

HOT TOPICS

LEGAL ISSUES IN PLAIN LANGUAGE

A magazine series on recent changes and debates in the law published by the Legal Information Access Centre (LIAC), State Library of NSW. *Hot Topics* gives students, community workers and the general public information about the law as it changes and affects our lives.

Issues as at October 2008

(65) Human rights (2008)

Provides an overview of human rights law from its origins and sources, through to the development of modern human rights law. Examines how human rights law operates in Australia, with reference to current issues. Includes the full text of the Universal Declaration of Human Rights and further information resources.

(64) Health and the law (2008)

Provides an overview of the many areas of regulation relating to our health, such as medicines, medical treatment, hospitals, health professionals, privacy of information and emerging medical technologies. Includes examples of end of life court decisions and of many ethical dilemmas relating to health care. Important legal concepts such as duty of care and informed consent are also explained.

Neighbours and the law – special issue (2008)

This issue covers the law surrounding neighbours and options available to solve common disputes. There are sections which relate to ownership and other interests in land, residential parks, retirement villages and public housing. This issue also covers dividing fences and retaining walls and problems with trees. Noise, pollution, development problems and harassment or violence by neighbours are also discussed.

(63) Climate change (2008)

This issue traces the progress of climate change from a side issue in international affairs to the hot topic it is today. This includes some of the major problems caused by climate change and the different responses that have occurred on an international, national and local level, and also some ideas for future development and direction in this important area of law.

(62) Children and families (2007)

Outlines the role of law in regulating the forming and dissolving of family relationships, and how courts deal with family and child issues, in particular after the changes to the Family Law Act 2006, which included the presumption of equal and shared parenting responsibility. It sets out fundamental concepts in family law and discusses issues such as same sex couples, de facto relationships, divorce, adoption and child protection.

(61) Employment and the law (2007)

Until recently, employment law has been an area of which most people have been blissfully ignorant. This changed with the introduction of the Federal Government's Work Choices legislation. The changes to the employment landscape are set out in this issue, along with difficult issues in the workplace, such as injuries, violence, discrimination, bullying and harassment. Recent developments in the law, such as a new offence for industrial manslaughter and the *Industrial Relations (Child Employment) Act 2006* (NSW) are also included.

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(60) Australian legal system (2007)

This edition of *Hot Topics* looks at the Australian legal system. It provides an overview on where the legal system came from, influences on it, and how the law is made (statute law and common law). It also covers criminal versus civil law, the role of government and government structure, legislature, judiciary and the legal profession. It has a guide to how to find Acts and cases, and a list of useful websites, books and other publications in the area.

(59) Drugs and the law (2006)

Looks at the history of drug laws, the laws that apply to NSW, and comparisons with other states. Case studies on various offences are included. Recent changes to drug laws are discussed, such as the MERIT scheme, Youth Drug and Alcohol Court and cannabis cautioning. Also looks at issues such as drugs and driving, sniffer dogs, searches, and drugs in schools.

(58) Terrorism (2006)

There have been many significant changes in the issues relating to terrorism since the last *Hot Topic* edition in 2003. This edition looks at recent changes to Australian law and the cases prosecuted under the anti-terrorism laws. Includes information on developments in international anti-terrorism laws and the interaction with human rights law.

(57) Shelter (2006)

Shelter is a basic human need. Individual wellbeing, the organisation of family life and most other forms of social activity, like work and education depend on it. Shelter is an important concern of governments, which regulate, directly and indirectly, the supply, quality, cost and security of shelter. For all these reasons, shelter is significant legally. Different forms of housing are discussed, as well as homelessness.

(56) Sexual assault (2005)

Discusses the many myths surrounding sexual assault and provides an overview of the types of sexual offences and the court process. Also covers issues such as drink spiking, and areas of proposed reform such as specialist courts and consent. Information on victim support, as well as many points of contact for further help are included.

(55) Sentencing (2005)

Provides an updated overview of sentencing including discussion of issues such as aims, justifications, types of punishment, legislation, plea bargaining, costs and delays. Also covers judicial discretion, appeals and diversionary schemes such as circle sentencing.

(54) Bill of Rights (2005)

This issue examines the arguments for and against the need for a Commonwealth Bill of Rights, using the *Human Rights Act 2004 (ACT)* as an example of how a Bill of Rights became a reality in the Australian Capital Territory. It looks at the types of fundamental rights that exist in other countries and what impact a Bill of Rights would have in the Australian context.

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(53) Same-sex families (2005)

The *Marriage Act 1961* was recently amended in a way that explicitly excludes recognising same sex marriage. This *Hot Topics* looks at the legal implications for domestic relationships that fall outside the Marriage Act, including same sex couples and carer relationships and their families.

(52) Copyright (2005)

The Free Trade Agreement with the United States came into force 1 January 2005. This includes substantial changes to the *Copyright Act* including the extension of duration provisions. Digital technology is also forcing changes to the law. This *Hot Topics* examines the many areas affected by copyright: photography, writing, performing arts, sound recordings and more.

(51) Personal Injury (2005)

In recent years Australia has struggled through a situation popularly tagged as a 'public liability crisis'. Claims and compensation payouts were getting bigger, insurance claims kept rising and community events were cancelled. This issue looks at personal injury law, negligence, the causes of and responses to the crisis, and the recent legal reforms that have taken place in NSW.

(49) Juvenile Justice (2004)

Over the past 25 years in Australia juvenile justice has been the subject of extensive research and attention. On the one hand are the calls to 'get tough on crime' from the politicians and the media, on the other there has been a move to a 'restorative justice' model associated with increased victims' rights and diverting young people away from the traditional court system.

(48) Native Title (2004)

The Mabo decision was the first time our legal system recognised Indigenous occupation of Australia. This *Hot Topics* issue examines the legal reasoning and principles behind the High Court's decision in Mabo, and developments in the law of native title since the landmark decision. Included are summaries of important court decisions, timeline of developments in native title, discussion of the concepts associated with native title, such as extinguishment, and information on the process of native title claims. This issue also provides an extensive list of contacts, websites and further reading.

(47) Domestic Violence (2004)

Domestic violence involves an abuse of power within a domestic relationship, and is usually perpetrated by men against women and children. It encompasses a range of behaviours including intimidation, coercion, emotional abuse, financial abuse, sexual abuse, physical abuse, isolation and psychological manipulation. This issue covers the process of obtaining protection from domestic violence through the courts, and the services that are available to victims of domestic violence.

(46) You and Your Lawyer (2004)

At some stage in our lives, most of us have a legal issue or problem. It may be as a result of buying or selling property, starting or ending a relationship, having an accident, organising a will or administering an estate. This may mean that you need legal advice or assistance. Many people feel intimidated by the law, as it often appears daunting and difficult to understand. This *Hot Topics* issue will help you understand the role of a lawyer, and the help provided by other organisations in the legal service sector. It includes practical information about how to work with a lawyer, lawyers' duties, ethics, costs and complaints.

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(45) Privacy (2004)

The extent of the right of privacy can be difficult to define - privacy often competes with other private and public interests, such as health and safety, law enforcement, and accountability. This issue covers federal laws, state and territory laws, and common law protections and examines such as telecommunications, media, and the workplace. Also covered are the international developments from which much of Australian privacy law has evolved. Includes case studies, further reading and information on the possible effects of new technologies.

(43) Water Law (2003)

Water is a precious and finite resource for all life. Human population growth and industrialisation are placing increasing pressure on the world's limited water resources. Law has an important role to play in mediating competing demands for water, establishing priorities for action and controlling harmful activities. This issue of *Hot Topics* explores a range of key water law issues arising at the international, national and state levels. Includes discussion of wetland protection, COAG reform, property rights in water and water management planning. Also includes further reading and website details.

(41) Consumers and Money (2003)

Almost everybody in Australia these days has at least one or two financial products or services - you don't need to have a lot of money. Since financial products and services are so widespread and involve people's money (often large amounts), it's important to understand how consumer protection works. This *Hot Topic* written by the Australian Securities and Investments Commission, provides an essential guide to consumer protection laws and looks at areas such as credit, e-commerce, insurance, superannuation, costs and scams. It provides many practical tips on how to compare products, budgeting, and where to go for help.

(40) Discrimination (2002)

This issue looks at the sources of anti-discrimination law, the forms of discrimination which are against the law under Federal and State laws, and provides case studies and legislation timelines.

(39) Intellectual disability and the law (2002)

People with an intellectual disability face many difficulties in regard to their legal rights. They are one of the most over-represented groups in our criminal justice system, and can also experience difficulties in their interaction with families, support workers and police. There are many areas of the law involved, including duty of care, negligence, discrimination, guardianship, financial management, consent and behaviour intervention. Also discussed are the difficulties faced within the criminal justice system, as either a victim or an offender, in terms of the exercise of legal rights.

(38) Courts – update (2002)

With recent developments such as the Drug Court in New South Wales, and the Federal Magistrate's Service, this *Hot Topic* completely revises and updates the previous issue on Courts. It aims to provide an overview of the court system, and the different matters dealt with by each court. Other areas covered include juries, judicial accountability, the Tribunal system, as well as alternative dispute resolution measures, such as mediation and youth justice conferencing.

(36) Human Genetic Information (2002)

While there is a strong public support for scientific developments that improve medical diagnosis and treatment, the area of genetic information and its use is controversial. Issues such as the possibility of discrimination on the basis of genetic information in employment, health services and insurance; privacy and what genetic information reveals about family

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members; the ethics of medical research; and the use of genetic information in the criminal justice system are discussed. This Hot Topic provides a context for examining these issues, including information on DNA, genes and chromosomes, genetic testing, and the regulation of genetic information. It also deals with hot issues such as cloning and stem cell research.

(34) Voting and Elections (2001)

This Hot Topic provides a comprehensive guide to our voting and electoral system. It deals with the development of the franchise, integrity of the electoral roll, party preselection methods, candidacy requirements, and issues surrounding party registration and funding. It also looks at different types of elections, valid/invalid votes, and how votes are counted to declare a winner. A section on the impact of different electoral laws examines the effect these laws have on the various sectors, ie, the electorate, parties and government.

(33) Reconciliation (2001)

The Peoples Walk for Reconciliation across the Sydney Harbour Bridge on 28 May 2000 was a clear demonstration of the strength of public opinion on the issue of Reconciliation. This issue of Hot Topics looks at the meaning of 'reconciliation', the origins of the Reconciliation Project and the context of Australia's history. It includes the Council for Reconciliation's key documents: the Australian Declaration Towards Reconciliation and the Roadmap for Reconciliation. It also considers the important legal decisions that have been influenced by a 'rediscovery' of the history of the impact of colonisation on Indigenous Australians. The 'Unfinished Business' of reconciliation is discussed, with comparisons to the experiences of other countries in recognising the rights of indigenous peoples.

(32) E-law (2001)

(31) International law (2001)

(22) A republic? (1999)

(21) Parliament (1999)