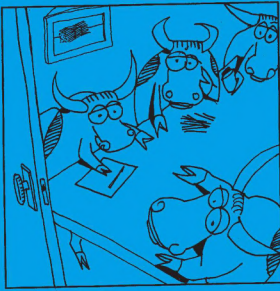


The Muster Room



Amusing happenings from within the legal profession, weddings, births, firm changes; tell us all about it!

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Contributions can be printed anonymously on request.

Chief Who?

A Territory barrister recently made a telephone call to the Northern Territory Government switch board and asked to be put through to the Associate to the Chief Justice of the Supreme Court ... only for the operator to ask "and who is the Chief Justice, do you know his name?"... said barrister had a good giggle!

You be the Judge!

Citizens arrest took on a new twist recently when a middle aged tourist to the Northern Territory claimed to be a judge in a frantic attempt to prevent another tourist from being hit over the head with an enormous rock. The businessman's cry of "stop what you're doing, I'm a judge" had the desired affect with the startled perpetrator who promptly dropped the rock and fled the scene.

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NOTICEBOARD

Federal Court judgments: January - March 2010

- **Director's duties**
- **Payment of bonus**

In *Ralph v Diakyne Pty Ltd* [2010] FCAFC 18; 4 Mar 2010 a Full Court dismissed an appeal from the findings of the primary judge that payment of a bonus was not authorised by the service contract and the decision was a breach of the duties imposed by ss 180, 181 and 182 of the *Corporations Act 2001 (Cth)*.

INDUSTRIAL LAW

- **Jurisdiction of Industrial Court of NSW**
- **Whether employer was a "constitutional corporation"**

or "trading corporation"

In *Bankstown Handicapped Children's Centre Assn Inc v Hillman* [2010] FCAFC 11; 25 Feb 2010 H sought from the NSW Industrial Relations Court, inter alia, a declaration that his contract of employment was unfair. The employer contended it was a constitutional corporation and the NSWIR Court had no jurisdiction. The NSWIR Court held it had jurisdiction and the employer appealed to the Federal Court. The Full Court of the Federal Court held s 853(1) of the *Workplace Relations Act 1966 (Cth)* gave it jurisdiction to hear the appeal.

The Full Court considered the activities of the employer in detail and its relationship to the State Government Department of Child Services ("DOCS") in the provision of child care services. The Full Court concluded the employer was in a commercial relationship with DOCS in providing services rather than part of the State providing welfare services. The Full Court held the employer was thus a constitutional corporation at the time H commenced the proceedings and the NSWIR Court had no jurisdiction. Appeal allowed. (