

# ARTHUR MOSES TO PRESENT EMPLOYMENT LAW SEMINARS IN DARWIN & ALICE SPRINGS

Arthur Moses, a barrister at the Sydney Bar who specialises in industrial and employment law cases, visited Darwin in 1999 to present a seminar to practitioners on employment law. He will return to the Territory again in August to provide two specially tailored and fascinating seminars.

He will first visit Alice Springs on 21 August where he will present: *An employee's duty of disclosure*. This

session will address how much information an employee must volunteer to their employer before or during an employment relationship. The session will include an analysis of the judgement of the Full Bench of the Industrial Relations Commission of NSW in *Court Session in Kim Michelle Hollingsworth v. The Commission of Police (1999) 47 NSWLR 1151*.

Mr Moses will present his second seminar titled: *Employment relationships v.*

*independent contractor arrangements* in Darwin on 22 August 2000. This session will address recent decision which have considered the distinction between an employment relationship and an individual contractor. The session will also discuss the importance of drafting employment contracts which set out aspects of an employee's and their obligations to reduce the risk of litigation.

Bulletins with full details about the seminars will be forwarded shortly.

## FERAE NATURAE

Things of a family nature have been pre-occupying my mind of late. I am not referring to the impending bundle of joy (or doom) coming my way. I am in fact referring to the Family Court services for the Northern Territory and the loss to Darwin of its resident senior Family Court Registrar.

The introduction of the Federal Magistracy by the Commonwealth has seen funding for 13 of 20 Family Court Senior Executive Registrars (SES) around the nation cut. The vision was that the new magistrates service will subsume the services and duties of registrars.

Despite having a resident SES who among his duties runs conciliation conferences between often emotionally distressed parties, the Northern Territory will not receive a resident Magistrate. The senior Registrar also has the all-important duty to hear urgent interim matters. Such matters include say a family break up and mum or dad takes off with the kids and there has to be a decision as to who the children will reside with until the final hearing. The Northern Territory's Federal Magistrate will be based in Townsville and Darwin will be part of the Townsville circuit. It was a down south decision based on population and case work load. The result: there will be no resident Magistrate based north of Adelaide and west of Townsville. It is still unclear when the Federal Magistrate will visit.

The funding for our Registrar's position ran out at the end of last month. To the distress and concern of Family Law practitioners and more importantly their clients, arrangements for how the service will be replaced are unclear. The inevitable effect has been uncertainty and Territorians experiencing family breakdowns suffer the further aggravation of not knowing when a matter can proceed by way of firm court hearing dates.

Thankfully the Chief Justice of the Family Court, Justice Alastair Nicholson stepped into the breach to address the interim problem.

Recognising the hiatus and the severe difficulties experienced by a remote isolated jurisdiction, the Family Court has managed to extend funding for the Territory's resident senior registrar for two months to the end of August. After that it is up to the Federal Magistracy. The Commonwealth expects the Family Court to have axed 20 SES Registrar positions in two years.

Concern by the Territory legal profession led to a meeting organised by the Law Society, with Justice Nicholson and the Chief Executive Officer of the Family Court Mr Richard Foster in Darwin. Family Lawyers Association of the NT representative and secretary of the Law Society Ms Eileen Terrill impressed upon them the problems unique to the Northern Territory jurisdiction and the substantial benefits of having a person based in the Territory.



Ms Maria Ceresa, Executive Officer

"Since Stewart Brown took over as Registrar we have been able to settle a lot more matters. After having their urgent interim matters and conciliations heard people leave feeling that have received a full hearing, been listened to and can more easily settle their problems," she said.

"Having a judicial officer present at those hearings is vital. When things become heated a break can be requested or ordered to ensure the meeting remains a constructive one. It is just not the same on a video link."

Justice Nicholson reassured the profession that the registry will remain and the Family Court would do all it could with depleted resources to continue to provide services to Australia's remote and regional areas.

The profession was grateful to the Chief Justice and the CEO of the Court for hearing their concerns. Unfortunately Family Law appears to be yet another area where services to remote regions have been hit hard by the Commonwealth.