

## NOTICEBOARD

the Supreme Court Act, make the following Rules of Court.

### Repeal and substitution of rule 84.17

Rule 84.17 of the Supreme Court Rules is repealed and the following Substituted:

- 84.17 List of authorities and summary of submissions
- (1) An appellant must file and serve on the respondent not later than 14 days before the hearing of the appeal -
    - (a) the appellant's list of authorities; and
    - (b) the appellant's summary of submissions.
  - (2) A respondent must file and serve on the appellant not later than seven days before the hearing of the appeal -
    - (a) the respondent's list of authorities; and
    - (b) the respondent's summary of submissions.
  - (3) The list of authorities and summary of submission must be signed by counsel who will be appearing at the hearing of the appeal.
  - (4) In subrules (1) and (2), a day includes a day when the Registry is closed.
  - (5) Subrule (4) is subject to section 28 of the *Interpretation Act*.

### List of authorities

Rule 84.18 of the Supreme Court Rules is amended by omitting from subrule (1) "rule 84.17(a)" and substituting "rule 84.17".

### Summary of submissions

Rule 84.19 of the Supreme Court Rules is amended by omitting from subrule (1) "rule 84.17(b) and substituting "rule 84.17".

### Repeal of rule 84.21

Rule 84.21 of the Supreme Court Rules is repealed.

## High Court Sitting Dates for 2005

### High Court of Australia Rule of Court

It is ordered as follows:-

1. Sittings of the Court for the transaction of all such business as may be brought before it shall be held during the year 2005 at the places and commencing on the dates hereunder mentioned, that is to say:

Canberra	-	Monday 31 January 2005
Canberra	-	Tuesday 1 March 2005
Hobart*	-	Monday 4 April 2005
Canberra	-	Tuesday 19 April 2005
Canberra	-	Tuesday 14 June 2005
Brisbane*	-	Monday 20 June 2005
Canberra	-	Tuesday 2 August 2005
Adelaide*	-	Monday 8 August 2005
Canberra	-	Tuesday 30 August 2005
Canberra	-	Tuesday 27 September 2005
Perth*	-	Monday 24 October 2005
Canberra	-	Tuesday 8 November 2005
Canberra	-	Tuesday 6 December 2005

\* No sittings will be held unless there is sufficient business to warrant the attendance of the Court.
2. Sittings to hear applications for special leave to appeal will also be held on the days hereunder mentioned, that is to say:

Friday 4 February 2005	Friday 5 August 2005
Friday 11 February 2005	Friday 2 September 2005
Friday 4 March 2005	Friday 9 September 2005

Monday 21 March 2005	Friday 30 September 2005
Tuesday 22 March 2005	Friday 7 October 2005
Friday 22 April 2005	Friday 11 November 2005
Friday 29 April 2005	Friday 18 November 2005
Friday 20 May 2005	Friday 9 December 2005
Friday 27 May 2005	Friday 16 December 2005
Friday 17 June 2005	

The winter vacation shall commence on Saturday 25 June 2005. The summer vacation shall commence on Saturday 17 December 2005.

## High Court Rules Statutory Rules 2004 No 304

The High Court Rules 2004 were notified in the Special Gazette on 14 October 2004 and are effective on 1 January 2005. By Rule 1.03.2 of the High Court Rules 2004 the High Court Rules 1952 are repealed.

This is the first time in fifty years that the rules of procedure for proceeding in the High Court have been completely revised. The High Court Rules 2004 and the accompanying Explanatory Statement are available on the High Court website at [www.hcourt.gov.au](http://www.hcourt.gov.au).

Christopher M Doogan

Chief Executive and Principal Registrar

## COURT LIBRARY NOTES

### Court Library Notes

#### Alice Springs library

Sophie Shiells returns to the library on Monday 25 October and Paula Eatts leaves on Friday 29 October. Paula is going to a position in the Department of Community Development, Sports and Cultural Affairs.

The office and the renovations in the Alice Springs library are now complete. The office now overlooks Hartley Street and has the photocopier just outside.

The former office counter has been made into a study area for practitioners.

#### Darwin library access

There have been some problems with users staying in the library after 5.30pm or requesting access after 5.30. From 25 October 2004 no access to the library will be possible after 5.30pm and all users must leave the library by 5.45pm at the latest. This is to enable the security personnel to close the building.

#### Law Reports

When the library receives bound volumes of law reports, the loose parts are offered to local firms. A list is available of the titles of the reports available. Please ring 8999 6583 (Darwin) or 8951 5707 (Alice Springs) to request a copy of the current list; alternatively send an email to [doj.cts.library@nt.gov.au](mailto:doj.cts.library@nt.gov.au). This email address is for Darwin and Alice Springs.

#### NT LEGISLATION

Legislative changes in September 2004, notified in the *NT Government Gazette*

#### New Acts

47/2004 Teacher Registration (Northern Territory) Act 2004 (ss.7(3), 23(6), 72, 73 – N/C, Rest – 13.9.04)  
48/2004 Coroners Amendment Act 2004 (N/C)  
49/2004 Magistrates Amendment Act 2004 (N/C)

## COURT LIBRARY NOTES

50/2004 Petroleum Amendment Act 2004 (13.9.04)  
51/2004 Remuneration Tribunal Amendment Act 2004 (N/C)  
52/2004 Parks and Wildlife Commission Amendment Act 2004 (15.9.04)  
53/2004 Publications (Legal Deposit) Act 2004 (N/C)  
54/2004 Statute Law Revision Act (No.2) 2004 (N/C)

### **New Regulations**

32/2004 Supreme Court Rules (22.9.04)

### **Commencements**

32-2004 Fisheries Amendment Act (22.9.04)  
42-2004 Northern Territory Employment and Training Amendment Act 2004 (29.9.04)

### **RECENT ARTICLES**

#### **Aborigines, Aust**

Venne, Sharon - Statement to the United Nations Working Group on indigenous peoples, *Indigenous Law Bulletin*, Vol 6(4) 2004 pp: 18-19

#### **Aborigines, Aust - cultural heritage**

Jones, Jill - Protecting indigenous heritage in the face of globalisation, *Indigenous Law Bulletin*, Vol 6(4) 2004 pp: 4-6

Diver, Alice - A just war: protecting indigenous cultural property, *Indigenous Law Bulletin*, Vol 6(4) 2004 pp: 7-10

Rentschler, Ruth - The indigenous art market: a roadmap to a more equitable and efficient system, *Indigenous Law Bulletin*, Vol 6(4) 2004 pp: 11-14

#### **Aborigines, Aust - sentencing**

Dick, Doug - Circle sentencing of Aboriginal offenders: victims have a say, *Judicial Review*, Vol 7(1) 2004 pp: 57-72

#### **Administrative tribunals**

Hebb, Alan - Poisonous practices and LPT remedies, *Law Institute Journal*, Vol 78(9) 2004 pp: 56-59

Creyke, Robin - The special place of tribunals in the system of justice: how can tribunals make a difference?, *Public Law Review*, Vol 15(3) 2004 pp: 220-236

#### **Arbitration**

Condliffe, Peter - Arbitration: the forgotten ADR?, *Law Institute Journal*, Vol 78(8) 2004 pp: 42-45

#### **Constitutional law**

Sackville, Ronald - The 2003 term: the inaccessible constitution, *University of New South Wales Law Journal*, Vol 27(1) 2004 pp: 66-87

Lynch, Andrew - The High Court on Constitutional Law: the 2003 statistics, *University of New South Wales Law Journal*, Vol 27(1) 2004 pp: 88-99

Twomey, Anne - Manner and form limitations on the power to amend state constitutions, *Public Law Review*, Vol 15(3) 2004 pp: 182-186

#### **Consumer affairs**

Wilson, Richard - Fair Trading Act: More firepower for the Director of Consumer Affairs, *Law Institute Journal*, Vol 78(8) 2004 pp: 32-37

#### **Copyright**

Eggs, Simon - A victory for copyright owners: *Kabushki Kaisha Sony Computer Entertainment v Stevens*, *University of Queensland Law Journal*, Vol 23(1) 2004 pp: 234-241

Elkman, Saba - A negotiated solution to audio home recording? Lessons from the US Audio Home Recording Act of 1992, *University of New South Wales Law Journal*, Vol 27(1) 2004 pp: 123-146

#### **Corporations law**

Hibble, St. John - Broken wings: corporate high fliers and disqualification orders, *Law Institute Journal*, Vol 78(8) 2004 pp: 50-53

#### **Corporations law - liquidation**

Magers, Andrew - The relevance of liquidator's examinations, *Bulletin*, Vol 26(8) 2004 pp: 31-34

#### **Courts**

Gleeson, Murray - The High Court of Australia: challenges for its new century, *Judicial Review*, Vol 7(1) 2004 pp: 1-8

Kirby, Michael - The Supreme Court of NSW: tradition and diversity, *Judicial Review*, Vol 7(1) 2004 pp: 31-37

#### **Criminal liability**

Howie, Rod - Relevance of voluntary intoxication to criminal liability, *Judicial Officers Bulletin*, Vol 16(8) 2004 pp: 57-59

#### **Defamation law**

Kenyon, Andrew T. - Imputation or publication: the cause of action in Defamation Law, *University of New South Wales Law Journal*, Vol 27(1) 2004 pp: 100-122

#### **Domestic violence**

Borg, Susan - Hard hitting answers needed, *Law Institute Journal*, Vol 78(9) 2004 pp: 85

#### **Family law**

Keyes, Mary - Jurisdiction in international family litigation: a critical analysis, *University of New South Wales Law Journal*, Vol 27(1) 2004 pp: 42-65

Dickey, Anthony - The new power to bind third parties, *Australian Law Journal*, Vol 78(9) 2004 pp: 565-566

Dickey, Anthony - Cohabitation contracts for a sexual relationship, *Australian Law Journal*, Vol 78(9) 2004 pp: 566-567

#### **High Court**

Bagaric, Mirko - Illusions of disunity: dispelling perceptions of division in High Court decision making, *Law Institute Journal*, Vol 78(9) 2004 pp: 36-41

Gleeson, Murray - The High Court of Australia: challenges for its new century, *Judicial Review*, Vol 7(1) 2004 pp: 1-8

#### **Human rights**

Nicholes, Sally - Fortress Australia, *Law Institute Journal*, Vol 78(9) 2004 pp: 42-45

Niarchos, Nicholas - Human rights in Australia: a retreat from treaties, *Bulletin*, Vol 26(8) 2004 pp: 23-30

Debeljak, Julie - The Human Rights Act 2004 (ACT): a significant, yet incomplete, step toward the domestic protection and promotion of human rights, *Public Law Review*, Vol 15(3) 2004 pp: 169-176

Meagher, Dan - Back to the future: The war on terror and its impact on civil liberties, *Public Law Review*, Vol 15(3) 2004 pp: 177-182

#### **Intellectual property**

Kontelj, Srechko - Employer/employee rights in employee inventions, *Law Institute Journal*, Vol 78(9) 2004 pp: 46-47

Urquijo, Annette - The restriction of access to health care by Patent Law: fact or fiction?, *University of New South Wales Law Journal*, Vol 27(1) 2004 pp: 170-197

#### **International commercial law**

Zeller, Bruno - Traversing international waters, *Law Institute Journal*, Vol 78(9) 2004 pp: 52-55

#### **International law**

Keyes, Mary - Jurisdiction in international family litigation: a critical analysis, *University of New South Wales Law*

## COURT LIBRARY NOTES

Journal, Vol 27(1) 2004 pp: 42-65

### Internet

Gordon, Huntly - Net working, Law Institute Journal, Vol 78(8) 2004 pp: 54-57

### Judgments

Raymond, James - The architecture of argument, Judicial Review, Vol 7(1) 2004 pp: 31-56

### Judicial reasoning

Mason, Keith - What is wrong with top-down legal reasoning?, Australian Law Journal, Vol 78(9) 2004 pp: 574-586

### Judicial review

Basten, John - Constitutional elements of judicial review, Public Law Review, Vol 15(3) 2004 pp: 187-201

Aronson, Mark - Is the ADJR Act hampering the development of Australian administrative law?, Public Law Review, Vol 15(3) 2004 pp: 202-219

### Juvenile justice

Allerton, Mark - Young people in NSW juvenile justice custody, Judicial Officers Bulletin, Vol 16(7) 2004 pp: 49-52

### Law office management - IT

Gordon, Huntly - Net working, Law Institute Journal, Vol 78(8) 2004 pp: 54-57

### Legal costs

Debus, Bob - Directions in legal fees and costs, University of New South Wales Law Journal, Vol 27(1) 2004 pp: 200-205

Vine-Hall, Deborah - Present difficulties with the assessment system, University of New South Wales Law Journal, Vol 27(1) 2004 pp: 206-213

Walker, Brett - Proportionality and cost-shifting, University of New South Wales Law Journal, Vol 27(1) 2004 pp: 214-219

Salier, Gordon - The costs of legal services, University of New South Wales Law Journal, Vol 27(1) 2004 pp: 220-224

Mark, Steve - The cost of justice or justice in costs? The experience of the OLSC in handling costs complaints, University of New South Wales Law Journal, Vol 27(1) 2004 pp: 225-230

Eyland, Ann - Legal costs and case management, University of New South Wales Law Journal, Vol 27(1) 2004 pp: 231-239

Murphy, Cameron - Tax deductibility and litigation: reducing the impact of legal fees and improving access to the system, University of New South Wales Law Journal, Vol 27(1) 2004 pp: 240-242

North, John - Costs disclosure and review: a national perspective, University of New South Wales Law Journal, Vol 27(1) 2004 pp: 243-249

### Legal education

James, Nickolas - The good law teacher: the propagation of pedagogicalism in Australian legal education, University of New South Wales Law Journal, Vol 27(1) 2004 pp: 147-169

### Legal ethics

Hebb, Alan - Poisonous practices and LPT remedies, Law Institute Journal, Vol 78(9) 2004 pp: 56-59

### Legal profession

Hebb, Alan - Poisonous practices and LPT remedies, Law Institute Journal, Vol 78(9) 2004 pp: 56-59

Gaden, Sarah - Unqualified legal practice defined, Law

Institute Journal, Vol 78(8) 2004 pp: 58-59

### Mediation

Edelstein, Michael - Mediations: a cautionary approach, Law Institute Journal, Vol 78(8) 2004 pp: 38-41

### Native title

Huber, Sean - The Wellesley Island Decision: offshore native title post Yarmirr and Ward, University of Queensland Law Journal, Vol 23(1) 2004 pp: 242-248

Keely, Tom - The Alyawarr, Kaytetye, Warumungu, Wakay Native Title Claim Group v Northern Territory, Native Title News, Vol 6(10) 2004 pp: 176-179

### Negligence

Derrington, Desmond - Theory of negligence advanced in the High Court of Australia, Australian Law Journal, Vol 78(9) 2004 pp: 595-611

### Privilege

Lusty, David - Is there a common law privilege against spouse-incrimination?, University of New South Wales Law Journal, Vol 27(1) 2004 pp: 1-41

### Sale of goods

Zeller, Bruno - Traversing international waters, Law Institute Journal, Vol 78(9) 2004 pp: 52-55

### Sentencing

Dick, Doug - Circle sentencing of Aboriginal offenders: victims have a say, Judicial Review, Vol 7(1) 2004 pp: 57-72

Baptie, Joan - The effect of the provision of victim impact statements on sentencing in the Local Courts of New South Wales, Judicial Review, Vol 7(1) 2004 pp: 73-88

### Supreme Court of NSW

Kirby, Michael - The Supreme Court of NSW: tradition and diversity, Judicial Review, Vol 7(1) 2004 pp: 31-37

### Taxation law

Trethewey, Jane - A tax on aliens, Law Institute Journal, Vol 78(9) 2004 pp: 78-79

### Trade marks

Horak, Ian - Make your mark register, Law Institute Journal, Vol 78(9) 2004 pp: 48-51

### Victims of crime

Dick, Doug - Circle sentencing of Aboriginal offenders: victims have a say, Judicial Review, Vol 7(1) 2004 pp: 57-72

Baptie, Joan - The effect of the provision of victim impact statements on sentencing in the Local Courts of New South Wales, Judicial Review, Vol 7(1) 2004 pp: 73-88

## DEADLINES

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