

# JUSTICE McPHERSON TO PRESENT MARTIN KRIEWALDT ADDRESS

The Hon. Mr Justice B.H McPherson of the Queensland Court of Appeal will present the Biennial Martin Kriewaldt Memorial Address at the Northern Territory Supreme Court at 5pm on Thursday 10 August 2000.

The judge will discuss the origins, sources and scope of the colonial birthright theory of the reception of English law abroad.

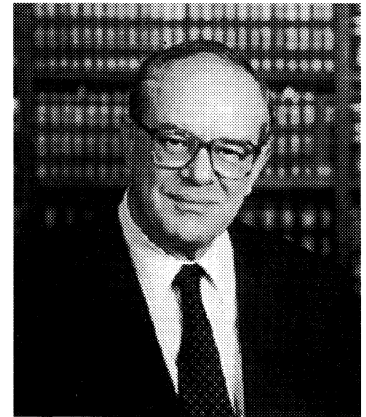
Justice McPherson, born in 1936 in Natal, South Africa, was educated at Durban High School. He attended the University of Natal, where he obtained a BA degree, and later Trinity Hall, Cambridge, receiving degrees in Arts and Law. He migrated to Australia in 1960 and was a full time lecturer at the University of Queensland 1961-65.

His Honour was admitted to the Bar in 1963, and commenced practice in 1965 developing a wide practice principally

in the field of commercial and corporations law. He took silk in 1975. In 1967 he was awarded a PhD from Queensland University for his thesis *The Law of Company Liquidation*, which was published in 1967, and is about to be published in a 4th edition.

Justice MacPherson was a part-time member of the Law Reform Commission from 1969 and Chairman of the Commission from 1982. He was appointed to the Supreme Court in 1982 and to the position of Senior Puisne Judge in 1990 becoming Acting Chief Justice for a period in 1991.

Since 1990 he has been a sitting member of the Court of Appeal of Solomon Islands. In 1989 he published *The Supreme Court of Queensland 1858-1960: an account of the history, jurisdiction and the procedure of that Court*.



His Honour was awarded a CBE in 1988 for his contributions to law reform. He was sworn as a member of the newly established Court of Appeal on 16 December 1991, and was elected Chairman of the Judicial Conference of Australia in 1998.

He is married and has five children. His recreational pursuits include literature, history and gardening.

## HUMAN RIGHTS LEGISLATION AMENDMENT ACT (NO.1)

Representatives from the Federal Court visited Darwin in June to explain to the Territory profession the changes in the way the Human Rights and Equal Opportunity Commission deals with complaints following the introduction of the Human Rights Legislation Amendment Act (No.1) 1999.

Prior to 13 April 2000 if a Human Rights and Equal Opportunity Commissioner conducted an investigation and decided to cease the inquiry the person who made the complaint could request that the President review the decision.

Under the new Act, the President investigates and attempts to settle complaints by conciliation. At the end of the process, if the President decides the complaint cannot be conciliated,

or should not proceed on one of a number of grounds set out in the new Act, then the President will terminate the complaint.

If this occurs, the parties will be issued with a Termination Notice. The President can no longer deal with a complaint once it has been terminated and therefore the Commission's file on the matter will be closed.

On receiving a Termination Notice the person who made the complaint will be able to apply to the Federal Court for a hearing. It is for that person to decide whether they wish to pursue the matter in the Federal Court. The Commission itself cannot refer matters to the Federal Court.

The reason given for the changes to the presidential review process are

that decisions made by the Federal Court are enforceable but decisions made by the Commission are not.

Under the new Act the Commission will not commence any public hearings after 13 April 2000. This will be done by the Federal Court.

More information on these changes can be obtained from one of the Presidential Review Officers on: 1300 369 711 (for the price of a local call).

The Federal Court Registry in the Northern Territory is located at:

Level 1 TCG Building  
80 Mitchell Street  
Darwin NT 0800  
Tel: 8941 2333  
Fax: 8981 6081  
Email: [ntreg@fedcourt.gov.au](mailto:ntreg@fedcourt.gov.au)