

Supreme Court Library Notes

By Frieda Evans

JUDGMENTS INDEXES

The indexes for NT decisions have been completed for 1997. Copies of the indexes are available from the library, either just for 1997 alone or for the cumulations from 1977-1997. An information sheet is available from the library with the details of the costs involved.

MISSING LIBRARY BOOKS

The following items are missing from the library. If you can assist with the return of anything, it would be appreciated.

Evidence handbook by Gerald McGinley (347.06 MCGI)

Health Law by Peter MacFarlane. 2nd edition. (344.04 MACK 2nd)

Consent to health care of young people (344.041 QUEE)

Law for the nursing profession & allied health care professionals (344.0414 CCH 2nd)

Law and medicine by Belinda Bennett (344.041)

Attorney-General's Dept - Access to interpreters in the Australian legal system 347.05 ATTO

Health care and the law by Meg Wallace (344.041 WALL)

Advocates by David Pannick (349.41023 PANN)

The Australian Constitution as altered to 31 July 1987, together with Explanatory note (342.023 AUST)

South Australian State Reports Volume 58 - 1992

RECENT ARTICLES

CITIZENSHIP

"Christopher Skase and Australian citizenship" by Brendan Hillis. Law Institute Journal. Volume 72. October 1998. Pages 8-9

CIVIL PROCEDURE

"Solving the problems of pleadings: are there lessons to be learnt for civil justice reform in general?" by Canon Beaton Wells. Journal of Contract Law. Volume 13. 1998. Pages 36-60

COMPANY DIRECTORS

"Directors' duty of care and the business judgment rule" by Greg Lyon. Law Institute Journal. Volume 72. October 1998. Pages 59-63

COMPANY LAW

"The Company Law Review Act 1998" by Gary watts. Bulletin. Volume 20. September 1998. Pages 14-16

CONTRACT LAW

"Dunlop v Lambert: the search for a rationale" by Brian Coote. Journal of Contract Law. Volume 13. 1998. Pages 91-102

"Estoppel and the minimum equity principle: the Public Trustee, as administrator of the estate of Percy Henry Williams (dec'd) v Wadley" by Andrew Robertson. Journal of Contract Law. Volume 13. 1998. Pages 178-182

"Fiduciaries, rescission and the recent change to the High Court's equity jurisprudence" by David Wright. Journal of Contract Law. Volume 13. 1998. Pages 166-177

"Tenders, implied terms and fairness in the law of contract" by Andrew Phang. Journal of Contract Law. Volume 13. 1998. Pages 126-142

"Terms implied in fact: the basis for implication" by Jeannie Marie Pateron. Journal of Contract Law. Volume 13. 1998. Pages 103-125

CORONERS

The inquisitor – the flexible world of the SA state Coroner" by Wayne Chivell. Bulletin. Volume 20. September 1998. Pages 18-19

COURTS

"Courts under the constitution" by R S French. Journal of Contract Law. Volume 8. 1998. Pages 7-22

"Courts governance: whither Queensland?" by Peter Sallmann. Journal of Contract Law. Volume 13. 1998. Pages 23-35

CRIMINAL LAW

"Search warrants – a practical guide" by Henry Aizen & Rod Saunders. Law Institute Journal. Volume 72. October 1998. Pages 48-53

"Property offences in the electronic age" by Jacqueline Lipton. Law Institute Journal. Volume 72. October 1998. Pages 54-58

"What is 'going armed'?" by John Aberdeen. Queensland Lawyer. 1998. Volume 19. Pages 57-66

CRIMINAL RESPONSIBILITY

"Immature age and criminal responsibility" by Andrew West. Queensland Lawyer. 1998. Volume 19. Pages 53-56

DAMAGES

"Compensatory & extra-compensatory damages: Linden Gardens and the Lord Griffiths Principle" by Norman Palmer & Gregory Tolhurst. Journal of Contract Law. Volume 13. 1998. Pages 143-156

DISCOVERY

"Discovery in the information age" by David MC Marshall. Solicitors Journal Volume 142. 1998. Pages 856-857

"Issues for insurers in the discovery process" by Philip Greenwood & Pau O'Brien. Journal of Contract Law. Volume 13. 1998. Pages 236-256

EMPLOYMENT

"The achievements and limitations of the CDEP scheme – a 20-year perspective" by Jon Altman. Social Security Journal. December 1997. Pages 1-18

"How does (and should) DSS treat CDEP participants? (What are these allegations of racial discrimination?)" by Wil Sanders. Social Security Journal. December 1997. Pages 19-30

"Prospective employees" by Suzann McKie. Solicitors Journal. Volume 142 1998. Pages 866-867

"Will we take up tough US stance on workplace harassment?" by Jo Catanzarti. Law Society Journal. Volume 36. October 1998. Pages 34-35

FAMILY LAW

"Hanging out for prospective inheritances in property proceedings – a analysis of Grace and Grace (1998)" by John Eades. Law Society Journal. Volume 36. October 1998. Pages 64-65

"Spouse superannuation contributions" by Stephen Barkoczy & Mei-Lin Barkoczy. Queensland Lawyer. 1998. Volume 19. Pages 77-78

Supreme Court Library Notes

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FRANCHISING

"Complying with the new code – critical issues for the franchising sector" by Frank Zumbo. Law Society Journal. Volume 36. October 1998. Pages 46-50

HUMAN RIGHTS

"Human rights and Asian values" by Yash Ghai. Public Law Review. Volume 9. 1998. Pages 168-182

INSURANCE

"An hiatus in English insurance law" by J P M de Koning. Insurance Law Journal. Volume 9. 1998. Pages 187-207

"Joining the fence sitting insurer as a defendant in liability proceedings" by Stephen Warne. Journal of Contract Law. Volume 13. 1998. Pages 208-235

"An uneasy compromise: an analysis of the effect of a settlement reached by an insured with a third party claimant vis-à-vis his or her insurer" by Kirsty Sutherland. Journal of Contract Law. Volume 13. 1998. Pages 257-278

JURISDICTION

"Gould v Brown – Death knell of the cross-vesting scheme?" by Mark Moshinsky. Public Law Review. Volume 9. 1998. Pages 152-155

JUSTICE

"Access to justice – radical proposals in task force discussion paper" by Law Society's Access to Justice Task force. Law Society Journal. Volume 36. October 1998. Pages 42-45

LANDLORD & TENANT

"Tenant's obligation to repair: over the hill and far away?" by Martin Codd. Solicitors Journal. Volume 142. 1998. Pages 812, 820

LAW OFFICE MANAGEMENT

"Mobilising support staff" by Maree Livermore. Law Society Journal. Volume 36. October 1998. Pages 36-37

"Time management trends" by Bronwyn North. Law Society Journal. Volume 36. October 1998. Page 38

LEGAL PROFESSION

"Costs of CLE" by John Harley. Bulletin. Volume 20. September 1998. Pages 6-8

"How to become a partner" by Murray Wheeler. Brief. Volume 25. Sept 1998. Page 29

"Uniform admission in Australia – proposals for change" by Stephanie Unwin. Brief. Volume 25. September 1998. Pages 12-13

MENTAL HEALTH

"Diminished responsibility – duty of care to whom?" by Anita King. Bulletin. Volume 20. September 1998. Pages 28-29

NORTHERN TERRITORY

"The Northern Territory Statehood Convention 1998" by Alistair Heatley and Peter McNab. Public Law Review. Volume 9. 1998. Pages 155-160

NUISANCE

"Problems of building site noise and how to avoid them" by Andrew Bruce. Solicitors Journal. Volume 142. 1998. Pages 834-835

POWER OF ATTORNEY

"National Wills and power of attorney register" by Christopher Dean. Bulletin. Volume 20. September 1998. Page 17

"Taking liberties – enduring powers of attorney and financial abuse" by Denzil Lush. Solicitors Journal. Volume 142. 1998. Pages 808-809

PUBLIC LAW

"Justifying politically correct language" by Matthew DJ Conaglen. Public Law Review. Volume 9. 1998. Pages 183-195

SPORTS LAW

"Professional players are being kept down" by Anthony Dempsey. Law Society Journal. Volume 36. October 1998. Pages 60-63

STALKING

"The unreasonable stalkee, the egg shell rule and the continuing evolution of stalking law in Queensland" by RA Stanwick. Queensland Lawyer. 1998. Volume 19. Pages 67-75

TAXATION

"Imputation and the family trust" by Ken Schurgott. Bulletin. Volume 20. September 1998. Pages 24-25

TORTS LAW

"Future shock and nervous shock: developments in the law relating to psychiatric illness" by John Devereux. Queensland Lawyer. 1998. Volume 19. Pages 47-49

TRADE PRACTICES

"Unconscionability and s51AA of the Trade Practices Act 1974" by Lynden Griggs. Law Institute Journal. Volume 72. October 1998. Pages 68-72

WATER

"Lead contamination: implications for drinking water quality" by Robert Jackson & Debbie Legge. Solicitors Journal. Volume 142. 1998. Pages 858-859

WILLS

"National Wills and power of attorney register" by Christopher Dean. Bulletin. Volume 20. September 1998. Page 17

"Plain English – attestation clauses in wills" by Robin Towns. Solicitors Journal. Volume 142. 1998. Page 821

WITNESSES

"Why prepare witnesses?" by Mark Brennan & Melissa Pearson. Law Institute Journal. Volume 72. October 1998. Pages 73-76

NT LEGISLATION

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

New Acts

- 57/1998 Justices Amdt Act (No. 2) (N/C)
- 58/1998 Local Court Amdt (N/C)
- 59/1998 Work Health Amdt Act (No. 2) (N/C)
- 60/1998 Prisons (Correctional Services) Amdt Act (N/C)
- 61/1998 Water Amdt Act (3.9.98)
- 62/1998 Legislative Assembly (Security) Act (N/C)
- 63/1998 Mental Health & Related Services Act (N/C)
- 64/1998 Public Sector Employment & Management Amdt (N/C)
- 65/1998 Summary Offences Act (N/C)
- 66/1998 Administrators Pensions Amdt Act (N/C)
- 67/1998 Legislative Assembly Members' Superannuation Amdt Act (N/C)

Continued on page 15

Matters of Greek Law

Venizelakos & Co Lawyers wish to advise members that they specialise in matters of Greek law and practice Greek Law in Australia.

With their contacts and associates in Greece they are in a position to provide reliable legal services and assistance to individuals and Australian law firms or their clients in their legal matters in Greece.

Mr Nicholas Venizelakos has been a member of the Athens Bar Association since 1981 and is a current legal practitioner in Victoria. He is able to provide immediate advice in matters involving issues of Greek and/or Greek Australian law.

Venizelakos & Co Lawyers undertake matters in all fields of Greek law including property, litigation, family, wills and estates, expert evidence, commercial and maritime law, enforcement of Australian court orders in Greece, service of documents in Greece etc.

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Corporate Law

Continued from previous page

¹ See *Poyser v Commissioner for Corporate Affairs (Vic)* [1985] VR 533; (1985) 9 ACLR 651; 3 ACLC 584; *Pollard v DPP (Cth)* (1982) 28 NSWLR 659 28 NSWLR 659; 8 ACSR 813; 10 ACLC 1511.

² *Burchett J, Holpitt Pty Ltd v Swaab* (1992) 33 FCR 474; 105 ALR 421; 6 ACSR 488; 10 ACLC 64 at 67.

³[1989] VR 821; (1988) 14 ACLR 728; 7 ACLC 40.20

⁴ (1988) 14 ACLR 789 at 794; 7 ACLC 121.

⁵ See *Re Baysington Pty Ltd* (1988) 12 ACLR 412; 6 ACLC 50; *Salter v NCSC* [1989] WAR 296; (1988) 13 ACLR 253; 6 ACLC 717.

Supreme Court Library Notes

Continued from page 13

68/1998	Supreme Court (Judges Pensions) Amdt Act (N/C)	40/1998	Northern Territory Treasury Corporation Inscribed Stock Regulations (14.10.98)
69/1998	Superannuation Amdt Act (N/C)	41/1998	Treasury (Northern Territory Stock) (Repeal) Regulations (14.10.98) (Expires day after commencement date)
70/1998	Superannuation Guarantee (Safety Net) Amdt Act (N/C)	42/1998	Lands Acquisition Amdt Regulations (1.10.98)
71/1998	Waste Management & Pollution Control Act (N/C)	43/1998	Mining Amdt Regulations (1.10.98) 44/1998 Petroleum Amdt Regulations (1.10.98)
72/1998	Waste Management & Pollution Control (Consequential Amendments) Act (N/C)	45/1998	Energy Pipelines Amdt Regulations (1.10.98)
New regulations		New reprints	
36/1998	Legal Practitioners Regulations (1.10.98)	Long Service Leave Act – Reprinted 26.8.98	
37/1998	Local Court Rules (7.10.98)	Trustee Act – Reprinted 23.9.98	
38/1998	Small Claims Rules (7.10.98)	Unit Titles Act – Reprinted 26.8.98	
39/1998	Local Court Regulations (7.10.98)		

Commencements

50/1998	Lands Acquisition Amendment Act (No 2) (1.10.98)
51/1998	Lands and Mining Tribunal Act (1.10.98)
52/1998	Mining Amendment Act (1.10.98)
53/1998	Petroleum Amendment Act (1.10.98)
54/1998	Petroleum (Submerged Lands) Amendment Act (1.10.98)
55/1998	Validation of Titles and Actions Amendment Act (1.10.98)
56/1998	Energy Pipelines Amendment Act (1.10.98)

Repealed legislation

7/1855-6	Trustee Act (Ss. 2 to 47 inclusive)
6/1860	Property Act (Ss. 24 to 30 inclusive)
7/1862	An act to give to Trustees... (Ss. 1 to 9, Ss. 23 to 31 inclusive)
14/1866-7	Limitations of Suits & Actions Act 1866 (S. 26)
523/1891	Trustees Appointment Act 1891
27/1979	Treasury (Northern Territory Stock) Regulations
32/1985	Treasury (Northern Territory Stock) Regulations
7/1997	Mining Amendment Act 1997



THE LAW SOCIETY OF THE NORTHERN TERRITORY

Wishes to advise all members that copies of:

“Working together to prevent domestic violence in the Northern Territory”

is available free of charge from the Society.

For a free copy contact the Law Society on:

PH: 8981 5104