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wildlyn@hotmail.com

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NOTICEBOARD

Practice Directions

From the Chief Justice of the Family Court of
Australia, the Hon Alastair Nicholson AO RFD
Practice Direction: No 6 of 2002

Suspension of Paragraph 6.7 of Practice Direction No 3 of
2002 - Case Management Directions.

Practice Direction No 3 of 2002 is entitled *Case Management
Directions*. Paragraph 6.7 is entitled *Joint Case Summary
Document*. Until further notice, the operation of paragraph 6.7
is suspended.

From the Chief Magistrate of the NT, Hugh Bradley
and Deputy Chief Magistrate, Cathy Deland
Practice Direction: Tentative Listing of Matters for
Hearing

The following practice direction is issued pursuant to section
95 of the *Work Health Act* and will apply from June 2002
onwards.

In the recent past the Work Health Court in Alice Springs has
allowed practitioners to approach the Magistrates seeking a
tentative listing for hearing of matters that are likely to take a
number of days to be heard. The tentative hearing dates
provided are then pencilled into the court diary.

The problem with this present arrangement is that the

Magistrates Secretary is not always advised when tentative
dates are abandoned in sufficient time for the dates to be
used for other matters.

In order to prevent future problems, practitioners are advised
that any tentative hearing dates obtained from the Magistrates
Secretary for Work Health matters will only remain valid for 28
days. The party seeking the listing on the dates obtained is
required to seek formalisation of these orders by a Registrar or
Judicial Registrar at a prehearing conference within 28 days
from the date of tentative listing. Should no formal order be
made within the 28 day period, then the Magistrates Secretary
shall remove the tentative listing from the diary at the
expiration of that period.

From the Chief Magistrate of the NT, Hugh Bradley
and Deputy Chief Magistrate, Cathy Deland
Practice Direction: Tentative Listing of Matters for
Hearing

The following practice direction is issued pursuant to s21 of
the *Local Court Act* and will apply from July 2002 onwards.

In the recent past the Local Court in Alice Springs has allowed
practitioners to approach the Magistrates seeking a tentative
listing for hearing of matters that are likely to take a number of
days to be heard.

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The tentative hearing dates provided are then pencilled into the court diary.

The problem with this present arrangement is that the Magistrates Secretary is not always advised when tentative dates are abandoned in sufficient time for the dates to be used for other matters.

In order to prevent future problems, practitioners are advised that any tentative hearing dates obtained from the Magistrates Secretary for a Local Court matter will only remain valid for 28 days. The party seeking the listing on the dates obtained is required to seek formalisation of these orders by a Registrar or Judicial Registrar at a prehearing conference within 28 days from the date of tentative listing. Should no formal order be made within the 28 day period, then the Magistrates Secretary shall remove the tentative listing from the diary at the expiration of that period.

From the Chief Magistrate of the NT, Hugh Bradley Practice Direction: Sealing of Documents

The following practice direction is issued pursuant to section 21 of the *Local Court Act* and will apply from 15 October 2002.

Background:

It has been the practice of this court and the expectation of solicitors that all documents required by the rules to be filed and/or served must be sealed by the Court Seal. The Rules do not require this to be done.

Direction:

1. To facilitate more efficient processing of documents from the effective date of this practice direction the following documents will be sealed by the Court (including Small Claim matters) as required by the Rules:
 - Summons to give evidence
 - Summons to produce
 - Court Orders
 - All Warrants of Execution – Warrants of Seizure and Sale, Warrants of Possession and Warrants of Delivery
2. Other documents that will be sealed are all originating process and Oral Examination summons and Attachment of Earnings summons.
3. If the document you are filing does not have to be sealed or endorsed by a date by the court eg interlocutory applications, then multiple copies of documents do not need to be filed.

From the the Chair of the Lands and Mining Tribunal, David Loadman

Practice Direction: No 1 of 2002, General Matters 1. Appearance on behalf of an Absent Party

In the event that any party has difficulty in attending or does not wish to attend at a directions hearing, video or telephone conferencing facilities may be invoked. The Tribunal has no such facility available in the hearing rooms normally used by the Tribunal. A sufficient reason for requesting such facilities must be given to the Registrar and the following procedure should be observed:

(a) Teleconference

The absent party may request to appear at a directions hearing by telephone. This should be in the form of a written request at least **5 days prior to the scheduled date**

in the form of a letter addressed to the Registrar, requesting leave to attend by telephone. If such request is granted, the Registrar will inform the parties by written notice. The cost of the teleconference will be borne by the requesting party.

(b) Videoconferencing

If the absent party would rather appear at a directions hearing by video conferencing, this can be requested in appropriate form to the Registrar, at least 5 days prior to the scheduled date. The appropriate form shall be that employed by the Darwin Magistrates Court, available on the Courts website (www.nt.gov.au/justice/oca) as it will involve equipment from that Court. If such request is granted, the Registrar will inform the parties by written notice. The cost of video conferencing is to be borne by the requesting party.

2. File and Serve

To fulfil the obligation incumbent on a party to “file and serve” any document during the course of any proceeding it is to be noted that all documents prior to service must bear the seal of the Tribunal. “Filing” is satisfied by attending at the Tribunal Registry and proffering an original and sufficient copies of all documents for sealing by the Registrar to ensure that only sealed documents are served. Additional documents for retention by the party will be sealed at the request of that party. Documentation which does not embrace the need to “file and serve” e.g. communication whether by email, facsimile or prepaid mail, obviously does not require any sealing by the Tribunal and has been addressed in Practice Direction 2 of 2000.

3. Transcript

It is the practice of the Tribunal to provide to each party, free of charge, one copy of transcript proceedings in short directions hearings and “mentions” (resolution of procedural matters). (The parties are reminded that it would be a breach of copyright for the party to copy all or part of any transcript provided by the Tribunal.)

The Tribunal will not be able to provide free of charge the transcript of any hearing or contested application. The parties would in each case have to arrange to listen to the tapes or order transcript at the appropriate rate (concomitant with the rate obtained by the Magistrates Court) prescribed from time to time. A Request For Transcript Form is available from the Registrar of the Tribunal.

4. Access to documents or files

Copies of formal orders produced by the Tribunal are available to any party or non-party in a proceeding. A party wishing to inspect or copy any document or part of the Tribunal file is required to obtain leave of the Tribunal.

A non-party in a proceeding wishing to inspect or copy any document or part of the Tribunal file, other than the formal orders, is required to make an application on Form 1, supported by affidavit, and to file and serve such application on all parties in the proceeding, the application to be formally heard by the Tribunal.

Fees and charges as set out in the Rules for inspection and photocopying will apply.