance. It is anomalous that, in Australia, interstate witnesses can be called to attend court but not tribunal proceedings. Other reforms will enable the use of modern technology to make procedures more efficient. It will be possible, for example, for interstate litigants to quickly register a judgment for enforcement in another State by forwarding it by facsimile transmission. At present, a separate certificate of judgment must be obtained and then physically produced to the other court.

Other significant reforms will include

- simplified procedures for interstate service of legal process
- protections for interstate witnesses, such a minimum time limits for service upon them of subpoenas before proceedings and provision to them at that time of their reasonable expenses
- procedures to resolve conflicts that now occur between interstate subpoenas addressed to persons who are on bail or parole and unable to leave a State or Territory without permission; and
- streamlining the procedures for interstate extradition of criminal offenders.

Mr Duffy said the Government would let the Bill lie on the table in Parliament for comment. He said:

> There will be an opportunity for wide community input into the reform proposals.

ALRC 40 is reviewed in the January 1988 issue of Reform, ([1988] Reform 6–9).

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class actions and product liability

> *Inspector Praline:* What's this one, 'spring surprise'?
> *Mr Milton:* Ah – now that's our speciality – covered with darkest creamy chocolate. When you pop it in your mouth steel bolts spring out and plunge straight through both cheeks.
> *Praline:* Well where's the pleasure in that? If people place a nice chocky in their mouth, they don't want their cheeks pierced. In any case this is an inadequate description of the sweetmeat. I shall have to ask you to accompany me to the station.
> *Milton:* It's a fair cop.
>
> Monty Python's Flying Circus
> Volume One, p 73

In an interview with the *Sydney Morning Herald* on 14 August 1990, the federal Minister for Consumer Affairs, Senator Tate, said he wanted to make class actions more easily available. He also raised the possibility of a product liability scheme as well. A special form of class actions, also known as grouped proceedings, was recommended by the ALRC in its report *Grouped Proceedings in the Federal Court* (ALRC 46) tabled in federal Parliament in December 1988. The ALRC's recommendations on product liability were contained in its report *Product Liability* (ALRC 51) tabled in federal Parliament in August 1989.

Senator Tate said he was especially keen on class actions because they gave more people access to the law.