

Revised product liability legislation

The Minister for Justice and Consumer Affairs, Michael Tate, has presented a revised product liability bill to Federal Parliament.

Senator Tate said the bill will bring Australian practices into line with international standards.

The difference between the old bill and the revised one is a definitive explanatory memorandum as an interpretative aid for courts.

"In particular, I have instructed the drafter to include a further subsection which makes it clear beyond all doubt that, to succeed, a plaintiff must es-

tablish the case on the balance of probabilities," Senator Tate said.

"In addition, the provision dealing with inferences from evidence will now only apply where a defendant attempts to have the proceedings stayed or dismissed.

"Consumers will now have ready access to compensation when they are injured by a defective product.

"Manufacturers, on the other hand, can rest assured that they will only be liable when a product they have supplied has been shown to be defective," Senator Tate said.

National moves for reform

Following the Heads of Government meeting in Canberra, a communique dealing with the range of issues discussed was released.

Of particular importance to the legal profession is mutual recognition.

It said: "If a person is registered to carry out an occupation in one state or territory he or she will be entitled to be registered to undertake the equivalent occupation in any other state or territory.

"The states and territories agreed that they will request and empower the Commonwealth to pass a single Act which will apply equally throughout Australia and will automatically override any state or territory laws or regulations which are inconsistent with the principles of mutual recognition.

"The Commonwealth will be a full party to the agreement.

"Heads of Government agreed on a revised timetable for implementation of mutual recognition.

"It is proposed that states and territories enact their necessary legislation by 31 October 1992 and that the

Commonwealth legislation be enacted by 1 January 1993 with proclamation by 1 March 1993.

"Heads of Government noted a report on progress in the development of national competency standards for professions and occupations.

"They expect that where these are available, national competency standards will do much to facilitate the smooth operation of mutual recognition in respect of the occupations.

"They also noted work done on the development of uniform standards in relation to occupational health and safety and dangerous goods.

"They reaffirmed that a national solution to the treatment of partially regulated occupations is a matter of high priority."

Other issues addressed in the communique were Commonwealth-State financial arrangements, road transport, rail reform, electricity generation (including transmission and distribution), vocational education and training, Aboriginal affairs and the environment.

New law handbook

The Queensland Law Society has recently published *Aboriginal English and the Law: Communicating with Aboriginal English Speaking Clients - A Handbook for Legal Practitioners*. Father Frank Brennan wrote the foreword and said, in part: "Some years ago, Aboriginal Legal Services published a calendar portraying a white man in the dock surrounded by an Aboriginal judge, Aboriginal jurors, Aboriginal barristers and solicitors, Aboriginal witnesses, attendants and onlookers. That white man in the dock needs to understand and to be understood if justice is to be done and be seen to be done."

The book was written by Dr Diana Eades and is available from the Queensland Law Society's CLE department for \$25.00 (includes postage).

Interested practitioners should contact Catherine Kenny or Margaret Rackemann at the QLS on (07) 2335888.

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