



THE LAW LIBRARY OF VICTORIA

Library
Bulletin
10 June
2016

Library News and Events

Lyrical Lunchtimes in the Law Library Thursday 23 June, 1.15-2.00pm

The Law Library of Victoria and BottledSnail Productions present the third in the series of lunchtime classical concerts. Take a seat or simply wander the beautiful library surrounds to enjoy this music. All are welcome, entry is free, no need to register.

SAVE THE DATE: 2016 Lyrical Lunchtimes in the Law Library

- ❖ Thursday 18 August, 1.15pm
- ❖ Thursday 15 September, 1.15pm
- ❖ Thursday 20 October, 1.15pm

The Law Library of Victoria: Legal Luminaries and their Books Friday 22 July, 1-2.00pm

Hosted as part of Melbourne Rare Book Week 2016, this special event will feature three eminent panellists who will share their tales and passions of book collecting.

Bookings are required for this free event Register via Eventbrite <https://www.eventbrite.com.au/e/rare-book-week-2016-legal-luminaries-and-their-books-tickets-25589511919>

SUBSCRIBE TO THE LIBRARY BULLETIN

If you would like to receive the Library Bulletin by email, please contact us at llv@courts.vic.gov.au

Judging for the People: A Social History of the Supreme Court in Victoria 1841-2016



Judging for the People: A Social History of the Supreme Court in Victoria 1841-2016 has just been published. Copies of the book can be ordered from the Supreme Court Library, please phone 03 9603 6282 for details.

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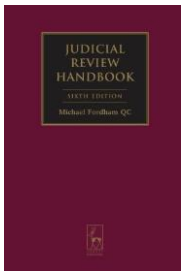
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New Books

Following is a selection of new books in the Library collection. For details of more new books, see the Library Catalogue: https://courts.sdp.sirsiidynix.net.au/client/en_AU/llv/



Brown, Henry, *ADR: Principles and Practice*
3rd ed, Sweet & Maxwell, London, 2011
Call number: 347.09 BRO.3 (Supreme Court Library)



Fordham, Michael, *Judicial Review Handbook*
6th ed, Hart Publishing, Portland, 2012
Call Number: 347.41012 FOR.6 (Supreme Court Library)



Hodge, David, *Rectification: The Modern Law and Practice Governing Claims for Rectification for Mistake*
2nd Sweet & Maxwell, London, 2016
Call number: 346.02 HOD.2 (Supreme Court Library)



Lewison, Kim, *Interpretation of Contracts*
6th ed, Sweet & Maxwell, London, 2015
Call number: 346.02 LEW.6 (VCAT)



Stuhmcke, Anita, *Legal Referencing*
4th ed, LexisNexis Butterworths, Chatswood, NSW, 2012
Call number: 340.072 STU.4 (Supreme Court Library)



Legislation

Victorian Bills

The following Victorian Bills received a second reading since the last Library Bulletin:

- [Crimes Amendment \(Sexual Offences\) Bill 2016](#)
- [Legal Profession Uniform Law Application Amendment Bill 2016](#)
- [Melbourne College of Divinity Amendment Bill 2016](#)
- [Powers of Attorney Amendment Bill 2016](#)
- [Ridesharing Bill 2016](#)
- [Transport \(Compliance and Miscellaneous\) Amendment \(Public Safety\) Bill 2016](#)

Victorian Assents

The following Victorian Acts were assented to since the last Library Bulletin:

- [Confiscation and Other Matters Amendment Act 2016](#) No. 27/2016
- [Crimes Legislation Amendment Act 2016](#) No. 28/2016
- [Fines Reform and Infringements Acts Amendment Act 2016](#) No. 29/2016
- [Integrity and Accountability Legislation Amendment \(A Stronger System\) Act 2016](#) No. 30/2016
- [Land \(Revocation of Reservations - Metropolitan Land\) Act 2016](#) No. 31/2016
- [Serious Sex Offenders \(Detention and Supervision\) Amendment \(Community Safety\) Act 2016](#) No. 32/2016



EXHIBITIONS IN THE LIBRARY

Argus from 100 years ago

The Supreme Court Library has the Argus newspaper from 1916 on display.

The page is turned daily and provides an insight into what was happening 100 years ago to the day.

A snapshot is provided via the Law Library of Victoria Twitter account. You can follow these tweets via @lawlibraryvic #argus1916

Legislation

Proclamations

The following Victorian Act proclamations have been made since the last Library Bulletin:

- *Access to Medicinal Cannabis Act 2016* No. 20/2016
 - Part 1 (sections 1-9), Part 3 (section 13), sections 100, 123, 126, 129-131, 133, 135 came into operation on 8 June 2016 (VGG S177 07.06.2016)
- *Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction) Act 2016* No. 10/2016
 - Sections 94(1)(b)(2), 95-98, 103-122, 131-153, 155-157, Part 8 Divisions 3-7 (sections 158-174) came into operation on 7 June 2016 (VGG S177 07.06.2016)
 - Sections 94(1)(a), 99-102, 123-130, 154 came into operation on 1 July 2016 (VGG S177 07.06.2016)
- *Relationships Amendment Act 2016* No. 4/2016
 - Sections 1-5, 7-10 came into operation on 1 July 2016 (VGG S177 07.06.2016)

The following Victorian Acts have come into operation by forced commencement since the last Library Bulletin:

- *Confiscation and Other Matters Amendment Act 2016* 27/2016
 - Part 1 (sections 1, 2), sections 4-6, 9, 13-16, 18, 26, 42, 43, parts 5-9 (sections 44-49) came into operation on 1 June 2016 (s. 2(1))
- *Crimes Legislation Amendment Act 2016* 28/2016
 - Part 1 (sections 1, 2), Part 4 Division 1 (sections 9-11), Parts 5, 6 (sections 13, 14) came into operation on 1 June 2016 (s. 2(1))
- *Fines Reform and Infringements Acts Amendment Act 2016* 29/2016
 - Parts 1, 2 (sections 1-58), Part 3 Division 5 (sections 96-106), Part 5 (s. 112) came into operation on 1 June 2016 (s.2(1))
- *Integrity and Accountability Legislation Amendment (A Stronger System) Act 2016* 30/2016
 - Sections 1 and 2 came into operation on 1 June 2016 (s. 2(1))
- *Planning and Environment Amendment (Infrastructure Contributions) Act 2015* 35/2015
 - Sections 1-17 of this Act came into operation by forced commencement on 1 June 2016 (s. 2(2))
- *Serious Sex Offenders (Detention and Supervision) Amendment (Community Safety) Act 2016* 32/2016
 - Parts 1, 2 (sections 1-18), Pts 4-7 (sections 30-50) came into operation on 1 June 2016 (s. 2(1))

High Court Cases

FAMILY LAW - Family Law Act 1975 (Cth) - Spousal maintenance - Conditions for making or discharge of interim spousal maintenance orders - Interim spousal maintenance order in favour of wife - Application to discharge by husband - Where wife's father's will expressed wish that wife receive voluntary annual payment from family business controlled by wife's brothers - Meaning of "financial resources" under s75(2)(b) - Whether confined to present legal entitlements - Whether finding open on evidence that wife able to support herself adequately - Whether just cause for discharge of spousal maintenance order.

COURTS AND JUDGES - Procedural fairness - Whether party on notice of possibility of factual finding being made - Whether party denied opportunity to lead further evidence.

WORDS AND PHRASES - "financial resources", "source of financial support", "support himself or herself adequately".

FAMILY LAW ACT 1975 (Cth) - s72, s74, s75, s83.

Hall v Hall

[\[2016\] HCA 23](#)

08/06/2016

TORTS - Negligence - Personal injury - Breach of duty of care - Duty to take precautions against risk - Where first respondent seriously injured in crash of helicopter manufactured by appellant - Where crash resulted from defect caused by third party - Where helicopter subject to multiple routine inspections but defect not detected - Whether appellant's maintenance manual for helicopter provided sufficient instruction to facilitate detection of defect - Whether appellant breached duty of care.

TORTS - Negligence - Causation - Where majority of Court of Appeal found multiple possible causes of damage suffered - Whether open to majority of Court of Appeal to find one particular possibility more likely to have occurred than other possibilities - Whether causation established by failure to take precautions against risk other than that which in fact occurred.

APPEAL - Rehearing - Where primary judge drew inferences and made findings of fact based on lay and expert evidence - Whether majority of Court of Appeal erred by overturning primary judge's findings of fact.

WORDS AND PHRASES - "causation", "contrary to compelling inferences", "glaringly improbable", "incontrovertible facts or uncontested testimony", "real review".

CIVIL LIABILITY ACT 2003 (Q) - s9(1)(c), s12.

CIVIL AVIATION REGULATIONS 1988 (Cth) - regs 31, 42V(1), 42ZC.

Robinson Helicopter Company Incorporated v McDermott

[\[2016\] HCA 22](#)

08/06/2016

Victorian Supreme Court Cases

Court of Appeal

ACCIDENT COMPENSATION - Appeal from unsuccessful application made under s93(4)(b) of the Transport Accident Act 1986 - Judge finding that applicant failed to prove that injury, claimed to be serious, was a result of a transport accident - Whether finding correct - Whether judge erred in discounting reliability of witnesses for applicant - Whether reasons of judge adequate.

Bedeux, Guilbert v Transport Accident Commission

Ferguson JA, Kaye JA, and McLeish JA

[\[2016\] VSCA 127](#)

06/06/2016

ADMINISTRATIVE LAW - Appeal from Victorian Civil and Administrative Tribunal - Domestic building dispute - Termination of contract by owners on failure of builder to rectify defects specified in default notice - Clause 20 of Victorian Master Builders Association New Homes Contract (HC-6 addition 1 - 2009) - Meaning of 'substantial breach' in clause 20.1 - Whether owners acted unreasonably in terminating contract based on default notice allowing 14 days to rectify defects - Remediation works estimated to take 6 weeks

Australian Dream Homes P/L (ACN 089 782 990) v Stojanovski, Ilija & Stojanovski, Zagorka

Ashley JA, Osborn JA, and Kaye JA

[\[2016\] VSCA 133](#)

10/06/2016

CRIMINAL LAW - Conviction - Appeal - Manslaughter by unlawful and dangerous act - Causation - Whether verdict unsafe and unsatisfactory - Causation - Whether evidence capable of establishing a causal connection between injuries suffered in assault and deceased's later cardiac arrest and death - Application for leave to appeal against conviction refused.

CRIMINAL LAW - Sentence - Director's appeal - Manslaughter - Whether sentence of 4 years with non-parole period of 2 years and 6 months manifestly inadequate - Female respondent relatively youthful having care of infant in prison - Sentence lenient but not manifestly inadequate - Appeal dismissed.

Robb, Kristy v The Queen

Director of Public Prosecutions [DPP] v Robb, Kristy

Ashley JA, Osborn JA, and Priest JA

[\[2016\] VSCA 125](#)

30/05/2016

CRIMINAL LAW - Leave to appeal against sentence - False imprisonment - Threat to kill - Manifest excess - Double punishment - Combination sentence - Family violence - Serious offending - Application for leave to appeal refused.

Byrnes, Jonathon Charles v The Queen

Kaye JA

[\[2015\] VSCA 341](#)

10/12/2015

CRIMINAL LAW - Sentence - Appeal - Aggravated burglary (2 charges) - Attempted indecent assault - Theft - Total effective sentence of 6 years and 7 months with non-parole period of 4 years - Whether sentence manifestly excessive - Whether sentences on individual charges manifestly excessive - No explanation for offending - Spontaneous offending - Mitigating factors - Sentence on theft charge conceded by Crown to be manifestly excessive - Other sentences not manifestly excessive - Applicant entitled to be resentenced on theft charge - Sentencing discretion not re-opened on other charges - Appeal allowed - Appellant resentenced on theft charge - Other sentences and orders for cumulation confirmed - Appellant resentenced to total effective sentence of 6 years and 4 months with non-parole period of 4 years.

Cox, Jody Thomas v The Queen

Whelan JA, Priest JA, and Beach JA

[\[2016\] VSCA 124](#)

30/05/2016

CRIMINAL LAW - Sentence - Appeal - Recklessly causing serious injury - Combined sentence of term of imprisonment of 15 months and Community Correction Order of 2 years - Whether length of term of imprisonment made combined sentence manifestly excessive - Whether length of term of imprisonment infringed principle of parsimony - Combined sentence to be viewed in its totality - Not helpful to compare length of combined sentence with term of imprisonment with non-parole period - Individual sentencing considerations not to be assigned to different components of combined sentence - Boulton v The Queen [2014] VSCA 342 and Melnikas v The Queen [2016] VSCA 112 considered - Sentencing Act 1991, s5(3), s5(4C) - Prior criminal matter - Moderately serious injury to victim - Appeal dismissed. CRIMINAL LAW - Appeal against sentence - Combined custodial term and CCO pursuant to Sentencing Act 1991 s44(2) - Circumstances in which warning should be given pursuant to Criminal Procedure Act 2009 s281(3) that part of the combined sentence might be increased in the event of resentencing.

Greatorex, Alexander v The Queen

Redlich JA, Santamaria JA, and Beach JA

[\[2016\] VSCA 136](#)

10/06/2016

CRIMINAL LAW - Sentence - Dangerous driving causing death - Four wheel all terrain buggy - Lack of protection of passengers - Whether appellant's moral culpability was 'very high' - Moral culpability and dangerousness assessed by reference to all of the conduct and circumstances of specific case and offender - R v Whyte (2002) 55 NSWLR 252, R v Jurisic (1998) 45 NSWLR 209, discussed - Knowledge of risk by driver - Warning as to safety ignored - Exceeding passenger limit - Driving in a deliberately dangerous manner - No error in judge's finding that moral culpability was very high - Sentence of 3 years and 3 months for dangerous driving causing death, 1 year and 6 months for reckless conduct endangering life, with total effective sentence of 3 years and 9 months - Assertion that Community Correction Order was correct disposition rejected - Appeal dismissed.

CRIMINAL LAW - Current sentencing practice - Dangerous driving causing death - Relationship with offence of negligently causing serious injury by driving - Harrison v The Queen [2015] VSCA 349, considered - Increase in maximum penalty from 5 years to 10 years - Failure by courts to give proper effect to increased maximum term as a 'yard stick' - Inappropriately narrow range of sentences imposed - Warning that sentencing practice should be uplifted for mid category seriousness of the offence - Poyner v The Queen (1986) 66 ALR 264; Ashdown v The Queen (2011) 37 VR 341, applied.

Stephens, Ricky Oliver v The Queen

Redlich JA, Santamaria JA, and Beach JA

[\[2016\] VSCA 121](#)

30/05/2016

CRIMINAL LAW - Sentence - Election to renew application for leave to appeal against sentence - Aggravated burglary and other offences - Armed home invasion to steal money and drugs - Serious injury to an occupant and injury to others - Offences in 2006 not charged until 2010 - Applicant convicted at trial in 2014 - Total effective sentence 6 years' imprisonment with non-parole period of 3 years and 8 months - Applicant sentenced in 2007 for similar offences committed in 2006 - Totality - Delay - Manifest excess - Application for leave to appeal against sentence refused.

CRIMINAL LAW - Sentence - Application for leave to appeal - Application to add ground - Fresh or new evidence - Evidence relating to gunshot wound and childhood sexual abuse - Evidence not fresh or new - Application refused.

Rout, Benjamin v The Queen

Whelan JA, Priest JA, and Beach JA

[\[2016\] VSCA 126](#)

30/05/2016

LOCAL GOVERNMENT - Vesting of public sewers and drains in Council - Purposes, responsibilities and powers of municipal councils discussed.

STATUTORY INTERPRETATION - Section 198 of the Local Government Act 1989 - Meaning of 'public drain' - Words used in their common and ordinary meaning - Whether a drain is public is a question of fact - Identification of relevant factors - Function of drain - Purpose of drain - Other relevant circumstances.

WATER LAW - Whether a reasonable flow of water - Water Act 1989 s16(2), s20(1) - Gartner v Kidman (1962) 108 CLR 12 discussed - Factors bearing on reasonableness.

MINING LAW - Relevance of mining activity to assessment of character of drain on mining land.

REMEDIES - Injunctions and declarations - Discretionary grounds for refusal of relief. WORDS AND PHRASES - 'public' - 'public drain'.

Hazelwood Power Partnership (ABN 40 924 759 557) v Latrobe City Council

Warren CJ, Osborn JA, and Beach JA

[\[2016\] VSCA 129](#)

03/06/2016

PRACTICE AND PROCEDURE - Costs - Respondent tribunal made submitting appearance in accordance with R v Australian Broadcasting Tribunal; Ex parte Hardiman (1980) 144 CLR 13 - Appeal successful - Whether circumstances justify costs order against respondent.

PRACTICE AND PROCEDURE - Costs - Interveners - Attorney-General intervened in proceeding in Victorian Civil and Administrative Tribunal and treated as intervener on appeal - Whether costs of appeal should be awarded against Attorney-General - S v Crimes Compensation Tribunal [1998] 1 VR 83, discussed.

PRACTICE AND PROCEDURE - Costs - Interveners - Costs sought against intervener in Victorian Civil and Administrative Tribunal - Intervener not a party - Whether costs incurred as a result of Attorney-General's intervention - Victorian Civil and Administrative Tribunal Act 1998 s110(2).

Pham, Francis Ngoc Huong v Victims of Crime Assistance Tribunal & Attorney-General for the State of Victoria (No 2)

Tate JA, Ferguson JA, and McLeish JA

[\[2016\] VSCA 135](#)

09/06/2016

PRACTICE AND PROCEDURE - Interest - Interest on defamation damages - Damages in the nature of interest - Rate of interest - Period over which interest to be paid - Entitlement to interest until judgment - Interest from the commencement of the proceeding - Effect when good cause is shown to the contrary - No entitlement to interest for any period before the commencement of the proceeding - Clarke v Foodland Stores Pty Ltd [1993] 2 VR 382 applied - Supreme Court Act 1986, s60.

PRACTICE AND PROCEDURE - Costs - Costs of proceeding up to and including trial - Indemnity costs - Offers of compromise - Calderbank offers - Settlement offers - Whether defendants unreasonably failed to agree to settlement offers proposed by the plaintiff - Supreme Court (General Civil Procedure) Rules 2015, r26.02 and r26.08 - Defamation Act 2005, s40.

Hardie, Raelene v The Herald and Weekly Times P/L & Rule, Andrew (No 2)

Ashley JA, Tate JA, and Beach JA

[\[2016\] VSCA 130](#)

06/06/2016

PRACTICE AND PROCEDURE - Orders - Whether proceeding should be remitted to Trial Division - Whether respondent should be ordered to pay sum of money claimed by applicants to applicants - Respondent ordered to pay sum of money conceded by respondent to applicants and matter remitted to Trial Division in respect of balance of applicants' claim.

PRACTICE AND PROCEDURE - Costs - Costs of trial to date - Whether costs of trial should be remitted to Trial Division - Not appropriate to remit costs of trial to date - Apportionment - Whether costs of trial to date should be apportioned - Respondent ordered to pay 70 per cent of costs of trial to date.

PRACTICE AND PROCEDURE - Costs - Costs of application to amend notice of application for leave to appeal.

PRACTICE AND PROCEDURE - Stay - Application for stay pending application for special leave to appeal to High Court - No special or exceptional circumstances - Refusal of stay would not render appeal nugatory - Not a case where refusal of stay would result in loss of subject matter of appeal - Application for stay refused.

Batrouney, Noel & Lyle, Andrew (in their capacity as receivers of the law practice known as Hollows Lawyers ABN 32 840 058 016) v Forster, David Brian (No 2)

Santamaria JA, Beach JA, and McLeish JA

[\[2016\] VSCA 131](#)

06/06/2016

PRACTICE AND PROCEDURE - Part 4A of the Supreme Court Act 1986 - Managed investment schemes - Collapse of schemes - Group proceeding on behalf of investors in schemes - Defendants include lender to investors - Dismissal of group proceeding - Opt out provisions - Subsequent recovery proceedings by lender against group members - Group members had not opted out of group proceeding - Group members raised individual claims and defences in recovery proceedings - Whether failure to opt out of group proceeding precluded group members from raising individual claims and defences in recovery proceedings.

STATUTORY INTERPRETATION - Group proceedings - s33Q of the Supreme Court Act 1986 - Whether group members entitled to participate in group proceeding - Whether group members can raise questions not common to group proceedings - Whether failure to raise questions not common in group proceeding precludes group members from raising those questions in subsequent proceedings.

PRACTICE AND PROCEDURE - Group proceedings - Anshun estoppel - Test - Whether unreasonable of group members not to have raised individual claims and defences during group proceeding - Whether group members estopped from raising individual claims and defences in subsequent proceedings by reason of failure to raise individual claims and defences in the group proceeding - *Port of Melbourne Authority v Anshun Pty Ltd* (1981) 147 CLR 589.

PRACTICE AND PROCEDURE - Estoppel - Anshun estoppel - Scope of principle - Whether Anshun estoppel may preclude a person who was neither a party nor a privy of a party in an earlier case - Whether unreasonable not to have raised cause of action in earlier proceeding - Relevant factors - Content of opt out notice in group proceedings - Whether respondents estopped from raising matters in subsequent proceedings.

PRACTICE AND PROCEDURE - Estoppel - Anshun estoppel - Privity of interest - Parties and their privies - Whether group members privies of plaintiff in initial group proceeding - Whether plaintiff in group proceeding would be precluded from raising claims and defences of individual group members in subsequent proceedings.

PRACTICE AND PROCEDURE - Group proceedings - Abuse of process - Failure of plaintiff or group members to raise individual claims in group proceeding - Whether raising individual claims and defences by group members in subsequent proceedings is oppressive or brings administration of justice into disrepute.

Timbercorp Finance P/L (in liquidation) (ACN 054 581 190) v Collins, Douglas James & Collins, Janet Ann: Timbercorp Finance P/L (in liquidation) (ACN 054 581 190) v Tomes, John Charles

Warren CJ, Santamaria JA, and McLeish JA

[\[2016\] VSCA 128](#)

01/06/2016

PRACTICE AND PROCEDURE - Procedural fairness - Defendant's case deemed closed in her absence - Leave to re-open case granted and two days set for conclusion of evidence and closing submissions - Defendant requested that judge consider adjournment and varying orders - Judge's associate sent email advising hearing dates cancelled - Judge's associate sent second email stating that matter listed for next day for judge to hand down judgment - Reasons for judgment attached to email - Reasons expressed concluded view on central factual issues - Trial miscarried - No notice given to defendant that judge proposed to proceed to judgment without defendant completing her case - Request for consideration of short adjournment did not justify termination of hearing before defendant completed her case - No notice given that judge intended to make orders for costs in absence of defendant on day judgment handed down - Appeal allowed - Matter remitted to County Court for hearing before different judge.

Finch, Jo-Anne v Arnold, Thomas and Becker P/L

Tate JA, Osborn JA, and Ferguson JA

[\[2016\] VSCA 117](#)

24/05/2016

Commercial Court

BUILDING CONTRACT - Payment claim purportedly made under the Building and Construction Industry Security of Payment Act 2002 (Vic) (the 'Act') - Whether the Act applies to reason of s7(2)(b) of the Act - Court not able to determine this issue on the papers given the issues of fact in controversy - Whether adjudication application under the Act is valid - Purported notice under s18(2)(a) of the Act not valid - Injunction granted.

Vinson, Theresa Anne Veronica v Neerim Properties Developments P/L (ACN 087 570 045)

Vickery J

[\[2016\] VSC 321](#)

09/06/2016

CORPORATIONS - Claim by liquidator against director of corporation for recovery of loans made to him - Alternative claims that payment to director were unreasonable director related transactions pursuant to s588FDA of the Corporations Act 2001 (Cth) ('the Act') or that failure to repay payments was a breach of his duties as director pursuant to s181 or s182 of the Act - Defendant ordered to repay to the company all payments save for payments which were barred by limitation on application of principle in *Ogilvie v Adams* [1981] VR 1041 - Claim that payments in 2007 were unreasonable director related transactions not available to plaintiffs as transactions took place more than four years before the relation back day in the winding up and were therefore outside the period mentioned in s588FE(6A) of the Act - Insufficient evidence to support finding that 2007 advances were made in breach of s181 and s182 of the Act.

In the matter of an application under section 588FF of the Corporations Act 2001 (Cth) In the matter of ACN 103 220 766 P/L (formerly IspOne P/L) (in liquidation) (ACN 103 220 766)

Lindholm, John Ross and McCallum, Stewart Alexancer as joint and several liquidators of ACN 103 220 766 P/L (in liquidation) (ACN 103 220 766) & Ors v Swindells, Zac

Gardiner AsJ

[\[2016\] VSC 275](#) First revision: 2 June 2016

31/05/2016

CORPORATIONS - Cross-Border Insolvency Act 2008 (Cth) - Model Law on Cross-Border Insolvency - Application for recognition of Chapter 11 of the Bankruptcy Code US proceeding as a foreign main proceeding - Location of registered office - Centre of main interests - Corporations Act 2001 (Cth) s481 - International Private Law.

In the matter of Legend International Holdings Inc ARBN 120 855 352

Indian Farmers Fertiliser Cooperative Limited & Kisan International Trading Fze v Legend International Holdings Inc (ARBN 120 855 352)

In the matter of Legend International Holdings Inc

Peter Lee Legend International Holdings Inc (ARBN 120 855 352) (as debtor in possession of the assets of Legend International Holdings Inc) v Legend International Holdings Inc (ARBN 120 855 352)

Randall AsJ

[\[2016\] VSC 308](#)

02/06/2016

CORPORATIONS - Derivative action - Application by shareholder for leave to bring proceeding (nunc pro tunc) in name of company under Corporations Act 2001 (Cth) s237 - Whether applicant acting in good faith in bringing proceedings - Whether in the best interests of company that applicant be granted leave - Whether proceeding involves serious question to be tried.

Knight Quest P/L (ACN 116 122 939) & SMS Management P/L (ACN 101 453 865) v Barokes P/L & Daiwa Can Company

Sifris J

[\[2016\] VSC 296](#)

07/06/2016

CORPORATIONS - Proceeding by liquidators claiming that payments made by company are voidable transactions under Part 5.7B of the Corporations Act 2001 (Cth) by reason of being unfair preferences and insolvent transactions - Incorrect defendant named as being the recipient of the payments - Application pursuant to rule 36.01 of the Supreme Court (General Civil Procedure) Rules 2015 to amend the name of the defendant to the party who beneficially received the payments - *Bridge Shipping Pty Ltd v Grand Shipping S.A.* (1991) 173 CLR 231 applied - Leave granted to amend name of defendant.

In the matter of Fat 4 P/L (in liquidation) (ACN 090 539 736)

Fat 4 P/L (in liquidation) (ACN 090 539 736) & Juratowitch, Daniel and Secatore, Bruno as joint and several liquidators of Fat 4 P/L (in liquidation) (ACN 090 539 736) v Feber Distribution P/L (ACN 122 529 999)

Gardiner AsJ

[\[2016\] VSC 304](#)

02/06/2016

CORPORATIONS - Whether directors and officers of corporation had duty to ensure that income received from managing AFL players extended to the expiry of the player's contract with the football club - Whether duty to ensure that Representation Agreements were co-terminus with Player Contracts.

CONTRACT - Representation Agreement - Construction - Whether agent entitled to Fee only during the Term of the Representation Agreement or for the entire duration of the Player Contract if it is longer.

CONTRACT - Employment Contract - Oral - Terms to be implied - Whether a term to use reasonable care and skill - Whether a term to act honestly and in good faith - Whether terms breached by employees by failing to secure income stream.

CORPORATIONS - Duty of care and diligence s180(1) Corporations Act 2001 (Cth) - Whether director and officer in breach of duty by failing to secure income stream.

CORPORATIONS - Duty of good faith s181(1) Corporations Act 2001 (Cth) - Whether director and officer in breach of duty by failing to secure income stream.

CORPORATIONS - Use of position and information s182(1) and s183(1) Corporations Act 2001 (Cth) - Whether director and officer used their position and information in breach of the sections.

CORPORATIONS - Fiduciary duty - Whether director and officer in breach of fiduciary duty - Whether compensation payable.

CORPORATIONS - Oppression - Whether capital raising to fund litigation with consequent dilution of shareholding oppressive - Whether capital raising contrary to interests of members as a whole or unfairly prejudicial or unfairly discriminatory against a member - Sections 232(d) & s232(e) Corporations Act 2001 (Cth).

Strategic Management Australia AFL P/L (ACN 146 799 162) v Precision Sports & Entertainment Group P/L (ACN 169 978 755) & Ors (according to the attached schedule) Pickering, Liam Michael v Strategic Management Australia AFL P/L (ACN 146 799 162) & Anor (according to the attached schedule)

Chillimia P/L (ACN 114 860 365) & Anor (according to the attached schedule) v Strategic Management Australia AFL P/L (ACN 146 799 162) & Ors (according to the attached schedule)

Sifris J

[\[2016\] VSC 303](#)

07/06/2016

CORPORATIONS - Winding up - Statutory demand - Application to set aside statutory demand - Corporations Act 2001 (Cth) s459G - Whether the loan was due and payable at the time the statutory demand was served - Whether the agreement was void for uncertainty - Whether the defendant was estopped from seeking repayment - Application dismissed.

Dynamic Window Systems P/L (ACN 143 691 445) v Robinson, Laraine Margaret

Efthim AsJ

[\[2016\] VSC 152](#)

13/04/2016

CORPORATIONS - Winding up - Termination or stay of winding up order - s482(1) Corporations Act 2001 (Cth).

In the matter of F Basile & Associates P/L (in liquidation) (ACN 005 866 955)

F Basile & Associates P/L (in liquidation) (ACN 005 866 955) v Newman, Philip in his capacity as liquidator of F Basile & Associates P/L (in liquidation) (ACN 005 866 955)

Sifris J

[\[2016\] VSC 295](#)

03/06/2016

PRACTICE AND PROCEDURE - Application to strike out - claims ventilated in other jurisdiction - claims disclose no cause of action - stay granted - Supreme Court (General Civil Procedure) Rules 2015 (Vic), r23.01(1).

Devon, Hugh John v Thirteenth Kaysan P/L & Outpass P/L & Ors

Elliott J

[\[2016\] VSC 291](#)

20/05/2016

PRACTICE AND PROCEDURE - Group proceedings - Orders made for approval of settlement of group proceeding - Supreme Court Act 1986 (Vic) Part 4A, s33V and s33ZF - Application by Administrator of Settlement Distribution Fund for judicial advice in relation to Terms of Settlement and Settlement Scheme.

Camping Warehouse Australia P/L (formerly Mountain Buggy Australia P/L) (ACN 097 355 578) v Downer EDI Ltd (ACN 003 872 848) - Administrator's application for judicial advice

Digby J

[\[2016\] VSC 312](#)

06/06/2016

PRACTICE AND PROCEDURE - Judgment entered pursuant to r23.03 of Supreme Court (General Civil Procedure) Rules 2005 - Application to set aside the judgment where plaintiff did not attend - whether Court has inherent jurisdiction or jurisdiction under the Rules to set such a judgment aside - Held no jurisdiction - In alternative, if jurisdiction exists, whether judgment should be set aside - discussion of relevant discretionary factors - Whether predominant consideration is the explanation for the non-attendance or the existence of an arguable case - Held no arguable case - Application refused - s64 Civil Procedure Act 2010 - Supreme Court (General Civil Procedure) Rules 2005 r23.03 - Supreme Court (General Civil Procedure) Rules 2015 r46.08

Barker, Mervyn James v Commonwealth Bank of Australia (ACN 123 123 124)

Lansdowne AsJ

[\[2016\] VSC 268](#)

03/06/2016

TAXATION - Grouping of related corporations - Nature of power of Commissioner with respect to the treatment of related corporations as a single corporation - Extent to which such powers might be characterised as retrospective - *Giris Pty Ltd v Federal Commissioner of Taxation* (1969) 119 CLR 365 - *Kalomel Nominees Pty Ltd v Commissioner of State Taxation* [2012] SASC 10 - *Tadcaster Sorrento v Commissioner of State Revenue* [2015] VCAT 611 - Land Tax Act 2005, s7, s8, s36(1), s47-49 and s50.

Hayzy P/L (ACN 101 721 224) & Armtree P/L (ACN 007 174 594) & Pelican Inn P/L (ACN 139 799 312) & Jpkellyco P/L (ACN 122 621 621) v Commissioner of State Revenue Numo P/L (ACN 087 500 856) & Lastfor P/L (ACN 093 119 138) v Commissioner of State Revenue

Croft J

[\[2016\] VSC 274](#)

03/06/2016

TAXATION - Land Tax - Exemption for primary production - Meaning of 'cultivation' in the context of the definition of 'primary production' - Meaning of 'cultivation' and 'primary production' - Whether cultivation for the purpose of selling the produce of cultivation - Whether land used primarily for primary production - Longford Investments Pty Ltd v Commissioner of Land Tax (NSW) (1978) 8 ATR 656 - Safety Beach Estate Pty Ltd v Commissioner of Land Tax (NSW) (1979) 9 ATR 451 - Abbott v Commissioner of Land Tax (Vic) [1979] VR 297 (FC) - Hope v The Council of the City of Bathurst (1980) 144 CLR 1 - Camden Park Estate Pty Ltd v Commissioner of Land Tax (NSW) (1983) 14 ATR 557 - Land Tax Act 2005, s64, s66 and s68.

CDPV P/L & Ors v Commissioner of State Revenue

Croft J

[\[2016\] VSC 322](#)

10/06/2016

Commercial & Equity Division

RECOVERY - Money had and received - Misappropriation by employee - Entitlement to reimbursement for entertainment expenses - Availability of plea of non est factum - Whether agreement to pay an amount as a salary was inclusive of tax and/or superannuation entitlements.

Fortune Holding Group P/L (ACN 141 953 773) & Fortune Holding Developments P/L (ACN 142 122 852) & Fortune Homes P/L (ACN 143 589 388) & Quan, Yi Jun v Zhang, Ian Yan

Riordan J

[\[2016\] VSC 273](#)

24/05/2016

Commercial & Equity Division. Commercial Court

CHARITABLE TRUST - Whether Trustees had the power and were authorised to acquire Assembly Hall and effect repairs and improvements thereto - Consequences of lack of power and authority.

CHARITABLE TRUST - Trustees required to distribute all moneys received under and by virtue of any lease in accordance with the priority regime set out in clause 7 of the Trust Deed - Whether sum of \$5.5m received by the Trustees was distributable - If distributable, whether it was in fact distributed, and if not what consequences follow.

CHARITABLE TRUST - Whether acquisition of Assembly Hall by Trustees for \$4.5m was within power and authorised - Whether such acquisition was on separate trusts - If acquisition was in breach of trust and not on separate trusts what consequences follow - Is the Assembly Hall charged with repayment of the sum of \$4.5m to the Trust.

CHARITABLE TRUST - Expenditure of about \$6.9m on repairs and improvements to Assembly Hall in breach of trust and without authority - Whether Assembly Hall charged with repayment of the amount.

PRACTICE AND PROCEDURE - Parties agree that first stage of the proceeding best be dealt with by framing of seven questions relating to the power and authority of the Trustees and matters concerning the construction of the Trust Deed - Other matters deferred.

Attorney-General of Victoria on the relation of the Presbyterian Church of Victoria Trusts Corporation & The Presbyterian Church of Victoria Trusts Corporation Anstee, Dorothy Rae, Nuske, James Frederick, Evans, Bruce Charles, Holman, Helen Anne and Keress, Paul Lindsay as Trustees of the Scots' Church Properties Trust and as Trustees of the Assembly Hall of the Presbyterian Church of Victoria & Sherman, Douglas in his capacity as representative of the Board of Management of the Scots' Church Melbourne & Hearn, Harry Meares (No 1)

Sifris J

[\[2016\] VSC 297](#)

07/06/2016

Common Law Division

ACCIDENT COMPENSATION - Application under s135BB of the Accident Compensation Act 1985 - Worker commenced proceedings under s135A intending to rely on s135BB - Whether filing of generally endorsed writ satisfied requirement in s135BB(3) - Requirement in s135BB(3) not satisfied.

ACCIDENT COMPENSATION - Application under s135BB of the Accident Compensation Act by representative of worker's estate - Worker commenced proceedings under s135A - Worker died before making application under s135BB(3) - Orders in s135BB(3) not made before worker died - Whether worker had a valid cause of action for purposes of s29(1) of the Administration and Probate Act 1958 - Worker did not have a valid cause of action under s135A or s135BB at time of death - Consideration of expression 'nunc pro tunc'.

Perakis, Maria (as Executrix on behalf of the Estate of the late Sotirios Perakis) v Secretary to the Department of Transport, Planning and Local Infrastructure

Zammit J

[\[2016\] VSC 320](#)

09/06/2016

ADMINISTRATION AND PROBATE - Testator's Family Maintenance - Application to dismiss proceeding due to concluded compromise - Offer of Compromise - Offer not accepted by plaintiff within time - Offer by plaintiff to compromise proceedings on the same terms - Deed of Family Arrangement prepared including further terms - Deed not accepted - Plaintiff puts further offer - Whether further offer accepted by defendant making payment to plaintiff - No concluded agreement to compromise the proceeding established - Application dismissed.

In the matter of Part IV of the Administration and Probate Act 1958

In the matter of the will and estate of Patrick James Barron, deceased

Barron, Cheryll Aimee v Barron, Mark Richard (as executor of the estate of Patrick James Barron, deceased)

Derham AsJ

[\[2016\] VSC 302](#)

01/06/2016

APPEAL - Appeal from Victorian Civil and Administrative Tribunal - Residential Tenancies Dispute - Litigants in person - Prolonged and fractious disputation - Resolute approach by Tribunal according to essential facts - No denial of procedural fairness - Leave to appeal refused - Victorian Civil and Administrative Tribunal Act 1998 s148.

In the matter of an order made by the Victorian Civil and Administrative Appeals Tribunal, Residential Tenancies List, proceeding No R 2015/46206 and In the matter of an application for leave to appeal under s148 of the Victorian Civil and Administrative Appeals Tribunal Act 1998: Rossi, Sabrina v Peng, Xiadong

Mukhtar AsJ

[\[2016\] VSC 309](#)

06/06/2016

APPEAL FROM DECISION OF MAGISTRATES' COURT - Compensation claim for mental injury by employee - Rejection of claim by employer - Whether reasonable management action taken in a reasonable manner - Delay by employer in communicating disciplinary outcome - Magistrates' Court awarded compensation to employee - Error of law - Finding not open on evidence - Appeal allowed - Matter remitted for rehearing - Section 82(2A) Accident Compensation Act 1985.

State of Victoria v Stichling, Sherrie

Rush J

[\[2014\] VSC 62](#)

03/03/2014

EVIDENCE - Admissibility - Business records - Authenticity - Accuracy - Evidence Act 2008 s135.

Mullett, Paul v Nixon, Christine & Ors (Ruling No. 1)

T Forrest J

[\[2016\] VSC 279](#)

16/05/2016

EVIDENCE - Admissibility - Hearsay - Business records - Police diary entries - Whether documents prepared or obtained for purpose of conducting or in contemplation or in connection with an Australian proceeding, or in connection with an investigation leading to a criminal proceeding - Evidence Act 2008 s59, s69.

Mullett, Paul v Nixon, Christine & Ors (Ruling No. 2)

T Forrest J

[\[2016\] VSC 280](#)

17/05/2016

LANDLORD AND TENANT - Residential tenancies - Whether tenant assigned or sublet or purported to assign or sublet without the landlord's consent by allowing "AirBnB guests" to stay in the premises - Residential Tenancies Act 1997, s244, s253, s263, s288, s314, s317ZF, s317ZG and s319.

LANDLORD AND TENANT - Lease or licence - Test - Right to exclusive possession - Matters relevant to test - Whether ability to make person leave after expiry of agreed period of stay is relevant - Whether principal place of residence is relevant - Whether exclusive possession granted - *Lewis v Bell* (1985) 1 NSWLR 731; *Radaich v Smith* (1959) 101 CLR 209; *Street v Mountford* [1985] 1 AC 809 discussed.

Swan, Catherine v Uecker, Barbara & Greaves, Michael

Croft J

[\[2016\] VSC 313](#)

10/06/2016

REAL PROPERTY - Caveats - Plaintiff sought removal of a caveat lodged on title to notify an interest under an equitable charge securing payment of fees due to the defendant for legal services - Finding that equitable charge validly obtained - Ground for removal of caveat not made out.

NEGLIGENCE - Solicitor's negligence - Solicitor missed date for commencement of common law proceedings for plaintiff's injuries sustained in car accident - Plaintiff successfully sought extension and prosecuted common law claim - Damages awarded for costs incurred in seeking extension of time application.

DAMAGES - Solicitor's negligence - Damages claimed for pain and suffering, stress, anxiety and damage to health due to solicitor's actions - Whether stress, anxiety and damage to health is 'injury' under s28 LE of the Wrongs Act 1958 (Vic) such that a certificate or determination of 'significant injury' is required as a condition for recovering damages - No determination or certificate obtained under Part VBA of the Wrongs Act 1958 (Vic) - *Thomas v Powercor Australia Ltd* (Damages ruling) [2011] VSC 586 and *Insight Vacations Pty Ltd v Young* (2010) 268 ALR 570 considered - Claims dismissed.

SET-OFF - Equitable set-off - Rule 13.14 Supreme Court (General Civil Procedure) Rules 2015 - Whether statutory rule alters substantive law - Whether existing judgment debt in another court could be set off against an entitlement to unliquidated damages - Claim and cross-claim sufficiently connected to permit equitable set-off.

Lakic, Bogdanka v Prior, Stephen

Macaulay J

[\[2016\] VSC 293](#)

30/05/2016

Criminal Division

CRIMINAL LAW - Bail - Show cause - Applicant charged with offences while on bail - Multiple previous convictions - Long standing drug addiction - Offer of place in residential rehabilitation program - Unacceptable risk of offending while on bail - Application refused - Bail Act 1977 (Vic), s4(2), s4(4).

In the matter of the Bail Act 1977

In the matter of an application for Bail by Stankovski, Vasko

John Dixon J

[2016] VSC 310 (Revised 3 June 2016)

02/06/2016

CRIMINAL LAW - Murder and recklessly causing injury - Accused found not guilty by reason of mental impairment - Supervision order - Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 (Vic), s25, s40, s41, s47.

The Queen v Hogan, Michael David

John Dixon J

[\[2016\] VSC 299](#)

01/06/2016

CRIMINAL LAW - Murder - Consent mental impairment hearing - Accused, in grips of psychotic episode, killed elderly father by striking him multiple times to head with hammer - Verdict of not guilty by reason of mental impairment directed - Custodial supervision order imposed - Accused committed to Thomas Embling Hospital for nominal period of 25 years - Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 (Vic), s20, s21, s24, s26, s27, s28, s41, s42 & s47.

The Queen v Pedevski, Slave

Croucher J

[\[2016\] VSC 314](#) (Revised 6 June 2016)

02/05/2016

CRIMINAL LAW - Sentencing - Suspended sentence - Whether exceptional circumstances exist - Combination of factors constitutes exceptional circumstances - Rehabilitation - Relevance of evidence given at another accused's trial pursuant to plea bargain - Relevance of concessions made by Director of Public Prosecutions - No order as to suspended sentence - Sentencing Act 1991 s31, s31(5), s31(5A) - R v Ioannou (2007) VR 563, R v Ienco [2008] VSCA 17, DPP v Rees & Anor [2008] VSC 170.

The Queen v Toulmin, Jodie Ann (alias Harris)

Osborn J

[\[2011\] VSC 55](#)

22/02/2011

County Court of Victoria Cases

Following is a selection of cases recently handed down in the County Court of Victoria. These cases have been selected for inclusion by the presiding judge. If you would like your judgment added to the Library Bulletin, please email the reference librarian in your jurisdiction.

CONTRACT- Preliminary questions under Rule 47.04 of the County Court Rules 2008- determination of the “Repayment Date” of the “loan”- identification of the relevant “loan” in circumstances where 2 facility agreements created in respect of the same facility amount- repayment due on expiry of period which commenced 7 days after “the despatch of mortgage documents to the Borrower”- identification of time at which the mortgage documents were despatched

Dumayne Property Group Pty Ltd and others v Balanced Securities and another; Rennick & Gaynor (A Firm) v Dumayne Property Group Pty Ltd

Judge Kennedy

[\[2016\] VCC 546](#)

24/05/2016

PRACTICE AND PROCEDURE - Costs - offer of compromise made - validity and enforceability of offer of compromise

Noble v Fraraccio (Ruling No 2)

Judge Saccardo

[\[2016\] VCC 680](#)

27/05/2016

PRACTICE AND PROCEDURE - Evidence - admissibility of tendency and coincidence evidence

Amhet v State of Victoria & Ors (Ruling)

Judge Saccardo

[\[2016\] VCC 337](#)

09/03/2016

TAXATION- director’s liability for penalties for unpaid employee deductions - whether defences available under section 269-35 of Schedule 1 of the *Taxation Administration Act* 1953 - whether for some good reason it was unreasonable to take part, and the director did not take part, in the management of the company - whether, alternatively, the director took all relevant reasonable steps or there were no reasonable steps he could have taken - defences not sustained

Deputy Commissioner of Taxation v David John Holton

Judge Kennedy

[\[2016\] VSC 516](#)

17/05/2016

Articles

Arbitration

Mediation - Parties - Capacity to participate
- Mental health - Depressive disorders -
Anxiety disorders - Adjustment disorders -
Substance use disorders - Mediators support
- Australia

Doley, R. "Accommodating common mental health issues in mediation." (2016) 27(2) ADRJ 84-93.

Negotiation skills - Computer mediated communication - Nonverbal communication - Body language - Facial expression - Voice - Tonality - Words - Typographical symbols - Emoticons - Impression management - Emotional displays - Australia

Holland, C. and D. Taylor. "Was that said with a smile? Factors influencing effective online negotiations." (2016) 27(2) ADRJ 103-110.

VCAT - Short mediation and hearing (SMAH)
- Appropriate Dispute Resolution - Guardianship List - Residential Tenancies List - Power imbalance - Victoria - Australia

Thurstans, C. "ADR in VCAT's guardianship and residential tenancies lists: Room for improvement?" (2016) 27(2) ADRJ 125-132.

Contract Law

Implied terms - Leases - Attorney General of Belize v Belize Telecom Ltd - Marks & Spencer Plc v BNP Paribas Securities Services Trust Company (Jersey) Ltd - UK

Goh, Y. "Lost but found again: The traditional tests for implied terms in fact: Marks & Spencer Plc v BNP Paribas Securities Services Trust Company (Jersey) Ltd." (2016) (3) JBL 231-240.

Courts

Cultural diversity - Barriers to justice - Duty of fairness - Cultural awareness - Counsel critical role - Trial directions - Countering stereotypes - Prejudice - Informing jury - Judicial Council on Cultural Awareness - Australia

Wood, H. "Cultural diversity: reflections on the role of the judge in ensuring a fair trial." (2016) 28(4) JOB 35-40.

Criminal Law & Procedure

Criminal trials - Jurors - Ministerial offences - Judicial offences - Punishment - Bushell's case - UK

Crosby, K. "Before the criminal justice and Courts Act 2015: juror punishment in nineteenth and twentieth century England." (2016) 36(2) Legal Studies 179-208.

Dead Offences - Preventing the lawful burial of a dead body - Regulating decent burial - Offences of necessity - Obstructing the Coroner - UK

Jones, I. and M. Quigley. "Preventing lawful and decent burial: resurrecting dead offences." (2016) 36(2) Legal Studies 354-374.

Employment Law

Migration - Policy - Temporary labour migration program Subclass 457 visa - Understanding fairness - Ministerial Advisory Council on Skilled Migration- National interest - Employer interest - Local migrant workers - Migration Act (Cth), s 39 - Australia

Howe, J. "Regulation of Australia's labour migration program: Is there a case for including fairness?" (2016) 29(1) AJLL 58-77.

Workplace law - Employer noncompliance with employment standards - Key compliance challenges - Enforcement challenges - Third party legal liability - Alternative regulatory approaches - Reform - Fair Work Act 2009 (CTH) - Comparative analysis - USA - Australia
Hardy, T. "Who should be held liable for workplace contraventions and on what basis?" (2016) 29(1) AJLL 78-109.

Equity

Remedies - Declaratory jurisdiction - Orders - Judgments - Discretion - Declarations in practice - Law Reform - Declaratory Judgments Act 1908 (NZ) - NZ
Conder, T. and H. Beckett. "Declarations in independence: considering the Law Commission's task." [2016] (May) NZLJ 132-136.

Family Law

Child abduction - Parents - Child Abduction Convention - Comparative analysis - Australia - Japan
Humphreys, A. "When parents abduct their children." (2016) 90(6) LIJ 24-25.

Human Rights

Bribery - Development economics - Embezzlement - Non-State actors - Comparative analysis - Mexico - USA
Rose, C. "The limitations of a human rights approach to corruption." (2016) 65(2) ICLQ 405-438.

Intellectual Property

Crime - Protection - Confidential information - Computer misuse - Trade secrets - Watchorn v R - Dixon v R - Crimes Act 1961 (NZ), s 249 - Comparative analysis - NZ - USA
Kingsbury, A. "Using the criminal law computer misuse provisions to protect confidential information." [2016] (May) NZLJ 128-131.

International Law

International rule of law - Definition - International legal systems - United Nations - UK
McCorquodale, R. "Defining the international rule of law: Defying gravity?" (2016) 65(2) ICLQ 277-304.

Legal Aid

Civil legal aid - Cuts - Review of legislation - Independent governance - Separation of funds - Legal Aid Sentencing and Punishment of Offenders Act 2012 (UK) - UK
Hynes, S. "Back to the drawing board: it's time to rethink LASPO." (2016) 166(7698) NLJ 6.

Legal Profession

Lawyers - Machine learning technology - Discovery - Predictive coding software - Pyrrho Investments Ltd and another v MWB Property Limited - UK
Chowdhry, H. "Predictive coding comes of age." (2016) 166(7698) NLJ 20-21.

Personalia - Justice Andrew Keogh - Appointment - Supreme Court of Victoria - Australia
Sapountsis, S. "Justice Andrew Keogh: welcome." (2016) 90(6) LIJ 27.

Medical Law

Proprietary interests - Excised organs - Body parts - Positive law - No-property rule - Work or skill exception - Renewable products - Family entitlement - State ownership - Bundle of rights - Title in excised organs - Justification of donor's entitlement - UK
Nwabueze, R. "Proprietary interests in organs in limbo." (2016) 36(2) Legal Studies 279-301.

Practice & Procedure

Courts - Litigants in person - Counsel - Counsel table - Bar table - Case management - Hearings - Trials - Historical perspective - Reform - New Zealand

Toy-Cronin, B. "Counsel's tables? Seating counsel and litigants-in-person in the courtroom." [2016] (May) NZLJ 148-151.

Sports Law

Criminalisation - Drugs in sport - Performance enhancing drugs - Private law - Public law - Anti-doping disciplinary proceedings - R v Brown - Laskey v UK - UK

Ioannidis, G. "Criminalisation of doping in sport." (2016) 160(18) Sol J 30-31.

Torts

Media - Double standards - Privacy injunctions - Public interest - PJS v News Group Newspapers Ltd - UK

Heffer, S. "Sex, lies, and the public interest." (2016) 160(19) Sol J 30-31.