

# BALANCE

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## Heavy agenda for SCAG

*Dietrich* was one of the items on the agenda for the Standing Committee of Attorneys-General (SCAG) which met in Darwin late last month.

Our Attorney-General, Daryl Manzie, said the matter had been given considerable attention and SCAG had resolved to adopt uniform legislative provisions recommended by a working party on the matter.

Those recommendations were that:

"(i) The court's assessment of indigence should occur at pre-trial or status conference prior to trial;

(ii) the issue of 'indigence' should be one for resolution by the legal aid commission (LAC), which would be achieved by the application of its means test (and conclusive of the issue only after exercise of the LAC's appeal procedures); and

(iii) full powers of enquiry for LACs should be expressly articulated in their [the states and territories] governing legislation."

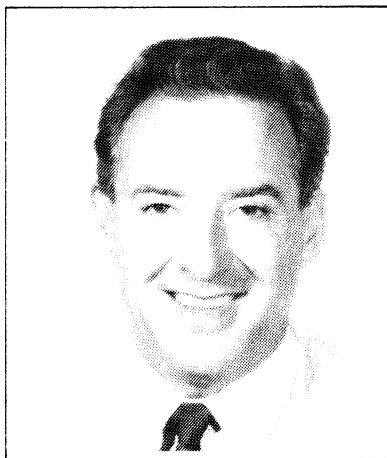
Mr Manzie said that in addition to that, New South Wales had opted to legislate for a finite monetary package to be granted by the Legal Aid Commission for the accused to make a choice of defence practitioner and, once that money was exhausted, the LAC's obligation was at an end.

Another item discussed at SCAG was the conflict between state and territory domestic violence legislation and access orders made by the Family Court.

Mr Manzie said SCAG resolved to amend state domestic violence legislation to require magistrates to take into account Family Court access or-

ders when ruling on domestic violence applications.

SCAG further resolved to amend the *Family Law Act* to allow magistrates to vary -- or cancel in exceptional circumstances -- orders with a provision that either party could apply to the Family Court to appeal such variations.



*The Attorney-General,  
Daryl Manzie, MLA*

A further recommendation was that the non-custodial parent would not be required to consent to variations to access orders in cases of domestic violence.

Of concern to SCAG was the number of law students in the country.

SCAG resolved to have an issues paper prepared by Queensland and New South Wales for consideration at its October meeting.

That paper will address options for dealing with the excessive number of law students.

The October meeting of SCAG will also consider a submission from the Law Council of Australia on a national scheme for the admission of foreign practitioners in Australia.

Mr Manzie said SCAG also discussed the issue of accreditation of translators for court proceedings, but pointed out that this presented peculiar problems for the Northern Territory in respect of Aboriginal languages.

The scheme was broadly endorsed in terms of accreditation of translators (ie standardising levels of expertise and proficiency) for non-Aboriginal languages.

Complex fraud legislation was an issue and SCAG resolved to use Victorian legislation as a starting point because Victoria was considerably more advanced than other states in that area.

On the issue of gender bias, Mr Manzie said SCAG had resolved to determine: (a) whether there was gender bias in the justice system; and, if so, (b) how to go about establishing programmes to address the issue. A similar resolution was adopted in respect of Aboriginal cultural awareness.

It was generally agreed that there are difficulties with the *Companies Act* and the Federal Attorney-General, Michael Lavarch, was given the task of recommending changes.

"That is a very long process and will take years," Mr Manzie said.

The Federal Minister for Justice, Duncan Kerr, will report on a national strategy for justice at the October meeting of SCAG.