

Supreme Court Library Notes

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CDROM TITLES AVAILABLE

PATENTS – contains information about the patent system including the protection of ideas, deciding to patent, making money with patents, how the patent system works, etc. This CDROM is only available on the front desk computer in the Darwin library until the CDROM tower is relocated back into the library.

NEW BOOKS

This is a selection of the volumes received by the library in May.

CCH Australia

343.0720263 AUST14

Australian Trade Practices Legislation. 14th edition.

CCH. Sydney. 1998.

Cowles C

651.5 COWL

Document imaging.

National Center for State Courts. 1995.
Court Technology Report 5

RECENT ARTICLES

Aborigines, Australian – Land rights

“Review of the *Aboriginal Land Rights (NT) Act 1976*” by Andrew Komesaroff. Amplified Journal. Volume 17. 1998. Pages 71-76

Aborigines, Australian – Stolen generation

“Stolen Generation: from removal to reconciliation” – various articles. University of NSW Law Journal. Volume 21. 1998. Pages 204-267

Adversarial system

“Crying wolf? Reform of the adversarial system in Australia” by Craig Down. Journal of Judicial Administration. Volume 7. 1998. Pages 213-228

Advertising

“Protection of identity against inappropriate use” by Paul Sugden. Queensland Lawyer. Volume 18. 1998. Pages 155-157

Associations

“Meetings of incorporated associations” by Alan Davidson. University of Queensland Law Journal. Volume 19. 1997. Pages 256-269

Contract law

“The enforcement of jurisdictions clauses in Australia” by Richard Garnett. University of NSW Law Journal. Volume 21. 1998. Pages 1-26

“Good faith in contractual performance and in negotiation” by Ian Stewart. Australian Law Journal. Volume 72. 1998. Pages 370-391

Courts

“The courts as community institutions” by Sir Anthony Mason. Public Law Review.

Volume 9. 1998. Pages 83-88

Criminal law

“Confessions as proof of innocence” by Michael Hurst. Cambridge Law Journal. Volume 57. 1998. Pages 146-164

“An honest claim of right” by Stephen Gray. Alternative Law Journal. Volume 23. April 1998. Pages 97-98

“Models of Inter-Racial Offending: an evaluation” by Danial Reidpath & Mark Diamond. Australian & New Zealand Journal of Criminology. Volume 31. 1998. Pages 27-37

“Psychological treatments for offenders and their use in the criminal justice system” by Andrew Day & Jack White. Bulletin. Volume 20. May 1998. Page 35

“Rethinking juvenile justice reform in NSW: a systems theory approach to youth justice conferencing” by Michael Chuaya. Bulletin. Volume 20. May 1998. Pages 77-108

“Silence vs sounding off” by David Peek. Bulletin. Volume 20. May 1998. Pages 18-19

Damages

“Personal injury claims and the legal status of businesses” by Doug Hall. Solicitors Journal. Volume 142. 1998. Pages 368-369

Defamation “Privileges and freedoms for defamatory political speech” by Michael Chesterman. Adelaide Law Review. Volume 19. 1998. Pages 155-216

Dispute resolution

Various articles on gender issues and dispute resolution are in Australian Intellectual Property Journal. Volume 9. 1998. Pages 89-112.

“The challenge of conferencing: moving the goal posts for offenders, victims and litigants” by Peter Condiff. Australian Intellectual Property Journal. Volume 9. 1998. Pages 139-149

“Current trends and models in dispute resolution part II” by John Wade. Australian Dispute Resolution Journal. Volume 9. 1998. Pages 113-128

Evidence

“Comparative evidence – the uniform Evidence Acts and the common law” by T H Smith & O P Holdenson. Australian Law Journal. Volume 72. 1998. Pages 363-369

“The cultural specificity of evidence: the current scope and relevance of the Anunga guidelines” by Heather Douglas. Bulletin. Volume 20. May 1998. Pages

“Pfenning revisited: propensity evidence in Queensland” by Peter Franco. Queensland Lawyer. Volume 18. 1998. Pages 169-180

Family law

“Cross-vesting in family law – where are we now?” by Michael Kearney. Law Society Journal. Volume 36. May 1998. Pages 50-53

“Discouraging dads: the rhetoric devices fathers’ rights groups” by M Kaye & Tolamb. Melbourne University Law Review. Volume 22. 1998. Pages 162-19.

“Indigenous children and family law” John Dewar. Adelaide Law Review. Vol 19. 1997. Pages 217-230

Firearms

“Firearms theft in New Zealand – lessons crime & injury prevention” by Phillip Alj & Reece Walters. Australian & New Zealand Journal of Criminology. Volume 31. 1998. Pages 85-95

Freedom of speech

“Lange, Levy and the direction of the freedom of political communication under the Australian Constitution” by Adrienne Stone. Bulletin. Volume 20. May 1998. Pages 117-119

Industrial relations

“Australian Workplace Agreements: problems with maintaining minimum award conditions” by James Judge. Alternative Law Journal. Volume 23. April 1998. Pages 77

“Fair and just outcomes? The Workplace Relations Act 1996 and non-union collective agreements” by Ron Callus. Alternative Law Journal. Volume 23. April 1998. Page 74

“The myth of choice: vulnerable workers: the Workplace Relations Act 1996” by C Andrades. Alternative Law Journal. Vol 23. April 1998. Pages 61-62

“Unfair dismissals under the Workplace Relations Act 1996” by Claire Ho. Alternative Law Journal. Volume 23. April 1998. Pages 63-66

“When individual contracts and AWA not the answer” by Ronald McCallum. Alternative Law Journal. Volume 23. April 1998. Pages 67-69

Insurance

“Claims made and notified policies under section 6 of the Law Reform (Miscellaneous Provisions) Act 1946” by Natasha V. Insurance Law Journal. Volume 9. 1998. Pages 176-179

“Follow the settlements and claims coordination clauses: time to settle Score” by I Roche. Insurance Law Journal. Volume 9. 1998. Pages 158-175

“Insurance arrangements: are they enforceable from section 52 of the Trade Practices Act” by Warren Pengelly. Insurance Law Journal. Volume 9. 1998. Pages 95-111

“Of subrogation, circuitry and co-insurance: recent developments in contract” by P Mead. Insurance Law Journal. Volume 9. 1998. Pages 125-157

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Intellectual property

"The capital gains treatment of a dealing with intellectual property" by Phillip Davies. Australian Intellectual Property Journal. Volume 9. 1998. Pages 83-91

"Expert evidence in intellectual property cases" by Peter Heerey. Australian Intellectual Property Journal. Volume 9. 1998. Pages 92-99

"Intellectual property – it's not just a fashion, it's the future" by Sharyn Ch'ung. Law Society Journal. Volume 36. June 1998. Pages 56-61

Judges

"Barwick the judge" by George Winterton. Bulletin. Volume 20. May 1998. Pages 109-116

"Change and decay or change and renewal?" by Michael Kirby. Journal of Judicial Administration. Volume 7. 1998. Pages 189-196

"Judges and community involvement" by David Wood. Journal of Judicial Administration. Volume 7. 1998. Pages 229-255

Labour law

"Australian and British labour law: differences of form or substance?" by KD Ewing. Australian Journal of Labour Law. Volume 11. 1998. Pages 44-68

Landlord and tenant

"Retail tenancies: notification of renewal deadline" by Alan Vassie. Law Institute Journal. Volume 72. May 1998. Pages 53-54

Law office management

"Become a 'memory-friendly' firm" by Ronwyn North. Law Society Journal. Volume 36. June 1998. Page 37

"The cost of turnover in law firms" by Annie Woodger. Law Institute Journal. Volume 72. May 1998. Pages 34-36

"Implications of the invisible costs of solicitor turnover" by Michael Beaton-Wells. Law Institute Journal. Volume 72. May 1998. Pages 37-39

"Tips for better time and work management" by Ian Chung. Law Society Journal. Volume 36. May 1998. Pages 58-59

"What to do before your computer catches on fire" by John Woolbank. Law Society Journal. Volume 36. June 1998. Page 69

"You can stop your clients from complaining" by Marina Wilson. Law Society Journal. Volume 36. June 1998. Pages 46-47

Legal aid

"Where the latest cuts leave legal aid" by Mike Cramsie. Law Society Journal. Volume 36. June 1998. Pages 62-63

Legal Profession

"A new liability for solicitors, a fresh approach for negligence" by Des Butler.

Queensland Lawyer. Volume 18. 1998. Pages 151-154

Medical law

"Access to medical records: what's happened since Breen v Williams?" by Elizabeth Kennedy. Law Institute Journal. Volume 72. May 1998. Pages 50-52

"Good faith – in search of a unifying principle for the doctor-patient relationship" by Philip Tucker. Journal of Law & Medicine. Volume 9. May 1998. Pages 372-391

"'I would rather die with two feet than live with one': The status and legality of advance directives in Australia" by John Blackwood. Queensland Lawyer. Volume 18. 1998. Pages 270-297

"Neuropsychology – a medico-legal perspective" by James Drury. Law Institute Journal. Volume 72. May 1998. Pages 58-61

"Usual medical practices in the process of obtaining consent to medical procedures for the elderly person" by Beverley Ferres. Journal of Law & Medicine. Volume 9. May 1998. Pages 355-363

Migration

"Membership of a particular social group" by Bernard Andonian. Solicitors Journal. Volume 142. 1998. Pages 380-381

Mining

"The legal character of resource titles" by Michael Crommelin. Ampla Journal. Volume 17. 1998. Pages 57-70

Native title

"Native title includes minerals: Delgamuukw v British Columbia" by Richard Bartlett. Ampla Journal. Volume 17. 1998. Pages 43-56

"The Northern Territory government and the debate on aboriginal native title 1992-1995" by David Carment. Journal of NT History. Issue no 9. 1998. Pages 81-90

Negligence

"A primer on the modern law of 'nervous shock'" by Christian Witting. Melbourne University Law Review. Volume 22. 1998. Pages 62-95

"Better not be a victim of a government tort in NSW" by Steven Churches. Law Society Journal. Volume 36. May 1998. Pages 60-64

"Liability for negligently inflicted psychiatric harm: justifications and boundaries" by H Teff. Cambridge Law Journal. Volume 57. 1998. Pages 91-122

"The influence of Rogers v Whitaker on the practice of cosmetic plastic surgery" by Norman Olbourne. Journal of Law & Medicine. Volume 9. May 1998. Pages 334-347

NT History

"The communist, the copper and the courthouse: racism and libel in 1930's Darwin" by Stephen Gray. Northern Perspective. Volume 20. Number 2. 1997. Pages 107-113

Pleadings

"Drafting litigious documents" by Steve Palyga. Bulletin. Volume 20. May 1998. Pages 14-15

"Police" "Police powers to take body samples" by Ray Gibson. Law Institute Journal. Volume 72. May 1998. Pages 55-57

Sentencing

"Penalties and Sentences (Serious Violent Offences) Amendment Act 1997: prospective or retrospective?" by T Toomey. Queensland Lawyer. Volume 18. 1998. Pages 181-188

"Sentencing the multiple offender: Towards detailed sentencing statistics for armed robbers" by Austin Lovegrove. Australian & New Zealand Journal of Criminology. Volume 31. 1998. Pages 3-26

Taxation

"Lease incentives – no longer a tax burden" by Robin Hunt. Law Society Journal. Volume 36. May 1998. Pages 54-57

"Principles of a goods & services tax" by Nabil Orow. Law Institute Journal. Volume 72. May 1998. Pages 68-70

"Principles of property law and the interpretation of the *Income Tax Assessment Act 1936* (Cth) and *Income Tax Assessment Act 1997* (Cth)" by Andrew McNicol. Adelaide Law Review. Volume 19. 1997. Pages 231-256

Torts

"Tort liability for intended mental harm" by Christian Witting. Bulletin. Volume 20. May 1998. Pages 55-76

Town planning

"Town planning: social and economic considerations" by Philip Barton. Law Institute Journal. Volume 72. May 1998. Pages 34-36

Whistleblowers

"Circling the wagons: anti-corruption branch plans to beat the cultural cringe that intimidates whistleblowers" by Philip Cornish. Bulletin. Volume 20. May 1998. Pages 26-29

Wills

"When is a will 'made'?" by Robin Towns. Solicitors Journal. Volume 142. 1998. Pages 378-379

NT LEGISLATION

Legislative changes in May 1998, notified in the *NT Government Gazette*

New Acts

32/1998 Real Property (Unit Titles) Amdt Act (20.5.98)

33/1998 Kava Management Act (21.5.98)

34/1998 Police Administration Amdt Act (21.5.98)

35/1998 Gas Pipelines Access (Northern Territory) Act (N/C)

36/1998 Territory Insurance Office Amdt

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Law Reporting – National Meeting in Darwin

The Northern Territory Council of Law Reporting recently played host in Darwin to the annual conference of its national body, the Consultative Council of Law Reporting. This initiative attracted support and funding from the NT Attorney-General, the Hon Shane Stone, QC and the NT Council of Law Reporting records its gratitude to Mr Stone for this support.

Most jurisdictions sent a representative to the meeting with the Hon Justice Peter Heerey attending for the Federal Court of Australia, Mr Cedric Hampson QC for Queensland, the Hon Justice Terry Higgins on behalf of the Supreme Court of the ACT, Mr Francis Douglas, QC representing the Council of Law Reporting for NSW, Mr David Porter QC for Tasmania, the Hon Mr Justice David Byrne and Mr Charles Gunst from Victoria and with the Council of Law Reporting for Western Australia represented by the Hon Justice C D Styler. They were joined by the New Zealand Council of Law Reporting representative, Mr T J Shiels. The NT Council of Law Reporting Editor-in-Chief, Melanie Little, attended the discussions on behalf of the Law Council of Australia.

The conference took place at the Plaza Hotel, where the Acting Chief Justice and Chairman of the NTCLR, the Hon Justice Sir William Kearney CBE, welcomed delegates and delegates were also given short tour of some of Darwin's highlights, including a lunch at the *Hanuman*, a tour of the Supreme Court and its art acquisitions by Mrs Anita Angel, drinks on the Judges' balcony at the Supreme Court and a dinner at *Siggi's* which was addressed by the Hon Justice Mildren, founder of court reporting in the Northern Territory.

Included in the business of the meetings was the election of a new Chairman, following the resignation of Justice Beach. Cedric Hampson QC was elected to this position.

Inter alia, the Consultative Council discussed the question of uniformity of citation of unreported judgments, fol-



NTCLR editors Melanie Little, Michal Spargo and James Brohier entertain members of the Consultative Council at lunch

lowing the lead of the High Court of Australia and resolved to seek the input of heads of jurisdictions in this matter.

The Council has agreed to prepare a

discussion paper on issues surrounding the increased volume of judgment which will, in particular, refer to current electronic technologies in law reporting.

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Act (1.7.98)	(27.5.98)
37/1998 Territory Insurance Office (Miscellaneous Amdts) Act (27.5.98)	46/1998 Mine Management Amdt Act (N/C)
38/1998 Gaming Control Amdt Act (27.5.98)	47/1998 Northern Territory Treasury Corporation Amdt Act (27.5.98)
39/1998 Power & Water Authority Amdt Act (27.5.98)	New regulations
40/1998 Motor Accidents (Compensation) Amdt Act (27.5.98)	5/1998 Local Court Rules (1.6.98)
41/1998 Building Societies Act Repeal Act (27.5.98)	6/1998 Small Claims Rules (1.6.98)
42/1998 Court Security Act (N/C)	New reprints
43/1998 Financial Institutions (NT) Act (27.5.98)	Commercial & Private Agents Licensing Act – Reprinted 27.5.98
44/1998 Housing Amdt Act (N/C) (s 11 – 1.7.97)	Commencements
45/1998 Magistrates Amdt Act (No. 2)	20/1997 Local Court Amdt Act (1.6.98)
	21/1997 Small Claims Amdt Act (1.6.98)
	21/1998 Mining Amdt Act (3.6.98)
	25/1998 Unit Titles Amdt Act (6.5.98)