

COURT LIBRARY NOTES

NT Judgments - The database of NT judgments has continued to be available through Scaleplus. However it has not been updated with decisions since 28 May 2002. Arrangements are being made to have the database updated and made available through the Supreme Court website at nt.gov.au/oca/supreme

In the interim copies of recent decisions are available from the library.

NT Legislation - If you would like to be notified about amendments to current NT legislation, please send a request with your e-mail address to Melanie Macauley in the Darwin library (melanie.macauley@nt.gov.au). Previously this service was only available to departmental staff and the judiciary.

NT LEGISLATION

Legislative changes in June 2002, notified in the *NT Government Gazette* New Acts

- 6/2002 Coroners Amendment Act (8.5.02)
- 7/2002 Anti-Discrimination Amendment Act (24.4.02)
- 8/2002 Public Trustee Amendment Act (1.7.02)
- 9/2002 Unit Titles Amendment Act (1.5.02)
- 10/2002 Cullen Bay Marina Amendment Act (1.5.02)
- 11/2002 Criminal Code Amendment (Mental Impairment and Unfitness to be Tried) Act (15.6.02)
- 12/2002 Bail Amendment Act (15.6.02)
- 13/2002 Parole of Prisoners Amendment Act (15.6.02)
- 14/2002 Interpretation Amendment Act (N/C)
- 15/2002 Penalties Amendment Act (s 4(1) - 1.4.99, Rest - N/C)
- 16/2002 Corporations (Financial Services Reform Amendments) Act (11.3.02)
- 17/2002 Workmen's Liens Amendment Act (N/C)
- 18/2002 Statute Law Revision Act (7.6.02)
- 19/2002 Meat Industries Amendment Act (N/C)
- 20/2002 Police Administration Amendment Act (N/C)
- 21/2002 Witness Protection (Northern Territory) Act (N/C)

22/2002 First Home Owner Grant Amendment Act (s.4(1) & 5 - 9.10.2001, s.4(2), 6 & 7 - 1.1.2002)

23/2002 Work Health Amendment Act (7.6.02)

24/2002 Supply Act 2002-2003 (1.7.02)

New Regulations

15/2002 Territory Parks and Wildlife Conservation By-Laws (19.6.02)

16/2002 Territory Parks and Wildlife Conservation By-Laws (19.6.02)

17/2002 Territory Parks and Wildlife Conservation By-Laws (19.6.02)

Commencements

102/1998 Public Trustee Amendment Act (1.7.02)

70/2001 Power and Water Authority Amendment Act (1.7.02)

NT JUDGMENTS

Only judgments with catchwords are listed here. If you would like a list by date of all the reserve decisions for June 2002, please ask the library staff.

APPEAL AND NEW TRIAL - Appeal - General principles - In general and right of appeal - Criminal law - Appeal against sentence - sentencing in Commonwealth and Territory jurisdictions - no power to fix non-parole period for Commonwealth offences - regard to totality principle - re-sentencing HOOTON v HALES & LAIRD - 3 June 2002 - MILDREN J

RECENT ARTICLES

Aborigines, Aust

Sheleff, Leon - Drowning one's sorrow: the legal implications of alcoholism among indigenous people. *Indigenous Law Bulletin*. Vol 5(15) 2002. 12-13

Administrative Law

Boersig, John - Natural justice under attack in administrative decision-making. *Law Society Journal*. Vol 40(5) 2002. 72-74

Barristers

Gleeson, Murray - Bench and bar. *Australian Bar Review*. Vol 22(2) 2002. 89-94

Building and Construction Law

Jones, Ian Ellis - Can 'No' to a building

certificate mean 'Yes'? *Law Society Journal*, Vol 40(5) 2002. 58-61

Competition Law

Corones, Stephen - Proof of damages in private competition law actions. *Australian Law Journal*. Vol 76(5) 2002. 374-388

Consumer Law

Slade, Ben - Remedies for financial abuse: advising older clients. *Plaintiff*. Issue 51 2002. 6-14

Lester, Trevor - It's my money and I'll do what I want: having to make decisions about someone else's money. *Plaintiff*. Issue 51 2002. 15-21

Contracts Law

Penhallurick, Catherine - The principle of 'betterment' in damages for contract and tort. *Australian Bar Review*. Vol 22(2) 2002. 109-118

Corporate Governance

Watson, Susan - Who hides behind the corporate veil? Finding a way out of the "legal quagmire". *Company and Securities Law Journal*. Vol 29(4) 2002. 98-214

Courts

Puplick, Chris - How far should the courts be exempted from privacy regulation? *Law Society Journal*. Vol 40(5) 2002. 52-56

Criminal Law

Carver, Tracey - Occupiers' liability "a duty to protect patrons from the criminal conduct of others. *Plaintiff*. Issue 51 2002. 46-47

Gray, Stephen - A class act, an omission or a "non-event"? Criminal responsibility under section 31 of the Criminal Code (NT). *Criminal Law Journal*. Vol 26(3) 2002. 175-188

Damages

Semmler, Peter - Testing the limit of psychiatric injury. *Plaintiff*. Issue 51 2002. 37-41

Penhallurick, Catherine - The principle of 'betterment' in damages for contract and tort. *Australian Bar Review*. Vol 22(2) 2002. 109-118

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Corones, Stephen - Proof of damages in private competition law actions. *Australian Law Journal*. Vol 76(5) 2002. 374-388

Defamation

Sexton, Michael - Parliamentary privilege, defamation and public interest. *Law Society Journal*. Vol 40(5) 2002. 62-64

Electronic Commerce

Terry, Andrew. The e-business challenge for franchising. *Australian Business Law Review*. Vol 30(3) 2002. 227-241

Evidence

McSweeney, Michael - Immunity from suit of expert witnesses. *Australian Bar Review*. Vol 22(2) 2002. 131-148

Federal Magistrates Service

Zumba, Frank - Bringing trade practices matters to the Federal Magistrates Court. *Law Society Journal*. Vol 40(5) 2002. 66-67

Guardians

Seymour, Peter - Appointing a private trustee: have you considered it? *Plaintiff*. Issue 51 2002. 22-24

Insurance Law

Young, P W - Tort 'reform'. *Australian Law Journal*. Vol 76(6) 2002. 341-342

Legal Writing

Baida, Andrew H - Writing a better brief: a useful guide to better written submissions. *Australian Bar Review*. Vol 22(2) 2002. 149-180

Liquor Law

Boersig, John - Natural justice under attack in administrative decision-making. *Law Society Journal*. Vol 40(5) 2002. 72-74

Maritime Law

Rothwell, Donald R - The law of the sea and the MV Tampa incident: reconciling maritime principles with coastal state sovereignty. *Public Law Review*. Vol 13(2) 2002. 118-127

Natural Justice

Boersig, John - Natural justice under attack in administrative decision-making. *Law Society Journal*. Vol 40(5) 2002. 72-74

Negligence

Thomas, Mark - Misfeasance by prosecutors: Tahche v Sammia Abboud [2002] VSC 42. *Plaintiff*. Issue 51 2002. 45

Spigelman, J J - Chief Justice suggests remedies for the tort of negligence - 'the last outpost of the welfare state'. *Law Society Journal*. Vol 40(5) 2002. 24-25

Occupiers Liability

Carver, Tracey - Occupiers' liability "a duty to protect patrons from the criminal conduct of others. *Plaintiff*. Issue 51 2002. 46-47

Vogler, Ellen - Occupiers liability for actions of third parties. *Plaintiff*. Issue 51 2002. 48

Older People

Slade, Ben - Remedies for financial abuse: advising older clients. *Plaintiff*. Issue 51 2002. 6-14

Lester, Trevor - It's my money and I'll do what I want: having to make decisions about someone else's money. *Plaintiff*. Issue 51 2002. 15-21

Wight, Bruce - Compensation claims for future care costs: aged care subsidies. *Plaintiff*. Issue 51 2002. 34-35

Pensions

D'Wynn, Louise Hanby - Social security update: four considerations in common law case preparation and settlement. *Plaintiff*. Issue 51 2002. 36

Personal Injuries

Seymour, Peter Appointing a private trustee: have you considered it? *Plaintiff*. Issue 51 2002. 22-24

Wight, Bruce - Compensation claims for future care costs: aged care subsidies. *Plaintiff*. Issue 51 2002. 34-35

Prisons

Edney, Richard - Hard time, less time: Prison conditions and the sentencing process. *Criminal Law Journal*. Vol 26(3) 2002. 139-151

Privacy

Puplick, Chris - How far should the courts be exempted from privacy regulation? *Law Society Journal*. Vol 40(5) 2002. 52-56

Privilege

McSweeney, Michael - Immunity from suit of expert witnesses. *Australian Bar Review*. Vol 22(2) 2002. 131-148

Sexton, Michael - Parliamentary privilege, defamation and public interest. *Law Society Journal*. Vol 40(5) 2002. 62-64

Prosecutions

Thomas, Mark - Misfeasance by prosecutors: Tahche v Sammia Abboud [2002] VSC 42. *Plaintiff*. Issue 51 2002. 45

Refugees

Evans, Simon - The rule of law, constitutionalism and the MV Tampa. *Public Law Review*. Vol 13(2) 2002. 94-101

Rubenstein, Kim - Citizenship, sovereignty and migration: Australia's exclusive approach to membership of the community. *Public Law Review*. Vol 13(2) 2002. 102-109

Thom, Graham - Human rights, refugees and the MV Tampa crisis. *Public Law Review*. Vol 13(2) 2002. 110-117

Rothwell, Donald R - The law of the sea and the MV Tampa incident: reconciling maritime principles with coastal state sovereignty. *Public Law Review*. Vol 13(2) 2002. 118-127

Pringle, Helen - The Tampa affair and the role of the Australian Parliament. *Public Law Review*. Vol 13(2) 2002. 128-142

Retirement

Sarjeant, Hugh - Superannuation: current issues for retirees. *Plaintiff*. Issue 51 2002. 28-33

Sentencing

Gullick, Mathew - Sentencing and the Home Detention Curfew Scheme. *Criminal Law Review*. Vol May 2002. 391-395

Edney, Richard - Hard time, less time: Prison conditions and the sentencing process. *Criminal Law Journal*. Vol 26(3) 2002. 139-151

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