

Bangladesh – An Experience in Teaching Advocacy

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and the students, who are admitted practitioners ranging in experience from the very new to the quite experienced, then analyse the problem and proceed to make an application to the Court or examine or cross examine a witness. The problems were adapted to local conditions but their bases would be familiar to those who have attended workshops in the Northern Territory.

One of the problems was a contractual dispute between the owner of a number of trishaws and the driver of one of the trishaws which was damaged in an accident. The issue was to determine the terms of the contract. Another involved an application for an injunction to permit the fictional Bangladesh Infant Safety Society to conduct a public rally in the streets of Dhaka following a ban placed on the rally by police. One

participant, to the amusement of his colleagues, thought the best approach to the second problem was to form revolutionary committees in the countryside and march on Dhaka.

On this occasion we were assisted by senior advocates from the Bangladesh Bar Council. These persons had been through a teachers' course in 1996. Given that English is the second language to the participants (the first is Bangla or Bengali) there were sometimes difficulties in understanding and making ourselves understood. Nevertheless the improvement in performance witnessed in the participants reflected that experienced in the Australian workshops.

The daily routine involved commencing the workshops at 9.30am, breaking for a formal lunch at about 1pm, resuming the workshops at about 3.30pm and continuing through until about 6.30pm. On some evenings there would be a short ceremony

such as the presentation of CLE certificates after the workshops ceased. Thereafter we would be expected at a formal dinner at 7.30 or 8pm.

To my mind the benefits from the visit existed at three levels. Firstly, the links between the peoples of two countries, which are already quite substantial, were enhanced. Secondly, the close ties which exist between the legal professions both at an institutional level and also at a personal level were further cemented. Thirdly and importantly, the skills developed by the participants will enhance the performance of these people and others in the courts of the land and elsewhere. The stronger the legal profession, the more skilled the legal profession, the greater will be the respect for the rule of law and, consequently, the greater the prospect that the rule of law will be maintained.



Book Review



N Moshinsky QC & Paul R Mallam: *Annotated Administrative Appeals Legislation* Butterworths; 240 pages; \$30.00
Reviewed by Fred Davis

N Moshinsky QC is a Victorian Barrister. Paul R Mallam is a partner in a Sydney law firm.

As the title of the text indicates the authors have produced an annotated copy of the *Administrative Decisions/Judicial Review Act* (1997) and the *Administrative Appeals Tribunal Act* (1975). The text also indexes and reproduces the necessary forms, rules and scale of fees. The text was accurate at the time of printing. Practitioners should enquire of the Registrar of the Federal Court in respect of the latest practice notes, forms and fees.

The Commonwealth Administrative Appeals Tribunal was established in 1975. Many practitioners are unfamiliar with the function, powers and procedure of the Tribunal.

The authors in their introduction explore the relationship between the Administrative Appeals Tribunal, the

Ombudsman and the Judicial Review procedures.

The Commonwealth administrative law field is rich in case law and novel applications. The authors in their *Table of Cases* cite authorities such as *Hell's Angels -v- Deputy Commissioner of Taxation*, *Sankey-v- Whillam* and international authorities such as *Canada-v- Inuit Tapirisat of Canada*. The diversity of administrative law is a reflection of the areas involved including the Australian Broadcasting Tribunal and Comcare (Commonwealth Workers' Compensation Scheme). Practitioners should be aware that the Supreme Court Library contains a specialist text book dealing with the Comcare system.

The chapter entitled *Introduction to the Judicial Review Act* deals extensively with the question of what is a reviewable decision. The authors have reproduced Sections 2 and 3a with the 1st and 2nd schedules of the Administrative Decisions/Judicial Review Act to illustrate the types of decisions which cannot

be reviewed.

When considering what administrative decisions can be reviewed, a sensible starting point is to examine the principal Act. For example if the proposed review involves the *Social Security Act* then that Act must be examined to determine the preliminary steps before the next Administrative Appeals Tribunal can be considered. The next step to be considered is whether the Act gives the right of access to the Administrative Appeals Tribunal.

When considering the Administrative Appeals Tribunal Act the first issue is to determine what is a reviewable decision. The authors of the text have dealt extensively with this issue.

The text details the basis on which the administrative decision can be challenged and the ultimate role of the Federal Court.

The text book is a practical and comprehensive analysis of Commonwealth administrative law and procedure.