

NOTICEBOARD

Expressions of interest for Reserve Legal Panel

Expressions of interest are invited from practitioners who would consider appointment to the Reserve Legal Panel of the Royal Australian Navy, Australian Regular Army or the Royal Australian Air Force in the Northern Territory.

Applications from junior practitioners interested in commencing a rewarding and part-time contribution to the delivery of legal services to members of the Australian Defence Force and the Australian Defence Force itself are strongly encouraged. Reserve legal officers combine their ADF duties with full-time practise outside of the ADF. There is scope for involvement in criminal, civil, administrative, public international and many other areas of law.

Expressions of interest by way of CV and telephone enquiries should be made to:

Squadron Leader Christopher Ward
Command Legal Officer
Headquarters Northern Command
Larrakeyah Barracks, Darwin NT 0820
Phone (08) 8935 8497
email: clonorcom@octa4.net.au

Changes to the Local Court Rules and Small Claims Rules

Practitioners should be aware that the rules of court are under constant and regular review to allow for necessary changes to be made. The following changes — which are included in the Small Claims Rules No Amendment 27 and the Local Court Rules Amendment No 26 — became effective on 30th May 2001.

Small Claims

The Small Claims Rules have been amended in minor ways as follows:

- A rule has been added which allows for “substantial compliance” with the requirements of the Forms in Schedule 1.
- A warning to defendants has been added to a Statement of Claim advising that a judgement debt carries interest from the date of judgement and that credit information suppliers

may be provided with information about the judgment debt. The two warnings have been included so that potential judgement debtors are made aware of the application of interest and of the fact that their credit rating may be affected by a judgement.

There are some minor amendments to Forms contained in Schedule 1 and practitioners should amend their precedents accordingly.

Local Court

These rules have been amended as follows:

- Warnings regarding the application of interest on a judgement debt and the provision of details of judgments to credit suppliers have been included on a statement of claim and other forms.
- A rule has been added which allows for “substantial compliance” with the requirements of the Forms in Schedule 1.

The major amendment is the inclusion of a general Originating Motion both inter parte and ex parte. There are several types of applications that can be made to the Local Court for which the precedent Statement of Claim is inappropriate eg: an application for the return of a driver’s licence or an application for an injunction. Accordingly this new process has been created. There is still the requirement for a conciliation conference in inter parte actions and the rules in relation to those have the same requirements as for conciliation conferences in matters commenced by a Statement of Claim. The filing fee for the general Originating Motion is \$80 (see item 1 (k) of the regulations). The respondent to an Originating Motion must file a Notice of Intention to Appear within 28 days. Should the Respondent fail to do so then the Applicant can proceed to seek the orders required and in appropriate circumstances can seek default judgement. An application for default judgement must be accompanied by an affidavit of service and an affidavit verifying the facts claimed in the originating motion.

The Rules have been changed to specify exactly what is to be claimed by the bailiffs upon execution of a warrant and how that money is to be disbursed. Essentially the monies obtained under a Warrant of Seizure and Sale has to be paid into the court. The bailiff should provide a report about how much money was raised and can retain the prescribed fee as specified in the Schedule for the execution of the warrant. The monies are then to be paid into court and distributed accordingly. All or part of the remainder sufficient to meet the judgment debt will be forwarded to the judgement creditor less any other fees the bailiff is entitled to under section 33A of the Commercial and Private Agents Licensing Act. The balance (if any) must be returned to the judgement debtor.

There are of course new forms prescribed for an Originating Motion and a Notice of Intention to Appear.

There is also an additional “Notice to Judgement Debtor” (to be added to Form 50E) advising them that they must bring documents to support their Declaration of Financial Circumstances when appearing on an objection to an instalment order.

Federal Court (Corporations) Amendment Rules 2001 (No. 1)

The Federal Court notifies practitioners that the Federal Court (Corporations) Amendment Rules 2001 (No 1) commenced on 1 June 2001.

The Amendment Rules make changes to the rules concerning:

- the documents to be filed in support of an application for an order setting aside a statutory demand;
- meetings of members and meetings of holders of convertible securities under section 411 of the Corporations Law;
- applications for an examination or investigation under section 411(9)(b) or section 536(3) of the Corporations Law;
- applications for an examination summons under sections 596A or 596B of the Corporations Law;
- the prescribed form of the affidavit

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accompanying a statutory demand.

An official copy of the Amendment Rules is available on the Internet from the ScalePlus site at <http://law.agps.gov.au>.

Report on ADR Standards launched

The Commonwealth Attorney-General, Daryl Williams, AM QC MP launched a National Alternative Dispute Resolution (ADR) Advisory Council (NADRAC) report on 'A Framework for ADR Standards' in Brisbane on 13 June 2001.

The Attorney observed that the quality of ADR services is a critical component in building community confidence in ADR. NADRAC's report balances the need to recognise the diversity of ADR with the need for consistent standards for consumers. The report provides practical guidance to ADR service providers and practitioners. It also makes 21 recommendations for public and private sector bodies.

The report and other information may be obtained from www.nadrac.gov.au, or through the NADRAC secretariat on 02 6250 6460.

Important notice on insurance policies

The Law Society Northern Territory requests that all legal organisations who remove a legal practitioner from their insurance policy advise the practitioner in writing that this has occurred.

This will assist legal practitioners in meeting their obligations to ensure that they hold insurance for the entire period that they are practising law in the Northern Territory as required under the Legal Practitioners Act NT.

Practitioners are required to advise the Law Society of any change to their employment or practice situation. Please advise the Society in writing via mail: GPO Box 2388 Darwin NT 0801, fax: 8941 1623, or email: lawsoc@lawsocnt.asn.au

LAW PRIZEGIVING CEREMONY

The Northern Territory University Law School held its annual Prizegiving Ceremony on Tuesday 29 May 2001 at the Supreme Court in Darwin.

Head of the School of Law, and Acting Associate Dean Mr Marco Piazzo said that prize winners had distinguished themselves in the 2000 Academic Year by not only achieving the highest mark in their subject but being judged of sufficient merit to receive their individual prizes.

"Deserving special mention are Ms Tanya Ling and Ms Mo Kham (Khami) Hom. Ms Ling was awarded the Attorney General's medal as the most academically outstanding graduand of 2000. She is currently Associate to Chief Justice Brian Martin and will commence articles with Hunt and Hunt on the completion of her associateship," said Mr Piazzo.

"Ms Mo Kham (Khami) Hom was awarded the Supreme Court Medal on the basis of her outstanding professional promise through scholarship, character and leadership. She is the President elect (2001) of the International Shan Lawyers Council.

"The Law School is proud to announce these and other students as its prizewinners for the 2000 Academic year. However, students should not rest on their laurels. Continuing students have the chance to do it all over again. Graduands commencing articles will have to ensure

through their work in the profession that nights like this retain legitimacy in the eyes of their fellow practitioners. Legitimacy won by the efforts of past graduands of the Law School," he said.

The Law School acknowledged the generous support of the various firms who donated prizes and the generosity of the court in allowing the use of the Supreme Court Building for the presentation.

"A special thankyou is also extended to those members of the profession, the judiciary and the magistracy who give of their time for little or no reward to assist in teaching at the Law School and who are responsible in no small way for the continued high quality of the prizewinners," said Mr Piazzo.

"The Law School also extended appreciation to the presenters at the Prizegiving Ceremony.

"Thanks go to the Chief Minister Mr Denis Burke for presenting the Attorney General's medal; to Chief Justice Brian Martin AO MBE for presenting the Supreme Court medal; to Mr Kim Hill Commissioner of the NT North Zone of ATSIC for presenting the ATSIC prize and finally to Mr John Reeves QC, who presented the majority of the prizes. The attendance at the Prizegiving Ceremony of former Chief Justice Mr Austin Asche QC, Justice Dean Mildren, Mr Rex Wild QC and many other legal practitioners was greatly appreciated," he said.

The Supreme Court medal was awarded to Ms Mo Kham (Khami) Hom by Chief Justice Brian Martin AOMBE as Acting Associate Dean Marco Piazzo looked on

