

PUBLIC LAW REVIEW

Volume 21, Number 3

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ARTICLES

Recognition of local government in the Commonwealth Constitution – *Nicola McGarrity and George Williams*

This article explores how local government might be given recognition in the Commonwealth Constitution. After providing an overview of the history of, and the failed attempts at, recognition of local government in the Commonwealth and State Constitutions, the article examines the three main contemporary reform options. They are: symbolic recognition of local government in a new preamble to the Commonwealth Constitution; institutional recognition of local government in the body of the Commonwealth Constitution; and financial recognition of local government in the body of the Constitutional Constitution. 164

Regulating parties in dispute: Analysing the effectiveness of the Commonwealth Model Litigant Rules monitoring and enforcement processes – *Michelle Taylor-Sands and Camille Cameron*

In recent years, civil justice reform discourse in Australia has increasingly focused on improving the conduct of litigants. The Commonwealth Model Litigant Rules are an example of a code of conduct for litigants. This article evaluates the effectiveness of the Model Litigant Rules in regulating Commonwealth litigant behaviour. In particular, it focuses on how effectively the Rules detect and address non-compliance. The Office of Legal Services Coordination (OLSC), within the Commonwealth Attorney-General's Department is responsible for monitoring compliance with the Model Litigant Rules. This article explores the nature of the breaches of the Rules recorded by the OLSC and compares them with breaches reported by courts and tribunals. The article then argues that the substantial gap between breaches recorded by the OLSC and those reported by courts and tribunals reveals some weaknesses in the monitoring and enforcement processes of the Rules. The article concludes with some recommendations for improving these processes. 188

BOOK REVIEW

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