

# **S**upreme Court Library Notes

By Frieda Evans

The library staff in Darwin and Alice Springs would like to wish you all a Merry Christmas and all the best for 1999.

## **CDROM TITLES AVAILABLE**

The *Australian Digest* on CD has been ordered and should be available early in the new year.

## **NEW BOOKS**

This is a selection of the volumes received by the library in December 1998.

345.05 COOK  
**Anglo/Yolngu communication in the criminal justice system**

Cooke, Michael  
1998

362.8292 HUNT  
**Children and domestic violence : information for adults**  
Hunter, Sue  
Darwin : Office of Women's Policy,  
Department of the Chief Minister, 1998

343.071 GOLDS  
**Consumer protection law**  
Goldring, John.  
5th ed. /  
Leichhardt, NSW : Federation Press, 1998.

LOOSE 347.05 LIND  
**Federal civil litigation precedents**  
Lindgren, Justice K E & Branson, Justice C M

Sydney : Butterworths, 1998  
345.0277 MODE  
**Model Criminal Code. Chapter 6, Serious drug offences : report**  
Australia. Model Criminal Code Officers Committee.

[Canberra] : The Committee, 1998  
362.8292 HUNT  
**Report ; research for a domestic violence community education program for young Territorians**  
Hunter, Sue & Thompson, Robyn  
Darwin : Office of Women's Policy,  
Department of the Chief Minister, 1998

362.8292 THOM  
**Survey report : attitudes of young Territorians towards domestic violence and sexual assault**

Thompson, Robyn  
Darwin : Office of Women's Policy,  
Department of the Chief Minister, 1998

342.088 KNEE  
**Tort liability of public authorities**  
Kneebone, Susan  
North Ryde, NSW : LBC Information Services, 1998

## **RECENT ARTICLES**

### **Aborigines, Aust - removal of children**

The long way home: reparation for the removal of aboriginal children by Young, Simon  
University of Old Law Journal  
20(1) 1998 pp: 70-89

**Commercial law - electronic**  
Electronic commerce : promises, problems and proposals by De Zwart, Melissa

University of NSW Law Journal  
Vol 21(2) 1998 pp: 305-322  
0

Legislating to facilitate electronic signatures and records: exceptions, standards and the impact on the statute book by Sneddon, Mark  
University of NSW Law Journal  
Vol 21(2) 1998 pp: 334-403

McCullagh, Adrian & Little, Peter & Caelli, William  
Electronic signatures: understand the past to develop the future  
University of NSW Law Journal  
Vol 21(2) 1998 pp: 452-465

Beatty, Andrea & Aubrey, Mark & Bollen, Rhys  
E-payments and Australian regulation  
University of NSW Law Journal  
Vol 21(2) 1998 pp: 489-513

Gamertsfelder, Leif  
Electronic bills of exchange: will the current law recognise them?  
University of NSW Law Journal  
Vol 21(2) 1998 pp: 566-577

**Contract law**  
McNeil, Elspeth  
Serve with care: default and rescission notices under contracts of sale  
Law Institute Journal  
Vol 72(11) 1998 pp: 72-76

Campbell, Enid  
Waiver by agencies of government of statutory procedural requirements  
University of NSW Law Journal  
Vol 21(3) 1998 pp: 711-728

O'Shea, Kathryn & Skeahan, Kylie  
Acceptance of offers by e-mail - how far should the postal acceptance rule extend?  
Queensland University of Technology Law Journal  
Vol 13 1997 pp: 247-262

## **Courts**

Wasby, Stephen L  
The effect of disasters on courts: an introduction  
Judges' Journal Vol 37(4) 1998  
pp: 4-5, 48

Birkland, Thomas A  
Disasters and the courts' agenda  
Judges' Journal  
Vol 37(4) 1998 pp: 6-11

Owens, Rosemary J  
Interveners and amicus curiae: the role of the courts in a modern democracy  
Adelaide Law Review  
Vol 20(1) 1998 pp: 193-198

Stanfield, Allison  
Cyber courts: using the Internet to assist court processes  
Journal of Law and Information Science  
Vol 8(2) 1997 pp: 240-263

de la Fosse, Tony  
The application of remote control software in a judicial environment  
Journal of Law & Information Science  
Vol 8(2) 1997 pp: 320-332

The electronic appeals project - an edited extract of the interim report to the Council of Chief Justices  
Journal of Law & Information Science  
Vol 8(2) 1997 pp: 283-319

**Criminal law**  
Plowden, Philip

Continued on page 18



# **S**upreme Court Library Notes

By Frieda Evans

Continued from page 18

Silence at the police station  
New Law Journal  
Vol 148(6862) 1998 pp: 1598-1600

Tain, Paul  
Racially aggravated offences  
Solicitors Journal  
Vol 142(44) 1998 pp: 1063

Street, Laurence  
Regulatory/criminal proceedings:  
appraisal conference  
Australian Law Journal  
Vol 72(11) 1998 pp: 860-862

O'Brien, Michael  
Committals - where to now?  
Law Institute Journal  
Vol 72(12) 1998 pp: 56-58, 60

**Employment law**  
de Plevitz, Loretta  
Dependent contractors: can the test from  
Stevens v Brodribb protect workers who  
are quasi-employees?  
Queensland University of Technology  
Law Journal  
Vol 13 1997 pp: 263-275

**Estoppel**  
Redfern, Michael  
Estoppel and Masters v Cameron  
Australian Property Law Journal  
Vol 6(3) 1998 pp: 278-280

Redfern, Michael  
The limits to estoppel  
Australian Property Law Journal  
Vol 6(3) 1998 pp: 281-284

Gordon, Ian  
Recent developments in res judicata  
New Law Journal  
Vol 148(6857) 1998 pp: 1394-1396

**Evidence**  
Sunman, David  
Advancing disclosure: can the rules for  
advance information in the magistrates'  
courts be improved?  
Criminal Law Review  
1998 pp: 798-801

Thompson, Sally  
Defence statements - weighting the scales  
or tipping the balance on a submission of  
no case?  
Criminal Law Review  
1998 pp: 802-807

Crowther, Eric  
The do's and don'ts of cross examination  
New Law Journal Vol 148(6858) 1998  
pp: 1444

Rajapakse, Pelma J  
An analysis of the methods of proof in  
direct discrimination cases in Australia  
University of Old Law Journal  
Vol 20(1) 1998 pp: 90-103

**Expert evidence**  
Bryant, Mark  
Expert witnesses: thinking inside the box  
Reform Vol No 73 1998  
pp: 38-40

Ricci, Paolo F & Gray, Natalie J  
Toxic torts and causation: towards an  
equitable solution in Australian law - Part  
1: Legal reasoning with uncertainty  
University of NSW Law Journal  
Vol 21(3) 1998 pp: 787-806

Magner, Eilis S  
Before the High Court: HG v The Queen  
Sydney Law Review  
Vol 20(4) 1998 pp: 599-611

Australian Law Reform Commission  
The function of expert witnesses  
Law Institute Journal  
Vol 72(12) 1998 pp: 27

**Family Court**  
Coleman, Ian  
Unrepresented litigants and the Family  
Court  
Reform  
Vol No 73 1998 pp: 41-46

**Family law**  
Counsel, Caroline & Sterk, Debra  
A review of the government's  
superannuation review paper  
Law Institute Journal  
Vol 72(11) 1998 pp: 53-55

Cumpston, Richard & Sarjeant, Hugh  
Superannuation and family law  
Law Institute Journal  
Vol 72(11) 1998 pp: 56-58

McBain, Rob  
Government proposals for superannuation  
reform  
Law Institute Journal  
Vol 72(11) 1998 pp: 59-66

Bonsall, Geoffrey  
LIV response to Family Law paper  
Law Institute Journal  
Vol 72(11) 1998 pp: 67-68

Boujos, Jocelyne  
Superannuation and divorce: reform  
proposals  
Brief  
Vol 25(10) 1998 pp: 16-18

Dickey, Anthony  
Is separation necessary for an  
alteration of property interests?  
Australian Law Journal  
Vol 72(12) 1998 pp: 915-916

Carter, Justice Heather  
How high is "paramount"?  
Law Institute Journal  
Vol 72(12) 1998 pp: 71-75

**Guarantees**  
Scott, Martin R  
Yerkey v Jones upheld or just  
explained away?  
Australian Property Law Journal  
Vol 6(3) 1998 pp: 275-277

Case note: Garcia v National Australia  
Bank Ltd: resurrecting the corpus of  
Yerkey v Jones

University of NSW Law Journal  
Vol 21(3) 1998 pp: 845-853  
Hanak, Andrew  
The wife's special equity survives the  
High Court: Garcia v National  
Australia Bank  
Insolvency Law Journal  
Vol 6(4) 1998 pp: 202-208

Continued on page 19

By Frieda Evans

Continued from page 18

## Judges

Tranberg, Heidi

While you were sleeping: what to do about sleepy judges - *Stathooules v Mount Isa Mines Ltd*

University of Old Law Journal

Vol 20(1) 1998 pp: 130-132

## Landlord and tenant

Mackie, Ken & Griggs, Lynden

Residential tenancy law reform in Tasmania - at last

Australian Property Law Journal

Vol 6(3) 1998 pp: 232-243

Osmond, Chris

Damages due to tenants for missed notices

Solicitors Journal

Vol 142(43) 1998 pp: 1041

Wilkinson, H W

Specific performance of a tenant's covenant

New Law Journal

Vol 148(6859) 1998 pp: 1475, 1486

Wilkinson, H W

Intention to occupy for a business

New Law Journal

Vol 148(6863) 1998 pp: 1644-1645

## Law office management

Shawdon, Tom

Prompting prompt payment

Solicitors Journal

Vol 142(41) 1998 pp: 991

## Litigants in person

Cody, Anna

Accessing the system

Reform

Vol No 73 1998 pp: 21-25

Coleman, Ian

Unrepresented litigants and the Family Court

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## Magistrates Courts

Sunman, David

Advancing disclosure: can the rules for advance information in the magistrates' courts be improved?

Criminal Law Review

1998 pp: 798-801

## Medical law

Carnwath, Tom

Depression and post-traumatic stress disorder

Solicitors Journal

Vol 142(41) 1998 pp: 981

Duffy, Jane

Confidentiality of hospital medical records

Law Institute Journal

Vol 72(12) 1998 pp: 76-78

McCarthy, Christine

Exemplary and aggravated damages in medical negligence litigation

Journal of Law and Medicine

Vol 6(2) 1998 pp: 187-203

## Negligence

Katter, Norman A

Duty of care in Australia: is the fog lifting?

Australian Law Journal

Vol 72(11) 1998 pp: 871-875

## Partnership

Armstrong, Celyn

Salaried partners: liability for holding out

Solicitors Journal

Vol 142(44) 1998 pp: 1054-1055

## Personal injuries

Butler, Des

Managing liability for bystander psychiatric injury in a Post-Hill v Van Erp environment

Queensland University of Technology

Law Journal

Vol 13 1997 pp: 152-174

## Professional liability

Spencer, David

Liability of lawyers to advise on alternative dispute resolution options

Australian Dispute Resolution Journal

Vol 9(4) 1998 pp: 292-303

## Refugees

Kemp, Susan L

Refugee law as a source in extradition cases

Criminal Law Review

1998 pp: 774-790

Leerdam, Leonard

Testing the limits of the refugees convention

Law Society Journal

Vol 36(11) 1998 pp: 53-56

## Restitution

Lee, Stephen

Restitution, public policy and the conflict of laws

University of Old Law Journal

Vol 20(1) 1998 pp: 1-37

## Retail tenancy

Mackie, Ken & Griggs, Lynden

Residential tenancy law reform in Tasmania - at last

Australian Property Law Journal

Vol 6(3) 1998 pp: 232-243

## Sentencing

Sentencing: stark facts and firm views

Criminal Law Review

1998 pp: 761-762

Platt, Vicki

Criminal justice - community perceptions and sentencing in the remote Kimberley

Brief

Vol 25(10) 1998 pp: 19-20

McWilliams, Evelyn

Sentencing guidelines: who should be the arbiter, the judiciary or parliament

Law Society Journal

Vol 36(11) 1998 pp: 48-52

Piggott, Daniel

During Her Majesty's pleasure: Pollentine v R

University of Old Law Journal

Vol 20(1) 1998 pp: 126-129

Magner, Eilis S

Before the High Court: HG v The Queen

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Vol 20(4) 1998 pp: 599-611

## Sports law

Hogg, Lionel & Ganter, Franki

Legal issues in sports marketing

Queensland University of Technology

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Vol 13 1997 pp: 92-143

## Succession

Dillon, Anthony

When beneficiary slays benefactor: the forfeiture 'rule' should operate as a principle of the general law

Australian Property Law Journal

Vol 6(3) 1998 pp: 254-274

Continued on page 20

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By Frieda Evans

Continued from page 19

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Testamentary conditions  
University of Old Law Journal  
Vol 20(1) 1998 pp: 38-55

## Torts law

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Toxic torts and causation: towards an equitable solution in Australian law - Part 1 : Legal reasoning with uncertainty  
University of NSW Law Journal  
Vol 21(3) 1998 pp: 787-806

## Traffic law

Samuels, Alec  
Drunken driving : possible defences  
Solicitors Journal  
Vol 142(41) 1998 pp: 985-986

## Victims of crime

Gillespie, Alisdair  
Victims and sentencing  
New Law Journal  
Vol 148(6854) 1998  
pp: 1263-1265

## Wills

Testamentary provision and death  
New Law Journal Vol 148(6859) 1998  
pp: 1476, 1478, 1480-1481

Sunnucks, James  
Charitable and non-charitable legatees  
Solicitors Journal Vol 142(44) 1998  
pp: 1060

Graham, Peter R  
The substantial validity of wills  
Australian Law Journal  
Vol 72(11) 1998 pp: 889-896

## Witnesses

Bell, Philippa  
Does a witness have to be corrupt? : R v Gatti  
University of Old Law Journal  
Vol 20(1) 1998 pp: 121-125

Exall, Gordon  
Civil litigation brief  
Solicitors Journal  
Vol 142(45) 1998 pp: 1086-1087

## Work health

Weatherill, Jay  
Getting back to work  
Bulletin  
Vol 20(10) 1998 pp: 29

Mulvany, Paul & Horner, Nick  
The use and abuse of the American Medical Association guides in accident compensation schemes  
Journal of Law and Medicine  
Vol 6(2) 1998 pp: 136-146

## Y2K

Tam, Kelvin & Redenbach, Karl  
Documenting the Year 2000 compliance program  
Law Institute Journal  
Vol 72(11) 1998 pp: 84-85

## Zero tolerance policing

Grady, Ann  
Should we tolerate zero tolerance?  
New Law Journal  
Vol 148(6860) 1998 pp: 1528-1529

## NT LEGISLATION

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

## New Acts

82/1998	Notifiable Diseases Amdt Act (N/C)
83/1998	Commercial Passenger (Road) Transport Amdt Act (1.1.99)
84/1998	Merlin Project Agreement Ratification Act (N/C)
85/1998	Criminal Code Amdt Act (No. 2) (N/C)
86/1998	Juvenile Justice Amdt Act (No. 2) (N/C)
87/1998	Police Administration Amdt Act (No. 2) (N/C)
88/1998	Prisons (Correctional Services) Amdt Act (No. 2) (N/C)
89/1998	Trans-Tasman Mutual Recognition Act (1.1.99)
90/1998	Domestic Violence Amdt Act (N/C)
91/1998	Sentencing Amdt Act (No. 2) (N/C)
92/1998	Statute Law Revision Act (No. 2) (N/C)

## New regulations

52/1998	Barramundi Fishery Management Plan (25.11.98)
53/1998	Co-operatives Regulations (24.11.98)

## New reprints

Powers of Attorney Regulations - Reprinted 1.12.98  
Work Health Regulations - Reprinted 1.12.98

## Commencements

14/1997	Co-operatives Act 1997 (1.12.98)
75/1998	Northern Territory Tourist Commission Amdt Act (25.11.98)
78/1998	Legal Aid Amdt Act (1.1.99)
79/1998	Criminal Code Amdt Act (1.12.98)

## Repealed legislation

50/1992 Public Trustee (Elections to Administer Estates) Regulations

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