

July. That conference was co-hosted by the ALRC and attended by a range of eminent Australian and overseas judges, lawyers and others.

“The importance of legal education in developing skills for new lawyers, its impact on legal culture and expectations, and the role it can play in reforming the legal system cannot and should not be under-estimated,” Mr Rose said.

“In its media release, the Law Council has acknowledged the need for an examination of judicial training. However, judicial education and training is intimately connected with the wider issue of general legal education. The inquiries terms of reference specifically point to the need to consider the ‘significance of legal education and professional training to the legal process’.

“The ALRC will, of course, take advantage of previous studies and reviews of legal education.”

Mr Rose said the ALRC recognised the need for vigorous, empirical research into the current system of litigation.

“A recurring theme in ALRC consultations on the civil litigation system is the lack of data about the operation of the system. In response to these concerns, the Commission has attempted first, to determine what information is currently available and second, to establish some qualitative and quantitative methodologies to obtain more relevant information.

“That work is in its early stages, but the Law Council can rest assured that we have a number of empirical research projects underway.”

Mr Rose said the issues paper *Rethinking legal education and training* was produced partly as a result of a collaboration with the National Institute of Law Ethics and Public Affairs, through a grant supplied by the Australian Research Council.

Alteration to ALRC Terms of Reference on Adversarial/ Inquisitorial System of Litigation

On 4 September 1997, the Attorney-General and Minister for Justice, the Hon Daryl Williams AM QC MP issued the following News Release.

ALTERATION OF TERMS OF REFERENCE TO THE AUSTRALIAN LAW REFORM COMMISSION

The valuable work of the Australian Law Reform Commission (ALRC) is promoting examination of legal matters is to be refocused to concentrate on important issues in civil litigation where future reform is likely to deliver significant benefits.

The Government’s reform agenda on a range of legal matters necessitates an alteration to the ALRC’s 1995 terms of reference to ensure that the Commission’s work is not overlapping on reforms already underway.

Reforms designed to improve the operation of the litigation processes, Commonwealth review tribunals and other dispute resolution mechanisms, especially in family law, are already under way through the Government’s reform agenda.

It would not be worthwhile use of the Commission’s resources to examine areas where reforms have been determined in principle or are being considered and changes are likely to be implemented before the Commission delivers its final report. Of course, the process of necessary and desirable reform can not be left until the Commission completes its work.

At the same time, having considered issues raised by the Commission in its Issues Paper IP20 *Rethinking the federal civil litigation system*, I believe greater emphasis should be given to particular key issues in civil litigation where reform is most likely to deliver reduced costs and delays.

I have also extended the reporting date to 30 April 1999, as requested by the Commission.

Privacy Commissioner Releases Consultation Paper on National Scheme for Fair Information Practices

The Human Rights and Equal Opportunity Commission issued the following News Release on 18 August 1997.

Privacy challenge for business

The Federal Privacy Commissioner, Ms Moira Scollay, has today released A National Scheme for Fair Information Practices, a consultation paper which proposes national standards for handling personal information by the private sector. The paper responds to a request from the Prime Minister in March for the Commissioner to work with business to develop voluntary codes of conduct.

“The scheme will only work if business gives it full support” says Ms Scollay. “Business needs to take very seriously the real fears in the community about use of their personal records prompted by the explosion of information technology,” she says. “The challenge is there for business to help make the scheme effective.”

The paper proposes workable ways in which business can provide adequate protection with minimum red tape and very little expense.

It also addresses government and business concerns about barriers to electronic commerce.

Other key issues covered by the paper include:

- how businesses can allow people reasonable access to information about themselves
- the effect privacy safeguards would have on the marketing of goods and services, and
- complaint handling and dispute resolution

Federal privacy law covers the Federal and ACT public sectors, and some specific areas of business such as credit reporting, but there are no binding safeguards in most of the private sector.

“At present,” Ms Scollay says, “there are few limits to what most businesses can do with personal information – about such matters as

our health, many of our financial transactions, and our day to day movements. As more and more detailed information is recorded as part of our daily lives, people are increasingly demanding some control over the way it is collected and used.”

The National Fair Information Practices Scheme consultation paper will be distributed to a wide range of interested parties – independent companies, peak business organizations, consumer and privacy advocates – for comment, with a view to developing a national consensus.

For further information or a copy of the report please contact HREOC Public Affairs (02) 9284 9618 or 9677.

Publicity in Family Law Cases

On 24 June 1997, the Attorney-General tabled in the Parliament a report entitled “Publicity in Family Law Cases : Proposals for Amendments to the Family Law Act section 121. The Attorney-General’s press release following tabling is set out below.

Publication of Family Law Matters

I have today tabled in Parliament a report which recommends the relaxation of the current prohibition on media reporting of family law matters.

The report, by the Hon Ian McCall AO, former Chief Judge of the Family Court of Western Australia, identifies what it considers to be compelling reasons for relaxing current restrictions on publication. I have asked the Family Law Branch of the Attorney-General’s Department to seek community views on the recommendations with the view to developing a legislative proposal.

The report recommends that publication, including the names of parties, be allowed in all cases other than those relating to parental arrangements. Under the recommendations the Family Court would retain discretion to prevent publication in sensitive circumstances.