

NT LEGISLATION

Legislative changes in June 2001,
notified in the *NT Government
Gazette*

New Acts

- 5/2001 Gaming Machine Amendment Act (No.2) (N/C)
- 6/2001 Northern Territory Licensing Commission Amendment Act (N/C)
- 7/2001 Financial Management Amendment Act (1.6.01)
- 8/2001 Marine Amendment Act (N/C)
- 9/2001 Licensed Surveyors Amendment Act (N/C)
- 10/2001 Work Health Amendment Act (22.6.01)
- 11/2001 Companies (Trustees and Personal Representatives) Amendment Act (28.6.01)
- 12/2001 Law Reform (Miscellaneous Provisions) Amendment Act (N/C)
- 13/2001 Compensation (Fatal Injuries) Amendment Act (N/C)
- 14/2001 Unit Titles Amendment Act (N/C)
- 15/2001 Unit Titles (Consequential Amendments - Building Development) Act (N/C)
- 16/2001 Appropriation Act (1.7.01)
- 17/2001 Corporations Reform (Consequential Amendments NT) Act (ss.17 (1) and (6) - 1 July 2001, Rest - N/C)
- 18/2001 Corporations (Northern Territory Request) Act (N/C)
- 19/2001 Corporations Reform (Northern Territory) Act (N/C)
- 20/2001 Corporations (Northern Territory) Amendment Act (24.11.00)

New regulations

- 28/2001 Taxation (Administration) Regulations (N/C)
- 31/2001 Electronic Transactions (Northern Territory) Regulations (13.6.01)
- 33/2001 Gaming Machine Regulations (ss.17 & 18 - 1.7.01, Rest - N/C)
- 34/2001 Gaming Machine Rules (29.6.01)
- 35/2001 Corporations Law Rules (N/C)

Commencements

- 71/2000 Electronic Transactions (Northern Territory) Act (13.6.01)

NOTICEBOARD

Federal Magistrates Service releases its rules

The Federal Magistrates Service (FMS) has released its rules following extensive consultation with the legal industry.

Chief Federal Magistrate Diana Bryant said the court's wide consultation process was an important element of its approach to the delivery of court services. The court had received a considerable number of submissions.

"I would like to thank all those who responded," Ms Bryant said.

"We are very grateful for their submissions and have taken their comments into account when settling the rules. A number of changes were made following suggestions from the profession."

Submissions were received from many groups, including state law societies and bar associations, the Law Council of Australia, major law firms and organisations such as the Australian Law Reform Commission, the Australian Institute of Judicial Administration and the Human Rights and Equal Opportunity Commission.

The FMS was mindful of the unique opportunity offered to it of starting afresh and creating new rules consistent with its objectives. It is the intention of the FMS that its proceedings should be accessible, streamlined and less formal and the rules will play a vital role in achieving this aim.

The FMS shares concurrent jurisdiction in many areas with the Federal and Family Courts.

The FMS has retained existing rules and forms where there is no perceived value in a different approach, but has taken the opportunity to draw on current best practice as demonstrated in the rules of a range of courts in state and federal jurisdictions.

In some instances, the existing rules of the Federal Court or the Family Court have been incorporated into the Federal Magistrates Court's rules. In other instances, the court has modified the existing rules to suit its needs.

For example, in the areas of bankruptcy and human rights, the FMS has replicated the existing Federal Court rules to ensure consistency. For divorce proceedings, the court has adopted the existing Family Court rules.

Some areas of difference that practitioners should familiarise themselves with are the rules regarding costs, subpoenas and the conduct of procedures.

For example, the FMS does not seek to regulate solicitor-client costs but for party-party costs, the FMS has adopted an event based fixed fee scale.

The court's forms are simple and few in number. The court has not departed from some commonly used forms; for example, in the areas of divorce and bankruptcy.

The FMS is hopeful that the rules will be gazetted shortly and will have effect from Monday 30 July.

To avoid unnecessary complexity in the application of the rules, substantial compliance will be accepted and the court will accept forms that are used in the other courts for similar purposes rather than insist strictly on the use of prescribed forms.

The rules and explanatory memorandum are available on the FMS's website at www.fms.gov.au.

Robert Kent

It is with deep regret that the Law Society notes the passing of Robert Kent QC, known as Bob to Territorians.

Bob Kent visited this jurisdiction often and gave of his time freely to conduct popular CLEs, both in Darwin and Alice Springs.

Mr Kent, 56, died this month after suffering a heart attack at his Mount Eliza home.

Mr Kent returned to practising law in the Territory after stepping down from the County Court bench in May after his conviction on five tax charges.

Victorian Attorney-General Rob Hulls said Mr Kent was a passionate lawyer who championed the cause of the underdog.