

COURT LIBRARY NOTES

This month we have added details of the decisions handed down in the Supreme Court in the month of May 2002. NT decisions are now available on the Supreme Court web page – nt.gov.au/oca/supreme

Selected lower court decisions are also in the same database.

NT decisions are no longer available on Scaleplus.

GAZETTE INDEXES

The library indexes the *NT Government Gazette* for notices of legal interest. All notices are indexed except for lists of contracts available or let, sale of land notices and lists of stolen property for sale or destruction by the police. Information from mid 1995 is available. Current issues are indexed as soon as possible, with retrospective indexing completed where possible.

A separate index also indexes the details of the assent details and commencement dates for NT legislation. Information in this index is available from July 1978. For some acts, the date of

the second reading speech is indexed. If you would like a demonstration of these indexes, please contact the Darwin library on 8999 6583.

NT LEGISLATION

Legislative changes in May 2002, notified in the *NT Government Gazette*
New Acts

5/2002 Juvenile Justice Amendment Act (29.5.02)

New Regulations

9/2002 Bail Regulations (8.5.02)

10/2002 Co-Operatives Regulations (8.5.02)

11/2002 Consumer Affairs and Fair Trading (Tow Truck Operators Code of Practice) Regulations (8.5.02)

12/2002 Traffic Regulations (8.5.02)

13/2002 Supreme Court Rules (8.5.02)

14/2002 Port By-Laws (29.5.02)

NT JUDGMENTS

Supreme Court decisions (May 2002).

1/5/02, Bryson v Fensom, Riley J

2/5/02, Wolfe v Northern Territory, Thomas J

2/5/02, Adriel Tatipata v Davis, Thomas J

9/5/02, Northern Territory v Pickering, Thomas J

10/5/02, Normandy NFM Ltd v Turner, Angel J

15/5/02, (A/S) Pucciarnati v Walker, Martin CJ

17/5/02, Elliott v TIO Board, Riley J

27/5/02, R v Heffernan, Martin CJ

29/5/02, Plummers Border Valley Orchards P/L v Commissioner of Taxes, Riley J

31/5/02, Tjong v Hales, Thomas J

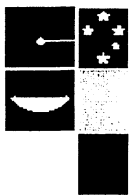
Court of Criminal Appeal decisions (May 2002).

01/05/02, Damaso v R, Mildren, Bailey & Riley JJ

01/05/02, Gooch & Pierce v R, Martin CJ, Bailey & Riley JJ

17/05/02, Tramontano v The Queen, Martin CJ, Mildren & Riley JJ

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Common Law, Common Good, Common Wealth *An invitation for expressions of interest in the* **13th Commonwealth Law Conference**

Melbourne, Sunday 13 - Thursday 17 April 2003

The triennial conference of the CLA is to be conducted for the first time for many years in Australia in conjunction with the LCA's Australian Legal Convention.

Are you interested in attending? Or would you like to present a paper?

TOPICS INCLUDE:

- Human rights and the rule of the law
- International commerce
- The legal profession and its future
- Family law and child protection
- Litigation in the new millennium
- Criminal law and practice
- Technology and the Law

For more information:

Email: comlaw@mcigroup.com or Website: www.mcigroup.com/commonwealthlaw2003.htm

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Court of Appeal decisions (May 2002).

20/05/02, In re. Application under the *Status of Children Act*, Martin CJ, Mildren & Bailey JJ

Subject Index (selected decisions only)

Appeal – Appeal against sentence – whether sentence manifestly excessive – whether medical condition to be considered in sentencing – whether sentencing Judge erred in applying guidelines in *R v Wong*
TRAMONTANO v THE QUEEN
17 May 2002 - MARTIN CJ, MILDREN & RILEY JJ, 2002/

Appeal - Further evidence – Principles applicable – Likely affect – Matters to be considered in determining whether to order a new trial.

WHITE V PINK BATTS INSULATION P/L
7 June 2002 - ANGEL, MILDREN & BAILEY JJ, 2002/

Criminal law – Case Stated – Failure of case stated to set out facts relating specifically to issues raised by question of law reserved.

YUNUPINGU v THE QUEEN
5 June 2002 - ANGEL, MILDREN & RILEY JJ, 2002/

RECENT ARTICLES

Administrative Law

Thompson, Lynne - Securing compliance. Reform. 80. 2002. 59-62, 71-73

Consumer Law

McCullough, Sandra - Aged care : a Victorian perspective on complaints handling and the enforcement of consumer rights. Alternative Law Journal. 27(2). 2002. 57-62

Courts

Hulls, Bob - Victoria's new Drug Court. Victorian Bar News. 120. 2002. 10-11

Phillips, John Herbert - The exquisite hour - a vision for a superior court in Australia in the year 2025. Victorian Bar News. 120. 2002. 50-51

Cannon, Andrew - A suggested policy to control access to court databases. Journal of Judicial Administration. 11(4). 2002. 176-179

Young, P W - Court etiquette. Australian Law Journal. 76(5). 2002. 303-308

Criminal Law

Clarke, Ben - The defence of duress: telephone threats and "telescopic targets". Brief. 24(4). 2002. 22-23

Azzopaardi, Jules H - Disclosure at the police station, the right of silence and DPP v Ara. Criminal Law Review. 2002 April. 295-300

Criminal Trials

Chowdhury, Craig - Justice under fire. Queensland Bar News. 9. 2002. 12-13

Customary Law

Clark, Geoff - Not just payback: indigenous customary law. Reform. 80. 2002. 5-10

Blagg, Harry - Aboriginal customary law in Western Australia. Reform. 80. 2002. 11-14

Limerick, Michael - Indigenous community justice groups: the Queensland experience. Reform. 80. 2002. 15-21

Ottley, Bruce L - Reconciling modernity and tradition : PNG's Underlying Law Act Reform. 80. 2002.. 22-25

Jessep, Owen - Customary family law and human rights in PNG. Reform. 80. 2002. 26-30

Care, Jennifer Corrin - Wisdom and worthy customs: customary law in the South Pacific. Reform. 80. 2002. 31-36

Harring, Sidney L - American Indian law: tribal courts and tribal justice in the US. Reform. 80. 2002. 37-41

Maithuffi, I P - Reforming customary family law : the South African experience Reform. 80. 2002. 37-41

Damages

Pratt, Darren - Recent developments in the limitation period for damages claims under the Trade Practices Act. Brief. 24(4). 2002. 24-25

Edelman, James - Non-compensation damages for breach of contract and torts. Australian Law Journal. 76(5). 2002. 328-339

Dispute Resolution

Foley, Tony - Environmental negotiation: finding shared interests in forest use conflict. Australasian Dispute Resolution Journal. 13(2). 2002. 89-112

Cooper, Donna - "Quicker, cheaper, less formal"; Does the Federal Magistrates Service mantra conflict with an emphasis on dispute resolution? Australasian Dispute Resolution Journal.

Drink Driving

Walsh-Buckley, Warwick J - Drink driving - alcohol ignition interlocks. Law Institute Journal. 76(5). 2002. 60-63

Employment Law

Adams, K Lee - A backward step in job protection for carers. Australian Journal of Labour Law. 15(1). 2002. 93-103

Evidence

Boyce, Christopher - An accused person's right of confrontation versus protection of witnesses. Law Institute Journal. 76(5). 2002. 70-73

Senior, Maurie - Child witnesses - a need for change? Bulletin. 24(4). 2002. 24-25

Expert Evidence

Elliott, Paul - Expert evidence - Interview between Paul Elliott and Professor George Hempel concerning the establishment of the International Institute of Forensic Studies. Victorian Bar News. 120. 2002. 42-43

Family Agreements

Monro, Rossilyn - Family agreements: all with the best of intentions. Alternative Law Journal. 27(2). 2002. 68-71,77

Herd, Brian - The family agreement: legal good sense or social bad taste for the aged? Alternative Law Journal. 27(2). 2002. 72-77

Federal Court

Black, Michael - 25th anniversary of the Federal Court - Chief Justice reviews first 25 years. Victorian Bar News. 120. 2002. 32-34

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Williams, Daryl - 25th anniversary of the Federal Court - Development of the Federal Court over 25 years. *Victorian Bar News*. 120. 2002. 34-36

Abbott, Tony - 25th anniversary of the Federal Court - Success of individual docket systems reflects confidence in the court. *Victorian Bar News*. 120.2002. 36-37

Federal Magistrates Service

Cooper, Donna - "Quicker, cheaper, less formal"; Does the Federal Magistrates Service mantra conflict with an emphasis on dispute resolution? *Australasian Dispute Resolution Journal*. 13(2). 2002. 115-125

GST

Hockley, John - GST and commercial leases. *Brief*. 24(4). 2002. 13-15

GST tax ruling on legal services in workers compensation cases. *Law Society Journal*. 40(4). 2002. 24

Guarantees

Cummins, Juliet Lucy - Relationship debt and the aged: welfare vs commerce in the law of guarantees. *Alternative Law Journal*. 27(2). 2002. 63-67

Judges

Caulfield, Malcolm - The judges of Western Australia Part IV. *University of Western Australia Law Review*. 30(2). 2002. 251-258

Colbran, Stephen - Judicial performance evaluation and settlement skills. *Journal of Judicial Administration*. 11(4). 2002. 180-204

Doyle, John - Judicial independence and public sector accountability. *Journal of Judicial Administration*. 11(4). 2002. 168-175

Finn, Chris - Ruling on bias - Part 2. *Bulletin*. 24(4). 2002. 34-35

Juries

Lynch, Philip - Juries as communities of resistance: Eureka and the power of the rabble. *Alternative Law Journal*. 27(2). 2002. 83-86

Burgess, Craig - Jury study unleashes the media. *Queensland Bar News*. 9. 2002. 10-11

Legal Costs

Komesaroff, Tonia - Costs in the Planning and Environment List of the Victorian Civil and Administrative Tribunal. *Law Institute Journal*. 76(5). 2002. 64-69

Legal Ethics

Professional mobility and chinese walls. *Law Institute Journal*. 76(5). 2002. 45

Baxter, Linda - Professional standards - not the Spanish Inquisition. *Law Institute Journal*. 76(5). 2002. 56-59

Legal Profession

Silver, Jason - Legal profession makes public liability submission. *Law Institute Journal*. 76(5). 2002. 22

Litigants in Person

McGregor, Damian - Balancing act: self-represented parties in civil and criminal proceedings. *Journal of Judicial Administration*. 11(4). 2002. 163-167

Pavone, Rachael - Do self-represented litigants receive a fair trial? The challenge for the Family Court. *Law Institute Journal*. 76(5). 2002. 52-55

Litigation

Spencer, David - *Dramatis personae* - The Commonwealth acting as a model litigant

Australasian Dispute Resolution Journal. 13(2). 2002. 63-67

Media Law

Chowdhury, Craig - Justice under fire. *Queensland Bar News*. 9. 2002. 12-13

Mediation

Carroll, Robyn - Trends in mediation legislation: "all for one and one for all" or "One at all"? *University of Western Australia Law Review*. 30(2). 2002. 167-207

Medical Law

Opeskin, Brian - Engaging the public: community participation in the genetic information inquiry. *Reform*. 80. 2002. 53-58

Medical Negligence

Devereux, John - *Jeansch v Campbell* [Case note]. *Journal of Law and Medicine*. 9(4). 2002. 395-397

Native Title

Wittkuhn, Peter - Extinguishment of native title: the relationship between common law and statutory extinguishment; and the relationship between the various statutory categories of extinguishing acts. *Native Title News*. 5(8). 2002. 126-130

Wandarang, Alawa, Marra and Ngalakan peoples v Northern Territory of Australia. *Australian Indigenous Law Reporter*. 6(3). 2001. 21-24

Yanner v Minister Aboriginal and Torres Strait Islander Affairs. *Australian Indigenous Law Reporter*. 6(3). 2001. 29-42

Ngalakan People v Northern Territory of Australia. *Australian Indigenous Law Reporter*. 6(3). 2001. 43-58

Lavery, Daniel - The Moses Silver determination: the expedited procedure in the Northern Territory. *Native Title News*. 5(8). 2002. 131-133

French, Robert - The role of the High Court in the recognition of native title. *University of Western Australia Law Review*. 30(2). 2002. 129-166

Nurses

Forrester, Kim - Aggression and assault against nurses in the workplace - practice and legal issues. *Journal of Law and Medicine*. 9(4). 2002. 386-391

Professional Negligence

Spencer, David - *Dramatis Personae* - Solicitor negligent in preparing for mediation *Australasian Dispute Resolution Journal*. 13(2). 2002. 67-72

Remedies

Spencer, David - Remedies: a bar to the enforceability of dispute resolution clauses *Australasian Dispute Resolution Journal*. 13(2). 2002. 85-97

Royal Commissions

McGrath, Joe - Royal commissions: an inside view. *Brief*. 24(4). 2002. 6-11

Terrorism

Renwick, James - Legal resources by Australia to the war against terrorism. *Victorian Bar News*. 120. 2002. 38-41