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Rule of Law Updates and Perspectives from Australia

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Contents

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to advance the **Rule of Law**
in Australia

Forged in the struggles of humanity through time, the concept of the rule of law fuses various interpretations, all of which uphold a series of common beliefs: that no one is above the law, that the law must be known, certain, accessible, and applied to all people equally without discrimination on arbitrary grounds.

Legal maxim corroded, in need of revival

LexisNexis Capital Monitor News and Information Manager Antoaneta Dimitrova speaks with **Malcolm Stewart,** Vice President of the Rule of Law Institute of Australia

Governments' attempts to keep up with the challenges of an ever-changing world can blur the lines that separate the rule of law from the arbitrary exercise of power.

Established on the foundations of rule of law, justice and the independence of the judiciary, the legal system in Australia functions on the premise that all residents, Australian and non-Australian, are equal before the law, and are not treated unfairly by governments or officials. "Principles such as procedural fairness, judicial precedent and the separation of powers are fundamental to Australia's legal system," the Australian Government states.

The Rule of Law Institute of Australia (RoLIA) Vice President Malcolm Stewart stresses however that laws in Australia today, both at federal and state levels, are the worst they have ever been in terms of non-compliance with the rule of law.

"To understand the rule of law, one must understand it as the result of an ongoing historical process," Mr Stewart says. "Today, the concept has become synonymous with accountability and transparency, but there have been missteps along the way – particularly since 9/11 – that have greatly eroded the principle behind it."

Trickle-down effect of anti-terrorism legislation

Terrorism and the threat of attacks are a persistent worry for security agencies worldwide, particularly after the coordinated attacks against the US on September 11, 2001.

"Terrorism is a real threat to Australia too, but Australia is at a much lower risk of attack compared to the US, UK and Canada," RoLIA's Mr Stewart says. "Yet we have the most draconian terrorism laws. One of the worst – and this law will remain on our books until at least 2016, when it will come under review again – is the right to haul anyone in, anyone at all, and question them over 24 hours.

"You may or may not be allowed a lawyer, who has to be approved by the Australian Security Intelligence Organisation (ASIO). All conversations can be monitored, eliminating the fundamental right to legal professional privilege as well".

This process is made possible by the so-called Questioning Warrant or Questioning and Detention Warrant, which allows ASIO to detain and question persons of interest in relation to

terrorism for several days without having to lay charges. Although not exercised regularly, the power this legislation hands to intelligence agencies such as ASIO has sparked great concern from organisations such as RoLIA.

"I worry that someone in the future may try and abuse these powers", Mr Stewart says, and mentions that Civil Liberties Australia (CLA), another rule-of-law advocate, has also been campaigning against terrorism laws in Australia.

"The real worry is that these new laws are now trickling down to general criminal proceedings in Australia," he adds.

Control orders and bikie legislation

"Control orders as currently used in the bikie legislation, for instance, derive from these new terrorism laws", RoLIA's VP says.

"Contained in the *Anti-Terrorism Act 2005* that was introduced following the July 2005 London bombings, control orders have rapidly infiltrated the Australian criminal code."

According to the Law Library of Congress, "Australia has a legislative basis for Control Orders, which are used to impose obligations, prohibitions, or restrictions on persons as deemed necessary to protect the public from terrorist acts. Control Orders may be requested by the Australian Federal Police. An initial Interim Control Order, issued with the Attorney-General's consent, only becomes a Confirmed Control Order upon the court's approval, following a hearing at which the subject of the order is allowed to rebut the evidence".

"The control orders were first picked up in the South Australia bikie legislation, to try and prevent bikies communicating and associating with one another," Mr Stewart says.

Although divided on the matter, Australian state authorities have somehow allowed for the trickle-down effect described by Mr Stewart.

"South Australian Premier Mike Rann himself is on the record stating that he justified using terrorist laws to curtail bikies' activities. Since 2005 both New South Wales and Queensland have picked up these laws, while the UK, where it all began, has now gotten rid of that legislation."

"In England, I may add, this type of legislation had certain safeguards, such that it wasn't permissible to interfere with people's rights under the European Convention of Human Rights. We have none of these safeguards in Australia, so it is a real concern."

The High Court of Australia (HCA) has since questioned the validity of legislation introduced in SA and NSW, and ruled out some of it as unconstitutional.

Rule of Law in the Courts

The cases of *SA v Totani* and *Wainohu v New South Wales* in 2009/2010/2011 challenged the validity of the State bikie legislation.

In South Australia the *Serious and Organised Crime (Control) Act 2008* allowed for "… the making of declarations and orders for the purpose of disrupting and restricting the activities of criminal organisations, their members and associates". Section 14 of the Act read: "The Court must, on application by the Commissioner, make a

The Anti-Terrorism Act 2005 intends to hamper the activities of potential terrorists in Australia. It was passed by the Commonwealth Parliament on 6 December 2005.

- The bill was prepared by the Liberal-National coalition government in the wake of terrorist attacks – in particular in London – to prevent similar events in Australia.
- Prior to its reading in federal parliament, a confidential draft of the legislation was published online by ACT Chief Minister Jon Stanhope, who warned that "law of this significance made in this haste can't be good law". The Opposition and minor parties also expressed concern that a Senate inquiry would not be given enough time to consider the new laws.
- Prime Minister John Howard rejected Stanhope's concerns. The public criticised elements of the bill, including a "shoot to kill" clause, as excessive.
- The Labor Opposition and the minor parties decried the paucity of time allowed for debate, and after the debate period as extended for some weeks, the bill became law on 6 December 2005.
- Measures for greater protection of free speech and greater scrutiny of the law's application, proposed at different stages by individual government members and Labor, were not accommodated.

control order against the defendant if the Court is satisfied that the defendant is a member of a declared organisation". Two members of the Finks Motorcycle Club, Sandr Totani and Donald Hudson, appealed a control order to prevent their association. The State Supreme Court overturned the order with a 2:1 majority. South Australia followed with an appeal to the HCA, which was dismissed. The High court ruled that the Act violated an individual's common law freedoms, and was therefore unconstitutional. The HCA concluded that there was too much executive interference in the decision-making.

Last March, NSW introduced the *Crimes (Criminal Organisations Control) Bill 2012*, to replace the *Crimes (Criminal Organisations Control) Act 2009*, the constitutional validity of which was challenged in the HCA by Mr Derek Wainohu, who at the time was the president of the NSW Hells Angels Motorcycle Club. This was the first organisation against which a declaration was sought.

"Under section 9 of the *Crimes Act 2009,* an eligible judge could make a declaration in relation to an organisation if he or she was satisfied that the members associated for the purposes of organising, planning, facilitating, supporting or engaging in serious criminal activity and that the organisation represented a risk to public safety and order in New South Wales," NSW Parliamentary Secretary for Justice David Clarke said when presenting the second reading of the new Bill to the NSW Legislative Council in March.

On 23 June 2011 the High Court ruled the *Crimes Act* to be invalid on the grounds that the legislation did not require judges to give reasons for their decision to make a declaration. The High Court was of the view that the legislation created the appearance of legality because a judge of the Supreme Court makes a declaration while denying a hallmark of that office, that is, the requirement to give reasons. The HCA concluded that this perception was to the detriment of the court itself. Due to the decision of the High Court, the *Crimes (Criminal Organisations Control) Act 2009* was repealed. The *Crimes (Criminal Organisations Control) Bill 2012* will re-enact the Act in a form which repairs the identified constitutional shortcomings.

Most recently, the Queensland Police made a bid to declare the Gold Coast chapter of the Finks Motorcycle Club a criminal organisation.

"In early October the High Court said it would deal with the matter immediately to determine whether the Queensland bikie legislation was valid," Mr Stewart says.

"The decision is not expected to be handed down until next year.

"Since all of this, the Federal Government has asked that the States refer their powers to make bikie laws to the Commonwealth to make way for national legislation, but the States have resisted."

Other case examples advancing the rule of law

Kable v Director of Public Prosecutions for NSW 1996 is a noteworthy HCA decision for the rule of law, regarding Chapter III rights in the Constitution, and to some extent the separation of judicial powers. In this case the HCA considered the legality of s 5(1) of the *Community Protection Act 1994*, which was amended to allow the NSW Supreme Court to order the preventive detention of Gregory Wayne Kable, and only Mr Kable, for six months following the end of his sentence. The HCA argued that "… the Act vests in the Supreme Court of New South Wales a non-judicial power which is offensive to Chapter III of the Constitution. Hence any exercise of that power would be unconstitutional and the Act conferring the power would be invalid. … The argument is not one which relies upon the alleged separation of legislative and judicial functions under the Constitution of New South Wales. Rather it is that the jurisdiction exercised under the Act is inconsistent with Ch III of the Commonwealth Constitution because the very nature of the jurisdiction is incompatible with the exercise of judicial power". The NSW Court of Appeal recently overturned a Supreme Court judgment preventing Mr Kable from claiming compensation for his wrongful detention after his sentence expired and until the High Court determined the Act was invalid.

Pratt Holdings Proprietary Limited v Commissioner of Taxation of the Commonwealth of Australia 2012, a single incident decision handed down by Justice Gordon in a tax case concerning a tax payer and retrospective legislation on a private ruling. The decision raised issues around the rule of law and the requirements of legislation and its general application. Justice Gordon said the cases "… bring into direct focus some of the uncertainties and problems which exist with the private ruling system and, no less significantly, the legal, practical and economic effects of retrospective legislation".

LVR (WA) Pty Ltd v Administrative Appeals Tribunal [2012] FCAFC 90, a full bench Federal Court decision concerning how Commonwealth agencies should behave and act in the course of litigation, and allowing the appeal and setting aside of previous orders.

Australian States and Territories have enacted the following legislation to allow for the detention of a person for up to 14 days:

New South Wales
Part 2A of Terrorism (Police Powers) Act 2002

Queensland
Terrorism (Preventative Detention) Act 2005

South Australia
Terrorism (Preventative Detention) Act 2005

Tasmania
Terrorism (Preventative Detention) Act 2005

Victoria
Terrorism (Community Protection) (Amendment) Act 2006

Western Australia
Terrorism (Preventative Detention) Act 2006

Australian Capital Territory
Terrorism (Extraordinary Temporary Powers) Act 2006

Northern Territory
Part 2B of Terrorism (Emergency Powers) Act

History repeats itself

Earlier this year, the NSW Government introduced and passed two controversial Bills: the *Crimes Amendment (Consorting and Organised Crime) Bill 2012* and *Crimes (Criminal Organisations Control) Bill 2012*. Both target bikie gang violence to allow Supreme Court judges to enforce control orders prohibiting gang members from associating with one another.

The consorting offence, reminiscent of the 1920/30s razor gang-inspired legislation outlaws recurring communication with convicted criminals, but organisations such as RoLIA are concerned that it can easily be used on people with no criminal associations.

The Law Society of New South Wales made a submission to the NSW Attorney-General in February 2012 to address similar concerns. The submission reads:

"The Committee is particularly concerned about the proposed amendments to the offence of consorting. The proposed consorting offence makes it a crime for otherwise innocent people to associate with people who have been convicted of an indictable offence and imposes a sentence of up to three years' imprisonment if they do so. The Committee agrees with Associate Professor Steel, that 'In a modern-day society there should not be an offence of speaking to anybody unless the nature of a conversation is a conspiracy'".

The Law Society view is that "the proposed offence undermines the freedom of expression and freedom of association. Offences should be based on conduct worthy of punishment; merely associating with people should not be a crime. The proposed offence is extremely broad, and confers too much discretionary power on the police. The offence essentially restricts a person who is convicted of an indictable offence from consorting with anybody other than co-workers, their family, legal and health providers, and the people they might undertake an educational program with, subject to the discretion of the police. The discretion lies with the police, as it is the police who are required to 'officially warn' the putative offender as a precondition of the offence".

"The amount of regulation companies have to comply with in Australia is just horrendous. Corporations have to deal with regulators on a day-to-day basis making it difficult to be critical of the way in which they exercise discretions or use the law to carry out their function. Corporations see this as a problem with no real solution to it; they want to be seen as good corporate citizen compliant with the law, yet not many want to put themselves in the spotlight for the fear of attracting extra scrutiny. And this is not because they have done anything wrong, but because it is extremely costly, time-consuming and difficult to have to observe further regulation. If you try to compare the coercive powers and resources that watchdogs such as ATO, ASIC, APRA, ASIO, the ACCC, and so on have over corporations, their ability to tap phones, to ask questions, you realise there isn't much corporate Australia can do, or be seen to be doing, or want to do, to oppose that."

Malcolm Stewart
Rule of Law Institute of Australia Vice President

RULE OF LAW INSTITUTE OF AUSTRALIA

Charlie Foster of Inverell, a disability pensioner, was the first person to be convicted this year under the brand new NSW consorting legislation. He was sentenced in June to a maximum of 12 months for consorting with three friends and housemates despite police confirming neither Mr Foster, nor his friends, have any bikie links.

New laws and the rule of law

Governments throughout Australia have been accused of introducing numerous laws that disregard the rule-of-law concept altogether.

"State or federal, you see regulators racing one after the other to obtain permission for more and more coercive powers," RoLIA's Malcolm Stewart says.

"The unexplained wealth laws are another example of legislation brought forward that is the complete antithesis of rule of law."

This legislation, introduced to target the wealth of powerful criminals, is also related to the so-called "poker legislation" or the *Proceeds of Crimes Act*, which exists in some form or another across all of the States as well as federally. It puts the onus on the defendant to prove the wealth in question has been obtained in a lawful way.

"It has applications to anyone — not just organised crime – and that is the frightening aspect of it, that it puts so much power into the hands the police and prosecutors," Mr Stewart adds.

"They have not come onto the radar screen generally yet, because there have been no real cases, but we are watching."

At a State level the *Tattoo Parlours Act 2012* and the *Tattoo Parlours Amendment Act 2012* in NSW have become another example of what has been considered by some experts as recent draconian legislation.

"It is interesting to note that Queensland, for example, has a reference to the rule of law in the preamble to its constitution, which of course is not to say it allows for claims that a law is invalid because it doesn't comply with rule of law principles."

The decision-making power of governments

The Gillard Labor Government's pursuit for more and more legislation, and the way the Federal Executive has been ramming legislation through Parliament have become the target of mounting criticism lately.

"The amount of legislation that comes out of any Government is just phenomenal," Mr Stewart concludes.

"Of course Governments see the process as part of their reform agenda, but more often than not it is extremely challenging for lawyers to keep up with legislation that comes out of one Government, let alone all of them put together.

> "Through new ways of thinking about how we support the communities where we live and work, we are finding that companies can actually provide more societal benefit by using their innate expertise and resources – rather than simply writing a cheque. Businesses play a critical role in establishing and promoting the rule of law, together with citizens, non-governmental organisations, institutions and governments."
>
> Ian McDougall
> Executive Vice President & General Counsel LexisNexis Legal & Professional.

"The question of private property and accumulation of wealth is closely related to the development of the rule of law."

A March 2012 Parliamentary Committee report into the Commonwealth unexplained wealth legislation and arrangements made several recommendations calling for "… reform of the way unexplained wealth is dealt with in Australia as part of a harmonisation of Commonwealth, State and Territory laws".

"We are watching this space very carefully," Mr Stewart says, while adding that organisations such as the Law Council of Australia, the Law Society of NSW, Civil Liberties and more have been making submissions against these laws.

"The weight of legislation in each of the States of the Commonwealth is just oppressive, to say the least.

"It is not surprising that people can't keep up with it, but furthermore it becomes harder to monitor, harder to scrutinise, and we all lose transparency.

"That's the job of organisations such as RoLIA, and indeed others, to try and keep up with it. "We are constantly making submissions, but results are hard to come by.

"Politicians tend to focus on what the effect of new legislation is and how it will be perceived by the electorate rather than the principle of it.

"But it's not all bad news — we have had some pretty important developments that have advanced the rule of law and there will be more."

Rule of Law: The last six months under the Gillard Labor Government

The Labor Party went to the 2010 Election with the policy *Advancing Australia's Interests Internationally*:

> "Australia's foreign policy should reflect our democratic values, our respect for rule of law, our tolerance and our deep-seated belief in others getting a fair go".

Federal Labor Government Initiatives: A Timeline

October 2012: Government Response to the Independent Review of the Australian Government's Regulatory Impact Analysis Process ('RIA Review')

"The Government is committed to conducting rigorous due diligence of regulatory proposals and regular review of existing regulations ensuring that they are effective, without placing unnecessary burden on business."

September 2012: Parliamentary Secretary for Foreign Affairs Richard Marles MP attends world leaders' gathering in New York

Mr Marles attended a series of high-level meetings on the rule of law, women's rights, education, democracy, and international efforts to achieve the Millennium Development Goals. Assistance to fragile and conflict-affected states will be a particular focus.

September 2012: Transcript of Statement to United Nations General Assembly, New York

"The rule of law is inextricably linked to the three pillars of the United Nations: security, development, and human rights.

"Australia is pleased to support such efforts through the Peacebuilding Commission, including as part of the Burundi, Sierra Leone and Liberia configurations. Support for the rule of law is also a central part of Australia's development assistance program.

"We have dedicated over AU$300 million this year to helping strengthen the rule of law in developing countries, and by 2016 we will have trained 14,000 law and justice officials."

August 2012: Australian Government launches women, peace and security documentary and educational toolkit

The Australian Government, in partnership with UN Women Australia, launched a groundbreaking documentary and educational toolkit in Canberra on the topic of women, peace and security, titled *Australian National Action Plan on Women, Peace and Security 2012–2018*.

The toolkit promoted the rule of law through police capacity development: the Australian Federal Police has worked with local police in the Pacific, including in Solomon Islands, to increase the number of women recruited into their national police services. This work has included the establishment of recruitment and training targets for women to promote their participation and build capacity.

The Australian Civilian Corps (ACC) is a deployable civilian capability that provides rapid help to developing countries affected by natural disaster or conflict. It is a group of civilian specialists experienced in international disaster assistance, stabilisation and post-conflict recovery, who are able to be deployed quickly. The ACC will comprise a register of up to 500 trained civilian specialists by 2014. The ACC builds on the work Australia already does in providing technical assistance to countries affected by crisis by providing a bridge between emergency humanitarian and disaster response efforts and longer term rebuilding and development programs.

August 2012: Australia tackles piracy in the Indian Ocean

Australia hosted an international counter-piracy conference in Perth on 15-17 July 2012, during which Foreign Minister Bob Carr announced an extension of an Australian Federal Police secondment to the United Nations Office on Drugs and Crime (UNODC). Senator Carr said an additional $2 million will further strengthen the rule of law in regional states and combat piracy in the Indian Ocean. "This new funding brings Australia's total assistance for regional counter-piracy efforts to more than $4.3 million since 2009," Senator Carr said.

June 2012: Australian advisers to assist justice system in Afghanistan

Attorney-General Nicola Roxon and Minister for Foreign Affairs Bob Carr announced that Australia will send civilian justice advisers to Afghanistan to strengthen the country's rule of law under a Memorandum of Cooperation signed with the United States in Kabul. The Australian Justice Advisers will be deployed by AusAID as part of the Australian Civilian Corps. Ms Roxon said the advisers will mentor local Afghan legal officers, forming an important part of the international effort to build the capacity of personnel within the Government of Afghanistan to administer justice.

Legal Profession

October 2012: LAW Survey shows access to justice for disadvantaged people must remain a priority

The LAW Survey (Legal Australia-Wide Survey) published by the Law and Justice Foundation of NSW is the largest ever survey of legal need conducted anywhere in the world. It shows that legal problems are widespread, and that many disadvantaged people are particularly vulnerable to multiple and substantial legal problems, making access to justice a cornerstone issue for the entire community.

Based on 20,716 interviews on a representative sample of the Australian population, the LAW Survey shows 50% of Australians 15 years or over (an estimated 8,513,000 people) experienced at least one legal problem over a 12-month period, including 22% (an estimated 3,736,000 people) who experienced three or more legal problems.

September 2012: Administrative Review Council's report Federal Judicial Review in Australia

The Council has two important conclusions about the current state of federal judicial review in Australia:

It is undesirable that there is a different ambit for "constitutional review" under the Constitution and the Judiciary Act and "statutory judicial review" under the ADJR Act.

The ADJR Act continues to play an important role by improving the accessibility of judicial review, as a clear statement of the Parliament's commitment to be legally accountable for its decisions and by guiding administrative decision makers.

The Council also reported on the National Human Rights Consultation, which was conducted by an independent Committee established by the Australian Government. The Council considers that the existence of an effective and accessible system of judicial review is essential to maintaining the rule of law and ensuring respect for fundamental human rights. However, the Council does not propose to address the issue of whether human rights should be specifically listed as relevant considerations in the ADJR Act. The focus of this inquiry is the framework for judicial review.

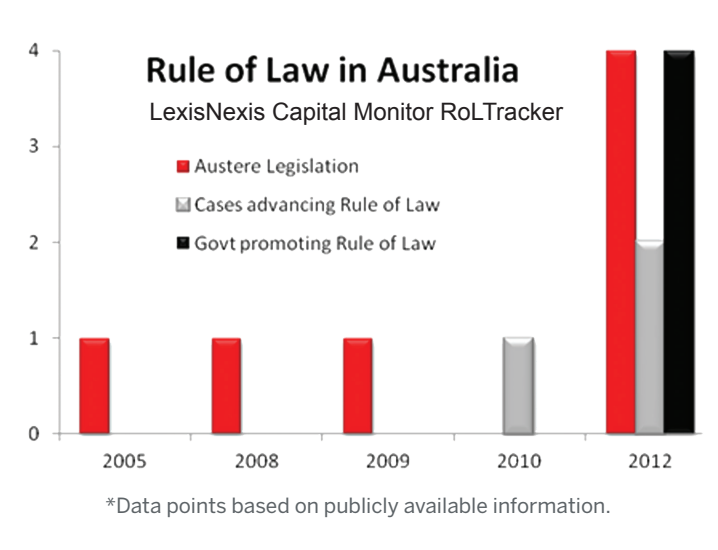
August 2012: Better Scrutiny of Regulatory Proposals

There is considerable scope to improve the way that regulations are developed and scrutinised by all governments, according to a draft report released by the Productivity Commission. In *Regulatory Impact Analysis: Benchmarking* — a report requested by COAG — the Commission compares the regulatory impact analysis processes of the Commonwealth, States and Territories and COAG, and identifies leading practices.

"Australians need to be confident that all governments are committed to the rigorous assessment of regulation to ensure that unnecessary burdens on business and the community are avoided', Commissioner Robert Fitzgerald said. Robust analysis of regulatory impacts helps ensure that regulation achieves the best trade-off between benefits provided and costs incurred".

Rule of Law: Historical milestones

From the *Encyclopaedic Australian Legal Dictionary* online



Magna Charta or Magna Carta

The Great Charter of liberties signed by King John in 1215 was a grant to all free men of England. One of the purposes of Magna Carta was to establish control over royal arbitrary lordship, corresponding to the control that royally enforced law increasingly exercised over possible arbitrary lordship by others.

Star Chamber

In England, a court being the *aula regis* sitting in the Star Chamber at Westminster. It developed as a court of criminal equity in the 15th century. Its proceedings were inquisitorial. They were commenced by the Attorney-General filing information based on charges laid by a person who often remained unidentified. The accused was required to answer in writing, and would be interrogated on the answers, sometimes under torture. The evidence of witnesses was taken on affidavit; they, too, could be interrogated under torture. The jurisdiction of the court was misused by Henry VII and subsequent monarchs to repress the nobility and gentry in the provinces. The court was abolished by statute in 1641.

Bill of Rights

A statute passed by the Convention Parliament of England in 1689. The Bill of Rights sets out the rights of subjects, and the law on succession to the Crown: (IMP) Bill of Rights 1688. The statute is significant in the development of the modern Westminster system in that it began the process of erosion of the sovereign's prerogative powers in favour of the parliament.

Daily Courant

The *Daily Courant* was the first successful newspaper to be published in England. It was printed for the first time in 1702, and was published daily for the subsequent 35 years. This publication enabled critics of the government to voice their concerns publicly without fear of persecution.

Privy Council

The principal council belonging to the Sovereign. Privy Councillors are made on the Sovereign's nomination, without either patent or grant, and on such nomination they become Privy Councillors, with the title of Right Honourable during the life of the Sovereign who has chosen them, but subject to removal at his or her discretion. The substantial functions of the Privy Council have now largely given way to that of the Cabinet.

Commonwealth Constitution

The Commonwealth Constitution was drafted in Australia, over a number of years, by the leading political and legal figures of the day, and legislatively enacted in (IMP) *Commonwealth of Australia Constitution Act 1900*, which lays down the structure of the judicial, executive, and legislative arms of the Commonwealth Government, outlines the powers and duties of these respective arms, and delineates the relationship between the Commonwealth and the States of Australia. Each of the States also has an enacted constitution.

The Commonwealth Constitution limits legislative and executive and judicial power and provides constitutional guarantee, which include the requirement that property be acquired on just terms (s 51(xxxi)), the requirement of freedom of interstate trade (s 92), and the requirement of freedom of religion: s 116.

Australia Act 1986

For most of the twentieth century, decisions of the High Court on questions of common law could be overturned by the Privy Council in London. That came to an end in the 1980s, as a result of legislation which constituted an important step in establishing Australian national sovereignty. Since then, it is the High Court that ultimately declares the common law of Australia.

What has Australia done so far?

Australia has supported the full implementation of UNSCR 1325 since its adoption in 2000 and was a co-sponsor of UNSCR 1820 in 2008, UNSCRs 1888 and 1889 in 2009, and UNSCR 1960 in 2010.

Demonstrating its commitment to the principles of UNSCRs 1325, 1820, 1888, 1889 and 1960, Australia has undertaken a broad program of work to integrate a gender perspective into its peace and security efforts, protect women's and girls' human rights and promote their participation in conflict prevention, management and resolution. This work has been taken forward in both domestic agencies and international settings, within and across governments, and through engagement with the non-government sector and civil society.

Australia also supports the implementation of resolutions, has signed and ratified human rights and international humanitarian law instruments and supports international work on matters that link closely with the Women, Peace and Security agenda. This includes work on the protection of civilians, responding to trafficking in persons, and small arms control.

Department of Families, Housing, Community Services and Indigenous Affairs [Australian National Action Plan on Women, Peace and Security 2012–2018].

**Collected information based on available data to LexisNexis Capital Monitor.*

further reading

Modern Challenges to the Rule of Law

Richard Ekins (Editor)
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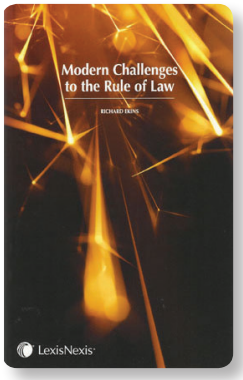

The essays consider challenges to the maintenance of the Rule of Law in mature, modern legal systems. Leading judges and scholars from Australia, New Zealand and the United Kingdom — including the Hon Justice Dyson Heydon and Professor John Finnis — reflect on the nature of the Rule of Law and the form of order that it prescribes.

LexisNexis Capital Monitor's editorial team is producing the *Advancing Together, Rule of Law Updates and Perspectives from Australia* newsletter. The team is located in the Press Gallery of Parliament House, Canberra.

EDITORIAL TEAM
Antoaneta Dimitrova
News and Information Manager, LexisNexis Capital Monitor
Carolina Caliaba Crespo
Managing Editor, LexisNexis Capital Monitor

PUBLISHERS
Dr Marc K Peter
Executive Director, LexisNexis
Mardi Darmody
Snr Manager, LexisNexis Capital Monitor

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