

proach to making decisions about parental responsibility after separation.

### **Unimplemented recommendations**

The terms of reference allow the Committee to examine these earlier inquiries and reports. Although these inquiries and reports have resulted in some major amend

ments to the Family Law Act, there are a number of significant recommendations which have not yet been implemented. As Senator Spindler pointed out, the recommendations of the ALRC's inquiry into matrimonial property (ALRC 46) fall into this category as do the recommendations of the FLC and the 1980 Joint Select Committee concerning appropriate

levels of funding for the Family Court, including its counselling service.

### **Recent amendments**

Members and senators should also consider whether recent amendments to the Family Law Act in the area of contempt and child abuse have had sufficient time in operation for further inquiries to be worthwhile. □

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## **Federal Court representative actions**

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Many people denied access to a legal remedy because it is too costly will be able to get the compensation to which they are legally entitled. Acting on recommendations made by the ALRC, the federal Government is to build on its company law reforms with new legislation to give groups with a common legal claim better and cheaper access to the Federal Court. The changes will greatly assist groups ranging from small shareholders and investors to people pursuing medical or consumer claims. The reforms could benefit shareholders who had suffered loss as a result of a misleading prospectus or stock market manipulation.

The new procedure has been developed following the report of the Australian Law Reform Commission *Grouped Proceedings in the Federal Court* (ALRC 46) which was tabled in Federal Parliament in December 1988.

The legislation will allow people to assert existing rights collectively, effectively and more cheaply.

If such a measure was already in operation, the present actions by haemophiliacs and others who have medically-acquired AIDS could have proceeded with one action representing the general group of AIDS sufferers. Similarly, those individual investors affected by the Estate Mortgage collapse might well have been able to pursue their claims more cheaply and efficiently as a group using this type of procedure.

Announcing the new legislation Senator Tate said the improvements to representative action procedure available in the Federal Court will not be retrospective, and will apply only in the Federal Court where a federal matter is involved.

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