

Taxation of bills of costs at Alice Springs

The Registrar of the Supreme Court has advised dates issued for the taxation of costs in Alice Springs were incorrect. The correct dates are:

The weeks commencing:

6 March 2000,
26 June 2000 and
30 October 2000

have been set aside for the taxation of costs at Alice Springs.

Practitioners should file and serve applications in sufficient time to allow for a notice of objection as required by the Rules.

Appearance by Articled Clerks

The Chief Magistrate for the Northern Territory, Mr Hugh Bradley, would like to remind practitioners of the Law Society ruling that Articled Clerks should always disclose their status when dealing with anyone outside the firm within which they are working.

An Articled Clerk should not only disclose that they are Articled Clerks but on whose instructions they are appearing.

In civil matters Clerks have a right of appearance in certain matters subject to a ruling by the court and in criminal matters it is a matter for the court to decide whether or not an appearance should be permitted. Generally speaking most Magistrates will allow an Articled Clerk to appear on a simple adjournment or other matters where no questions of a persons liberty or issues of law are involved.

Amendment to the Federal Court Rules

The following amendments have been made to the Federal Court Rules.

Federal Court Amendment Rules 1999 (No. 6)

Federal Court Amendment Rules (No 6) will be published in the Commonwealth Government Gazette on 3 December 1999 as Statutory Rule No 295 of 1999. The amendments will commence on the same day.

The amendments to the Federal Court Rules include the following:

- Order 15 Discovery has been amended to provide for a 'direct relevance' test as to which documents must be disclosed;
- a new Order 34B has been introduced to allow the Court, with the agreement of the parties, to appoint an expert to sit with the Court where necessary and to advise it on specified issues; and
- the costs that solicitors are allowed under Schedule 2 of the Rules have been increased by 4 per cent in accordance with the 15th Report of the Federal Costs Advisory Committee.

Amendments have also been made to Orders 8, 21, 25 and 27 and to Forms 22 and 131.

The Chief Justice has also issued a new Practice Direction Note No 14 Discovery to complement the amendments to Order 15. This practice note commenced on 3 December 1999.

Federal Court Amendment Rules 1999 (No. 7) - The Human Rights Rules

An unofficial copy of the Federal Court Amendment Rules 1999 (No. 7), is to be published in the Commonwealth Government Gazette on 3 December 1999 as Statutory Rule No 296 of 1999. These amendments will commence on the date of commencement of Schedule 1 to the Human Rights Legislation Amendment Act (No.1) 1999. This is

expected to be 13 April 2000.

Start of the year 2000 law term

In accordance with Order 2 rule 2 of the Federal Court Rules, the federal Court will begin the year 2000 Law term on 7 February 2000.

Federal Court Amendment Rules 1999 (No.8)

The Federal Court Amendment Rules 1999 (No.8) will be published in the Commonwealth Government Gazette on 22 December 1999 as Statutory Rule No 360 of 1999. These Rules will commence on 1 January 2000.

The Federal Court Amendment Rules 1999 (No.8) make a number of amendments to the Federal Court Rules which are consequential to the adoption of the Corporations Law Rules 2000. In particular, they amend Orders 1, 4, 7 and 77; omit Order 71 and Forms 75 to 128 (inclusive); and amend Schedule 3.

Corporations Law Rules 2000

Corporation Law Rules 2000 replace Order 71 of the Federal Court Rules, and set out the rules for proceedings in the Court under the Corporations Law and ASC Law. The new Rules have been prepared by the Council of Chief Justices Committee on Harmonisation of Practice and Procedure under the Corporations Law. The Council has recommended that the rules be adopted by the Federal Court and by the Supreme Court of each State and Territory.

An unofficial copy of the Corporations Law Rules 2000 will shortly be available on the Federal Court's website at www.fedcourt.gov.au.

