Australia's most respected and experienced criminal defence lawyers. Recent Success Stories. Have a look through our recent criminal cases. The common law or "judge made law" refers to the body of law developed by the decisions of judges. In a common law system, past decisions are known as "precedents". Fundamental to the common law is the principle of "stare decisis" - a Latin phrase which means "to stand by decided matters". Had the courts not kept the common law in serviceable condition throughout the centuries of its development, its rules would now be regarded as remnants of history which had escaped the shipwreck of time.

Significant Drug Supply. Common law foundations. 2.2 The rights, freedoms and privileges set out in the Terms of Reference have a long and distinguished heritage. Many have been recognised in Australia, England and other common law countries for centuries. 2.7 To the extent that Australian law has protected and fostered rights and freedoms, it has long been statutes and judge-made law that have done so, not common law. In a 2013 speech, former Justice of the High Court of Australia, the Hon John Dyson Heydon AC QC, considered some of the benefits of protecting rights through statutes and the common law. He said that statutes and the common law protect rights often by "detailed and precise rules" and vindicate human rights directly and specifically. The common law and statutory rules tend to be detailed.

Australian Constitution for Dummies. Common Law win Australia, the BAR legal fraud exposed & dying worldwide. Transcription. Contents. Following federation, Britain's role in the government of Australia became increasingly nominal in the 20th century. However, there was little momentum for Australia to obtain legislative independence. The Australian States did not participate in the conferences leading up to the Statute of Westminster 1931, which provided that no British Act should be deemed to extend to the dominions without the consent of the dominion. The Australian Government did not invoke the provisions of the statute until 1942. The common law system is adversarial and relies on legal precedent. Two parties advocate before a judge. Precedent means that a court is bound to follow the latest ratio of a court higher in the same hierarchy (Broome v Cassell). Judges are more important in common law systems, as they make and adjudicate the law. However, a judges decision can be overruled by Parliament. On the other hand, the civil law system is more inquisitorial and relies on codes.

Facts The case itself concerned two consolidated actions for libel on the publication of a book. The plaintiff was a Navy Captain who was a Commander at the time of the events in the book. The book describes a naval disaster involving the PQ17, which was under the plaintiffs command. Questions of exemplary damages had arisen. Academic lawyers in Australia have long played a vital role in the national project of law reform. They thought about it; they wrote about it; they worried about its haphazard ways; and they taught their students, and others who would listen, about the need for a more systematic and effective approach to the challenge. The Australian Law Reform Commission's role is to review Australia's laws to ensure they provide improved access to justice for all Australians by making laws and related processes more equitable, modern, fair and efficient. While the Commission has an excellent record in addressing access to justice issues, in their many guises, access to justice is only one aspect to law. As in most countries in the developed world, inequality in...