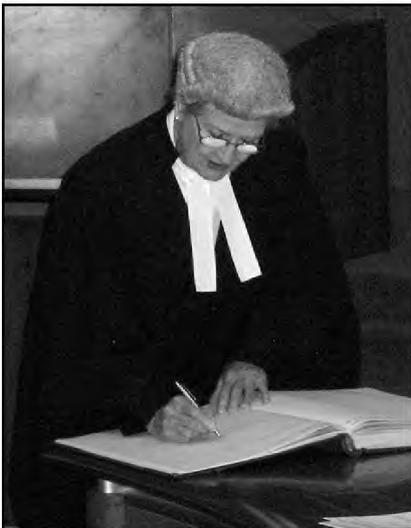


Darwin Grandmother admitted at 72



Rosemary Jacob signs the roll of practitioners

Rosemary Jacob is one of the Darwin legal profession's newest... and oldest... admittees.

The 72-year-old Grandmother was admitted to the Supreme Court of the Northern Territory on 5 February, after completing a law degree at CDU. She now practices full-time at Robert Welfare Barristers and Solicitors in Darwin, where she completed her GDLP placement in 2007.

Although not your typical university student, Ms Jacob is no stranger to higher education, having completed an Honours Maths degree in the 1950s, and later a Masters in the 1990s. Her first degree led her to a long career of teaching math in secondary schools. She studied a Diploma of Education to gain a formal teaching qualification along the way.

Ms Jacob has had a 15 1/2 year association with Charles Darwin University (known as the School of Technology when she first joined the university as a lecturer). Previous to this, she had taught math at Darwin High School, Casuarina Secondary College and Taminmin High in Darwin.

Ms Jacob took several breaks from teaching, taking on a number of

different roles, including member of the Board of the Housing Commission, Foundation Council Member for the Family Planning Association and employment with AMP in Insurance and Superannuation.

Ms Jacob said, "I decided that spending the day with teenagers was going to drive me around the bend."

Ms Jacob finished lecturing in late 2004, and soon after (in 2005) became a full-time student herself.

"I realised it was time to go when I had students coming out of year 12 with a calculator welded to one hand, and you would ask them to sketch a graph and they could only copy a picture on the screen," she said.

Ms Jacob said studying law was something she had wanted to do for a long time. In 1975, she commenced a Diploma in Accounting. The Diploma included a year of business law, which she "thoroughly enjoyed." The course was run through Curtin University, because of the damage Darwin sustained in the 1974 Cyclone Tracey.

Ms Jacob said she never thought of leaving Darwin following the cyclone. Her eldest two children were staying in England for Christmas at the time of the cyclone. By Boxing Day, Ms Jacob was told she could send a telegram to England, maximum six words.

"We sent a telegram which said, 'All well, tell parents, keep children'. It was the least we could possibly say that would enable them to know that we had survived it. Basically, the house remained pretty much intact."

Born in Middlesex, England, Ms Jacob came to Darwin for her (then) husband's work as Port Engineer, 37 years ago. "To me, now, this is

home," she said of Darwin. "I like it – although I don't like the way it's going at the moment, because we came here, as much as anything else, to get away from the 'big city life'.

"There has been a fantastic range of opportunities here, I think, but now we're getting "big city-fied" and particularly with all that high rise stuff and so on," she said.

Ms Jacob was the most senior student in her law degree – the next youngest was in their 50s. She feels that she had fewer challenges completing her degree as a mature aged student than some.

"The ones I admire the most are the ones in their late 20s and early 30s who were coping with two or three children, and a job, and full time study. How they did it, I do not know," she said.

Ms Jacob has three children in their forties, one of whom lives in England, and two of whom are in Darwin and attended her admission ceremony, along with numerous friends.

"I had been to admission ceremonies before, so I knew exactly what was going to happen. But it is a little different when you are the one it's for," she said.

"At the Magistrates Court last Thursday and Friday with Michael Powell I was instructing solicitor, having been admitted," Ms Jacob said.

"I did represent a couple of clients whilst I was doing my placement, and I think I have got one coming up this coming week... I am a little bit nervous about that aspect of it."

Ms Jacob is particularly passionate about pro bono, following her work as a volunteer co-ordinator with DCLS throughout university.

"An amazing number of lawyers
Continued page 24

around town give their services pro bono, which is something that is often overlooked by the public. They assume that somebody is paying these people to come along and give them help, but actually they are not getting paid. So that's an aspect of law which I think is very important," she said.

Ms Jacob also hopes to get involved in law reform, and she has plenty of other plans for the "next 30 years."

"Initially I have to get through the two years with a restricted practising certificate," she said.

At present, Ms Jacob is writing a paper on the issue of communication (which you may read in an upcoming edition of *Balance*).

"One of the things I am becoming aware of in clients that I have had dealings with here, is the problems of language usage where people are presumed to have understood, or to be able to understand - when that assumption is not well placed.

"Either because the person has English as a second language, or because you're expecting them to understand aspects of the law in which they are not well enough educated," Ms Jacob said.

Although she laughs when asked about her 'spare time', Ms Jacob said she managed to fit her studies in with her active social life, "I still had a very active social life, which is why I didn't get one high distinction!"

She enjoys freestyle dancing, and was back on the dance floor for the first time this month, since her hip replacement last May.

Even a hip replacement can't slow this inspirational 'young' lawyer down! Congratulations Rosemary.



Rosemary Jacob and her family at the admission ceremony on 5 February 2008

Random thoughts on joint venture agreements in the mineral industry

By Geoff Witham, Solicitor, Noonans Lawyers

Geoff Witham worked in the legal department of (what was then) Western Mining, for nearly 20 years.

This paper is designed to give an outline of some of the issues which need to be considered in drafting a Joint Venture agreement in an Australian context, the reasons why certain provisions are made in the documents which constitute or create the Joint Venture, with some comments on how the Joint Venture operates in a practical way.

It should be recognised, and emphasised, that what is said here is appropriate to the Australian context, and not the same as would apply in say, South East Asian countries or in the United States of America. The reason for this is that the fundamental legal principles which govern and regulate the entity which is known as a Joint Venture, will vary from country to country, and therefore care needs to be taken not to assume that these principles are identical in various countries.

So then, just what is this thing

which is called a Joint Venture? It is probably easier to say what a Joint Venture is by saying what it is not. A Joint Venture, when used in the context of an exploration and/or mining project is, in fact, more technically correctly described as an unincorporated Joint Venture. The names incorporated and unincorporated generally refer to whether or not a group of participants have incorporated themselves into a company, whether that is a limited or no liability company, and use of the term un-incorporated means that there is no corporate or company entity involved. Therefore, when we are talking about a Joint Venture we are talking about an un-incorporated Joint Venture.

Joint Ventures have been used as a vehicle or an entity for the undertaking of exploration and/or mining projects and a variety of other commercial activities for a considerable number of years, and in Australia for the past 40 years.

Consequently, it might be expected that there is a substantial amount of settled and certain law as to the nature of a Joint Venture. This is not really the case, and most of the information that is available in relation to Joint Ventures comes to us from a reasonably limited number of court decisions and from a series of articles and papers prepared mostly, but not entirely, by lawyers who generally work in the resource areas.

In particular, in Australia there is no specific or general legislation which governs or regulates the creation of Joint Ventures, defines their character or regulates their activities. There have been numerous attempts by various writers and commentators to define what a Joint Venture is, and most of these definitions, whilst similar, do not always coincide.

The following are some examples of definitions or descriptions of a Joint Venture: