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CURRENT ISSUES – Editor: Mr Justice PW Young AO

Thank you.....	551
Death of Rae Else-Mitchell	551
England mid-2006	551
The usual suspects	551
The NatWest three	552
Hamdan v Rumsfeld	553
Should judges be liable to pay the state the costs thrown away by mistrials?	553
Appointment of judges’ associates	554
Juries and sentencing	554
Thirty years of the “new” federal administrative law	554
Appointment of Keith J to International Court of Justice	555

LETTER TO THE EDITOR	556
-----------------------------------	-----

CONVEYANCING AND PROPERTY – Editor: Peter Butt

Injunction to restrain threatened severance of joint tenancy.....	557
“I’ll have to obtain instructions”	557
Compulsory easements	559
Adverse possession.....	560

EQUITY AND TRUSTS

Sieff v Fox and the rule in Re Hastings-Bass	561
--	-----

RECENT CASES – Editor: Mr Justice PW Young AO

Public interest immunity.....	567
Statute of frauds in the 21st century	568
Issue estoppel: Decision of Solicitors’ Disciplinary Tribunal	568
Affirmation of contract.....	569
Validity of “no caveat” clause.....	569
Sending a grossly offensive message	569
Does having a smoke constitute contributory negligence?	570

ARTICLES**SERVING GOD AND THE CHURCH: CLERGY, EMPLOYMENT AND DISCRIMINATION****Garth Blake SC**

Throughout the common law world, it has been an established principle that clergy are not employed under a contract of service; their calling does not have any contractual foundation. Attempts by clergy in the past to invoke the statutory remedies of unfair dismissal and workers compensation have failed because of the absence of a contract of service. The decision of the House of Lords in *Percy v Board of National Mission of the Church of Scotland* [2006] 2 AC 28 on a sex discrimination claim brought by a former minister has significant implications for the status of clergy under the common law, as well as the right of clergy to seek relief under discrimination and unfair dismissal legislation. 571

PROVING STATE BORDERS**Garry Moore**

Notwithstanding the recognition that the Australian States are invested with a very wide extraterritorial legislative competence, and the impact of the Jurisdiction of Courts (Cross-Vesting) Acts, it remains true to say that most State and Territory laws are confined in their reach within the physical borders of the States and Territories concerned. On occasion, the precise location of such borders will be a significant, and perhaps dominant, issue in court proceedings. This article surveys and illustrates the law relevant to the proof of the location of State and Territory borders. 587

WHEN THE JUDICIARY IS DEFAMED: RESTRAINT POLICY UNDER CHALLENGE**Kim Gould**

There is a “policy” that judicial officers should not sue for defamation, save in exceptional circumstances. But this is coming under challenge on a number of fronts. Concerns about maintaining public confidence in the judiciary if this policy is relaxed or even abandoned are now largely illusory in the face of a robust judiciary as part of a modern democracy. More worrying is the potential chilling effect on criticism of the judiciary; the real issue is whether the defamation defences are up to the task of

adequately protecting this form of speech – and it appears that there may be reason for concern. These issues are considered against the background of the robust views about criticism of the judiciary expressed by Justice Sackville, Chair of the Judicial Conference of Australia and a judge of the Federal Court of Australia, in his Lucinda Lecture and other fora in 2005. The inquiry also provides insight into other wider issues including the interrelationship between the judicial restraint policy and scandalising contempt.	602
BOOK REVIEW	623
OBITUARY	
Rae Else-Mitchell CMG	625

The Australian Law Journal Reports

HIGH COURT REPORTS – Staff of Lawbook Co

DECISIONS RECEIVED IN JULY 2006

Bounds v The Queen (<i>Criminal Law</i>) ([2006] HCA 39)	1380
Mansfield v Director of Public Prosecutions (<i>Criminal Law</i>) ([2006] HCA 38)	1366
Smits v Roach (<i>Procedure</i>) ([2006] HCA 36)	1309
Stingel v Clark (<i>Limitation of Actions</i>) ([2006] HCA 37)	1339
Taxation, Federal Commissioner of v Citylink Melbourne Ltd (<i>Taxes and Duties</i>) ([2006] HCA 35)	1282