

# **A**ttorney-General's Legal Practice

Following is information on the recent action to give effect to the Government's decision to increase competition and efficiency in the provision of legal services to the Commonwealth as supplied by the Secretary of the Commonwealth Attorney-General's Department, Mr S F Skehill.

The Government's decision in this regard, announced by the Attorney-general earlier this year, followed a review of the Attorney-General's Legal practice.

In accordance with the timetable previously laid down, the Australian Government Solicitor (AGS) commenced operation on 1 July as a discrete unit within the Attorney-General's Department. Subject to parliamentary passage, it is envisaged that legislation will establish the AGS as a separate statutory body from 1 July 1998 and that, from this date, client Departments and agencies will be able to choose whether litigation (other than that involving constitutional, Cabinet and national security matters) should be handled by private law firms or by the AGS.

Prior to 1 July 1998, litigation, not in the reserved categories, will be permitted to be handled by private law

firms on an ad hoc basis, where this is agreed by the Attorney-General. It is envisaged that approval would be subject to certain conditions designed to protect the Commonwealth's interests (for example, that the litigation be conducted in accordance with the model litigant policy).

A new Office of Legal Services coordination has been established within the Attorney-General's department to assist the Attorney-General in carrying out his First Law Officer functions in relation to the delivery of legal services to the Commonwealth. The office is headed by Ian Govey, a senior officer of the Department (tel: 06 250 6611, fax: 06 250 5968).

In particular, the Office will be responsible for:

(a) advising the Attorney-General on the preparation and implementation of new Legal Services Directions which will provide a framework for

the conduct of commonwealth litigation.

- (b) advising the Attorney-General on the approach to be taken in the progressive untying of commonwealth litigation leading up to 1 July 1998.
- (c) advising the Attorney-general on general policy relevant to the conduct of commonwealth litigation and in relation to his responsibility for the AGS, and
- (d) advising the Commonwealth Departments and agencies on purchasing legal services and on compliance with the new Legal Service Directions.

*A draft set of principles for the Legal Services Directions included in the report of the Review of the Legal Practice, which will provide a basis for the preparation of the final Directions to be in place from 1 July 1998, is available for perusal at the Law Society.*

## **T**he Law Council Says...

### Formal Consultation Process for High Court Appointments Unnecessary

The Law Council of Australia says the establishment of a formal judicial Appointments Committee to select future High Court judges – as proposed by the Australian Democrats – is unnecessary.

The Democrats' recommendation is contained in its *Judging the Judges* proposal, which provides recommendations on making the appointment of High Court judges more independent from politics.

"The present system of appointment is a workable recognition of the relationship between the three arms of government – the Executive, the judiciary and the Parliament", says the Acting President of the Law Council, Bret Walker SC.

"The Law Council has been very pleased with the consultative process adopted by the present Attorney-General in this regard. He has consulted widely – including with the legal profession – on the most recent High Court appointment, and the Law Council believes this process strikes the right balance."

"The Law Council would, however, advocate that a protocol – though not enforceable by law – might be adopted by present and future federal Attorneys-General, formalising the selection criteria for merit of judicial appointees. This would serve a useful purpose in further clarifying the qualities required of federal judicial appointments."

### ALRC Should Not Reinvent the Legal Training Wheel

"The Australian Law Reform Commission (ALRC) is wasting valuable resources and reinventing the wheel, in comprehensively reviewing all levels of Australian legal education when such reviews have already been undertaken in recent years," says the Law Council of Australia.

The Council suggests that the ALRC should limit its review of the legal education system to only those parts of the system which have a direct impact on making the litigation system more accessible, cheaper and simpler, such as judicial training and the development of advocacy – and other dispute resolution – skills.

These comments come in response to the ALRC's recently released issues paper, *Rethinking Legal Education and Training*.

"We would prefer government funding be spent on more useful projects than a theoretical, generalised consideration of legal education," says President-Elect, Bret Walker, SC.

