

information contained in any peripheral document is not adverse to your client. You should carefully read the whole of the information contained in all of the documents to be included in the tender before completing the tender. An example of a situation where special care needs to be taken is in the tendering of a hospital file which is likely to include a substantial amount of information regarding your client and much of that information is likely to be in handwriting that is only decipherable with assistance.

The introduction of an exhibit need not be a simple mechanical process devoid of impact. Whilst there will be some exhibits that must be introduced in that way it is necessary to consider each exhibit to ascertain the potential it may have to further enhance your case by the manner and timing of it being introduced into evidence.

# NOTICEBOARD

## Relationships Australia

Relationships Australia has recently been accepted as a provider of post-separation parenting programs under the new parenting compliance regime of the Family Law Act 1975.

The Relationships Australia education program from June — December 2001 includes sessions titled *Building Better Relationships, Fathers After Separation, Rebuilding After Separation*.

Relationships Australia has offices in Darwin and Alice Springs which operate during normal business hours with evening sessions offered on Monday and Tuesday of each week.

All enquiries about Relationships Australia, its programs and course timetable should be directed to the Director, Bill Medley in Darwin on 08 8981 6676.

## Practice Note 16 - Affirmation and Oaths

The Practice Note No 16 issued by the Federal Court of Australia on 21 January 2000 has been revoked and the following Practice Note is substituted:

1. In nearly all circumstances a person giving evidence in a proceeding before the Federal Court of Australia, whether orally or by affidavit, is required by law to make an affirmation or take an oath. The purpose of this requirement is to compel people to tell the truth.
2. It is a criminal offence for a person deliberately to give false evidence after making an affirmation or taking an oath.
3. A card will be handed to each witness upon entering the witness box setting out the form of oath or affirmation that they will be requested to read, or to have read on their behalf, before giving evidence to the Court.
4. The Court expects practitioners to ensure that witnesses are properly informed, in advance of giving evidence, of the purpose of an affirmation or taking an oath. It also expects practitioners:
  - to ensure that court officers are informed before court commences of any witnesses who would prefer to have the oath or affirmation read on their behalf (e.g., because of poor sight or limited literacy); and
  - to give the Court (via the judge's associate) at least 24 hours' notice of any other special arrangements that may need to be made by the Court to facilitate the taking of an oath or making of an affirmation by a witness. (For example, the Court must be notified if a witness has other requirements to facilitate the taking of an oath in accordance with his or her beliefs.)

A copy of the Practice Note is available on the Federal Court's website at:

<http://www.fedcourt.gov.au>

## RELIEF FOR HIH POLICY HOLDERS

The Commonwealth Government has announced a relief package for policy holders suffering financial hardship as a result of the HIH collapse.

The package is only available for 'small businesses' — ones that employ less than 50 employees. Details on the package can be obtained from the Minister for Financial Services and Regulation's website: [www.minfsr.treasury.gov.au/p/2001/041.asp](http://www.minfsr.treasury.gov.au/p/2001/041.asp)

The Government will also provide a hot-line for HIH policy holders to apply for assistance. Details of this will be advertised shortly.

The rescue package excludes a number of categories from the scheme, including professional indemnity for legal practitioners (to the extent that it is compulsory). It is unclear whether 'non-compulsory' or 'top up' insurance for lawyers is included in the package.

The package also excludes:

- claims where the insured is not an Australian citizen or permanent resident;

- claims for reinsurance contracts or in the nature of a reinsurance contract issued by HIH;
- insurance mandated by State and Territory Governments including compulsory third party motor vehicle insurance (CTP) workers' compensation and builders' warranty
- claims where the insured was a director or officer or an associate of a director or office (as defined under the Corporations Law) of any company within HIH three years before its failure; and
- claims where the insured was a director or officer or an associate of an individual, who was in a position to influence or advise the directors or officer of any companies within HIH three years before its failure.

The Law Council of Australia is currently seeking further information in relation to the fund and is examining what steps can be taken to ensure legal practitioners are not left out of the rescue deal.