



# Australian Law Reform Commission

## Australian Legal System Goes on Trial

The Australian legal system is to undergo extensive review in the coming months. In a wide-ranging inquiry requested by the Federal Attorney-General the ALRC is putting the adversarial system of judicial dispute resolution under the microscope. The enquiry will focus on the conduct of federal, civil, administrative and family law proceedings.

The adversarial system is under increasing strain. It is criticised for being inefficient, wasting time and money, fracturing business and personal relationships and breeding cynicism about the legal system and the dispensation of justice.

ALRC President Alan Rose says, "this inquiry will directly address numerous issues at the centre of the traditional legal processes of the courts. It will

examine, evaluate, and make recommendations on the whole of Australia's federal legal system and will extend itself to other dispute resolution processes beyond the courts and tribunals"

"Its outcome will have broad based implications for the day-to-day practice of Australian lawyers and courts, for those involved as litigants and ultimately for the community at large. This inquiry provides enormous potential for fundamental change that will impact significantly on all spheres of the community."

An advisory group has been convened comprising eminent judges, lawyers and other members of the community to assist the ALRC on this reference.

The ALRC has released an introductory paper outlining the inquiry and public comment is invited. First research papers are due later this year.

## Australian Business Exposed to International Legal Problems

A recently released ALRC report - *Legal Risk in International Transactions* - finds that Australian firms are exposed to international legal problems that cost them money and inhibit business opportunities.

The Commission's view is that these issues must be addressed through both reform of Australian law and practices and reform at an international level through treaties, agreements and other arrangements.

Legal disputes at the international level involve high costs, are often complex and involve delay. Australian firms may not find in the law the necessary support required in their international commercial transactions.

"These problems are set to increase in volume and significance with the growth

in Australia's international trade and investment", said ALRC President Alan Rose.

"Australian businesses are currently trying to cope through pricing or other arrangements, but these problems are a source of inefficiencies, delays and increased costs," he continued.

The ALRC recognises the pressing need to find effective solutions which will provide better support for Australians involved in international trade and investment.

The Commission has recommended reforms in the areas of international litigation, finance law, electronic commerce and government law.

The report is available via the Internet on the Commission's home page at: <http://uniserv.edu.au/alrc>

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