



# Supreme Court library notes

by Frieda Evans

## NEWS

The Magistrates' decisions should be available on the Internet on the SCALE site soon. Decisions from 1999 will be available first, with selected decisions from previous years being sent later. They will be in the same file as the Supreme Court decisions.

## NEW BOOKS

This is a selection of the volumes received by the library

## CONSTITUTIONAL LAW AUSTRALIAN CONSTITUTIONAL LAW: MATERIALS AND COMMENTARY

Sydney: Butterworths, 1999. Class number: **342 HANK6**

## DELEGATED LEGISLATION DELEGATED LEGISLATION IN AUSTRALIA

Chatswood, NSW : Butterworths, 1999. Class number: **348.029 PEAR2**

## INJUNCTIONS THE MAREVA INJUNCTION AND RELATED ORDERS /

London : Lloyd's of London Press, 1997. Class number: **347.077 HOYL3**

## JUDGES - BIOGRAPHY LORD DENNING : A BIOGRAPHY

Chichester : Barry Rose, 1997. Class number: **340.092 HEWA2**

## LEGAL AID INQUIRY INTO THE AUSTRALIAN LEGAL AID SYSTEM: SECOND REPORT /

Australia. Parliament. Senate. Legal and Constitutional References Committee. — Canberra: Parliament of the Commonwealth of Australia, 1997. Class number: **347.017 AUST**

## RESTRAINT OF TRADE THE RESTRAINT OF TRADE DOCTRINE /

Sydney : Butterworths, 1999. Class number: **343.0723 HEYD2**

## MILLER'S ANNOTATED TRADE PRACTICES ACT

Sydney: LBC Information Services, 1999. Class number: **343.0720263 MILL20**

## TORT LAW THE LAW OF TORTS IN AUSTRALIA

Melbourne : Oxford University Press, 1999. Class number: **346.03 TRIN3**

## RECENT ARTICLES

**Aborigines, Aust - alcohol**  
Kavanagh, Maggie - Curtin Springs Roadhouse : ten years of community struggle  
Indigenous Law Bulletin  
Vol 4(19) 1999 pp: 15-17

**Aborigines, Aust - criminal law**  
Nicholson, John - The sentencing of aboriginal offenders  
Criminal Law Journal  
Vol 23(2) 1999 pp: 85-89

**Civil procedure**  
Lightman, Mr Justice - Sanctions under the new rules  
New Law Journal  
Vol 149(6878) 1999 pp: 336-339

Scott, Sir Richard - The judges are ready for reform - are you?  
Solicitors Journal  
Vol 143(14) 1999 pp: 336

**Company law**  
Hanrahan, Pamela - Managed investment schemes: position of directors under Chapter 5C of the Corporations Law  
Company and Securities Law Journal  
Vol 17(2) 1999 pp: 67-84

**Constitutional law**  
Heatley, Alistair & McNab, Peter - Northern Territory Statehood Referendum 1998  
Public Law Review  
Vol 10(1) 1999 pp: 3-8

Nettheim, Garth - Aboriginal constitutional conventions in the Northern Territory  
Public Law Review  
Vol 10(1) 1999 pp: 8-11

**Consumer law**  
Di Carlo, Astrid - Consumer protection and financial services: implementation of the Wallis Report  
Law Institute Journal  
Vol 73(4) 1999 pp: 69-71

Posener, Julia - Delay in air travel  
Solicitors Journal  
Vol 143(15) 1999 pp: 373

**Contracts law**  
McMorland, D W - In defence of 'a certain ludic charm'

Journal of Contract Law  
Vol 14(1/2) 1999 pp: 108-115  
Coote, Brian - Common forms, consideration and contract doctrine  
Journal of Contract Law  
Vol 14(1/2) 1999 pp: 116-129

**Courts - technology**  
Hi-tech revolution for our court system  
WA Justice : Issues and Initiatives in Western Australia  
Vol Issue 3 1999 pp: 13

Video-link facility offers many advantages  
WA Justice : Issues and Initiatives in Western Australia  
Vol Issue 3 1999 pp: 14

**Criminal law**  
Basham, Richard - Asian crime - a challenge for Australia  
Australian Journal of Forensic Sciences  
Vol 31(1) 1999 pp: 29-44

Pether, Penelope - "We say the law is too important just to get one kid": Refusing the challenge of Ebatarinja v Deland and Ors  
Sydney Law Review  
Vol 21(1) 1999 pp: 114-128

Burrow, John - Pre-committal custody time limits  
New Law Journal  
Vol 149(6878) 1999 pp: 330-332

Giddings, Jeff - Being expected to do more with less: criminal law legal aid in Queensland  
Criminal Law Journal  
Vol 23(2) 1999 pp: 69-84

**Defamation**  
Kenyon, Andrew T - Pleading defamatory meaning, fair report defences and damages : Chakravarti in the High Court  
Torts Law Journal  
Vol 7(1) 1999 pp: 9-22  
Vol 27(2) 1999 pp: 112-141

**Discrimination law**  
Andrades, Carol - High roads, low roads and detours: strategic considerations in discrimination law  
Law Institute Journal  
Vol 73(4) 1999 pp: 52-55

**Electronic commerce**  
Into the wild electronic yonder  
Management Today  
Vol April 1999 pp: 10-11

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## Employment law

Spry, Max - Workplace harassment : two recent examples  
Queensland Lawyer  
Vol 19(5) 1999 pp: 143-145

Darvas, Paula - Employees' rights and entitlements and insolvency: regulatory rationale, legal issues and proposed solutions

Company and Securities Law Journal  
Vol 17(2) 1999 pp: 103-122

Shrubsall, Vivien - Service qualification for unfair dismissal

Solicitors Journal  
Vol 143(13) 1999 pp: 312-313

## Evidence

Redmayne, Mike - Standards of proof in civil litigation  
Modern Law Review  
Vol 62(2) 1999 pp: 167-195

Hartshorne, John - 'Hearsay-fiddles' in the House of Lords  
Modern Law Review  
Vol 62(2) 1999 pp: 290-297

## Expert evidence

Frenkel, John - Expert evidence under the new Civil Procedures Rules - 2  
New Law Journal  
Vol 149(6876) 1999 pp: 254-255

Kinley, David - Quest for the truth: a comparative analysis of the role of experts in litigation  
Australian Journal of Forensic Sciences  
Vol 31(1) 1999 pp: 5-18

Mahendra, B - A checklist for the expert  
New Law Journal  
Vol 149(6875) 1999 pp: 204, 206

## Family law

Dickey, Anthony - Contact rights as "rights of custody"  
Australian Law Journal  
Vol 73(4) 1999 pp: 239-240

Dickey, Anthony - Inter-spousal debt recovery  
Australian Law Journal  
Vol 73(4) 1999 pp: 240-241

## Franchises

Ridgway, Nigel - Franchising code update - disclosure documents  
Brief  
Vol 26(3) 1999 pp: 38-39

## Guarantees

Ward, Nigel - It's just not cricket! :

Efficacy of guarantees of lease upon assignment  
Australian Property Law Journal  
Vol 7(1) 1999 pp: 1-33

Hii, Su-King - From Yerkey to Garcia : 60 years on and still as confused as ever!  
Australian Property Law Journal  
Vol 7(1) 1999 pp: 47-75

Phang, Andrew - From mythical equities to substantive doctrines - Yerkey in the shadow of notice and unconscionability  
Journal of Contract Law  
Vol 14(1/2) 1999 pp: 72-107

## Hearsay

Brown, Alastair - Hearsay and human rights  
Solicitors Journal  
Vol 143(13) 1999 pp: 314-315

## Insurance law

Marshall, John - One claim, one limit, one excess?  
Insurance Law Journal  
Vol 10(2) 1999 pp: 99-132

Agnew, Nevin - Does Section 6 of Law Reform (Miscellaneous Provisions) Act 1946 (NSW) : Apply to claims made policies?  
Insurance Law Journal  
Vol 10(2) 1999 pp: 133-144

Rein, N G - Utmost good faith in marine insurance  
Insurance Law Journal  
Vol 10(2) 1999 pp: 145-166

Mills, Michael - Risks and remedies for conflicts of interest - perspectives of an insurer's lawyer  
Insurance Law Journal  
Vol 10(2) 1999 pp: 167-178

Drummond, Stanley W - Direct claims against liability insurers - Section 601AG and ideas for further reform  
Insurance Law Journal  
Vol 10(2) 1999 pp: 179-188

Christopher, Angela - The latest word on FAI v Perry: Greentress v FAI General Insurance Co Ltd  
Insurance Law Journal  
Vol 10(2) 1999 pp: 189-192

Wilson, Michael - Complaints against insurance companies (12)  
Solicitors Journal  
Vol 143(15) 1999 pp: 374

## Judges

Seniuk, Gerald T G - Judicial independ-

ence and the Supreme Court of Canada  
Canadian Bar Review  
Vol 77(3/4) 1998 pp: 381-401

Kirby, Hon Justice Michael - Judging: reflections on the moment of decision  
Australian Bar Review  
Vol 18(1) 1999 pp: 4-22

Campbell, Enid - Suspension of judges from office  
Australian Bar Review  
Vol 18(1) 1999 pp: 63-78

Barker, Michael - Bagging judges : good sport or a dangerous game?  
Brief  
Vol 26(3) 1999 pp: 5-13

## Judgments

Morgan, Neil - What's in a name? Guideline judgments in Australia  
Criminal Law Journal  
Vol 23(2) 1999 pp: 90-107

## Legal profession

Frost, Ray - Estate administration and powers of attorney: ethical issues 'mine'-field  
Bulletin  
Vol 21(3) 1999 pp: 20-22

Edney, Richard - Access of lawyers to clients in private prisons  
Law Institute Journal  
Vol 73(4) 1999 pp: 48-51

Johnson, James - How GST will affect your practice  
Law Institute Journal  
Vol 73(4) 1999 pp: 81-82

Griffiths-Baker, Janine - Further cracks in Chinese walls  
New Law Journal  
Vol 149(6874) 1999 pp: 162, 172, 175

## Mandatory sentencing

Hogg, Russell - Mandatory sentencing laws and symbolic politics of law and order  
University of NSW Law Journal Forum  
Vol 5(1) 1999 pp: 3-5

Morgan, Neil - Capturing crims or capturing votes? The aims and effects of mandates  
University of NSW Law Journal Forum  
Vol 5(1) 1999 pp: 5-11

Flynn, Martin - Fixing a sentence : are there any constitutional limits?  
University of NSW Law Journal Forum  
Vol 5(1) 1999 pp: 11-14

Bayes, Helen - Punishment is blind: mandatory sentencing of children in Western

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Australia and the Northern Territory  
University of NSW Law Journal Forum  
Vol 5(1) 1999 pp: 14-15

Cowdery, Nicholas - Mandatory life sentences in New South Wales  
University of NSW Law Journal Forum  
Vol 5(1) 1999 Pp: 16-18

Spears, Donna - Structuring discretion: sentencing in the Jurisic Age  
University of NSW Law Journal Forum  
Vol 5(1) 1999 Pp: 18-20

Zdenkowski, George - Mandatory imprisonment of property offenders in the Northern Territory  
University of NSW Law Journal Forum  
Vol 5(1) 1999 pp: 21-26

## **Medical negligence**

Tonore, Tony - Medical non-disclosure, causation and risk : Chappel v Hart  
Torts Law Journal  
Vol 7(1) 1999 pp: 1-8

## **Mortgages**

Milton, David - Tails you lose, heads they win  
Solicitors Journal  
Vol 143(15) 1999 pp: 360-361

## **Native title**

Beaumont, Hon Justice Bryan - Native (traditional) title in Australia and the South Pacific: some reflections  
Australian Bar Review  
Vol 18(1) 1999 pp: 23-28

Cocks, Christopher - The common law of native title  
Bulletin  
Vol 21(3) 1999 pp: 34-36

## **Negligence**

Rogers, WVH - Psychiatric trauma: "Thus far and no further" - in fact not quite so far as hitherto  
Torts Law Journal  
Vol 7(1) 1999 pp: 23-31

## **Nuisance**

Blay, Sam - House of Lords and lord of the house: making new sense of nuisance  
Australian Law Journal  
Vol 73(4) 1999 pp: 275-289

## **Prisoners**

Edney, Richard - Access of lawyers to clients in private prisons  
Law Institute Journal  
Vol 73(4) 1999 pp: 48-51

## **Privacy**

O'Sullivan, David - Fraudulent claims, and the right to private life

New Law Journal  
Vol 149(6881) 1999 pp: 438-439

## **Privilege**

Watson, Garry D - Solicitor-client privilege and litigation privilege in civil litigation  
Canadian Bar Review  
Vol 77(3/4) 1998 pp: 315-353

Tobin, Rosemary  
Political discussion, freedom of expression & qualified privilege: Lange v Atkinson  
Torts Law Journal  
Vol 7(1) 1999 pp: 32-39

Mitchell, Alan - Developments in legal professional privilege  
Brief  
Vol 26(3) 1999 pp: 20-22

## **Professional negligence - solicitors**

Law report : Horsfall and another v Haywards (a firm)  
New Law Journal  
Vol 149(6881) 1999 pp: 452

## **Refugees**

Salla-Tenna, Franca - Western Australia's refugee problem  
Brief  
Vol 26(3) 1999 pp: 41-42

## **Sale of goods**

Kapnoullas, Stephen - Countdown to zero: the duration of statutory rights for unfit and unmerchantable goods  
Journal of Contract Law  
Vol 14(1/2) 1999 pp: 154-172

## **Sale of land**

Griggs, Lynden - The duty of disclosure by vendors in a conveyance: if caveat vendor, are we allowing the camel's nose of unrestrained irrationality admission to the tent  
Australian Property Law Journal  
Vol 7(1) 1999 pp: 76-90

## **Sentencing**

Ball, Caroline - Requiring school attendance: a little used sentencing power  
Criminal Law Review  
1999 pp: 183-194

Williams, Clifford - Early release of prisoners  
New Law Journal  
Vol 149(6874) 1999 pp: 161

Nicholson, John - The sentencing of aboriginal offenders  
Criminal Law Journal  
Vol 23(2) 1999 pp: 85-89

## **Sports law**

Buti, A - Salary caps in professional team sports: an unreasonable restraint of trade  
Journal of Contract Law Vol 14(1/2) 1999 pp: 130-153

## **Statutory authorities**

Doyle, Honourable John - The common law liability of public authorities: the interface between public law and private law  
Tort Law Review  
Vol 7(1) 1999 pp: 30-51

## **Succession**

Cook, Richard - Setting aside pre-death dispositions: a new approach in probate law  
Law Institute Journal  
Vol 73(4) 1999 pp: 72-74

Milne, Patrick - How Lady Ingram had her cake and ate it  
New Law Journal  
Vol 149(6881) 1999 pp: 448, 450, 456

## **Tenancy law**

Holbrook, Jon - Unfair terms in tenancy agreements  
Solicitors Journal  
Vol 143(11) 1999 pp: 276-277

## **Torts law**

Doyle, Honourable John - The common law liability of public authorities: the interface between public law and private law  
Tort Law Review  
Vol 7(1) 1999 pp: 30-51

Clough, Daniel - Trends in the law of unconscionability  
Australian Bar Review  
Vol 18(1) 1999 pp: 34-62

Vranken, Martin - Duty of care, public policy, and the European Convention on Human Rights : Osman v United Kingdom  
Torts Law Journal  
Vol 7(1) 1999 pp: 40-45

## **Trusts and trustees**

Muirhead, Ian - Trustee investment: time for a re-think  
Solicitors Journal  
Vol 143(14) 1999 pp: 338-339

## **Wills**

Coley, Jonathan - Disappointed beneficiaries  
Solicitors Journal  
Vol 143(11) 1999 pp: 260, 262

Towns, Robin - A new "Wills Act" for a new millennium  
New Law Journal  
Vol 149(6881) 1999 pp: 445-446