



**SUPREME COURT
OF WESTERN AUSTRALIA**
Stirling Gardens
Barrack Street
Perth WA 6000

MEDIA ALERT

27 October 1999

Statement by the Hon David K. Malcolm AC Chief Justice of Western Australia

(Embargoed till Law Reform Commission of Western Australia Final Report tabled in Parliament)

I welcome the release this afternoon of the Law Reform Commission of Western Australia Final Report on the Review of the Criminal and Civil Justice System in Western Australia.

The report is large and comprehensive, making nearly 450 recommendations, which I will study with great interest. There are, however, a number of recommendations in relation to changes in criminal and civil proceedings which I support. In criminal proceedings, these include:

- Increasing prosecution and defence disclosure requirements prior to trial;
- The abolition of preliminary hearings;
- More use of guideline judgments; and,
- The application of more sophisticated case management procedures.

In civil proceedings, these recommendations include:

- Parties to civil cases verifying their claims and facts on oath;
- If a party knowingly and falsely verifies facts in a court document, it should be an abuse of the judicial system and punishable as a contempt of court; and
- Legal practitioners should certify that the evidence exists to sustain the allegations made by their clients in court proceedings.

In relation to the recommendations concerning the increased use of information technology both for trials and appeals, the Supreme Court is currently the most advanced in Australia in this area. The process of development and improvement in this area is continuing.

Many of the report's recommendations are already under consideration by the Supreme Court of Western Australia. A number of the recommendations have previously been made or supported by the judges of the Supreme Court.

PLEASE NOTE:

Due to prior commitments, the Chief Justice is not available for interviews.

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