

# COURT LIBRARY NOTES

Court library staff wish you all the best for 2003. We look forward to seeing you in the library during the year.

## NT LEGISLATION

*Legislative changes in November-December 2002, notified in the NT Government Gazette*

### New Acts

- Information Act 2002 – 62/2002 (N/C)
- Swimming Pool Fencing Act – 66/2002 (1.1.03)
- Swimming Pool Fencing (Consequential Amendments) Act – 67/2002 (1.1.03)
- Tobacco Control Act – 68/2002 (Ss.15-19, 20-22, 24-26 and 28 – 31.5.03, Rest – N/C)

### New Regulations

- 41 Katherine Town Council By-Laws (30.10.02)
- 47 Legal Practitioners (Professional Indemnity Insurance) Regulations (27.11.02)
- 48 Small Claims Regulations (4.12.02)
- 49 Small Claims Rules (4.12.02)
- 50 Local Court Rules (4.12.02)
- 51 Palmerston (Animal Management) By-Laws (25.11.02)
- 52 Palmerston (Public Places) By-Laws (25.11.02)
- 53 Palmerston (Signs, Hoardings and Advertising) By-Laws (25.11.02)
- 54 Darwin City Council By-Laws (25.11.02)

### Commencements

- 30 Mining Amendment Act (12.12.02)
- 41 Consumer Affairs and Fair Trading Amendment Act (ss.34, 35, 36, 59, 60, 83 and 84 – N/C, Rest – 1.12.02)
- 46 Northern Territory Employment and Training Authority Amendment Act (6.11.02)
- 47 Northern Territory Employment and Training Authority (Consequential Amendments) Act (6.11.02)
- 58 Private Hospitals and Nursing Homes Amendment Act (N/C)
- 59 Statute Law Revision Act (No.2) (7.11.02)
- 60 Education Amendment Act (N/C)
- 61 Community Welfare Amendment Act (9.12.02)
- 62 Information Act 2002 (N/C)
- 63 Ombudsman (Northern Territory) Amendment Act (N/C)
- 64 Health and Community Services Complaints Act (N/C)
- 65 Northern Territory Aboriginal Sacred Sites Amendment Act (15.8.89)
- 66 Swimming Pool Fencing Act (1.1.03)
- 67 Swimming Pool Fencing (Consequential Amendments) Act (1.1.02)
- 68 Tobacco Control Act (Ss.15-19, 20-22, 24-26 and 28 – 31.5.03, Rest – 1.1.03)

## RECENT ARTICLES

### Aborigines, Aust

Neal, Luke - After three strikes - the continued discriminatory impact of the sentencing system against indigenous Australians, *Criminal Law Journal*, Vol 26(5) 2002 pp: 279-292

### Asylum

Bondar, Anoushka - Detention of asylum seekers - interpreting the Migration Act, *Alternative Law Journal*, Vol 27(6) 2002 pp: 287-290

### Commercial law

Cull, Kim - Ethics and law as an influence on business, *Law Society Journal*, Vol 40(9) 2002 pp: 50-52

### Commercial tenancy

Main, Jim - Rent Reviews and GST, *Law Society Journal*, Vol 40(10) 2002 pp: 33

Lavelle, Keren - Title insurance - is it wanted here? *Law Society Journal*, Vol 40(10) 2002 pp: 46-51

### Contempt

Young, PW - Contempt - magistrates powers, *Australian Law Journal*, Vol 76(10) 2002 pp: 615-616

### Contracts law

Campbell, Mark - The legal consequences of promises and undertakings made by public bodies, *Canterbury Law review*, Vol 8 2002 pp: 237-280

### Courts

Siegel, Natalie - Bush courts of remote Australia, *Australian Law Journal*, Vol 76(10) 2002 pp: 640-651

### Courts - Information technology

Nicholson, Robert D - The paperless court? Technology and the courts in the region, *Journal of Judicial Administration*, Vol 12(2) 2002 pp: 63-84

### Criminal law

Lanham, David - Witness credibility and cross-border convictions, *Criminal Law Journal*, Vol 26(5) 2002 pp: 272-278

### Criminal trials

Honess, TM - Empirical and legal perspectives on the impact of pre-trial publicity, *Criminal Law Review*, Vol Sept 2002 pp: 719-727

### Drug addiction

Taylor, Greg - Should addiction to drugs be a mitigating factor in sentencing? *Criminal Law Journal*, Vol 26(6) 2002 pp: 324-343

### Drug offences

Freiberg, Arie - Drug courts - sentencing responses to drug use and drug-related crime, *Alternative Law Journal*, Vol 27(6) 2002 pp: 282-286

### Dust diseases

Goldring, John - Dust diseases and product liability laws, *Judicial Review*, Vol 6 2002 pp: 73-94

### Electronic courts

Nicholson, Robert D - The paperless court? Technology and the courts in the region, *Journal of Judicial Administration*, Vol 12(2) 2002 pp: 63-84

# COURT LIBRARY NOTES

## **Employment law**

Metcalfe, Jane - Personal relationships and the workplace: taking a gamble? *Canterbury Law review*, Vol 8 2002 pp: 315-344

## **Estoppel**

Campbell, Mark - The legal consequences of promises and undertakings made by public bodies, *Canterbury Law review*, Vol 8 2002 pp: 237-280

## **Family law**

Eades, John - Prospective inheritances in family law property proceedings, *Law Society Journal*, Vol 40(9) 2002 pp: 46-49

## **GST**

Main, Jim - Rent reviews and GST, *Law Society Journal*, Vol 40(10) 2002 pp: 33

Lavelle, Keren - Title insurance - is it wanted here? *Law Society Journal*, Vol 40(10) 2002 pp: 46-51

## **Human rights**

Cowdery, Nicholas - Rights of refugees, *Plaintiff*, Vol 53 2002 pp: 23-28

## **Insurance law**

McLure, CJ - Risk and responsibility - the interplay between insurance and tort law, *Brief*, Vol 29(9) 2002 pp: 7-14

## **Judges**

Nienaber, P M - Dialogue with the deaf, *Queensland Bar News*, 2002 Dec pp: 26-29

Sheller, CSC - Judicial independence, *Judicial Review*, Vol 6 2002 pp: 1-18

## **Legal ethics**

Shirvington, Virginia - Conflicting loyalties, *Law Society Journal*, Vol 40(9) 2002 pp: 38-39

Cull, Kim - Ethics and law as an influence on business, *Law Society Journal*, Vol 40(9) 2002 pp: 50-52

## **Magistrates**

Young, PW - Contempt - magistrates powers, *Australian Law Journal*, Vol 76(10) 2002 pp: 615-616

Siegel, Natalie - Bush courts of remote Australia, *Australian Law Journal*, Vol 76(10) 2002 pp: 640-651

## **Media law**

Honess, TM - Empirical and legal perspectives on the impact of pre-trial publicity, *Criminal Law Review*, Vol Sept 2002 pp: 719-727

## **Medical negligence**

Madden, Bill - Tort reform and medical liability, *Plaintiff*, Vol 54 2002 pp: 14-18

## **Migration**

Bondar, Anoushka - Detention of asylum seekers - interpreting the Migration Act, *Alternative Law Journal*, Vol 27(6) 2002 pp: 287-290

## **Native title**

Hayes, Paul - National Native title tribunal - effective mediator or bureaucratic albatross? A user's perspective, *Indigenous Law Bulletin*, Vol 5(18) 2002 pp: 4-7

Young, Doug - Native title after Ward - a general overview of the implications for the mining and petroleum industries, *Australian Mining and Petroleum Law Journal*, Vol 21(3) 2002 pp: 207-224

Jager, Ken - Minerals, mining leases and native title, *Australian Mining and Petroleum Law Journal*, Vol 21(3) 2002 pp: 236-243

## **Negligence**

Taylor, Peter - The future of public authority liability, *Plaintiff*, Vol 54 2002 pp: 6-12

## **Police**

Wakeling, Stewart - policing on American Indian reservations, *Australian Indigenous Law Reporter*, Vol 7(1) 2002 pp: 109-114

## **Product liability**

Goldring, John - Dust diseases and product liability laws, *Judicial Review*, Vol 6 2002 pp: 73-94

## **Public authorities**

Taylor, Peter - The future of public authority liability, *Plaintiff*, Vol 54 2002 pp: 6-12

## **Public law**

Campbell, Mark - The legal consequences of promises and undertakings made by public bodies, *Canterbury Law review*, Vol 8 2002 pp: 237-280

## **Public liability insurance**

Stephens, Hayden - Public liability claims against statutory bodies, *Plaintiff*, Vol 53 2002 pp: 31-36

## **Recreation law**

Charrington, Brett - Surf related litigation - keeping your case between the flags, *Plaintiff*, Vol 53 2002 pp: 6-14

## **Refugee law**

Cowdery, Nicholas - Rights of refugees, *Plaintiff*, Vol 53 2002 pp: 23-28

## **Remedies**

Campbell, Mark - The legal consequences of promises and undertakings made by public bodies, *Canterbury Law review*, Vol 8 2002 pp: 237-280

## **Residential tenancy**

Cockburn, Tina - Duty of care of landlords in residential premises, *University of Tasmania Law Review*, Vol 20(2) 2001 pp: 205-240

## **Sentencing**

King, Michael S - Geraldton Alternative Sentencing Regime - applying therapeutic and holistic jurisprudence in the bush, *Criminal Law Journal*, Vol 26(5) 2002 pp: 260-271

Neal, Luke - After three strikes - the continued discriminatory impact of the sentencing system against indigenous Australians, *Criminal Law Journal*, Vol 26(5) 2002 pp: 279-292

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## 2003 CLE Program

22/1/03	Native Title	Raelene Webb
19/2/03	Bail Applications	Hon Justice T Riley Mark Johnson, ODPP
26/2/03	Affidavits and Witness Statements for proceedings	Hon Justice J Mansfield
19/3/03	Practice Management	Kriss Will

Prices are \$22 members, \$27.50 non-members, \$5.50 students (all include GST).

The CLE presentations are videoconferenced to venues in Alice Springs and Katherine.

## Footy tipping comp on again



Last AFL season a very savvy Elizabeth Morris blitzed the field to take out the inaugural LSNT AFL footy tipping competition.

This year organisers are considering expanding the competition to include the rugby league.

"Sacrilige!" we hear you purists protest.

In the end, it all depends on the membership and who wants to take part in the tipping comp. If there is enough interest, we may well run TWO competitions – one for AFL, one for rugby league. If you haven't already, let Lorelei know your thoughts on the issue.

## DEADLINES

*Contributions to Balance are welcome.*

*Copy should be forwarded to the Editor of Balance, Law Society NT, no later than the 5th of each month.*

*Either fax your contributions to the Law Society: 08 8941 1623 or send them via email: lfonglim@lawsocnt.asn.au.*

*Advertising rates can be obtained from the Society on tel: 08 8981 5104 or downloaded from our website: www.lawsocnt.asn.au.*

# COURT LIBRARY NOTES

(from previous page)

Morgan, Neil - Going overboard? Debate and developments in mandatory sentencing, June 2000 to June 2002, Criminal Law Journal, Vol 26(5) 2002 pp: 293-311

Edwards, Ian - Place of victims' preferences in the sentencing of 'their' offenders, Criminal Law Review, Vol Sept 2002 pp: 689-702

Freiberg, Arie - Drug courts - sentencing responses to drug use and drug-related crime, Alternative Law Journal, Vol 27(6) 2002 pp: 282-286

Cowdery, Nicholas - Whose sentences? The judges, the public's or Alan Jones? Australian Journal of Forensic Sciences, Vol 34(2) 2002 pp: 49-56

Taylor, Greg - Should addiction to drugs be a mitigating factor in sentencing? Criminal Law Journal, Vol 26(6) 2002 pp: 324-343

### Sexual offences

Todd, Alison - Vicarious liability for sexual abuse, Canterbury Law Review, Vol 8 2002 pp: 281-314

### Sports law

Hocking, Barbara Ann - It's just not cricket - Woods v Multi-Sport Holdings, Plaintiff, Vol 53 2002 pp: 41-42

### Statutory authorities

Stephens, Hayden - Public liability claims against statutory bodies, Plaintiff, Vol 53 2002 pp: 31-36

### Torts law

McLure, CJ - Risk and responsibility - the interplay between insurance and tort law, Brief, Vol 29(9) 2002 pp: 7-14

Madden, Bill - Tort reform and medical liability, Plaintiff, Vol 54 2002 pp: 14-18

### Vicarious liability

Todd, Alison - Vicarious liability for sexual abuse, Canterbury Law review, Vol 8 2002 pp: 281-314

### Victims of crime

Edwards, Ian - place of victims' preferences in the sentencing of 'their' offenders, Criminal Law Review, Vol Sept 2002 pp: 689-702

### Witnesses

Lanham, David - Witness credibility and cross-border convictions, Criminal Law Journal, Vol 26(5) 2002 pp: 272-278

### Work Health

Musso, Philip G - Serious injury - a need to take it seriously, Plaintiff, Vol 53 2002 pp: 43-45