

Halfpennys Spurred on to win business award

Congratulations to Catherine Spurr who has recently been recognised as an award-winning business woman in the Telstra Business Women's Awards.

A partner at Halfpenny Lawyers, Catherine was awarded the 2004 Westpac Group Business Owner Award for the Northern Territory. This award is designed to recognise inspiration business women who own at least half of a business and have responsibility for making key management decisions.

According to the award organisers: "There is no single 'type' of woman who wins. They come from all walks of life and professions".

That being said, this is the first time in the award's ten-year history that a member of the legal profession has won the award in the Territory.

Catherine was jointly nominated by her bank manager and Halfpennys article clerk Michaela Milner.

While flattered to receive the nomination, Catherine was Can you please send me the spelling of Alastair's fiancee convinced to continue with the awards process by continual reminders from the award organisers and, more importantly, because she didn't want to let down those who had nominated her. Catherine accepted the nomination and provided the necessary information to enter the the business awards.

The winners were announced at an awards ceremony held in Darwin in early October. When she was announced as the winner, Catherine was completely shocked and rued the fact that she had run out of time to prepare speech notes, as the organisers had advised.

After winning the Territory award, Catherine travelled to Melbourne for the National Awards, which were dominated by Victorian entrants.

According to Catherine, the award provides recognition and opens up networking opportunities.①



NOTICEBOARD

Federal Court of Australia Notices

Notice to Practitioner No. 1 of 2004 Corporations Matters (Replaces No 1 of 2001)

The Court regained corporations jurisdiction upon commencement of the *Corporations Act 2001*, the *ASIC Act 2001* and related legislation on 15 July 2001.

Corporations matters filed on the Northern Territory District Registry will ordinarily be listed either before the District Registrar on a Thursday morning at 9.30am in Courtroom 9 at the Supreme Court Building, State Square, Darwin or before a judge on a date and time to be arranged. Arrangements can be made to hear matters at short notice if necessary.

The District Registrar will ordinarily deal with all appropriate Corporations matters within the Registrar's delegation.

The rules governing corporations proceedings are contained in a separate chapter of the Federal Court Rules, the Federal Court (Corporations) Rules 2000.

Caroline Edwards - District Registrar

Notice to Practitioner No. 2 of 2004 Issue of Subpoenas - Order 27 (Replaces No 2 of 2001)

Federal Court Amendment Rules 2003 (no 4) were published in the Commonwealth Government Gazette of 23 December 2003 as Statutory Rule No 377 of 2003. Those Amendment Rules commenced on 1 March 2004.

The Amendment Rules replaced Order 27 (Subpoenas) with a new Order 27 and inserted a new Order 27A, which retains the requirement that a subpoena may be issued only with the leave of the Court or a judge. The new Order 27 gives effect to the harmonised subpoenas rules developed by the Council of Chief Justices' Rules Harmonisation Committee. The Amendment Rules also replaced Form 41 (Subpoena for Production), Form 42 (Subpoena to Give Evidence) and Form 43 (Subpoena for Production and to Give Evidence) in Schedule 1 with a single new Form 41. The new form allows the issuing party to indicate whether the addressee is required to attend to give evidence, produce a document or thing or to give evidence and produce a document or thing. Order 27A applies to a subpoena that is to be issued under Order 27. A subpoena must not be issued without the leave of the Court or a judge. Leave may be given to issue a subpoena generally or in relation to a particular subpoena or subpoenas and subject to conditions. An information application may be made by way of a letter that sets out the details of the connection of the person or documents sought to be subpoenaed to the proceedings before the Court.

Order 27 rule 3 (8) provides that;

A subpoena must specify the last date for service of the subpoena, being a date not earlier than:

- (a) 5 days; or*
- (b) any shorter or longer period as ordered by the Court and specified in the subpoena.*

before the date specified in the subpoena for compliance with it.

If a shorter or longer period is sought, the subpoena must be accompanied by a letter that sets out the grounds and facts relied upon. Practitioners are reminded of the provisions of Order 3 rule 2 in relation to reckoning of a period of time.

Caroline Edwards - District Registrar

NOTICEBOARD

Declaration of Complementary Witness Protection Laws

Section 4(3) of the Witness Protection (Northern Territory) Act provides that the Attorney-General may, by notice in the Gazette, declare a law of a State or Territory to be a complementary witness protection law for the purposes of the Act. The Act also provides, pursuant to sections 4(1) and (2), that the Attorney-General may declare an authority to be an Approved Authority for the purposes of the Act. The Queensland Crime and Misconduct Commission has been declared as an Approved Authority and the following Acts as complementary witness protection laws, for the purposes of the Act:

1. Witness Protection Act 2000 of the State of Queensland;
2. Witness Protection Act 2000 of the State of Tasmania;
3. Witness Protection Act 1996 of the State of South Australia;
4. Witness Protection Act 1996 of the Australian Capital Territory;
5. Witness Protection (Western Australia) Act 1996 of the State of Western Australia;
6. Witness Protection Act 1995 of the State of New South Wales; and
7. Witness Protection Act 1991 of the State of Victoria.

Dr Peter Toyne - Minister for Justice and Attorney-General

Administration Appeals Tribunal fees

Pursuant to regulation 19A of the *Administrative Appeals Tribunal Regulations 1976*, the fees payable for lodging applications with the Administrative Appeals Tribunal increased as of 1 July 2004. The rise was calculated in accordance with movements in the consumer price index. For those applications in relation to which a fee is payable,

the standard application fee will increase to \$606 from \$574. The lower application fee for matters to be dealt with in the Small Taxation Claims Tribunal will increase to \$61 from \$58.

Doug Humpherys - Registrar

Supreme Court Practice Directions

Practice Direction No 1 of 2004

Court of Appeal/Court of Criminal Appeal - Unrepresented Litigants

If a litigant before the Court of Appeal or Court of Criminal Appeal is unrepresented, subject to any direction by the presiding Judge to the contrary, not less than 10 days prior to the time fixed for the hearing of the appeal the Registrar or Shreiff shall advise the presiding Judge that a litigant is unrepresented.

Unless otherwise determined by the presiding Judge, a directions hearing will be held before the presiding Judge or another Judge not less than seven days before the date listed for the hearing for the appeal for the purposes of managing the progress of the appeal and other matters including issues concerning the unrepresented litigant's knowledge of his or her right and legal representation.

Chief Justice Brian Martin

Practice Direction No 2 of 2004

Rule 48 - Extension of Practice Direction 5/2000

Pursuant to Rule 48.28, practice direction No 5/2000 is renewed for a period of 6 months from 1 July 2004.

Chief Justice Brian Martin

Rules of Court under the Supreme Court Act

We, the undersigned Judges of the Supreme Court of the Northern Territory of Australia, pursuant to section 86 of

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EDITOR-IN-CHIEF EXPRESSIONS OF INTEREST

The Northern Territory Council of Law Reporting Inc. is seeking expressions of interest in the position of Editor-in-Chief of the Northern Territory Law Reports.

The position is remunerated by the Northern Territory Council of Law Reporting. Duties include reading all NT judgments to determine whether they will be reported, allocating judgments to reporters, sub-editing and proof reading, some headnote writing, and liaising with sub-editors, layout staff and the publisher. Expressions of interest should be received no later than Friday 12 November 2004 and should be directed to:

Mr Craig Smyth, Secretary
Northern Territory Council of Law Reporting Incorporated,
GPO Box 2388, Darwin NT 0801.

NOTICEBOARD

the Supreme Court Act, make the following Rules of Court.

Repeal and substitution of rule 84.17

Rule 84.17 of the Supreme Court Rules is repealed and the following Substituted:

- 84.17 List of authorities and summary of submissions
- (1) An appellant must file and serve on the respondent not later than 14 days before the hearing of the appeal -
 - (a) the appellant's list of authorities; and
 - (b) the appellant's summary of submissions.
 - (2) A respondent must file and serve on the appellant not later than seven days before the hearing of the appeal -
 - (a) the respondent's list of authorities; and
 - (b) the respondent's summary of submissions.
 - (3) The list of authorities and summary of submission must be signed by counsel who will be appearing at the hearing of the appeal.
 - (4) In subrules (1) and (2), a day includes a day when the Registry is closed.
 - (5) Subrule (4) is subject to section 28 of the *Interpretation Act*.

List of authorities

Rule 84.18 of the Supreme Court Rules is amended by omitting from subrule (1) "rule 84.17(a)" and substituting "rule 84.17".

Summary of submissions

Rule 84.19 of the Supreme Court Rules is amended by omitting from subrule (1) "rule 84.17(b) and substituting "rule 84.17".

Repeal of rule 84.21

Rule 84.21 of the Supreme Court Rules is repealed.

High Court Sitting Dates for 2005

High Court of Australia Rule of Court

It is ordered as follows:-

1. Sittings of the Court for the transaction of all such business as may be brought before it shall be held during the year 2005 at the places and commencing on the dates hereunder mentioned, that is to say:

Canberra	-	Monday 31 January 2005
Canberra	-	Tuesday 1 March 2005
Hobart*	-	Monday 4 April 2005
Canberra	-	Tuesday 19 April 2005
Canberra	-	Tuesday 14 June 2005
Brisbane*	-	Monday 20 June 2005
Canberra	-	Tuesday 2 August 2005
Adelaide*	-	Monday 8 August 2005
Canberra	-	Tuesday 30 August 2005
Canberra	-	Tuesday 27 September 2005
Perth*	-	Monday 24 October 2005
Canberra	-	Tuesday 8 November 2005
Canberra	-	Tuesday 6 December 2005

* No sittings will be held unless there is sufficient business to warrant the attendance of the Court.
2. Sittings to hear applications for special leave to appeal will also be held on the days hereunder mentioned, that is to say:

Friday 4 February 2005	Friday 5 August 2005
Friday 11 February 2005	Friday 2 September 2005
Friday 4 March 2005	Friday 9 September 2005

Monday 21 March 2005	Friday 30 September 2005
Tuesday 22 March 2005	Friday 7 October 2005
Friday 22 April 2005	Friday 11 November 2005
Friday 29 April 2005	Friday 18 November 2005
Friday 20 May 2005	Friday 9 December 2005
Friday 27 May 2005	Friday 16 December 2005
Friday 17 June 2005	

The winter vacation shall commence on Saturday 25 June 2005. The summer vacation shall commence on Saturday 17 December 2005.

High Court Rules Statutory Rules 2004 No 304

The High Court Rules 2004 were notified in the Special Gazette on 14 October 2004 and are effective on 1 January 2005. By Rule 1.03.2 of the High Court Rules 2004 the High Court Rules 1952 are repealed.

This is the first time in fifty years that the rules of procedure for proceeding in the High Court have been completely revised. The High Court Rules 2004 and the accompanying Explanatory Statement are available on the High Court website at www.hcourt.gov.au.

Christopher M Doogan

Chief Executive and Principal Registrar

COURT LIBRARY NOTES

Court Library Notes

Alice Springs library

Sophie Shiells returns to the library on Monday 25 October and Paula Eatts leaves on Friday 29 October. Paula is going to a position in the Department of Community Development, Sports and Cultural Affairs.

The office and the renovations in the Alice Springs library are now complete. The office now overlooks Hartley Street and has the photocopier just outside.

The former office counter has been made into a study area for practitioners.

Darwin library access

There have been some problems with users staying in the library after 5.30pm or requesting access after 5.30. From 25 October 2004 no access to the library will be possible after 5.30pm and all users must leave the library by 5.45pm at the latest. This is to enable the security personnel to close the building.

Law Reports

When the library receives bound volumes of law reports, the loose parts are offered to local firms. A list is available of the titles of the reports available. Please ring 8999 6583 (Darwin) or 8951 5707 (Alice Springs) to request a copy of the current list; alternatively send an email to doj.cts.library@nt.gov.au. This email address is for Darwin and Alice Springs.

NT LEGISLATION

Legislative changes in September 2004, notified in the *NT Government Gazette*

New Acts

- 47/2004 Teacher Registration (Northern Territory) Act 2004 (ss.7(3), 23(6), 72, 73 – N/C, Rest – 13.9.04)
- 48/2004 Coroners Amendment Act 2004 (N/C)
- 49/2004 Magistrates Amendment Act 2004 (N/C)