

COURT LIBRARY NOTES

The staff of the Courts Library wish you all the best for 2004. There have been some minor relocation of journals and superseded looseleaf material over the Christmas break; for details, please ask when you are in the library.

NT LEGISLATION

Legislative changes in November-December 2003, notified in the *NT Government Gazette*

New Acts

55-2003 Business Tenancies (Fair Dealings) Act 2003 (Not Commenced)

56-2003 Associations Act 2003 (Not Commenced)

57-2003 Water Amendment Act 2003 (Not Commenced)

58-2003 Australasia (Special Provisions) Amendment Act (15.12.03)

59-2003 Australasia (Third Party Access) Amendment Act (Not Commenced)

New Regulations

52-2003 Local Government (Accounting) Regulations (5.11.03)

53-2003 Work Health (Occupational Health and Safety) Regulations (26.11.03)

54-2003 Weapons Control Regulations (1.12.03)

55-2003 Evidence Regulations (1.1.04)

56-2003 Northern Territory Rail Safety Regulations (1.1.04)

57-2003 Fisheries Regulations (1.1.04)

New Reprints

Supreme Court Rules - 17 September 2003

RECENT ARTICLES

Aborigines, Aust - courts

O'Brien, Peter - Bush courts and the Katherine Regional Aboriginal Legal Aid Service, *Indigenous Law Bulletin*, Vol 5(27) 2003, pp: 20

Aborigines, Aust - legal services

O'Brien, Peter - Funding the Katherine Regional Legal Aid Service, *Indigenous Law Bulletin*, Vol 5(27) 2003, pp: 21

Administrative law

Cane, Peter - The making of Australian administrative law, *Australian Bar Review*, Vol 24(2) 2003, pp: 114-134

Administrative tribunals

Blackwood, John - Tribunals' power to control their own procedures and the requirements of procedural fairness, *Australian Journal of Administrative Law*, Vol 11(1), 2003 pp: 5-33

Swain, Phillip A - Filleting the kipper - whither the SATT?, *Australian Journal of Administrative Law*, Vol 11(1) 2003 pp: 34-39

Aged care

Dowling, Jodie - Remote area advocacy project: services for the disadvantaged in remote areas, *Indigenous Law Bulletin*, Vol 5(28) 2003, pp: 14-15

Animals

White, Stephen - Legislating for animal welfare: making the interests of animals count, *Alternative Law Journal*, Vol 28(6) 2003, pp: 277-281

Consumer credit

McDonald, Graeme - Consumer credit law: recent developments, *Law Institute Journal*, Vol 77(12) 2003 pp: 42-45

Edwards, Robin - Credit cards: conundrums and cures (with words and music), *Law Institute Journal*, Vol 77(12) 2003 pp: 54-59

Clyde, Ian - Uniform Consumer Credit Code, *Law Institute Journal*, Vol 77(12) 2003 pp: 45-47

Contempt of court

Tunno, Jennifer - Contempt of court - divulging the confidences of the jury room, *Canterbury Law Review* Vol 9 2003 pp: 79-110

Cummins J - Contempt of court, *Queensland Bar News*, Vol No 14 2003, pp: 18-21

Contracts of employment

Godfrey, Kelly - Contracts of employment: renaissance of the implied term of trust and confidence, *Australian Law Journal* Vol 77(11) 2003 pp: 764-776

Courts

O'Brien, Peter - Bush courts and the Katherine Regional Aboriginal Legal Aid Service, *Indigenous Law Bulletin*, Vol 5(27) 2003 pp: 20

Blackwood, John - Tribunals' power to control their own procedures and the requirements of procedural fairness, *Australian Journal of Administrative Law*, Vol 11(1) 2003 pp: 5-33

Criminal law

Kirby, Michael - Carroll, double jeopardy and international human rights law, *Criminal Law Journal*, Vol 27(5) 2003 pp: 231-245

Weinberg, Mark - Moral blameworthiness - the 'objective test' dilemma, *Australian Bar Review* Vol 24(2) 2003 pp: 173-198

Criminal trials

Waye, Vicki - Judicial fact-finding - trial by judge alone in serious criminal cases, *Melbourne University Law Review*, Vol 27(2) 2003 pp: 423-457

Damages

Seymour, John - Cattanach v Melchior: legal principles and public policy, *Torts Law Journal*, Vol 11(3) 2003 pp: 208-217

Death penalty

Kirby, Michael - The High Court and the death penalty - looking back, looking forward, looking around, *Australian Law Journal*, Vol 77(12) 2003 pp: 811-819

Defamation law

Richardson, R.W. - Defamation law reform: past and present, *Brief*, Vol 30(10) 2003, pp: 6-9

Delegated legislation

Meyerson, Denise - Rethinking the constitutionality of delegated legislation, *Australian Journal of Administrative Law*, Vol 11(1) 2003, pp: 45-55

Domestic violence

Ellison, Louise - Responding to victim withdrawal in domestic violence prosecutions, *Criminal Law Review*, Vol November 2003 pp: 760-772

Hughes, Camilla - Community legal workers, *Indigenous Law Bulletin*, Vol 5(28) 2003 pp: 16-17

Double jeopardy

Kirby, Michael - Carroll, double jeopardy and international human rights law, *Criminal Law Journal* Vol 27(5) 2003 pp: 231-245

Employment law

Catanzariti, Joe - Employers must accommodate employees

with carer's responsibilities, Law Society Journal Vol 41(10) 2003 pp: 40-41

Dabscheck, Braham - Legal regulation of sporting labour markets, Australian Journal of Labour Law, Vol 16(3) 2003 pp: 259-283

Fenwick, Colin - Regulating prisoners' labour in Australia: a preliminary view, Australian Journal of Labour Law, Vol 16(3) 2003 pp: 284-320

Paine, Tim - Employer's vicarious liability, Plaintiff, Vol Issue 60 2003, pp: 23-26

Blazey, Patricia - Dignity at work, Plaintiff, Vol Issue 60 2003, pp: 27-30

Evidence

Cameron, Camille - Destruction of documents before proceedings commence: what is a court to do?, Melbourne University Law Review, Vol 27(2) 2003, pp: 273-307

French, Simon - Extending public policy discretion, Law Institute Journal, Vol 77(12) 2003 pp: 66-69

Dauvergne, Catherine - Burdened by proof: how the Australian Refugee Review Tribunal has failed lesbian and gay asylum seekers, Federal Law Review, Vol 31(2) 2003 pp: 299-342

Expert witnesses

Brunton, Ron - Anthropologists in the Hot Tub, Native Title News Vol 6(6) 2003 pp: 86-88.

Guarantees

Millbank, Jenni - Darling, please sign this form: relationship debt and guarantees, Alternative Law Journal Vol 28(6) 2003 pp: 282-287

High Court

O'Connor, Rob - High Court of Australia centenary celebrations, Brief, Vol 30(11) 2003, pp: 8-12

Kirby, Michael - Centenary of the High, Brief, Vol 30(11) 2003 pp: 14-15

Jackson, Judy - Hon. Judy Jackson MHA, Attorney General: address to the ceremonial sitting of the High Court - Hobart, 3 November 2003, Brief, Vol 30(11) 2003 pp: 16-17

The High Court's centenary conference, Australian Bar Review, Vol 24(2) 2003 pp: 110-111

Duggan, Anthony - The profits of conscience: commercial equity in the High Court of Australia, Australian Bar Review, Vol 24(2) 2003 pp: 150-172

Homelessness

Mundell, Meg - Giving voice to the voiceless: improving access to the vote for people experiencing homelessness, Alternative Law Journal, Vol 28(6) 2003, pp: 269-271

Judges

Beazley, Margaret - Women on the bench, Reform, Vol No 83 2003 pp: 20-22

Judgments

Samuels, Gordon - A matter of judgment: judicial decision-making and judgment writing, Judicial Officers Bulletin, Vol 15(10) 2003 pp: 83-86

Juries

Richardson, Chris - Juries: what they think of us, Queensland Bar News, Vol No 14 2003 pp: 16-17

Juvenile justice

Westmore, Tony - Juvenile justice and indigenous kids, Indigenous Law Bulletin, Vol 5(27) 2003, pp: 5-6

KRALAS

O'Brien, Peter - Bush courts and the Katherine Regional Aboriginal Legal Aid Service, Indigenous Law Bulletin, Vol 5(27) 2003, pp: 20

O'Brien, Peter - Funding the Katherine Regional Legal Aid Service, Indigenous Law Bulletin, Vol 5(27) 2003 pp: 21

Legal costs

Marshall, Roger - Unconscionable costs agreements, Law Society Journal, Vol 41(10) 2003 pp: 64-66

Legal education

Porteous, Polly - Cadetships for indigenous law students in community legal centres, Indigenous Law Bulletin Vol 5(28) 2003 pp: 4-7

Legal profession

Moyle, Sally - Effective law effecting change: the Sex Discrimination Act and women in the legal profession, Reform, Vol No 83 2003 pp: 10-13, 75

Richards, Alexandra - Women in the legal profession: an overview, Reform, Vol No 83 2003 pp: 14-18

Sparke, Carolyn - personal perspective of a woman barrister Reform Vol No 83 2003 pp: 23-25

Grice, Christine - The Trans-Tasman experience... Reform Vol No 83 2003 pp: 26-30

Daly, Anne - Still room for more: the market for legal professionals, Law Institute Journal Vol 77(12) 2003 pp: 48-53

Limitation periods

Matthews, Ben - Limitation periods and child sexual abuse cases: law, psychology, time and justice, Torts Law Journal, Vol 11(3) 2003 pp: 218-243

Litigants in person

Nicholson, Robert - Australian experience with self-represented litigants, Australian Law Journal, Vol 77(12) 2003 pp: 820-826

Medical negligence

Hirsch, David - Revisiting a doctor's duty of care to sexual partner of patient, Law Society Journal, Vol 41(10) 2003 pp: 67-68

Seymour, John - Cattanach v Melchior: legal principles and public policy, Torts Law Journal, Vol 11(3) 2003 pp: 208-217

Native title

de Villiers, Bertus - From hot tub to preservation of evidence ex goldfields semper aliquid novi, Brief, Vol 30(10) 2003 pp: 28-31

French, Robert - A moment of change - personal reflections on the National Native Title Tribunal 1994-98, Melbourne University Law Review, Vol 27(2) 2003 pp: 488-522

Brunton, Ron - Anthropologists in the Hot Tub, Native Title News, Vol 6(6) 2003 pp: 86-88

Ritter, David - Doing the business: a few observations on the working group model for the provision of native title legal services, Indigenous Law Bulletin, Vol 5(28) 2003 pp: 12-13

Tehan, Maureen - A hope disillusioned, an opportunity lost? Reflections on common law native title and ten years of the Native Title Act, Melbourne University Law Review, Vol 27(2) 2003 pp: 523-571

Negligence

Ipp, DA - Policy and the swing of the negligence pendulum, Australian Law Journal, Vol 77(11) 2003 pp: 732-749

Amirthalingam, Kumaralingam - Negligence and public authorities: a pearl in the oyster or another Greek tragedy?,

COURT LIBRARY NOTES

Torts Law Journal, Vol 11(3) 2003 pp: 197-207
Spigelman, J J - Negligence and insurance premiums: recent changes in Australian law, Torts Law Journal, Vol 11(3) 2003, pp: 291-311
Gordon, John - Pendulums, outposts and the law of negligence, Plaintiff, Vol Issue 60 2003 pp: 4-6
Duffy, Michael - Proportionate liability: a disproportionate and problematic reform, Plaintiff, Vol Issue 60 2003 pp: 8-14, 15-17
Cockburn, Tina - Liability in negligence, Plaintiff, Vol Issue 60 2003 pp: 47-50
Personal injuries
Handford, Peter - Psychiatric injury: duty to employees' children, Tort Law Review, Vol 11(3) 2003 pp: 127-132
Dietrich, Joachim - Liability for personal injuries arising from recreational services: the interaction of contract, tort, state legislation and the Trade Practices Act and the resultant mess, Torts Law Journal, Vol 11(3) 2003 pp: 244-261
Boyd, Guy - Personal injuries law reform: an unintended effect on product liability claims?, Torts Law Journal, Vol 11(3) 2003 pp: 262-290
Blecher, Reuven - Using superannuation for personal injury settlements, Plaintiff, Vol Issue 60 2003 pp: 43-44
Prisoners
Fenwick, Colin - Regulating prisoners' labour in Australia: a preliminary view, Australian Journal of Labour Law, Vol 16(3) 2003 pp: 284-320
Prosecution
Hinton, Martin - The prosecutor's duty with respect to witnesses: pro domina ventate, Criminal Law Journal, Vol 27(5) 2003 pp: 260-270
Rape
Finch, Emily - Intoxicated consent and the boundaries of drug-assisted rape, Criminal Law Review, Vol November 2003 pp: 773-787
Refugees
Dauvergne, Catherine - Burdened by proof: how the Australian Refugee Review Tribunal has failed lesbian and gay asylum seekers, Federal Law Review, Vol 31(2) 2003 pp: 299-342
Sale of land
Keogh, John - How to determine the special value of land in compulsory acquisition cases, Law Society Journal, Vol 41(10) 2003 pp: 54-57
Mann, Geoff - GST and property transactions, Law Institute Journal, Vol 77(12) 2003 pp: 88-89
Sentencing
Morgan, Neil - The 2003 sentencing legislation Act: pre-sentence orders and the abolition of 6-month sentences, Brief, Vol 30(10) 2003, pp: 11-16
Morgan, Neil - The 2003 sentencing legislation Part II: Truth in sentencing, Brief, Vol 30(11) 2003 pp: 18-24
Kirby, Michael - The High Court and the death penalty - looking back, looking forward, looking around, Australian Law Journal, Vol 77(12) 2003 pp: 811-819
Mackenzie, Geraldine - The art of balancing: Queensland judges and the sentencing process, Alternative Law Journal, Vol 28(6) 2003, pp: 288-291
Sexual assault
Vines, Prue - New South Wales v Lepore; Samin v

Queensland; Rich v Queensland, Melbourne University Law Review, Vol 27(2) 2003 pp: 612-626

Sexual offences

Kift, Sally - A legal process or a justice system? Sex offences in Queensland - still seeking justice, Alternative Law Journal, Vol 28(6) 2003 pp: 292-296

Sports law

Dabscheck, Braham - Legal regulation of sporting labour markets, Australian Journal of Labour Law, Vol 16(3) 2003, pp: 259-283

Orr, Graeme - Sport: law and rugby league as communal lifelines, Alternative Law Journal, Vol 28(6) 2003 pp: 302-303

Harms, John - Footy, umpires and the spirit of the law, Alternative Law Journal, Vol 28(6) 2003 pp: 303-304

Torts law

Stapleton, Jane - The golden thread at the heart of tort law: protection of the vulnerable, Australian Bar Review, Vol 24(2) 2003 pp: 135-149

Ford, Judy - Chemical toxicity: how to build a sound case, Plaintiff, Vol Issue 60 2003 pp: 31-34

Seymour, Peter - Plaintiff successful in trip and fall case, Plaintiff, Vol Issue 60 2003 pp: 51

Trade practices

Pengilly, Warren - How to close a business relationship and the Trade Practices Act can compel payment for stolen goods, Law Society Journal, Vol 41(10) 2003 pp: 50-52

Vicarious liability

Paine, Tim - Employer's vicarious liability, Plaintiff, Vol Issue 60 2003, pp: 23-26

Victims of crime

Ellison, Louise - Responding to victim withdrawal in domestic violence prosecutions, Criminal Law Review, Vol November 2003 pp: 760-772

Wills

Kerridge, R. - Mistakes in wills: rectify and be damned, Cambridge Law Journal, Vol 62(3) 2003 pp: 750-770

Workers compensation

Handford, Peter - Psychiatric injury: duty to employees' children, Tort Law Review, Vol 11(3) 2003 pp: 127-132

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: publicrelations@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.