

## Letter 6 The *Federal Civil Justice System Strategy Paper*

Having considered the *Federal Civil Justice System Strategy Paper* at one of its meetings, the Council wrote a brief letter to the Attorney-General, expressing its support for a number of the paper's recommendations.

13 April 2004

The Hon. Philip Ruddock MP  
Attorney-General  
Parliament House  
CANBERRA ACT 2600

Dear Attorney-General

### **Federal Civil Justice System Strategy Paper**

At its meeting on 2 April 2004 the Administrative Review Council considered the Attorney-General's Department's *Federal Civil Justice System Strategy Paper*.

I am pleased to report that there was widespread support for the strategy paper at the meeting, and broad agreement with the general thrust of many of the recommendations.

The Council would like to indicate its particular support for recommendations in the strategy paper:

- supporting further development of duty lawyer schemes (Recommendation 13)
- encouraging the use of mediation through a range of measures including abolition of fees, court powers to refer proceedings and ensuring that parties are advised of alternative dispute resolution options (Recommendations 18 to 23)
- providing the federal courts with powers to control litigation through setting time limits or limiting the length of written submissions (Recommendation 27)
- creating a requirement for legal practitioners to certify the merits of proceedings other than family law proceedings, modelled on the provisions already in place in New South Wales (Recommendation 31)
- expanding the range of circumstances in which federal courts are empowered to give summary judgment (Recommendation 32)
- providing federal courts with greater control over the reception of expert evidence (Recommendation 34)

- conferring power on the High Court to determine applications for special leave on the basis of written papers, whether or not the parties consent (Recommendation 36).

The Council would be grateful if it could be kept informed of progress in implementing the recommendations in the strategy paper and would be happy to provide specific advice on aspects of that process as they arise.

Yours sincerely

A handwritten signature in black ink that reads "Wayne Martin". The signature is written in a cursive style and is positioned above a solid horizontal line.

Wayne Martin QC  
President