



The Honourable Linda Lavarch MP

Member for Kurwongbah

In reply please quote: 2005/08436, J/05/06761

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Queensland  
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06 FEB 2006

Submission No. 19.1  
Date Received

Mr Peter Slipper MP  
Chairman  
Standing Committee on Legal and Constitutional Affairs  
Parliament House  
CANBERRA ACT 2600

Dear Mr Slipper

Thank you for your letter dated 7 December 2005 inviting a supplementary submission to the Legal and Constitutional Affairs Committee inquiry into the harmonisation of legal systems both within Australia and between Australia and New Zealand.

As you know on 9 May 2005, my predecessor, the Honourable Rod Welford MP, made a submission to the inquiry. In that submission, my predecessor referred to certain aspects of the work of the Ministerial Council for Consumer Affairs, the Ministerial Council for Corporations and the Standing Committee of Attorneys-General as examples of standing forums whose work has, and continues to, focus upon harmonisation of legal services. I would like to update you on a number of matters referred to in my predecessor's submission.

### **Standing Committee of Attorneys-General: Defamation**

In accordance with the agreement reached by the States and Territories on draft uniform defamation provisions, Queensland's new defamation law, the *Defamation Act 2005*, commenced on 1 January 2006.

### **Standing Committee of Attorneys-General: Evidence**

The Queensland Law Reform Commission has completed the reference referred to in my predecessor's submission. I also understand that the Australian and New South Wales Law Reform Commissions' review has been finalised but has not yet been publicly released.

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## **Standing Committee of Attorneys-General: Co-operative Schemes- Constitutional Amendments**

Discussions are continuing through the Standing Committee regarding the form of constitutional amendment. As noted by my predecessor and Professor Williams in their submissions to the inquiry, co-operative schemes are designed to achieve harmonisation of legal systems. It is important that the constitutional bases for these schemes be ensured.

Finally, I reiterate my predecessor's comments that:

- your Committee should not be exploring the scope of Commonwealth legislative power in specific areas with a view to recommending Commonwealth legislation to override State laws;
- co-operative schemes are the preferred approach to achieving harmonisation within Australia's legal system;
- the Ministerial Council for Consumer Affairs, the Ministerial Council for Corporations and the Standing Committee of Attorneys-General have been, and will continue to be, appropriate and workable forums to address the lack of harmonisation within Australia's legal system, and between the legal systems of Australia and New Zealand; and
- greater harmonisation of legal systems within Australia can only occur when the constitutional bases for various co-operative schemes is ensured.

Thank you for providing me with the opportunity to make a supplementary submission to the inquiry.

Yours sincerely



Hon Linda Lavarch MP  
**Attorney-General and Minister for Justice**