

Practice Note No.15

Information to be provided to the Court to enable the appropriate treatment of persons coming before it.

After consultation with the Law Council of Australia and with its agreement, Chief Justice Black of the Federal Court of Australia, has issued Practice Note No. 15 to apply from 1 November, 1999:

The Federal Court is concerned to ensure that all persons coming before it (including practitioners, litigants and witnesses) are treated in a manner that is appropriate and consistent with their reasonable expectations.

To this end, practitioners are expected to provide the following information in respect of all persons to be referred to or addressed by the Court. The information must be provided to the Court (via the Associate of the presiding judge), and ordinarily to the other parties, no later than 24 hours before any hearing (including a directions hearing) at which the information may be required.

1. Titles (e.g. "Dr") and preferred forms of address (e.g. "Ms" or "Mrs").
2. If not already obvious, the correct pronunciation of names, and the identification of family names.
3. Details of any interpreting services to be relied upon in Court and of any special needs of the interpreter which the Court might have to meet.
4. If an oath is to be taken by a witness in a non-standard form - the form in which it is to be taken and any arrangements that may need to be made by the Court for the taking of that oath.
5. Any practical and procedural arrangements that may need to be made by the Court to accommodate persons coming before it - for example, a hearing loop, or regular adjournments to enable a carer to attend a child.
6. Any other information that may be required to facilitate the appropriate treatment of persons in Court.

LCA President visits Darwin

The newly elected President of the Law Council of Australia, Dr Gordon Hughes, addressed the Law Society Council this month on the issues peak national organisation would work on in conjunction with the Northern Territory in 2000.

A Melbourne-based partner with the intellectual property group at Blake Dawson Waldron, Dr Hughes is a keen supporter of the nation's smaller jurisdictions and believes the Council should represent all practitioners equally and not favour some because of their larger population. Dr Hughes first visited the Territory in 1963 and says he has had a passion for it ever since. He admits to being weak, "Any excuse I can find, I'll come up here."



Dr Gordon Hughes, enjoyed meeting members of the profession at a welcome reception held at the office of LAWASIA.

Practice Direction Re: summons to witness for service interstate

The following practice direction has been issued by Chief Magistrate Hugh Bradley pursuant to section 21 of the Local Court Act and section 95 of the Work Health Act, and will apply from 1 November 1999.

Background

There has been some confusion in the past when a party must apply for leave to serve an interstate summons to witness. Under the *Service and Execution of Process Act*, leave is not required in most circumstances to serve a summons issued out of a State Court anywhere in Australia. (NB: The Supreme Court Rules did contradict this proposal in rule 7.06 however that has now been amended to only affect the service of summons outside of Australia.)

You only now require leave to serve a summons to witness interstate in the following circumstances:

1. When you are requiring a witness to appear in less than 14 days;
2. When you are requiring the return of documents prior to a hearing date.

Procedure

In relation to the early return of documents you are referred to the Practice Direction titled *Early return of Summons for Production* issued on the same date as this Direction.

In relation to the appearance in less than 14 days, the following procedure will apply:

1. An intra party interlocutory application should be filed with an affidavit in support and a copy of the intended summons.
2. The matter will be dealt with in the interlocutory applications list.

Ron Lawford advises that he practices in the area of aviation law.

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