

# Commission news

## **Dr Kathryn Cronin**

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The members and staff of the ALRC farewelled Dr Kathryn Cronin, who resigned from the Commission in July 2001 to resume her work at the London Bar.

Kathryn was appointed as a full-time member of the ALRC for five years from 1 February 1996 and became Deputy President on 10 November 1999.

She was the lead Commissioner in the joint inquiry (with the Human Rights and Equal Opportunity Commission) into children and the legal process, and also spearheaded the ALRC review into the federal civil justice system.

Throughout 2000-01, Kathryn was the lead Commissioner on the review of civil and administrative penalties. She also had specific responsibility for this journal, *Reform*.

The ALRC wishes Kathryn and her family all the best in London.

## **Appointments**

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**Professor Anne Finlay.** The Attorney-General, the Hon Daryl Williams AM QC MP, has announced the appointment of Professor Anne Finlay as a full-time member of the ALRC for a term of three years commencing on 12 November 2001.

Professor Finlay was Dean of the Faculty of Law at the University of Newcastle. She has

degrees in Arts and Legal Studies from the University of Newcastle and Macquarie University respectively, and was awarded a Master of Laws by the University of New South Wales in 1995. She was admitted to practice as a barrister of the Supreme Court of New South Wales in 1993.

Professor Finlay was Secretary of both the Judicial Conference of Australia and the Council of Australian Law Deans. She has been a part-time (legal) member of the New South Wales Mental Health Review Tribunal since 1996 and was for a number of years a member of the Product Safety Committee of the New South Wales Department of Fair Trading. Professor Finlay has published extensively on various aspects of law, especially in the area of trade practices.

Professor Finlay will be working primarily on the ALRC's review of civil and administrative penalties, joining Commissioner Ian Davis.

**Justice Mark Weinberg.** Justice Weinberg has been re-appointed as a part-time Commissioner of the ALRC for a further two years.

The ALRC also congratulates Justice Weinberg on his appointment as Deputy President of the Federal Police Disciplinary Tribunal, announced by the Attorney-General in October this year.

**Other staff changes.** Lynne Thompson has joined the Australian Law Reform Commission as a Senior Legal Officer, working on the

inquiry into the use of civil and administrative penalties. Lynne joined the ALRC in July 2001. She was previously a research officer at the Equal Opportunity for Women in the Workplace Agency. Lynne was the in-house counsel for Telstra for three years from 1997 and prior to that was a telecommunications and trade practices law specialist at Mallesons Stephen Jaques.

Ben Saul, a legal officer on the civil and administrative penalties reference, has left the Commission to further his studies in England. Ben has a three-year Commonwealth Scholarship to study for a doctorate of philosophy in public international law at Oxford University's Magdalen College. His fieldwork, visiting civil wars in Africa, the Middle East, the former Soviet Union and South America, is funded by the Sir Edward (Weary) Dunlop Award, from the Foundation for Young Australians.

Elena Rodriguez resigned as Human Resources Manager in August. Annette Diotati is the Commission's new Payroll Officer.

### **Penalties conference**

About 200 people attended a major international conference hosted by the Australian Law Reform Commission in Sydney in June 2001, which featured leading Australian and international regulators, practitioners, academics and judges.

The conference, *Penalties: Policy, Principles and Practice in Government Regulation*, was marked by high-quality debate on a range of issues relating to the ALRC's inquiry on the use of civil and administrative penalties.

The ALRC issued a background paper on the reference to coincide with the conference.

This paper, *Review of Civil and Administrative Penalties in Federal Jurisdiction* (BP 7), is available on the ALRC's website.

Copies of the conference speeches are being prepared for publication on CD-Rom and will be distributed to all delegates. They will be available for purchase from the ALRC for non-delegates.

*Further information on the civil and administrative penalties inquiry and the conference begins on page 38.*

### **Release of ALRC 91**

ALRC 91, *Review of the Marine Insurance Act 1909*, was tabled in federal Parliament on 22 May this year, with the government calling for public responses to the report to be received by 31 August 2001.

The ALRC is aware of two major submissions that have been lodged — from the Maritime Law Association of Australia and New Zealand and the Insurance Council of Australia. These submissions supported a large number of the ALRC's recommendations, but had significant objections to recommendations in two areas: the proposed removal of the requirement for an insurable interest and the proposed re-statement of the requirement of complete and accurate pre-contractual disclosure by the insured.

### **Launch of ALRC 92**

The Attorney-General launched the ALRC's most recent report, *The Judicial Power of the Commonwealth: A Review of the Judiciary Act 1903 and Related Legislation* (ALRC 92) at a function in the ALRC's boardroom in Sydney on 3 October.

*Further information on the recommendations of ALRC 92, and the Attorney-General's speech launching the report, begins on page 54.*

### **New website**

The ALRC will be unveiling its new website

at the end of 2001. As well as incorporating a fresh new design, the website will provide increased access to information on past and present ALRC inquiries.

The new website will retain the current web address <[www.alrc.gov.au](http://www.alrc.gov.au)>.

### **Pro Bono Task Force**

The National Pro Bono Task Force delivered its report to the Attorney-General, who launched it on 29 June 2001. While the Pro Bono Task Force was not an official ALRC reference, the ALRC provided secretariat services to the Task Force and Professor Weisbrot, as Chair, devoted much time and effort towards coordination of the Task Force and in drafting the Task Force's report.

The report, available through the Attorney-General's Department, includes a Recommended Action Plan, the centrepiece of which is the establishment of an Australian Pro Bono Resource Centre. As an indication of government support for the Task Force's work, the May 2001 Commonwealth Government Budget allocated \$1 million over four years to support the Task Force's recommendations.

Since the release of the report, the Attorney-General's Department has called for tenders from groups and organisations interested in hosting and running an Australian Pro Bono Resource Centre. Professor Weisbrot has been asked to chair the selection committee for the tender process, with the successful consortium likely to be named later this year.

### **Implementation update**

#### ***ALRC 92 The Judicial Power of the Commonwealth***

The work of this review received considera-

tion and implementation even before the final report was tabled in Parliament. The Australian Capital Territory has established an ACT Court of Appeal with the passage of the *Supreme Court Amendment Act 2001* (ACT). To complement the ACT legislation, the Jurisdiction of Courts Legislation Amendment Bill 2001 was introduced to federal Parliament in late September to remove the appellate jurisdiction of the Federal Court in relation to appeals from the ACT Supreme Court. It is assumed that the Bill will be reintroduced to the new federal Parliament following the election on 10 November 2001.

#### ***ALRC 89 Managing Justice***

In June 2001, the Attorney-General launched Australian Law Online as a first port-of-call online information service and a central point of reference and referral. In his launch speech, the Attorney-General noted that this service implements one of the Commission's recommendations from *ALRC 89 Managing Justice*.

As noted in the last edition of *Reform*, the Commission's recommendation in *ALRC 89* for an Australian Judicial College was under consideration by the Standing Committee of Attorneys-General (SCAG). SCAG had established a working group consisting of judicial officers from the Commonwealth and state courts, and representatives of the Commonwealth, NSW, Victorian and Western Australian governments. After receiving the report of the working group in July 2001, SCAG approved the proposal for a cooperative Australian Judicial College, which is now expected to commence operations in 2002. The working group's report is available at <[www.law.gov.au](http://www.law.gov.au)>.

Another of the recommendations in *ALRC 89* was for the establishment of a council on

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