

The Law Council poses election questions

Affordability of university law degrees, legal aid funding and anti-terrorism legislation are just some of the major pre-election issues the Law Council of Australia (LCA) has invited political parties to address in the lead up to the Federal poll on 9 October.

The LCA has invited all major political parties and independent members to outline their stance on a number of issues which are of particular interest to the legal profession.

Law Council President, Stephen Southwood QC, said the issues chosen were based on feedback the LCA received from its member law societies and bar associations around Australia.

Among the questions it has posed, the Law Council asked political parties to detail any new anti-terrorism proposals they intend pursuing.

The Law Council has also asked parties about their preparedness to reinstate legal aid funding to pre-1996 levels.

"The drastic legal aid cuts of the current government's early years disadvantaged many Australians, particularly women, and the funding shortfall has never been made up," Mr Southwood said.

Questions on the regulation of the legal profession, money laundering and tort reform have also been included by the Law Council.

"The issues we have chosen are close to the hearts of legal practitioners around the nation and relevant to the well-being of Australians."

Responses will be made available in due course.

Some of the questions posed by the Law Council are outlined below:

1. Legal Aid/Access to Justice issues

Will you commit to providing increased resources for legal aid services and to restoring flexibility to the funding

arrangements by implementing the recommendations made in the recent Senate Committee Report into 'Legal Aid and Access to Justice'?

2. Legal Profession Regulation

Are you committed to the National Legal Profession Model Bill and the further pursuance of uniform national standards for the regulation of the legal profession?

3. Legal Education

What will you do to lower the cost of legal education to students to ensure there is equitable access to such study in Australia?

What will you do to also ensure universities receive more adequate Commonwealth funding to administer and teach law courses?

4. Judicial Pensions

Are you committed to retaining the current judicial pension scheme?

If you favour change to the current pension scheme, will you undertake and consult fully with the Federal judiciary and not make changes unacceptable to the Judicial Conference of Australia?

5. Migration/Asylum seekers

A. Child Asylum Seekers

What do you intend to do to ensure child asylum seekers are treated fairly and humanely, in accordance with international law and basic human rights standards?

B. Indefinite Detention of Asylum Seekers

What will you do to address the

problem of indefinite detention identified by the High Court in these recent cases?

6. Money Laundering

Do you intend pursuing money laundering reforms which will require lawyers to make suspicious transaction reports, even where the communications are subject to client confidentiality?

7. Tort Reform - Trade Practices Act and claims for personal injury and death

Do you believe the current position of claims for personal injury and death under the Trade Practices Act should be maintained?

If not what steps, whether a review or specific legislative changes, do you support?

8. Family Law

Will you commit to preserving the current levels of resourcing for the courts which deal with family law matters and to appropriate future increases to ensure they can continue to effectively meet any increased workload?

9. Terrorism and the Rule of Law

What, if any, new terrorism proposals do you intend to pursue and will you commit to the maintenance of the rule of law by:

- * confirming the criminal justice system - as opposed to military commission proceedings - is the appropriate forum in which to prosecute terrorist offenders;
- * ensuring suspects are given access to all evidence being

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Local legal eagle takes top job

The new President of the Law Council of Australia, Stephen Southwood QC, is the first Territorian to hold the position as the head of the legal profession's top national body.

After taking up his appointment, Mr Southwood got straight down to business stating that threats to national security should not be used as an excuse by executive government to make unnecessary incursions on the legal principles, values and institutions that have made Australia a safe, secure and prosperous liberal democracy.

"One of the most important challenges facing the legal profession is maintaining its independence and the rule of law in the face of global terrorism and the consequential expansion of the powers of executive government," he said.

"It is important that the Law Council continues to try and ensure that necessary checks and balances are maintained on executive power.

"We must continue to have confidence in the integrity of our existing legal institutions including our court system and we must ensure that they are properly resourced and supported."

Mr Southwood said another aim of

the Law Council over the coming 12 months of his presidency would be to broaden the Australian legal profession's contact with the legal profession in Asia.

"A very significant event in this regard will be the holding of LAWASIA's biennial conference for the first time in Australia in March 2005. The conference will be held in conjunction with the annual conference of Presidents of Law Associations of Asia, the Law Council's Legal Convention and the Queensland Law Society's Symposium."

He said it was also most important that the Law Council continues to undertake its work in relation to the National Model Laws project, the rationalisation and reduction of the insurance costs for lawyers, the protection of common law rights and access to justice.

Mr Southwood praised the work of former Law Council President Bob Gotterson QC.

"Bob has spoken out on a number of very important issues, including the Guantanamo Bay detainees and the



Stephen Southwood QC

war on terrorism. He has been a strong voice in support of judicial independence," Mr Southwood said.

Steve Southwood is a barrister at Myilly Point Chambers in Darwin. The Law Society NT would like to congratulate Steve and wish him all the best for his presidency.①

The Law Council poses election questions cont...

led against them and retain access to a lawyer of their own choosing; and

* preserving the right to silence.

10. The Bill of Rights

Will you agree to sponsor a process to examine the merits of a Bill of Rights for Australia by referring the issue (along with the appropriate allocation of resources) to the Australian Law Reform Commission for inquiry and report?

For a complete copy of these materials, please contact the Law Society Northern Territory on (08) 8981 5104 or email lawsoc@lawsocnt.asn.au ①



Law Society NT President Merran Short, Law Council President Stephen Southwood QC and NT Bar Association President John Reeves QC.