

# **S**upreme Court library notes

by Frieda Evans

## LIBRARY COMMITTEE

At the meeting of the committee on 14 April, **Justice Angel** announced he would be retiring as Chairman and that **Justice Riley** will be the future Chairman. The members present at the meeting expressed their appreciation of the long period of service of Justice Angel, a period with varying challenges including extreme astringency and budget restrictions and the transition from a totally paper-based collection to one with an increasing use of electronic resources. Justice Angel became Chairman at the meeting on 27 September 1990 from Justice Kearney and thus has completed 8 ½ years as chairman.

## CDROM TITLES AVAILABLE

Northern Territory Police General Orders - The library has recently received a CDROM which contains the Northern Territory Police General Orders, Custody Manual and some background information on the General Orders.

This CD will be available at the front desk of the Darwin library.

## RECENT ARTICLES

### ABORIGINES, AUST

Meyers, Gary D - Asking the minerals question: rights in minerals as an incident of native title

Australian Indigenous Law Reporter  
Vol 2(2) 1997 pp: 203-250

Pritchard, Sarah - Indigenous peoples and international law: a critical overview

Australian Indigenous Law Reporter  
Vol 3(4) 1998 pp: 473-509

Crough, Greg - The responsibility of state and local governments for service delivery to aboriginal people: the Halls Creek case

Australian Indigenous Law Reporter  
Vol 2(1) 1997 pp: 1-17

Chantrill, Paul - Community justice in indigenous communities in Queensland: prospects for keeping young people out of detention

Australian Indigenous Law Reporter  
Vol 3(2) 1998 pp: 163-179

Tehan, Maureen - *Delgamuukw v British Columbia*

Melbourne University Law Review  
Vol 22(3) 1998 pp: 763-782

Mowbray, Martin - Redefining Land Rights: Review of Aboriginal Lands Rights (NT) Act 1976

### Indigenous Law Bulletin

Vol 4(18) 1999 pp: 9-12

Morphy, Howard - The use of anthropology in the Reeves Report

Indigenous Law Bulletin  
Vol 4(18) 1999 pp: 13-15

Joseph, Sarah - *Kruger v Commonwealth: constitutional rights & the stolen generations*

Monash University Law Review  
Vol 24(2) 1998 pp: 486-498

Buti, Tony - Removal of indigenous children from their families: the National Inquiry and what came before - the push for reparation

Australian Indigenous Law Reporter  
Vol 3(1) 1998 pp: 1-18

### ADVERSE POSSESSION

Furletti, Carlo - Adverse possession of Torrens land: realigning the boundary

Law Institute Journal  
Vol 73(3) 1999 pp: 76-81

### COMPANY DIRECTORS

Baxt, Robert - Linking a director's breach of duty and damages

Australian Business Law Review  
Vol 27(1) 1999 pp: 74-75

Streets, Sue - Prosecuting directors and managers in Australia: a brave new response to an old problem?

Melbourne University Law Review  
Vol 22(3) 1998 pp: 693-718

### CORONERS

Kennedy, Elizabeth - Reform of the Coroners Act - a fair go all round

Law Institute Journal  
Vol 73(3) 1999 pp: 11-12

### COURTS

Toohy, John - Without fear or favour, affection or ill will: the role of courts in the community

University of WA Law Review  
Vol 28(1) 1999 pp: 1-12

Gobbo, Hon Sir James - The courts as community service providers and cultural diversity

Journal of Judicial Administration  
Vol 8(3) 1999 pp: 123-130

Byron, Gary - Court governance: the owl and the bureaucrat

Journal of Judicial Administration  
Vol 8(3) 1999 pp: 142-159

Austin, R P - The High Court and the community

### Judicial Review

Vol 4(1) 1998 pp: 17-35

### CRIMINAL LAW

West, Andrew - Uncharged conduct and particulars

Queensland Lawyer  
Vol 19(4) 1999 pp: 113-117

West, Andrew - Fact finding on sentence

Queensland Lawyer  
Vol 19(4) 1999 pp: 117-120

Wolchover, David - Detention of psychopaths without trial, gaol cell confessions and the case against Michael Stone

New Law Journal  
Vol 148(6877) 1998 pp: 285-286, 314

Willis, John - The committal - some recent developments and findings

Journal of Judicial Administration  
Vol 8(3) 1999 pp: 160-175

Olsson, Hon Justice L T - To how much silence ought an accused be entitled?

Journal of Judicial Administration  
Vol 8(3) 1999 pp: 131-141

Bagaric, Mirko - Instant justice? The desirability of expanding the range of criminal offences dealt with on the spot

Monash University Law Review  
Vol 24(2) 1998 pp: 231-271

### DISPUTE RESOLUTION

Gerber, Paula - Construction dispute review boards

Australian Dispute Resolution Journal  
Vol 10(1) 1999 pp: 9-17

Power, Mary - Agenda setting in real-life negotiations

Australian Dispute Resolution Journal  
Vol 10(1) 1999 pp: 30-39

Mead, Patrick - ADR agreements: good faith and enforceability

Australian Dispute Resolution Journal  
Vol 10(1) 1999 pp: 40-52

Jolson, Henry - Judicial determination - will it become the alternative method of dispute resolution? Or: ADR redefined: adjudicated dispute resolution

Ethos  
Vol No 173 1999 pp: 9-12

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## DNA

Skene, Loane - DNA to dollars: commercialisation of DNA Research - ethical, legal & policy issues

Journal of Law and Medicine

Vol 6(3) 1999pp: 233-240

## EMPLOYMENT LAW

Spry, Max - After hours conduct, dismissals and the Workplace Relations Act 1996

Queensland Lawyer

Vol 19(4) 1999 Pp: 121-23

Catanzariti, Joe - A fair go for pregnant new employees

Law Society Journal

Vol 36(10) 1998 pp: 40

Davies, Helena - Employer's duty to advise employees

Solicitors Journal

Vol 143(9) 1999 pp: 216

## ESTOPPEL

Morzone, EJ - Estoppel and other private law preclusionary doctrines in public law

Queensland Lawyer

Vol 19(4) 1999 pp: 135-138

## EVIDENCE

Hunt, David - Snakes and ladders - further on the Evidence Act

Judicial Review

Vol 4(1) 1998 pp: 37-56

Austin, HNG - Propensity for change: the Crimes (Amendment) Act 1997 (Vic), Similar facts and separate trials

Criminal Law Journal

Vol 23(1) 1999 pp: 26-37

Chesterman, R - Dealing with expert witnesses

Law Society Journal

Vol 36(10) 1998 pp: 50-54

## FAMILY LAW

Alexander, Renata - Family mediation under the microscope

Australian Dispute Resolution Journal

Vol 10(1) 1999 pp: 18-29

King, Denise - Specialists in family law resolution

Australian Dispute Resolution Journal

Vol 10(1) 1999 pp: 63-74

Benjamin, Robert - Cost orders for proceed-

ings cross-vested to the Family Court

Law Society Journal

Vol 36(10) 1998 pp: 43

## FIDUCIARIES

Whincop, Michael J - Promoters, prospectuses, and pragmatism: updating fiduciary duties in a time of economic reform

Monash University Law Review

Vol 24(2) 1998 pp: 454-485

## HEALTH LAW

Gath, Shaun - Enhanced consumer rights in private health care: have the "Lawrence Amendments" delivered?

Journal of Law and Medicine

Vol 6(3) 1999 pp: 241-252

MacRae, Damien - Telehealth and the law: if uncertainty persists, please consult your lawyer

Journal of Law and Medicine

Vol 6(3) 1999 pp: 270-283

## HIGH COURT

Austin, R P - The High Court and the community

Judicial Review

Vol 4(1) 1998 pp: 17-35

## HUMAN RIGHTS

Wilcox, Murray - Sir Gerard Brennan's contribution to the human rights law in Australia

Brief

Vol 26(1) 1999 pp: 15-20

Liverani, Mary Rose - Has 50 years of declaring human rights done any good?

Law Society Journal

Vol 36(10) 1998 pp: 55-56

Pritchard, Sarah - Indigenous peoples and international law: a critical overview

Australian Indigenous Law Reporter

Vol 3(4) 1998 pp: 473-509

## INTELLECTUAL PROPERTY

Hakim, Saba - Trade marks in the Internet era: domain name disputes

Law Institute Journal

Vol 73(3) 1999 pp: 58-61

## JUDGES

Judicial bias, impartiality and prejudice

Journal of Judicial Administration

Vol 8(3) 1999 pp: 121-122

Himsworth, CMG - Securing the tenure of Scottish judges: a somewhat academic

exercise?

Public Law

Spring 1999 pp: 14-22

Steyn, Rt Hon Lord - The role of a bar, judge and the jury: winds of change

Public Law

Spring 1999 pp: 51-63

## JUVENILE JUSTICE

Chantrill, Paul - Community justice in indigenous communities in Queensland: prospects for keeping young people out of detention

Australian Indigenous Law Reporter

Vol 3(2) 1998 pp: 163-179

## LAW OFFICE MANAGEMENT

Stoakes, Christopher - Take the money or open the box

Solicitors Journal

Vol 143(9) 1999 pp: 213

Dunstone, Shelley - A guide to marketing, for people who hate it

Bulletin

Vol 21(2) 1999 pp: 10-11

## LEGAL COSTS

Di Lallo, Tomaso - Personal liability for costs

Law Institute Journal

Vol 73(3) 1999 pp: 48-51

Benjamin, Robert - Cost orders for proceedings cross-vested to the Family Court

Law Society Journal

Vol 36(10) 1998 pp: 43

## LEGAL ETHICS

Harper, David - Professional conduct and ethics in personal injury litigation: further guidance from the Supreme Court

Ethos

Vol No 173 1999 pp: 20-21

Ankor, Deborah - Major amendments to the Legal Practitioners Act 1981

Bulletin

Vol 21(2) 1999 pp: 16-18

## LEGAL PROFESSION

Dal Pont, Gino - The duty of solicitors to give tax advice - a reply

University of WA Law Review

Vol 28(1) 1999 pp: 121-131

Costello, Marnie - The national legal services market - part 1

Brief

Vol 26(1) 1999 pp: 5-9



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Macdonald, Stuart - Lawyers' duties to the courts - a response

## Brief

Vol 26(1) 1999 pp: 27-29

## **MANDATORY SENTENCING**

Zdenkowski, George - New challenge to NT mandatory sentencing: Bob Brown's abolition of Compulsory Imprisonment Bill 1998  
Indigenous Law Bulletin

Vol 4(18) 1999 pp: 16-17

## **MEDICAL LAW**

Olbourne, Norman A - Breen v Williams: a doctor's perspective

Journal of Law and Medicine

Vol 6(3) 1999 pp: 284-303

Little, Miles - Animal cloning and the possibility of cloning humans - science, law and ethics

Judicial Review

Vol 4(1) 1998 pp: 57-67

## **MEDICAL NEGLIGENCE**

Callahan, Rebekah - Negligence in medical manslaughter cases

Journal of Law and Medicine

Vol 6(3) 1999 pp: 253-269

## **MIGRATION LAW**

Harvey, CJ - Immigration and asylum law: new covenants and familiar challenges

Public Law

Spring 1999 pp: 23-34

## **NATIVE TITLE**

Burke, Paul - Evaluating the Native Title Amendment Act 1998

Australian Indigenous Law Reporter

Vol 3(3) 1998 pp: 333-356

Bill Risk on Behalf of the Larrakia People v Douglas Williamson QC in his Capacity as a Member of the Native Title Tribunal

Australian Indigenous Law Reporter

Fiction over fact: Extinguishing native title in the Larrakia case

Indigenous Law Bulletin

Vol 4(18) 1999 pp: 18-21

## **NEGLIGENCE**

Feldthusen, Bruce - Liability for pure economic loss: yes, but why?

University of WA Law Review

Vol 28(1) 1999 pp: 84-120

## **PERSONAL INJURIES**

Harper, David - Professional conduct and

ethics in personal injury litigation: further guidance from the Supreme Court

Ethos

Vol No 173 1999 pp: 20-21

## **PRISONS**

Groves, Matthew - Proceedings for prison disciplinary offences: the conduct of hearings and principles of review

Monash University Law Review

Vol 24(2) 1998 pp: 338-398

## **PRIVILEGE**

Peacock, Jonathan - Naming names

Solicitors Journal

Vol 143(7) 1999 pp: 152-153

## **PROFESSIONAL NEGLIGENCE**

Cuddy, Stewart - What are we more to fear... the black letter viper or the danger sign blinking in our mind?

Law Society Journal

Vol 36(10) 1998 pp: 58-59

## **REFUGEES**

Leerdam, Leonard - Testing the limits of the refugee convention: recent decisions of the High and Full Federal Courts

Bulletin

Vol 21(2) 1999 pp: 34-36

## **RESTITUTION**

Birks, Peter - The law of restitution at the end of an epoch

University of WA Law Review

Vol 28(1) 1999 pp: 13-64

## **SEARCH WARRANTS**

Donaghue, Stephen - Searching questions: the validity of search warrants under Pt 1AA of the Crimes Act 1914

Criminal Law Journal

Vol 23(1) 1999 pp: 8-25

## **SECURITY FOR COSTS**

Riethmuller, Grant - Security for costs and class actions

Queensland Lawyer

Vol 19(4) 1999 pp: 111-112

## **SENTENCING**

Bagaric, Mirko - Instant justice? The desirability of expanding the range of criminal offences dealt with on the spot

Monash University Law Review

Vol 24(2) 1998 pp: 231-271

## **TRUSTS AND TRUSTEES**

McAlister, Pamela - To give or not to give

reasons for trustee decisions

Law Institute Journal

Vol 73(3) 1999 pp: 62-64

## **WITNESSES**

Carmody, Tim - Witness anonymity and criminal justice in Queensland

Queensland Lawyer

Vol 19(4) 1999 pp: 126-134

Chesterman, R - Dealing with expert witnesses

Law Society Journal

Vol 36(10) 1998 pp: 50-54

## **WORKERS COMPENSATION**

Anforth, Allan - Comcare's new toy: Comcare v Amorebieta

Ethos

Vol No 173 1999 pp: 16-18

## **Y2K**

Hughes, Gordon - Industry icons face Y2K litigation

Law Institute Journal

Vol 73(3) 1999 pp: 31-32

## **NT LEGISLATION**

Legislative changes in March 1999, notified in the *NT Government Gazette*

## **New Acts**

2/99 Penalties Act 1999 (1.4.99)

10/99 Nursing Act 1999 (s93 - 25.3.99)

(Rest - (N/C)

## **New regulations**

1/99 Palmerston (Signs, Hoardings & Advertising) By-laws (13.1.99)

9/99 Northern Territory Products Symbol (7.4.99)

## **New reprints**

Heritage Conservation Act - Reprint 31.3.99

Heritage Conservation Regulations - Reprint 31.3.99

## **Commencements**

2/99 Penalties Act (1.4.99)

3/99 Interpretation Amdt Act (1.4.99)

4/99 Sentencing Amdt Act (1.4.99)

5/99 Legislative Assembly Members' Superannuation Amdt Act (26.2.99)

7/99 Justices Amdt Act (9.3.99)

8/99 Criminal Code Amdt (7.4.99)

9/99 Criminal Code Amdt (No 2) (7.4.99)