

Your Ref:

Quote in reply: Access to Justice / Pro Bono Law and Family Law Committees

27 January 2012

Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
CANBERRA ACT 2600

By email: legcon.sen@aph.gov.au

Dear Committee Secretary

ACCESS TO JUSTICE (FEDERAL JURISDICTION) AMENDMENT BILL 2011

Thank you for the opportunity to make comments on the *Access to Justice (Federal Jurisdiction) Amendment Bill 2011* ("the Bill").

This letter is written with the assistance of the Access to Justice/Pro Bono and Family Law Committees who have also had the benefit of viewing the proposed submission by the Law Council of Australia.

The Society endorses and supports the submission of the Law Council of Australia with the following additional comments:

Schedule 2: suppression and non-publication orders

The Society supports the court's discretion to make suppression and non-publication orders on the grounds stated in clause 102PF of the Bill. As children are vulnerable members of our community, the Society recommends that clause 102PF(1)(c) include a specific reference to children and young people under the age of 18.

Schedule 3: vexatious litigants

The Society understands that schedule 3 of the Bill is modelled on the SCAG vexatious proceedings model law. The Society commends this inclusion as it is a precursor to harmonisation and will ensure consistency throughout the states and territories.

The Law Council of Australia submission proposed that the courts have broad discretionary power to relieve the courts of the obligation to provide a certificate. The Society proposes that such discretionary power should only be exercised if a certificate has been issued within the previous 12 months.

Schedule 4: transfer of proceedings

The Society supports the alignment of the Federal Magistrates Court with the Western Australian Magistrates Court with respect to the jurisdiction of the courts for property matters, subject to consideration of the matters raised in the submission of the Law Council of Australia.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Senior Policy Solicitor Binny De Saram on (07) 3842 5885 or b.desaram@qjs.com.au or our Policy Solicitor, Louise Pennisi on (07) 3842 5872 or l.pennisi@qjs.com.au.

Yours faithfully

Dr John de Groot
President