

Welter of laws seen as threat to country

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LEGAL AFFAIRS

IF AUSTRALIA keeps making new laws at the current rate, there will be 830 billion pages of tax legislation by the turn of the next century, the Rule of Law Association's Robin Speed said.

In the past year alone Federal Parliament passed 9042 pages of new law - four times the number passed between 1929 and 1939, he told a conference yesterday.

Mr Speed, a partner in the law firm Speed and Stracey, said the administration of laws in Australia was at a critical crossroad.

Unlike elsewhere, where corruption threatened the rule of law, he said, excessive regulation was the danger in Australia because it shifted power to faceless bureaucrats and made the law impenetrable for the average person.

An example, he said, was the estimated 80,000 private rulings given by the Australian Taxation Office in the past eight years, which can carry authority equal to High Court decisions.

The chief executive of the Australian Institute of Company Directors, John Colvin, said the shift of decision making from courts to government agencies with vested interests was a "very real concern" for business.

The Federal Court judge Justice Margaret Stone said one reason for the trend was "the increasing lack of trust parliament has for the judiciary".

Professor David Weisbrot, chairman of the Australian Law Reform Commission, said "quite a few" of 51 government agencies the commission surveyed were not even aware of the scope of their coercive powers under federal legislation.

The NSW Chief Justice, James Spigelman, compared Australia's predicament to the one that led to the English Civil War, when the Stuart kings refused to enforce the laws of the parliament.

"It's an issue whose time may have come again, but I'm not suggesting the mode of resolution should be the same."