

## UN Charter

Dear Editor,

The UN Charter was adopted by the Federal Parliament and is the law of the land.

It is now beyond dispute that Iraq had no WMD [weapons of mass destruction] and was dismantling its Al Samoud 2 missiles (in accord with Security Council resolutions) right up to the time that Australia attacked.

Australia has committed a blatant breach of the UN Charter and it is the moral obligation and civic duty of every lawyer to speak out.

### PREAMBLE of the UN CHARTER

WE THE PEOPLES OF THE UNITED NATIONS DETERMINED:

- to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind; and
- to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small;

AND FOR THESE ENDS:

- to practice tolerance and live together in peace with one another as good neighbours;
- to unite our strength to maintain international peace and security; and
- to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest;

AND HAVE RESOLVED TO COMBINE OUR EFFORTS TO ACCOMPLISH THESE AIMS

**Chapter I Article 2.4** All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations.

Yours truly,

Brad Bartholomew  
Solicitor of the Supreme Court of Queensland ①

# Tort Law Reform: still on the agenda

The Northern Territory Government has reconstituted its Tort Law Reform working group. The Law Society NT will be involved in this group and will continue to closely follow the issue.

The working group will consult with the community and report back to the Attorney-General, Dr Peter Toyne.

The Law Society believes the working group will be made up of:

- \* David Farquar, Cridlands, as Chairperson;
- \* Robert Bradshaw, Department of Justice;
- \* Bruce Michael, Northern Territory Treasury;
- \* Ian Morris, LSNT President's nominated representative;
- \* Justice Sally Thomas, Supreme Court NT;
- \* Hugh Bradley (or his nominee), Chief Magistrate NT;
- \* Michael Grove, LSNT representative;
- \* a representative from the NT Chamber of Commerce;
- \* a representative from the Consumer Affairs Council;
- \* a representative from the Australian Medical Association;
- \* a representative from the Northern Territory Bar Association;
- \* a representative from the unions; and
- \* representatives from other Northern Territory government departments.

The LSNT has also called for the appointment of an Indigenous representative on the working group.

The group will focus on drafting the Court rules that will be necessary to implement the *Personal Injuries (Civil Claims) Act 2003* and consider the remaining recommendations from the Ipp report, including proposed changes to:

- \* the *Consumer and Fair Trading Amendment Act 2003*;
- \* the *Personal Injuries (Liabilities and Damages) Act 2003*;
- \* the *Personal Injuries (Liabilities and Damages) Regulations*;

- \* the *Personal Injuries (Civil Claims) Act 2003*; and
- \* the *Legal Practitioners (Costs and Advertising) Act 2003*.

The Ipp report is the result of a review into the Law of Negligence, which was commissioned by the Federal Government in July 2002. The Chair of the review was the Hon David Ipp and the report was presented to parliament in August 2002.

Some recommendations from the report were adopted during the first round of Tort Law reforms in the Territory, which were passed in June 2003.

Following a recent resurgence in the continuing controversy over rising premiums for medical indemnity insurance and public liability insurance, Tort Law Reform has again become a priority for the Commonwealth and state governments.①

### Changes to the NT Supreme Court's costs scale

All practitioners should be aware that there have been changes to the Supreme Court costs scale.

These changes became effective on 1 January 2004 and will impact on solicitors and barristers costs.

A complete copy of the changes has been published in the 2004 Law Almanac. Alternatively copies are available from the Law Society Northern Territory office or on the website [www.lawsocnt.asn.au](http://www.lawsocnt.asn.au).①