

Supreme Court library notes

by Frieda Evans

LIBRARY NEWS

Jodie Roos is the new legislation clerk in the Darwin library, while Melanie Macauley is away on maternity leave. Jodie is responsible for the distribution and filing of legislation, filing of judgments and indexing the NT Government Gazette.

ABANDONED BOOK

A copy of *Building Contracts* by Robert Brookings (Butterworths, 1974) has been returned to the library by mistake. If your copy is missing, please contact the library.

BORROWING OF LIBRARY BOOKS

Practitioners are reminded that this library is essentially a reference library and that the bulk of library items are not available for loan. Bound volumes of law reports are borrowable for court. Please could as many of the overdue items be returned as possible.

RECENT ARTICLES

Aborigines, Aust

Nettheim, Garth - Indigenous Australians and the Constitution Reform Vol No 74 1999pp: 29-34 Case stated: claim of right Alternative Law Journal Vol 24(2) 1999pp: 98

Abortion

Teasdale, Lisa - Confronting the fear of being "caught": discourses on abortion in Western Australia University of New South Wales Law Journal Vol 22(1) 1999pp: 60-99

Capsicum spray

Phillips, Kerri - A dangerous weapon in dangerous hands: will oleoresin capsaicin spray reduce fatal shootings by police? Alternative Law Journal Vol 24(2) 1999pp: 71-75

Child abduction

Dickey, Anthony - Theoretical problems with two grounds for declining to order the return of an abducted child Australian Law Journal Vol 73(5) 1999pp: 320-321

Child support

Benjamin, Robert - Child support: significant changes in new legislation Law Society Journal Vol 37(4) 1999pp: 63-67

Chinese walls Aitken, Lee - A breach in the Great Walls of China Law Society Journal Vol 37(4) 1999pp: 40-43

Citizenship

Jordens, Ann Mari - Australian citizenship: 50 years of change Reform Vol No 74 1999pp: 24-28

Commercial tenancy

Beekink, Peter - Amendments to the Retail Shops Act Brief Vol 26(4) 1999pp: 27-28

Company directors

Santow, G F K - Codification of directors' duties Australian Law Journal Vol 73(5) 1999pp: 336-353

Computer law

Blackmore, Nicholas - Debugging the application: copyright protection for software in Australia Australian Intellectual Property Journal Vol 10(2) 1999pp: 67-77
Weston, C A R - Suing in tort for loss of computer data Cambridge Law Journal Vol 58(1) 1999pp: 67-77

Constitutional law

Brazier, Rodney - The constitution of the United Kingdom Cambridge Law Journal Vol 58(1) 1999pp: 96-128

Irving, Helen - To constitute a nation Reform Vol No 74 1999pp: 5-9
Saunders, Cheryl - The preamble quest Reform Vol No 74 1999pp: 11-16

Webber, Jeremy - Constitutional poetry Reform Vol No 74 1999pp: 17-23

Nettheim, Garth - Indigenous Australians and the Constitution Reform Vol No 74 1999pp: 29-34

Longley, Joanna - The Australian Constitution: a time line Reform Vol No 74 1999pp: 55-57

Contracts law

Stewart, Ian B - Why place trust in a promise? : privity of contract and enforcement of contracts by third party beneficiaries Australian Law Journal Vol 73(5) 1999pp: 354-378

Coroners

Matthews, Paul - Coroners' inquests and the Stephen Lawrence Inquiry New Law Journal Vol 149(6880) 1999pp: 418-420

Courts

Kirby, Michael - The future of courts - do they have one?

Journal of Judicial Administration Vol 8(4) 1999 pp: 185-193

Criminal law

Edwards, David - Proceeds of crime: an inquiry update Reform Vol No 74 1999pp: 68-69, 74

Shearer, Bruce - Making crime pay Reform Vol No 74 1999pp: 70-73

Criminal law - defences

Case stated : claim of right Alternative Law Journal Vol 24(2) 1999pp: 98

Criminology

Lupton, Deborah - Dangerous places and the unpredictable stranger: constructions of fear of crime Australian and New Zealand Journal of Criminology Vol 32(1) 1999pp: 1-15

Defamation

Liability of an ISP (internet service provider) Solicitors Journal Vol 143(17) 1999pp: LB93

Dispute resolution

Garwood, Maureen - Alternative dispute processes for commercial disputes - quality and style: a survey Australian Dispute Resolution Journal Vol 10(2) 1999pp: 84-97

Cheung, Sai-On - The alternative dispute resolution movement in the construction industry in Hong Kong Australian Dispute Resolution Journal Vol 10(2) 1999 pp: 98-112

Environmental law

Ricci, Paolo F - Toxic torts and causation: towards an equitable solution in Australian law - Part II: Means-ends analysis University of New South Wales Law Journal Vol 22(1) 1999 pp: 155-179

Hart, Jennifer - Re Warden Calder; ex parte Cable Sands (WA) Pty Ltd: Environmental objections in the Mining Warden's Court Australian Mining and Petroleum Law Journal Vol 18(1) 1999 pp: 28-41

Briggs, Peter - The Contaminated Land Management Act 1997 (NSW): impacts and recommendations for the mining and resources industry

Supreme Court library notes

by Frieda Evans

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Evidence

Clough, Jonathan - Pfennig v The Queen: A rational view of propensity evidence?
Adelaide Law Review Vol 20(2) 1998 pp: 287-313

Firearms

Newbold, Greg - The criminal use of firearms in New Zealand
Australian and New Zealand Journal of Criminology Vol 32(1) 1999pp: 61-78

Franchising

Zumbo, Frank - New Trade Practices priorities for franchising and small business
Law Society Journal Vol 37(4) 1999 pp: 50-53

GST

Orow, Nabil - Preparing for the new GST: exemptions and transitional measures
Bulletin Vol 21(4) 1999 pp: 26-31

High Court

Craven, Greg - The High Court of Australia: a study in the abuse of power
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Intellectual property

Blackmore, Nicholas - Debugging the application: copyright protection for software in Australia
Australian Intellectual Property Journal Vol 10(2) 1999 pp: 67-77

Internet

Liability of an ISP (internet service provider)
Solicitors Journal Vol 143(17) 1999 pp: LB93

Judges

Yeo, Stanley - Judicial law making and community standards
Journal of Judicial Administration Vol 8(4) 1999 pp: 203-215

Baar, Carl - The emergence of the judiciary as an institution
Journal of Judicial Administration Vol 8(4) 1999 pp: 216-232

Debeljak, Julie - Judicial independence in the modern democratic state
Reform Vol No 74 1999pp: 35-39

Judicial review

Blackshield, Tony - The constitution and judicial review
Reform Vol No 74 1999pp: 40-44

Law office management

Linsell, Richard - Admitting those new partners
Solicitors Journal Vol 143(16) 1999pp: 391

Quality management within the legal profession

Brief Vol 26(4) 1999pp: 25-26

Chung, Ian - The faces of stress

Law Society Journal Vol 37(4) 1999 pp: 44-47

Legal citation

Smyth, Russell - Other than "accepted sources of law"? : a quantitative study of secondary source citations in the High Court
University of New South Wales Law Journal Vol 22(1) 1999 pp: 19-59

Legal ethics

Shirvington, Virginia - A slip of the fax lands solicitor in ethical quandary
Law Society Journal Vol 37(4) 1999 pp: 30-31

Mazurek, Peter - The rigours of trust in lawyer-client relationships
Law Society Journal Vol 37(4) 1999 pp: 34-35

Legal profession

Israel, Susan F - Gender issues for the legal profession
Law Society Journal Vol 37(4) 1999 pp: 60-62

Litigation

Blackman, Lani - Improving litigation practice: a consideration of 'Lord Woolf's Rules'
Reform Vol No 74 1999pp: 61-64

Media

Innes, Martin - The media as an investigative resource in murder enquiries
British Journal of Criminology Vol 39(2) 1999 pp: 269-286

Mediation

Redfern, Michael - Capturing the magic - non-disclosure as a factor in mediation practice

Australian Dispute Resolution Journal Vol 10(2) 1999 pp: 113-120

Lewis, Simon - Slaying dragons: evaluating mediator services
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Thirgood, Russell - Mediator intervention to ensure fair and just outcomes
Australian Dispute Resolution Journal Vol 10(2) 1999 pp: 142-152

Medical law

Clarke, Jeremy - Causation in Chappel v Hart: Common sense or coincidence?
Journal of Law and Medicine Vol 6(4) 1999 pp: 335-347

Olbourne, Norman A - Ethical considerations affecting vaccination of school-aged children
Journal of Law and Medicine Vol 6(4) 1999 pp: 409-414

Mining law

Hart, Jennifer - Re Warden Calder; ex parte Cable Sands (WA) Pty Ltd: Environmental objections in the Mining Warden's Court
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Jeffrey, Michael - Australia's GST: what it means for the mining industry
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Native title

Rose, James J - Ethics and native title
Alternative Law Journal Vol 24(2) 1999 pp: 89-93

UN Committee finds native title amendments racially discriminatory
Alternative Law Journal Vol 24(2) 1999 pp: 96-97

Natural resources

Schweikert, Heidi - The Land and Resources Tribunal Act 1999 (Qld): a new tribunal for Queensland
Australian Mining and Petroleum Law Journal Vol 18(1) 1999 pp: 71-81

Negligence

Clarke, Jeremy - Causation in Chappel v Hart: Common sense or coincidence?
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Supreme Court library notes

by Frieda Evans

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Ranson, David - Deaths in police custody
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pp: 323

Phillips, Kerri - A dangerous weapon in dangerous hands: will oleoresin capsaicin spray reduce fatal shootings by police?
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pp: 71-75

Privilege

Passmore, Colin - Privilege update
New Law Journal Vol 149(6882) 1999
pp: 499-501

Carey, Peter - Qualified privilege after Reynolds: more freedom for newspapers?
Solicitors Journal Vol 143(17) 1999
Pp: 410-411

Professional negligence - solicitors
Riossi, Noel - Solicitor's duty to lender
Solicitors Journal Vol 143(16) 1999
pp: 386-388

Security for costs

Lehane, John - Security for costs
Law Society Journal Vol 37(4) 1999
pp: 54-56

Sentencing

Erez, Edna - Victim impact statements and sentencing outcomes and processes: the perspectives
British Journal of Criminology Vol 39(2) 1999 pp: 216-239

Proeve, Michael J - Mitigation without definition: remorse in the criminal justice system
Australian and New Zealand Journal of Criminology Vol 32(1) 1999 pp: 16-26

Sex discrimination

Jarvis, Michelle - Taking sex discrimination to the UN: The draft optional protocol to the Women's Convention
Bulletin Vol 21(4) 1999 pp: 22-23

Spousal maintenance

Dickey, Anthony - Justification for spousal maintenance
Australian Law Journal Vol 73(5) 1999
pp: 321-322

Torts

Mendelson, Danuta - Back to the future: White v Chief Constable of South Yorkshire and liability for pure psychiatric injury to rescuers
Journal of Law and Medicine Vol 6(4) 1999
pp: 319-322

Weston, C A R - Suing in tort for loss of computer data
Cambridge Law Journal Vol 58(1) 1999
pp: 67-77

Ricci, Paolo F - Toxic torts and causation: towards an equitable solution in Australian law - Part II: Means-ends analysis
University of New South Wales Law Journal Vol 22(1) 1999 pp: 155-179

Trade practices

Zumbo, Frank - New Trade Practices priorities for franchising and small business
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pp: 50-53

Trespass

Lawson-Cruttenden, Tim - 'Reasonable user' of the public highway
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pp: 432-433

Utilities

Hawk, Fred - You would cry too if it happened to you!: The legal and insurance implications of major utility failure
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Victims of crime

Erez, Edna - Victim impact statements and sentencing outcomes and processes: the perspectives
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Wills

Critchley, Patricia - Privileged wills and testamentary formalities: a time to die?
Cambridge Law Journal Vol 58(1) 1999 pp: 49-58

Atherton, Rosalind - Moot point: informal wills and revocation
Australian Law Journal Vol 73(5) 1999
pp: 315-319

Rossdale, Philip - Cremation or burial?
Solicitors Journal Vol 143(17) 1999
pp: 412

Work health

Smith, Lindsay - The Comcare legislation: its limitation on actions at common law
Bulletin Vol 21(4) 1999 pp: 24-25

Y2K

Warchus, John - Y2K litigation: lessons from America?
Solicitors Journal Vol 143(17) 1999
pp: 418-419

NT LEGISLATION

Legislative changes in May 1999, notified in the *NT Government Gazette*

New Acts

- | | |
|----|---|
| 22 | Radiation (Safety Control) Amendment Act 1999 (N/C) |
| 23 | Local Government (Katherine Rates) Act 1999 (19.5.99) |
| 24 | Year 2000 Information Disclosure Act 1999 (N/C) |
| 25 | AustralAsia Railway (Third Party Access) Act 1999 (N/C) |

New regulations

- | | |
|----|---|
| 16 | Trans-Tasman Mutual Recognition (Temporary Exemptions) Regulations Repeal Regulations (1.5.99) * (Expires day after commencement) |
| 17 | Pastoral Land Regulations Amendment (12.5.99) * |
| 18 | Registration of Interests in Motor Vehicles and Other Goods Regulations Amendment (12.5.99) * |