

REPORT ON AUSTRALIA-CHINA LEGAL PROFESSIONAL DEVELOPMENT PROGRAM 2008

Introduction

16th Feb till now, I have accomplished the program of training and visits to Australian law firms, regulatory bodies, and other relevant institutions and have completed the work placements in Department of Premier and Cabinet in Victoria and Macdonnell's law, and I have achieved a lot through attending this program.

Main activities and achievements

At the beginning of this program, I attended ASIC Summer School 2008 which explored Our Financial Markets: The Big Issues and had a general idea of the situation about Australian Financial Markets.

Attended the intensive course at University of Melbourne, and learnt the Fundamentals of the common law, including the meaning and the sources of common law, precedent and the development of the common law, statutory Interpretation, principles and areas of public law and private law. Also attended AUSTLI legal research and legal English training at University of Technology Sydney and grasped the research skills.

Visited the High Court of Australia, the Federal Court, Federal Magistrates Court, Supreme Court of Victoria, Land and Environment Court of NSW, etc, and knew about the law in practice about how the law is applied, enforced and/or implemented in Australia and the objectives of rules of practice and procedure.

Visited to the administrative appeals tribunal, learnt the AAT's function and the role in providing independent review of a wide range of administrative decisions made by the Australian government and some non-government bodies.

Visited commonwealth ombudsman in Queensland, Victoria Ombudsman, and the Independent Commission Against Corruption of NSW, and learnt their role and the difference between Ombudsman and ICAC.

Attended the federal public hearing on Exposure Drafts of the Wheat Export Marketing Bill 2008 held by Senate Standing Committee on Rural and Regional Affairs and Transport, also the Inquiry into mental health services in Australia held by senate community affairs committee in Melbourne.

Attended the House of representatives Seminar, visited the Australian Government Office of Parliamentary Counsel (OPC), PCO of NSW, OCPC of Victoria, OPC of SW, learnt the role of those offices and procedure in drafting bills for the Parliaments.

Visited the Law reform commission of NSW and Victoria, and learnt that they are independent, government-funded organisation that develops, monitors and coordinates law reform, and learnt how the LRC to consult with the community and advise the Attorney-General on how to improve and update laws.

During the period of my placement at Legal Branch of DPC of Victoria, I have learnt the functions and work procedure of the Legal Branch. The branch provides legal and legal policy advice, and advice on administrative review policy matters to the Premier and Secretary, and to all bodies within the portfolio of Premier and Cabinet. The Branch also manages the conduct of the Premier's legislation programme and undertakes, or manages the conduct of litigation on behalf of the Department. The Branch is also the gatekeeper for the use of legal services by the Department.

Attended the meeting about the reforming the Subordinate Legislation Act 1994, and the process of making Regulations, also took part in preparing a brief which is about a submission to appoint 5 people to a Tribunal for the Premier.

Visited Victorian Competition and Efficiency Commission and discussed on VCEC's role and the Regulatory Impact Statement/Business Impact Assessment process.

When I stay at Macdonnells law, I attended a seminar which focus on the structure and legislation of the local government and how they relate to public participation in law, and visited the Ipswich city council to discuss the legislative process and public consultation, also learnt the process about the process of native title issues agreement.

Attended meetings about Technicalities of planning applications and developing a planning scheme, and public participation in the process, as well as public consultation in competition law and how to prepare a submission on legal proposal.

Visited the Department of Natural Resource and Water, and discussed the public consultation leading to the Land and Other Legislation Act.

Visited the Queensland Law Society and talked about the lawyer's role in legislation and public consultation. QLS makes submissions to federal and state governments and their agencies on matters affecting the profession and on legal issues affecting to the wider community. QLS is consulted and provides formal submissions on proposed legislation introduced into state parliament.

Attended the Australia China Business Council Event, learnt the function of ACBC which is the premier business organisation in Australia and knew that ACBC played a more and more important role in promoting commercial relationships with China , as well as the situation of the trade and investment between two countries.

Last week I got involved in central Queensland tour and visited the city councils of Emerald, Rockhampton, Mackay and Bowen and some local companies, learnt about the work procedure and character of local government, as well as the economic and social situation. Through this visit, I knew the legislation of local government better and had the overall picture about the economical and social circumstances in central Queensland .

During this period of my stay in Queensland, I have learnt a lot about the operation of the local government and the public consultation in communities, especially the legislation process of the local government from the non-governmental perspective.

Made some friends at Legal Branch of DPC and Macdonnells Law and exchanged the ideas with them on anti-corruption, trade and investment, humane right, and also increased the understanding of the society and culture in each other's country. And at the same time, my language skills have been improved noticeably.

Inclusion

Through attending this program, I think my biggest achievement is that I have known a lot about the Australian Legal system and legislative procedure and mechanism , such as setting up technical organization to responsible for all the bill-drafting work, holding public hearing on important issues, lawyer's participation in legislation in overall way, strict review on legislation from policy-making to the Competition and Efficiency Commission's examination, the Regulatory Impact Statement(RIS) /Business Impact Assessment(BIA), also the dynamic perfection system including the termly review of Scrutiny of Acts and Regulations Committee and the Legal Reform commission, as well as the sunset clause about the subordinate legislation. All these practices are worth while to study and follow for China, I think what I have learnt will be very helpful to promote the legislation and law reform in China. When I return to china, I will do such things as follows:

---To submit a report on Australia legislation and public consultation to my office.

---To deliver a series of articles to introduce the Australian legal system and its institutions in detail.

---To promote the improvement of the procedure of the legislation, especially the public consultation, propose to set up some systems like RIS, BIA and reviewing the legislation by the independent organization.

---To contribute to the developing relationship in law and legal matters between the two countries.

In the end, I would like to extend my gratitude to Attorney-General Department and the Law Council of Australia, also be grateful to those people who have contributed and assisted to the program. Special thanks to Ms Sandra Purser, who worked so hard to arrange every detail in the program.

Huang Changjie

Legislative Affairs Office of the State Council, P.R.C

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