

Content

COLUMN

- 3-4 It's law, but not as we know it
- 5-6 Lawyers: more profitably engaged in playing golf
- 7-10 NTBA Dili Conference 2014
- 11-12 The worst of the worst
- 13-16 Patron's Drinks
- 17 NTYL updates
- 18 Summary of the Society's recent advocacy activities
Admissions to the Supreme Court of the Northern Territory

FEATURE

- 19-22 Treating drug traffickers as human trafficked victims
- 23 Vale Pat Loftus
- 24 Review: Lost Conversations
- 25 NT Pro Bono Clearing House sees 100% placement rate
- 26 Review: Dragon Dictate
- 27-30 A grant, an art auction and a Supreme Court win

EVENTS

- 31-32 Law Society Northern Territory - Annual Dinner 2015

NOTICEBOARD

- 33-38 Cameron Ford's Supreme Court case notes
- 39-44 Robert Glade-Wright's family law case notes
- 44-46 Thomas Hurley's High Court Judgements
- 47-48 Thomas Hurley's Federal Court Judgements

- 50 National and International Conferences and Events

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It's law, but not as we know it



Tass Liveris

President

Law Society Northern Territory

The theme of Law Week in the Northern Territory this year was 'Reforming the Law, Reshaping the World'. In much the same way that Mr Spock famously once said that change is the essential process of all existence, 2015 has been marked by substantial law reform at state, territory and federal levels. In the Territory, by the time that the full suite of reforms commences, there will be a seismic shift in the landscape of civil and criminal litigation.

So far, the local changes that have taken effect have been most dramatic in the lower courts and tribunals and in particular include the commencement of the Northern Territory Civil and Administrative Tribunal (NTCAT) on 6 October 2014 and the rapid, ongoing expansion of its jurisdiction. The Society joined with many stakeholders in welcoming NTCAT, the Territory's first super-tribunal, as an essential measure to modernising and enhancing access to justice, relieving pressure from the courts and providing an efficient and effective means of civil dispute resolution and administrative appeals.

NTCAT already has a large jurisdiction, including performing the functions

of the Mental Health Review Tribunal and the hearing function of the Anti-Discrimination Commission. It also has a wide blend of original and review jurisdictions in areas such as licensing, liquor, gaming, planning, victims of crime compensation, health practitioner regulation and residential tenancies, to name just some.

Across its ever-growing array of jurisdictions, NTCAT expects to deal with 2500 matters in the 2015/16 financial year. This will divert a major volume of cases away from the Magistrates Court and will promote efficiency in both jurisdictions.

In the lower courts, it is expected that substantial reforms that have been passed by the Legislative Assembly will commence later this year. These reforms give effect to primary policies including:

- Increasing the jurisdictional limit of the Local Court from \$100 000 to \$250 000.
- The consolidation of the Local Court and the Court of Summary Jurisdiction into a new Local Court with both civil and criminal jurisdiction.

- The abolition of the title of 'magistrate' and the replacement of the title of 'judge' in the new Local Court.
- The introduction of prosecution disclosure requirements, certain defence disclosure requirements and a sentence indication scheme into the legislation. These amendments also introduce much greater prescription and regulation in relation to the court reducing sentences for guilty pleas.

In addition, on 1 July 2015 reforms to the anti-discrimination and workers compensation regimes commenced, with primary effect that:

- The time for making a complaint to the Anti-Discrimination Commission has increased from six months to twelve months. The Commission's case management processes have also changed, as have the provisions concerning the rights of parties to be legally represented in the Commission, including at conciliation.
- The old Workers Rehabilitation and Compensation Act has taken shape as the Return to Work Act. However, behind the re-branding the amendments are greater than