

NT Women Lawyers' Association

Following is the text of a media release from the Women Lawyers of WA (Inc).

"Women lawyers call for abortion to be treated as a health issue"

"The regulation of abortion services in Western Australia should be treated as a health issue and not be regulated by the criminal law," said Narelle Johnson, President of Women Lawyers of WA (Inc).

"Women Lawyers believes this is primarily a health issue and the law should reflect this by restricting criminal sanctions to abortions performed by those other than qualified medical practitioners".

Ms Johnson expressed WLWA's concern that the ongoing debate about the meaning of the State's abortion laws is hindering women's access to safe and legal abortion.

The provision of abortion services by qualified medical practitioners should not be threatened by the lack of clarity about the law and the apparently selective prosecutions which have recently occurred."

Northern Territory
Women Lawyers'
Association
advise that a

General Meeting

will be held on

Thursday 28th MAY
1998 5pm

at the
Roma Bar, Cavenagh
St, Darwin

*The abortion issue (and
the press release of Women
Lawyers of WA) will be on
the agenda for discussion.*

Court Notes

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lying, the complainant or witness is ipso facto a truthful witness. The court observed evidence of the opinion of the accused is irrelevant and may lead to a reversal of the burden of proof by requiring an accused to establish a motive for the complainant or witness to lie. Observations in *R v E* (1996) 39 NSWLR 450 approved. The court also concluded that the conviction was unsafe. The appellant was a process server. Evidence was given of where he said he had been serving process at the time of the alleged offences. The High Court concluded this evidence was sufficient to create a doubt that the appellant had an alibi. Appeal allowed. Acquittal entered.

171/96 Stamp duty - deed establishing discretionary trust - value of property

conveyed - whether trustee's right to exoneration constitutes beneficial interest in trust assets.

In *Chief Commissioner of Stamp Duties (NSW) v Buckle* (23 January 1998) the High Court considered whether a supplemental deed conveyed property to trustees holding property under a former deed within the *Stamp Duties Act 1920* (NSW) or merely conveyed the beneficial interest in remainder of beneficiaries where liabilities attaching to the property had to be taken into account in identifying the unencumbered value of the property conveyed. The court accepted that a trustee has a first charge on the assets vested to secure the trustee's right to reimbursement and exoneration. The court concluded this right was not a right which was created over

the interests of beneficiaries to encumber those interests within the *Stamp Duties Act*.

97/48 Admiralty - proceedings in rem - when one ship a "surrogate" for another.

In *Laemthong International Lines Co. Ltd v BPS Shipping* (9 December 1997) the High Court concluded that the provisions of s3(6) of the *Admiralty Act 1988* (Cth) which defines one ship as being a "surrogate" ship for the purposes of that Act, did not control the definition of the term "ship" in the provisions of s19 creating the right to proceed *in rem*: Brennan CJ; Toohey J; Gaudron, Gummow, Kirby J jointly. The High Court accepted that it could have regard to the report of the Australian Law Reform Commission on which the two provisions were based.