

was unlawful. In addition, the Court expressed the view that 'pending deportation' means during such time as is required for the implementation of the deportation order, and 'does not authorise the indefinite detention in custody of a person for some ulterior purpose, such as...being kept available as a witness in a pending criminal prosecution'. It concluded that the Koreans were entitled to a declaratory order that the detention was unlawful, in addition to an order formally quashing the deportation orders on which that detention was based.

Grouped proceedings in the Federal Court

On 11 December 1989 the Leader of the Australian Democrats introduced the Federal Court (Grouped Proceedings) Bill in the Senate. The Bill is based on a 1988 report (No. 46) by the Law Reform Commission of Australia on grouped proceedings in the Federal Court, which arose from a reference from the Attorney-General in 1977 concerning access to the courts.

The reference required the Commission to report on two separate questions: the standing of persons to sue in Federal and other courts whilst exercising federal jurisdiction or in territory courts; and class actions in such courts. Report No. 46 dealt with the second question.

The Commission examined the barriers to access and found a number of examples where a grouping procedure would be desirable. It proposes a scheme for the grouping of claims in the Federal Court, and includes in the report a draft Bill giving the suggested legal basis for the scheme. The suggested procedure would operate mainly in the areas of:

- . proceedings against the Commonwealth;
- . claims under federal laws such as the Trade Practices Act 1974;
- . federal administrative law;
- . federal tax law; and
- . federal industrial and intellectual property law.

In the Second Reading Speech on the Bill, Senator Haines said that the Bill 'will enhance enormously Australian consumers' rights to redress'. She agreed with the report that, in an age of mass production and distribution of goods and services, the potential for loss or damage to be caused on a mass scale is high, though the damage incurred by an individual may be relatively small in proportion to the cost of legal proceedings. The Bill provides for a scheme which aims to achieve the goals of access and court efficiency by allowing the grouping of claims in the Federal Court.

Tenure of appointees to Commonwealth tribunals

In November 1989 the Joint Select Committee on Tenure of Appointees to Commonwealth Tribunals released its report. Included in the Committee's terms of reference was one to inquire into the principles that should govern the tenure of office of quasi-judicial and other appointees to Commonwealth tribunals.

The Committee concluded that, in order to perform their functions, quasi-judicial tribunals require people of superior