

COURT LIBRARY NOTES

Welcome to the 2003 Legal Year. The Courts Library staff look forward to seeing you all in the library.

NT LEGISLATION

Legislative changes in January 2003, notified in the *NT Government Gazette*.

New Acts

- 69/2002 Agents Licensing Amendment Act (ss.9,22 and 29 – N/C, Rest - 1.2.03)
- 70/2002 Associations Incorporations Amendment Act (15.1.03)
- 71/2002 Aerodromes Act Repeal Act (1.2.03)
- 72/2002 Crown Proceedings Amendment Act (11.12.02)
- 73/2002 Motor Accidents (Compensation) Amendment Act (s.5 – 1.7.79, Rest – 11.12.02)
- 74/2002 Pay-Roll Tax Amendment Act (No.3) (11.12.02)
- 75/2002 Petroleum (Submerged Lands) Amendment Act (N/C)
- 76/2002 Liquor Amendment Act (24.1.03)

New Regulations

- 55/2002 Unit Titles Regulations (18.12.02)
- 56/2002 Registration Regulations (18.12.02)
- 57/2002 Consumer Affairs (Product Safety Standards) Regulations (18.12.02)
- 58/2002 Kava Management Regulations (18.12.02)
- 59/2002 Tobacco Control Regulations (regs.9, 19-22 – 31.5.03, Rest – 1.1.03)
- 60/2002 Nitmiluk (Katherine Gorge) National Park (Aircraft) By-Laws (1.1.03)
- 61/2002 Supreme Court Rules (18.12.02)
- 62/2002 Swimming Pool Fencing Regulations (1.1.03)

Repealed legislation

- 47/1992 Tobacco Act 1992
- 20/1993 Tobacco Amendment Act 1993
- 32/1993 Aerodromes Act 1993
- 3/1997 Aerodromes Amendment Act
- 6-1983 Jabiru Town Development (Private Swimming Pool) By-Laws
- 45-1988 Alice Springs (Private Swimming Pool) By-Laws
- 46-1990 Alice Springs (Private Swimming Pool) By-Laws Amendments
- 64-1992 Tobacco Regulations
- 14-1994 Part 2, Division 3 of the Darwin City Council By-Laws
- 21-1996 Palmerston (Private Swimming Pool) By-Laws
- 5-1999 Palmerston (Private Swimming Pools) By-laws Amendments

RECENT ARTICLES

Appellate system

- Moisidis, Cosmas - Achieving world's best practice in the writing of appellate judgments, *Law Institute Journal*, Vol 76(10) 2002 pp: 30-35
- Kirby, Michael - Why has the High Court become more involved in criminal appeals? *Australian Bar Review*, Vol 23(1) 2002 pp: 4-21

Attorney-General

- Williams, Daryl - The role of the Attorney-General, *Public Law Review*, Vol 13(4) 2002 pp: 252-262
- Selway, Bradley - The different role of an Australian Attorney-General, *Public Law Review*, Vol 13(4) 2002 pp: 261-272
- Abbott, Tony - Reflections on the role of the Attorney-General, *Public Law Review*, Vol 13(4) 2002 pp: 273-282
- Barnett, David - The roles and functions of the Attorney-General of the Commonwealth. *Australian Bar Review*, Vol 23(1) 2002 pp: 61-74

Barristers

- Flynn, Michael - Recent changes to tax laws affecting barristers, *Victorian Bar News*, Vol 122 2002 pp: 22-24

Building and construction law

- Hellyer, Graeme - Effective determination of building contracts, *Law Institute Journal*, Vol 76(11) 2002 pp: 54-59

Company law

- Zwier, Leon - Ansett administration - court approved websites, *Law Institute Journal*, Vol 76(10) 2002 pp: 46-51

Constitutional law

- Nicholson, Graham - Observations on the new constitution of East Timor, *Alternative Law Journal*, Vol 27(5) 2002 pp: 203-206

Contracts law

- Hellyer, Graeme - Effective determination of building contracts, *Law Institute Journal*, Vol 76(11) 2002 pp: 54-59

Courts - Administration

- Martin, John A - Five reasons why judicial leaders should be involved with and support strategic planning in their courts, *Judges' Journal*, Vol 40(2) 2002 pp: 4-8

Courts - Procedures

- Rymill, Thomas - A country practice - the pros and cons of teleconferences, *Bulletin*, Vol 24(11) 2002 pp: 31

Criminal law

- Kirby, Michael - Why has the High Court become more involved in criminal appeals? *Australian Bar Review*, Vol 23(1) 2002 pp: 4-21

Criminal negligence

- Harkess, Jason - 'Danger' sports and the spectre of criminal negligence, *Law Institute Journal*, Vol 76(11) 2002 pp: 48-53

Custody

- Watts, Garry - Can we go or must we stay? Being able to relocate with the children, *Law Society Journal*, Vol 40(10) 2002 pp: 66-69

DNA

- Goode, Matthew - Some observations on evidence of DNA frequency, *Adelaide Law Review*, Vol 23(1) 2002 pp: 45-77
- Briody, Michael - The effects of DNA evidence on sexual offence cases in court, *Current Issues in Criminal Justice*, Vol 14(2) 2002 pp: 159-181

Employment law

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Dowling, Austin - What legal duties does an employer owe to a former employee? *Law Society Journal*, Vol 40(11) 2002 pp: 64-67

Equity

Skapinker, Diane - Careful calculations - deciding the rights and obligations of co-owners, *Law Society Journal*, Vol 40(11) 2002 pp: 56-59

Evidence

Goode, Matthew - Some observations on evidence of DNA frequency, *Adelaide Law Review*, Vol 23(1) 2002 pp: 45-77
Briody, Michael - The effects of DNA evidence on sexual offence cases in court, *Current Issues in Criminal Justice*, Vol 14(2) 2002 pp: 159-181

Family court

Molyneux, Clarinda - Accrued jurisdiction in the Family Court of Australia, *Law Institute Journal*, Vol 76(11) 2002 pp: 36-41

Family law

Bourke, Stephen - The new super splitting laws, *Law Society Journal*, Vol 40(11) 2002 pp: 74-76
Watts, Garry - Can we go or must we stay? Being able to relocate with the children, *Law Society Journal*, Vol 40(10) 2002 pp: 66-69

Federal court

Allsop, James - Federal jurisdiction and the jurisdiction of the Federal Court of Australia, *Australian Bar Review*, Vol 23(1) 2002 pp: 29-60

High Court

Kirby, Michael - Why has the High Court become more involved in criminal appeals? *Australian Bar Review*, Vol 23(1) 2002 pp: 4-21

Income tax

Flynn, Michael - Recent changes to tax laws affecting barristers, *Victorian Bar News*, Vol 122 2002 pp: 22-24

Insurance law

Drummond, Stanley - Misleading or deceptive conduct in insurance, *Insurance Law Journal*, Vol 14(1) 2002 pp: 1-16
Slingsby, Nicholas - The events of 11 September 2001 - implications for war risk exclusions in aviation insurance, *Insurance Law Journal*, Vol 14(1) 2002 pp: 40-55
Lavelle, Keren - Title insurance - is it wanted here? *Law Society Journal*, Vol 40(10) 2002 pp: 46-51

Judges

Lynch, Andrew - Dissent - Towards a methodology for measuring judicial disagreement in the High Court of Australia, *Sydney Law Review*, Vol 24(4) 2002 pp: 470-504

Judgments

Lovegrove, Austin - Intuition, structure and sentencing - an evaluation of guideline judgments, *Current Issues in Criminal Justice*, Vol 14(2) 2002 pp: 182-204
Moisidis, Cosmas - Achieving world's best practice in the writing of appellate judgments, *Law Institute Journal*, Vol 76(10) 2002 pp: 30-35

Land law

Skapinker, Diane - Careful calculations - deciding the rights and obligations of co-owners, *Law Society Journal*, Vol 40(11) 2002 pp: 56-59

Legal ethics

Collins, Ray - When may a solicitor face a reprimand? *Law Society Journal*, Vol 40(10) 2002 pp: 70-71

Legal profession

King, Philip - The future of the legal profession, *Bulletin*, Vol 24(9) 2002 pp: 15-19
Rooney, Greg - Mediation and the rise of relationship contracting - a decade of change for lawyers, *Law Institute Journal*, Vol 76(10) 2002 pp: 40-45
Bisogni, Maria - What is the role of a legal representative before the Mental Health Review Tribunal? *Law Society Journal*, Vol 40(10) 2002 pp: 72-74

Legislative drafting

Tanner, Edward - Legislating to communicate - trends in drafting Commonwealth legislation, *Sydney Law Review*, Vol 24(4) 2002 pp: 529-557

Magistrates

King, Michael - Magistrates as innovators, *Brief*, Vol 29(11) 2002 pp: 7-12

Mediation

Rooney, Greg - Mediation and the rise of relationship contracting - a decade of change for lawyers, *Law Institute Journal*, Vol 76(10) 2002 pp: 40-45

Mental health

Bisogni, Maria - What is the role of a legal representative before the Mental Health Review Tribunal? *Law Society Journal*, Vol 40(10) 2002 pp: 72-74

Motor sports

Harkess, Jason - 'Danger' sports and the spectre of criminal negligence, *Law Institute Journal*, Vol 76(11) 2002 pp: 48-53

Native title

Hebron, James - How deep does native title go? *Native Title News*, Vol 5(11) 2002 pp: 182-184
Hiley, Graham - Use of witness statements in native title proceedings, *Native Title News*, Vol 5(11) 2002 pp: 189-191
Keon-Cohen, Brian - Compensation and compulsory acquisition under the Native Title Act 1993, *Monash University Law Review*, Vol 28(1) 2002 pp: 17-58

Older people

McCallum, John - Older workers in an ageing society - the case for legal and policy reform, *Reform*, Vol 81 2002 pp: 5-10
Vines, Prue - Cultural conflict or enriching dialogue? Cross-cultural issues in will drafting, *Reform*, Vol 81 2002 pp: 34-37

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2003 CLE Program

19 Mar	Practice Management	Kriss Will
16 Apr	Juvenile Court Issues	Chief Magistrate Hugh Bradley
21 May	TBA	
18 Jun	"Bits and pieces" of legislation	Ian Morris
30 Jul	Administrative Appeals	Hon Justice John Mansfield
30 Aug	AustralAsia Railway Project - Challenges Overcome	Alastair Shields
17 Sep	TBC	Jenny Blokland SM
22 Oct	Sentencing Act	John Lowndes SM

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. They take place from 5.30pm to 6.30pm.

NOTICEBOARD

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NIFS will provide information (eg contact details) relative to particular service providers. The information is provided free of charge. It should be noted that the information provided makes no comment on the quality of service provision and the NIFS accepts no responsibility in that regard.

NIFS would be interested in receiving information about relevant service providers that have previously provided a satisfactory service to members of the legal profession. If they do not appear on the current register, we would contact them to ascertain if they wish to be included for future reference.

NIFS can be contacted at: ph: (03) 9459 4299, fax: (03) 9457 3622, email: info@nifs.com.au

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.

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Personal injuries

Hunt, Peter - Liability of psychiatric injury extended, Law Society Journal, Vol 40(10) 2002 pp: 62-65

Professional liability - legal profession

Goudkamp, James - Is there a future for advocates' immunity? Tort Law Review, Vol 10(3) 2002 pp: 188-206
Llyod, David A - Solicitors must advise their clients about their own negligent acts or omissions, Law Society Journal, Vol 40(11) 2002 pp: 78-80

Property law

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

Sentencing

Lovegrove, Austin - Intuition, structure and sentencing - an evaluation of guideline judgments, Current Issues in Criminal Justice, Vol 14(2) 2002 pp: 182-204

Sexual offences

Briody, Michael - The effects of DNA evidence on sexual offence cases in court, Current Issues in Criminal Justice, Vol 14(2) 2002 pp: 159-181

Sports law

Fridman, Saul - Sport and the law - The South Sydney appeal, Sydney Law Review, Vol 24(4) 2002 pp: 558-568
Harkess, Jason - 'Danger' sports and the spectre of criminal negligence, Law Institute Journal, Vol 76(11) 2002 pp: 48-53

Subpoenas

Carson, Pat - Centrelink and subpoenas, Brief, Vol 24(11) 2002 pp: 20

Succession

Cook, Richard - Testator's family maintenance - the new reforms at work, Law Institute Journal, Vol 76(11) 2002 pp: 42-47

Superannuation

Bourke, Stephen - The new super splitting laws, Law Society Journal, Vol 40(11) 2002 pp: 74-76

Terrorism

Williams, George - One year on - Australia's legal response to September 11, Alternative Law Journal, Vol 27(5) 2002 pp: 212-215

Torts law

Lunney, Mark - Practical joking and its penalty - Wilkinson v Downton in context, Tort Law Review, Vol 10(3) 2002 pp: 168-187

Goudkamp, James - Is there a future for advocates' immunity? Tort Law Review, Vol 10(3) 2002 pp: 188-206

Water law

Gardner, Katherine - Worried about water? Law Society Journal, Vol 40(11) 2002 pp: 60-63