

Federal Court protocol: reserved judgements

The Chief Justice of the Federal Court, the Hon. Michael Black, reminds practitioners there are established protocols for handling inquiries by practitioners about reserved judgements in the Courts.

The protocols are as follows:

"If a practitioner is concerned about a delay in delivering a reserved judgement in a case in which he or she is acting, the practitioner should raise the matter with the President of the Bar Association or Law Society of the State and Territory in which the case was heard, providing the names of parties, the name of the judge or judges whose decision is reserved and the date on which the decision was reserved.

"The President will refer the inquiry to the Chief Justice without disclosing the identity of the practitioner expressing concern. The Chief Justice will then take up the matter with the judge or judges whose decision is reserved."

A Fair Say, managing differences in mediation and conciliation

A practical guide to help users of mediation and conciliation processes, *A Fair Say*, has been published by the National Alternative Dispute Resolution Advisory Council (NADRAC).

The focus of the guide is on ensuring that the mediation and conciliation process is as fair as possible for members of society who may otherwise face particular obstacles or barriers to fair treatment in alternative dispute resolution due to gender, culture, race, age, disability, sexuality, geography, and power imbalance through money, position or authority.

The guide was launched by the Attorney General, the Hon Daryl Williams, who commends the guide to users and providers of mediation and conciliation.

Lawyers for Reconciliation: input for Draft Document

At the start of this decade, the Council for Aboriginal Reconciliation was established by the Commonwealth Parliament. The Council's last major project involve asking Australians to consider whether there should be a (national) document of reconciliation and, if so, what it should say. Hence, the Council released a Draft Document for Reconciliation in May this year for public discussion. Meetings are being held around the country so as to get comments from as many people as possible. Based on feedback received, the Council intends to launch its final proposals in May next year.

The Draft comprises a Declaration for Reconciliation and four National Strategies to Advance Reconciliation - they are National Strategies for Economic Independence; to Address Aboriginal and Torres Strait Islander Disadvantage; to Promote Recognition of Aboriginal and Torres Strait Islander Rights; and to Sustain the Reconciliation Process.

The (Draft) Declaration for Reconciliation is as follows:

Speaking with one voice, we the people of Australia, of many origins as we are, make a commitment to go on together recognising the gift of another's presence.

We value the unique status of Aboriginal and Torres Strait Islander peoples as the original owners and custodians of traditional lands and waters.

We respect and recognise continuing customary laws, beliefs and traditions.

And through the land and its first peoples, we may taste this spirituality and rejoice in its grandeur.

We acknowledge this land was colonised without the consent of the original inhabitants.

Our nation must have the courage to own the truth, to heal the wounds of its past

so that we can move on together at peace with ourselves.

And so we take this step: as one part of the nation expresses its sorrow and profoundly regrets the injustices of the past, so the other part accepts the apology and forgives.

Our new journey then begins. We must learn our shared history, walk together and grow together to enrich our understanding.

We desire a future where all Australians enjoy equal rights and share opportunities and responsibilities according to their aspirations.

And so, we pledge ourselves to stop injustices, address disadvantage and respect the right of Aboriginal and Torres Strait Islander peoples to determine their own destinies.

Therefore, we stand proud as a united Australia that respects this land of ours, values the Aboriginal and Torres Strait Islander heritage, and provides justice and equity for all.

If you want to get a copy of the whole Draft Document for Reconciliation (including the four National Strategies), please contact Jeanie Govan (of Australians for Reconciliation) on telephone (1800) 060 268.

Arguably, lawyers can play a significant role in public discussion of the Draft, e.g. should it (or some other document of reconciliation) be enshrined in legislation?

Have your say by coming along to a meeting on Wednesday October 20, 1999 at 1-2 pm in the NT Legal Aid Commission's "boardroom" (6th Floor, National Mutual Building, 9-11 Cavenagh Street, Darwin NT 0800).

Article written by John Duguid.