

Based on internal observations received, the Office of the Attorney General suggests the following as matters to be worthy of consideration:

Judicial review

Should judicial review and the remedies it leads to have a statutory basis?

Is there too great a readiness on the High Court's part to grant leave for judicial review?

Alternative dispute resolution

Should consideration be given to legislative steps to encourage parties to take genuine steps to resolve a dispute before commencing legal proceedings? (The Australian Civil Dispute Resolution Act 2011 has been put forward as a template.)

Efficiency in use of court time

In large scale litigation with highly-resourced litigants, the case for prior reading time and pre-trial effort to condense the arguments; while it would involve significant investment of judicial time pre-hearing, it could cut litigants' costs and arguably lead to less expenditure of judicial time overall.

Discovery

The concern that the time, effort and expense required to make discovery is inordinate and is frustrating the timely and efficient disposal of proceedings; this is a particular issue with electronic documentation, in respect of which there is wide scope for dispute about methodologies etc.