



## THE LAW LIBRARY OF VICTORIA

Library  
Bulletin  
5 August  
2016

## Library News

### Lyrical Lunchtimes in the Law Library, Thursday 18 August, 1.15pm

The Law Library of Victoria and BottledSnail Productions welcome you to enjoy the lunchtime classical concert series.

Take a seat or simply wander the beautiful Library surrounds to enjoy this music. All are welcome, entry is free and there is no need to register.

#### Future Dates - Lyrical Lunchtimes in the Law Library

- Thursday 15 September, 1.15pm
- Thursday 20 October, 1.15pm

### SUBSCRIBE TO THE LIBRARY BULLETIN

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



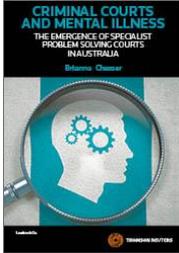
*Judging for the People: A Social History of the Supreme Court in Victoria 1841-2016* has just been published. Copies of the book can be ordered from the Supreme Court Library, please phone 03 9603 6282 for details.

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# 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.sirsidynix.net.au/client/en\\_AU/llv/](https://courts.sdp.sirsidynix.net.au/client/en_AU/llv/)



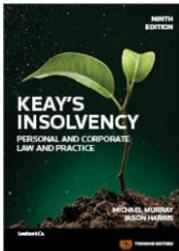
Chesser, Brianna Jade, *Criminal Courts and Mental Illness: the Emergence of Specialist Problem-solving Courts in Australia*  
Thomson Reuters, NSW, 2016  
Call number: 345.01 CHE (Magistrates' Court Library)



Cooper, Penny and Hunting, Linda, *Addressing Vulnerability in Justice Systems*  
Wildy, London, 2016  
Call number: 347.075 COO (Supreme Court Library)



Murray, Michael and Harris, Jason R, *Keay's Insolvency: Personal and Corporate Law and Practice*  
9<sup>th</sup> ed, Thomson Reuters, NSW, 2016  
Call number: 346.078 KEA.9 (Supreme Court Library)





## 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

## Victorian Bills

No Victorian Bills received a second reading since the last Library Bulletin.

## Victorian Assents

No Victorian Acts were assented to since the last Library Bulletin.

## Proclamations

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

- *Emergency Management (Control of Response Activities and Other Matters) Act 2015* No. 43/2015
  - Sections 6, 10, 11, 15 came into operation on 1 August 2016 (VGG S233 26.7.2016)
- *Crown Land Legislation Amendment (Canadian Regional Park and Other Matters) Act 2016* No. 12/2016
  - Section 1-13, 38-44 came into operation on 5 August 2016 (VGG S239 2.8.2016)

The following Victorian Acts have come into operation by forced commencement

- *Aboriginal Heritage Amendment Act 2016* No. 11/2016
  - Sections 1-141 came into operation on 1 August 2016 (s 2(2))

## High Court Cases

**BANKER AND CUSTOMER** - Rule against penalties - Consumer credit card accounts - Late payment fees - Where late payment fees were \$35 and \$20 - Where costs actually incurred by respondent upon failure by first appellant to make timely payment of amounts owing were approximately \$3 - Where late payment fees not genuine pre-estimates of damage - Where respondent alleged it could conceivably have incurred loss provision costs, collection costs and regulatory capital costs as a result of first appellant's default - Whether late payment fees penalties - Whether late payment fees extravagant, exorbitant or unconscionable - Whether late payment fees out of all proportion to interests damaged - Whether respondent's legitimate interests confined to reimbursement of expenses directly occasioned by first appellant's default.

**CONTRACT** - Rule against penalties - Essential characteristics of a penalty - Whether sum disproportionate to actual loss suffered amounts to a penalty - Whether sum incorporating loss too remote to be recoverable in action for damages amounts to a penalty - Relevance of *Dunlop Pneumatic Tyre Co Ltd v New Garage and Motor Co Ltd* [1915] AC 79.

**TRADE PRACTICES** - Consumer protection - Late payment fees - Unconscionable conduct - Unjust transactions - Unfair terms - Whether late payment fees unconscionable, unjust or unfair.

**PRECEDENT** - Apex courts of foreign jurisdictions - Status of unwritten law of United Kingdom in Australia.

**WORDS AND PHRASES** - "exorbitant", "extravagant", "genuine pre-estimate", "in terrorem", "late payment fees", "liquidated damages", "out of all proportion", "penalty", "unconscionable", "unconscionable conduct", "unfair terms", "unjust transactions".

**AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION ACT 2001 (CTH)**, s12BF, s12BG, s12CB, s12CC. **NATIONAL CONSUMER CREDIT PROTECTION ACT 2009 (CTH)**, Sched 1 s76. **FAIR TRADING ACT 1999 (VIC)**, s8, s8A, s32W, s32X.

***Paciocco, Lucio Robert & Anor v Australia and New Zealand Banking Group Ltd***

[\[2016\] HCA 28](#)

27/07/2016

MIGRATION - Refugees - Protection visas - Procedural fairness - Where SZSSJ and SZTZI ("respondents") applied for protection visas - Where respondents' personal information published on Department of Immigration and Border Protection website and accessed from 104 unique IP addresses - Where IP addresses known to Department - Where Department conducted International Treaties Obligations Assessments ("ITOA") to determine impact of publication on non-refoulement obligations - Where ITOAs conducted in accordance with publicly available "Procedures Advice Manual" - Where Department notified respondents of ITOAs and instructed officers conducting ITOAs to assume personal information may have been accessed by authorities in countries where respondents feared persecution or other relevant harm - Where Department neither disclosed IP addresses nor provided unabridged report relating to disclosure of personal information - Whether obligation to afford procedural fairness applied to ITOA processes - Whether ITOA processes procedurally fair.

COURTS AND JUDGES - Jurisdiction - Federal Circuit Court of Australia - Whether respondents' claims to relief engaged jurisdiction of Court - Whether jurisdiction excluded by s476(2)(d) of Migration Act 1958 (Cth).

WORDS AND PHRASES - "conduct preparatory to the making of a decision", "International Treaties Obligations Assessment", "privative clause decision", "procedural decision to consider whether to grant a visa or to lift the bar", "substantive decision to grant a visa or to lift the bar".

MIGRATION ACT 1958 (CTH), s48B, s195A, s417, s474, s476.

***Minister for Immigration and Border Protection & Anor v SZSSJ & Anor; Minister for Immigration and Border Protection & Anor v SZTZI***

[\[2016\] HCA 29](#)

27/07/2016

# Victorian Supreme Court Cases

## Court of Appeal

ACCIDENT COMPENSATION - Appeal - Weekly payments - Compensation in the form of weekly payments - Misconduct - Worker's employment terminated because of worker's misconduct - Determination not to pay compensation - Determination not to pay compensation in form of weekly payments as a result of worker's current weekly earnings being reduced because worker's employment terminated for misconduct - Discretion - Discretion to be exercised in accordance with object and purpose of Statute - Accident Compensation Act 1985, s114(2A).

ACCIDENT COMPENSATION - Appeal - Decision not to reinstate worker's weekly payments - Application by worker to Magistrates' Court seeking reinstatement of weekly payments - Jurisdiction of Magistrates' Court - Jurisdiction to inquire into, hear and determine any question or matter under the Accident Compensation Act 1985 - Extent of jurisdiction - Court to determine matter for itself - Court to determine afresh worker's claim for compensation in the form of weekly payments - Accident Compensation Act 1985, s39 and s43.

***Jarvis, Brett v The Salvation Army Southern Territory***

Whelan JA, Beach JA, and Ferguson JA

[\[2016\] VSCA 175](#)

26/07/2016

ACCIDENT COMPENSATION - Transport accident - Serious injury application - Application for leave to appeal from order dismissing serious injury application - Wrist injury - Modest injury - Credibility of the applicant - Credibility findings adverse to applicant - Other accidents - Other injuries - Judge not satisfied of serious injury - No error in judge's conclusion - Whether reasons inadequate - No inadequacy in judge's reasons - Application for leave to appeal refused - Transport Accident Act 1986, s93.

***Haider, Susanne v Transport Accident Commission***

Weinberg JA, Beach JA, and Cavanough AJA

[\[2016\] VSCA 182](#)

29/07/2016

COSTS - Costs order on dismissal - of application for extension of time for leave to appeal and application for leave to appeal - Events overtaken by arbitration award - No live controversy between the parties - No hearing on the merits - Applicant acted reasonably - No order as to costs - Re The Minister for Immigration and Ethnic Affairs of the Commonwealth of Australia; Ex parte Lai Qin (1997) 186 CLR 622.

***Asta Developments (Aust) P/L (ACN 146 914 703) v Amasya Enterprises P/L (ACN 145 743 915) and Tek Foods P/L (ACN 115 663 262)***

Whelan JA and Ferguson JA

[\[2016\] VSCA 186](#)

03/08/2016

CRIMINAL LAW - Appeal - Conviction - Evidence - Admissibility - Record of interview - Subsequent statement by accused - Whether accused cautioned - Whether accused informed of right to silence - Whether accused informed of circumstances of offence before questioning - Giving of caution not recorded - Information required to be given to accused not recorded as required by Crimes Act 1958, s464G - Crimes Act 1958, s464A and s464G.

CRIMINAL LAW - Appeal - Conviction - Evidence - Admissibility - Voir dire - Findings of fact - Nature of appeal - Whether findings of fact by trial judge on voir dire reasonably open - Findings of fact reasonably open - Leave to appeal refused.

CRIMINAL LAW - Appeal - Conviction - Trial - Evidence - Admissibility - Whether evidence improperly or illegally obtained - Onus of proof - Onus of proof to establish evidence improperly or illegally obtained on party seeking to exclude evidence as improperly or illegally obtained - Desirability of admitting evidence outweighing undesirability of admitting evidence obtained in way in which evidence was obtained - Evidence Act 2008, s138 and s139.

CRIMINAL LAW - Appeal - Trial - Trial counsel - Competence of trial counsel - Cross-examination by trial counsel - Conduct of voir dire by trial counsel - Whether failings of trial counsel occasioned miscarriage of justice - No miscarriage of justice - Application for leave to appeal refused.

***Willis, Jesse v The Queen***

Weinberg JA, Priest JA, and Beach JA

[\[2016\] VSCA 176](#)

28/07/2016

CRIMINAL LAW - Appeal - Conviction - Trial - Judge's interventions during course of trial - Whether interventions resulted in substantial miscarriage of justice - R v Mawson [1967] VR 205; R v Matthews (1984) 78 Cr App R 23; R v Sharp [1994] QB 261; Lars v The Queen (1994) 73 A Crim R 91, discussed.

CRIMINAL LAW - Appeal - Conviction - Trial - Bias - Argumentative dealings by judge with defence counsel in absence of jury - Whether judge's conduct resulted in substantial miscarriage of justice - Piccolotto v The Queen [2015] VSCA 143, distinguished.

CRIMINAL LAW - Appeal - Conviction - Trial - Evidence applicant was 'out committing crimes' - Whether prejudicial effect could not be mitigated by judicial directions - Judge gave firm directions in relation to evidence - Applicant's counsel used evidence in closing address to establish witness's hostility towards the applicant.

CRIMINAL LAW - Appeal - Conviction - Trial - Evidence of applicant's drug use - Whether probative value of evidence outweighed by prejudicial effect - Applicant's drug use relevant to context of trial - R v Cummins (2004) 10 VR 15, distinguished; R v Georgiev (2001) 119 A Crim R 363, discussed.

CRIMINAL LAW - Appeal - Conviction - Trial - Whether verdict on second count of armed robbery unsafe and unsatisfactory - Inconsistencies in evidence of prosecution witnesses - Open to jury to convict notwithstanding inconsistencies.

CRIMINAL LAW - Appeal - Conviction - Trial - Judge's charge - Charge invited jury to consider whether any cogent explanation for witness to commit perjury - Whether charge inverted burden of proof - Palmer v The Queen (1998) 193 CLR 1, referred to.

***Cook, Michael Calvert v The Queen***

Whelan JA, Beach JA, and McLeish JA

[\[2016\] VSCA 174](#) First revision 29 July 2016, para 39

25/07/2016

CRIMINAL LAW - Application for leave to appeal against sentence - Whether specific error in finding as to motivation - Whether specific error in application of Verdins principles - Whether sentence manifestly excessive - Proposed grounds concerning Verdins and manifest excess not arguable - Proposed ground concerning motivation arguable but no reasonable prospect of less severe sentence - Application dismissed.

***Raoof, Zameer v The Queen***

Weinberg JA and Whelan JA

[\[2016\] VSCA 180](#)

25/07/2016

CRIMINAL LAW - Application for leave to appeal conviction - Conviction for incitement to murder - Acquittal on six charges - Directed verdict of not guilty on one charge - Whether verdict inconsistent with acquittals - Leave refused.

CRIMINAL LAW - Application for leave to appeal conviction - Whether incitement to incite commission of offence would fall outside offence of incitement - Whether possibly convicted on that basis - Conduct of trial - Leave granted - Appeal dismissed - Crimes Act 1958 s321G(1) - *Sirat v The Queen* (1986) 83 Cr App R 41 discussed.

CRIMINAL LAW - Application for leave to appeal conviction - Juror discharged as being incapable of continuing to act as juror - Whether wrongfully discharged - Whether discharge created fundamental defect in constitution of the jury - Construction of s43, Juries Act 2000 - Value judgment whether circumstances fall within any of paragraphs (a) to (d) of s43 - Whether judge bound to discharge juror where s43 circumstances present - Whether 'high degree of need' test imported into s43 - Construction of s44, Juries Act - Sections 43 and 44 not exhaustive of power to discharge jury - Open to trial judge to discharge juror - Leave granted - Appeal dismissed - Juries Act 2000 s43 and s44 - *R v Boland* [1974] VR 849 - *Wu v The Queen* (1999) 199 CLR 99 - *Zhu v The Queen* (2013) 38 VR 77 discussed.

***Najibi, Wahid v The Queen***

Ashley JA, Weinberg JA, and McLeish JA

[\[2016\] VSCA 177](#)

28/07/2016

FAMILY PROVISION AND MAINTENANCE - Failure by mother to make sufficient provision for adult daughter in will - Daughter sexually abused by father as a child - Father later sexually abused grandson - Abuse had significant impact financially and emotionally on daughter and her family - Deceased promised daughter equal share of estate with her brothers - Will changed after grandson reported abuse to police - Daughter received lesser share of estate than brothers - Estate included five properties worth about \$6 million - Daughter had assets in excess of \$5 million - No requirement to treat children equally - Financial need must be established - Financial need relative concept to be considered in all circumstances of case - Provision not compensation for wrongdoing - Wise and just testator would have made greater provision for proper maintenance and support of daughter - Deceased had moral duty to provide for daughter which was informed by circumstances including promises made during lifetime - Appeal dismissed - Administration and Probate Act 1958, s91.

***Jones, Edward (a pseudonym) v Smith, Constance (a pseudonym)***

Whelan JA, Ferguson JA, and Kaye JA

[\[2016\] VSCA 178](#)

29/07/2016

JUDICIAL REVIEW - Applicant required to undergo practical drive test and road law knowledge tests where unlicensed for more than five years - Whether Road Safety Act 1986 s27 permitted respondent to require applicant to undergo tests where no physical or mental unfitness relied upon - Requirement to undergo tests lawful - Road Safety Act 1986 s1, s17, s19, s24, s27 - Road Safety (Drivers) Regulations 2009 regs 39, 78.

JUDICIAL REVIEW - Adequacy of reasons - Absence of evidence to support applicant's contention that licence renewed - Reasons sufficient to disclose path of reasoning.

JUDICIAL REVIEW - Procedural fairness - Refusal to allow examination of potential witness - Refusal to allow applicant to inspect subpoenaed documents without paying prescribed fee - Refusal to allow filing of affidavit - No procedural unfairness occasioned - Appeal dismissed.

***Marijancevic, Joseph v Roads Corporation of Victoria***

Whelan JA, Ferguson JA, and McLeish JA

[\[2016\] VSCA 181](#)

29/07/2016

PRACTICE AND PROCEDURE - Appeal - Money judgment in Australian court - Judgment creditors' wish to enforce judgment in foreign country - Two applications for certificate under s15(1) Foreign Judgments Act 1991 (Cth) - Certificates issued, in different language - Judgment debtor bankrupt at time applications made - Judgment amount a 'provable debt' - Whether applications 'duly made' - Whether applications precluded by s15(2) Foreign Judgments Act 1991 (Cth) on basis s58(3) of Bankruptcy Act 1966 (Cth) operated as a 'stay on enforcement of the judgment' - Whether applications not 'duly made' on basis s58(3)(a) or (b) precluded application for a certificate - Whether applications not 'duly made' because not supported by affidavit - Certificates declared invalid by trial judge - Foreign Judgments Act 1991 (Cth) s15 - Bankruptcy Act 1966 (Cth) s58(3) - Supreme Court (Miscellaneous Civil Proceedings) Rules 2008 O 11 - Application for leave to appeal granted - Appeal allowed.

***Bennett, Alexandra, Talacko, Martin & Talacko, Rowena v Talacko, Judith Gail (as appointed representative of the estate of Jan Emil Talacko) and Talacko, Jan (as executor of the estate of Talacko, Helena Marie)***

Ashley JA, Priest JA, and Santamaria JA

[\[2016\] VSCA 179](#)

28/07/2016

PRACTICE AND PROCEDURE - Appeal - Stay of execution - Whether exceptional circumstances shown - No point of principle.

***Refaat, Sameh v Barry, Michael***

Warren CJ, Ashley JA, and Tate JA

[\[2016\] VSCA 189](#)

05/08/2016

PRACTICE AND PROCEDURE - Application that leave to appeal not be taken to be abandoned - Failure to deliver application book by due date - Whether delay attributable to applicant - Onus as to showing prospects of proposed appeal - Whether failure of proposed appeal 'plainly demonstrable' - Lagarna Pty Ltd v Bridge Wholesale Acceptance Corporation (Aust) Ltd [1995] 1 VR 150 - Supreme Court (General Civil Procedure) Rules 2015 rr64.45-64.46 - Application for leave to appeal not taken to be abandoned.

***Bodycorp Repairers P/L v Oakley Thompson & Co P/L (No 2)***

Tate JA and McLeish JA

[\[2016\] VSCA 183](#)

29/07/2016

PRACTICE AND PROCEDURE - Costs - Security for costs - Application for security for costs of application for leave to appeal and appeal - Applicant seeking leave to appeal from order to which he is not a party - Applicant seeking leave to appeal a costs order made against him - Proceeding concerning property of modest value - Whether proposed grounds of appeal disclose sufficiently arguable claim of error - Failure to confine proceeding within reasonable bounds - Applicant for leave to appeal impecunious - Whether compliance with overarching obligations - Costs out of proportion to value of property in dispute - Civil Procedure Act 2010, s19, s23 and s24 - Application for security for costs granted.

***Giza, Richard v Waybecca P/L (ACN 143 303 511)***

Redlich JA and Beach JA

[\[2016\] VSCA 184](#)

01/08/2016

PRACTICE AND PROCEDURE - Security for costs - No apparent material assets - Asserted public importance of appeal - No suggestion application would not proceed if security ordered - No significant weight accorded to public importance in circumstances - Application granted.

***Bodycorp Repairers P/L v Thompson, Oakley & Co P/L (No 3)***

McLeish JA

[\[2016\] VSCA 185](#)

01/08/2016

TORTS - Damages - Damage to land - Claim for loss of opportunity damages - Claims for diminution in value of land or cost of reinstatement not pursued - Opportunity allegedly lost was opportunity to have land rezoned from industrial to residential use and to obtain a planning permit for residential development - Whether judge erred in concluding that plaintiffs had failed to establish existence of opportunity as alleged - Whether judge erred in concluding that defendant's admitted breach of duties was immaterial to whether land could be rezoned and residentially developed - No error in judge's conclusions.

TORTS - Damages - Damage to land - Usual basis of assessing damages is diminution in value or else cost of reinstatement, together with consequential damages in certain circumstances - Whether damages for loss of opportunity may be awarded in substitution for usual bases of assessment - Principles relevant to awarding loss of opportunity damages - *Sellers v Adelaide Petroleum NL (1994) 179 CLR 332* - Critical question is what basis of assessment will most appropriately ensure an award of fair and reasonable compensation in the particular case - Risk of overcompensating plaintiff if damages assessed on loss of opportunity basis avoided if due account taken of probabilities and possibilities, but reliability of assessment made on alternative bases in the particular case relevant to basis selected.

PRACTICE AND PROCEDURE - Evidence - Application to adduce further evidence on appeal - Evidence not precisely identified - Whether proposed evidence related to 'comparable land' - Whether, so far as proposed evidence was in existence before the trial concluded with publication of reasons and entry of judgment, there was a high degree of probability, if evidence received at trial, that result of proceeding would have been different - Whether, so far as proposed evidence came into existence after trial, it would satisfy test stated in *Foody v Horewood [2007] VSCA 307* - Application refused.

***Winky Pop P/L & Anor v Mobil Refining Australia P/L & Anor***

Warren CJ, Ashley JA, and Osborn JA

[\[2016\] VSCA 187](#)

05/08/2016

## Commercial Court

CONTRACTUAL INTERPRETATION - Undertaking to preserve fund pending resolution of proceeding - Undertaking subject to an exception allowing payment of the fund to a specified third party on request - Whether undertaking given by company and its CEO jointly, or only by the company - Whether fund paid to third party under terms of the exception - Held: (1) undertaking bound both the company and its CEO; (2) fund paid to third party in accordance with the exception; and (3) proceeding against CEO dismissed.

***Knowledge Pathways P/L (ABN 87 086 496 460) & Anor (in accordance with the attached Schedule) v TBM Training P/L (ABN 95 101 144 843) & Anor (in accordance with the attached Schedule)***

Hargrave J

[\[2016\] VSC 434](#)

29/07/2016

CORPORATIONS - Effect of registration of various transfers of shares with ASIC without entries in company share register - The requirements for a valid allotment and issue of shares - Determination of beneficial entitlement to shares in company.

PROPERTY - Determination of beneficial ownership of properties - Whether overarching agreement established?

***Lei, Zhenji (also known as Lei, Peter) & Ors (according to the schedule) v Lei, Yuhui (known as Lei, Juliya) & Ors (according to the schedule)***

Riordan J

[\[2016\] VSC 336](#) First Revision: 29 July 2016

17/06/2016

CORPORATIONS - External administration - Winding up - Liquidators' examination - Failure of examinee to attend - Application for issue of arrest warrant - Arrest warrant issued - Corporations Act 2001 (Cth), s596B - Supreme Court (Corporations) Rules 2013 (Vic), r11.10(2).

PROCEDURE - Warrant for arrest to ensure attendance.

***In the matter of Fleurie P/L (in liquidation) (ACN 060 643 156) between Franklin, Glenn Jeffrey and Stone, Jason Glenn (in their capacity as liquidators of Fleurie P/L) (in liquidation) (ACN 060 643 156)***

Elliott J

[\[2016\] VSC 430](#)

27/07/2016

CORPORATIONS - Trial of remitted questions from Court of Appeal in *Central Cleaning Supplies (Aust) Pty Ltd v Anthony Wayne Elkerton* (2015) 321 ALR 181 - Payments appropriated to discharge debts of plaintiff's choice - *Batrouney v Forster* [2015] VSC 230 considered - Running account - Nature of parties' commercial relationship - *Airservices Australia v Ferrier* (1996) 185 CLR 483 applied - Lump sum payments to reduce outstanding accumulated debt - Single contract - Rule in Clayton's case applicable - Presumption that payments be applied in 'first in first out' basis - *Yarra Capital Group Pty Ltd and anor v Sklash Pty Ltd* [2006] VSCA 109 considered - Reversal of entries post-dates and inconsistent with clear direction provided.

CORPORATIONS - Liquidation - Appeal under s1321 of the Corporations Act 2001 (Cth) - Claim that liquidator account to supplier for goods subject to a valid retention of title claim and not paid for by the company in liquidation, and not capable of delivery up by the liquidator - Whether court empowered to make determination with respect to substantive rights - *Editions Tom Thompson Pty Ltd v Pilley* (1997) 77 FCR 141; *Osborne Computer Corporation Pty Ltd v Riddell* (1995) 17 ACSR 606; *Burdett-Baker, IMO AFS Group Limited (in liq) v National Australia Bank Ltd* [2013] FCA 799 and *White v Norman (No 2)* (2012) 202 FCR 38 considered - Not required to be determined as question remitted to trial division by Court of Appeal - Legal basis of claim not identified or articulated - *Associated Alloys Pty Ltd v ACN 001 452 106 Pty Ltd (in liq)* (2002) 202 CLR 588 applied - No liability to account if no liability established.

***In the matter of Swan Services Pty Ltd (in liquidation) (ACN 000 699 990)***

***Central Cleaning Supplies (Aust) P/L (ACN 112 644 587) v Elkerton, Anthony Wayne (in his capacity as liquidator of Swan Services P/L (in liquidation) ACN 000 699 990) (No 2)***

Daly AsJ

[\[2016\] VSC 410](#)

25/05/2016

COSTS - Trial of remitted questions - Successful defendant ordinarily entitled to its costs - Costs to be awarded on the basis of success in the litigation, not with regard to matters unconnected with litigation - Apportionment of costs by issue - Apportionment allowed. COSTS - Multiple Calderbank offers - Whether unreasonable to refuse any or all of the successful defendant's Calderbank offers.

***In the matter of Swan Services Pty Ltd (in liquidation) (ACN 000 699 990): Central Cleaning Supplies (Aust) P/L (ACN 112 644 587) v Elkerton, Anthony Wayne (in his capacity as liquidator of Swan Services Pty Ltd (in liquidation) ACN 000 699 990) (No 3)***

Daly AsJ

[\[2016\] VSC 431](#)

26/07/2016

DEEDS - Terms and conditions - Terms of deed of offer binding upon execution and delivery - 400 George Street (Qld) Pty Ltd v BG International Ltd [2012] 2 Qd R 302 and Toll (FGCT) Pty Ltd v Alphapharm Pty Ltd (2004) 219 CLR 165 applied - No undue influence, unconscionable conduct or misleading and deceptive conduct found - National Consumer Credit Protection Act 2009, Schedule 1 not applicable.

AGENCY - Principal and agent - Broker agent of borrower - No unconscionable conduct, duress or breach of credit related consumer protection laws - Representations allegedly made by broker to borrower not binding on lender.

CONTRACT - Letter of demand - Not unreasonable - Pursuant to general conditions of the deed of offer.

CONTRACT - Interpretation - Agreed establishment fee - Construed objectively - Subjective intentions of parties not relevant - Surrounding circumstances assist in interpretation of ambiguous contract or term - Contract construed as a whole - Avoid capricious or inconvenient results - No ambiguity - Codelfa Construction Pty Ltd v State Rail Authority of NSW (1982) 149 CLR 337, and Bytan Pty Ltd and Ors v BB Australia Pty Ltd [2012] VSCA 233 applied, Royal Botanic Gardens v South Sydney CC (2002) 240 CLR 45 considered - Extrinsic evidence inadmissible - Deed entire agreement - Hope v RCA Photophone of Australia Pty Ltd (1937) 59 CLR 348 and McMahon v National Foods Milk Ltd (2009) 25 VR 251 applied - No basis to imply a term - Irrelevant if outcome harsh - Australian Broadcasting Commission v Australasian Performing Right Association Ltd (1973) 129 CLR 99 applied.

CONTRACT - Liquidated damages clause - Term of deed of offer ambiguous - Reasonableness of outcome relevant to the construction of an ambiguous clause - Metier3 Pty Ltd v Enwerd Pty Ltd [2014] VSC 80 considered.

CONTRACT - Penalties - Liquidated damages clause - Whether agreed sum exceeds genuine pre estimate of damage likely to be caused by breach - Ringrow Pty Ltd v BP Australia Pty Ltd (2005) 224 CLR 656 applied - Whether sum stipulated extravagant and unconscionable in amount - Dunlop Pneumatic Tyre Co Ltd v New Garage and Motor Co Ltd (1915) AC 79 applied - Onus of proof on party seeking to establish liquidated damages clause a penalty - Consider whether genuine pre estimate of damage at time it was agreed - Robophone Facilities Ltd v Blank (1996) 3 All ER 128 applied - Subjective intentions not necessarily relevant to the question of whether pre-estimate is 'genuine' - What is 'genuine' is to be viewed in context of actual outcome of the operation of its terms - Out of all proportion - O'Dea v Austates Leasing System (WA) Pty Ltd (1983) 152 CLR 359 applied - Liquidated damages clause unenforceable penalty.

CONTRACT - Quantum meruit - Restitution - Work undertaken did not confer benefit on other party - Pavey & Matthews Pty Ltd v Paul (1987) 162 CLR 221 - Inadequate evidence of value of work done.

***Gippsreal Ltd (ACN 005 443 292) v Melbourne Linh Son Buddhist Society Inc***

Daly AsJ

[\[2016\] VSC 324](#)

20/07/2016

EVIDENCE - Admissibility - Witness examined regarding ownership of corporate assets - Whether conclusions of witness opinions or statements of observed facts - ASIC v Rich (2005) 190 FLR 242 - Whether, if opinions, admissible under s78 of the Evidence Act 2008 - La Trobe Capital & Mortgage Corporation Ltd v Hay Property Consultants Pty Ltd (2011) 190 FCR 299 - Whether unfairly prejudicial to defendants if admitted without qualification - Evidence Act 2008 ss76-79, ss135-136.

***Yara Pilbara Fertilisers P/L (ACN 095 441 151) v Oswal, Panjak & Ors***

Dodds-Streton JA

[\[2016\] VSC 440](#)

03/08/2016

EVIDENCE - Admissibility of Chinese company search - Whether Chinese company search a public document as defined in pt 1 of the Dictionary to the Evidence Act 2008? - Whether Chinese company search admissible as public document printed by the authority of a foreign company under s48(1)(f) of the Evidence Act? - Whether Chinese company search admissible as to truth of its contents under s69 of the Evidence Act? - Whether activity of keeping company records by body exercising power under a law of a foreign country is a business within meaning of cl 1, pt 2 of the Dictionary in the Evidence Act?

EXPERT EVIDENCE - Whether expert certificate admissible under s177 of the Evidence Act? - Whether hearsay contents of expert certificate admissible under s60 of the Evidence Act? - Whether hearsay contents should be excluded under s136 of the Evidence Act?

***Lei, Zhenji (also known as Lei, Peter) & Ors (according to the schedule) v Lei, Yuhui (also known as Lei, Juliya) & Ors (according to the schedule) (Ruling No 1)***

Riordan J

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

17/03/2016 (ex tempore)

PRACTICE AND PROCEDURE - Appeal from an Associate Judge - Whether the Associate Judge erred in staying the proceeding - Supreme Court (General Civil Procedure) Rules 2015 r77.06 - Discretionary power - Stay of the proceeding - Impecunious litigant - Failure to pay consent costs orders - Order staying proceeding indefinitely unless costs paid - Numerous iterations in applying for leave to amend a statement of claim - Consideration of Gao v Zhang (2005) 14 VR 380 - Supreme Court (General Civil Procedure) Rules 2015 r63.03(3).

***Rozenblit, Boris v Vainer, Michael and Vainer, Alexander (No 4)***

Cameron J

[\[2016\] VSC 451](#)

04/08/2016

PRACTICE AND PROCEDURE - Application to reduce by half daily setting down and hearing fees pursuant to regs 8 and 8A of the Supreme Court (Fees) Regulations 2012 to plaintiffs in two proceedings ordered (with a third proceeding) to be managed and heard together - Whether Court empowered by reg 8, 8A, or inherent jurisdiction of the Court - Whether any such power to reduce the daily setting down and hearing fees should be exercised in the circumstances - Application refused.

***Oswal, Radhika Pakaj v ANZ Banking Group Ltd (ACN 005 357 522) & Ors; Oswal, Panjak v Carson, Ian Menzies & Ors; Yara Pilbara Fertilisers P/L (ACN 095 441 151) v Oswal, Panjak & Ors (according to the schedule)***

Dodds-Streton JA

[\[2016\] VSC 408](#)

26/07/2016

PRACTICE AND PROCEDURE - Costs - Whether costs should be taxed immediately - r63.20.1 Supreme Court (General Civil Procedure) Rules 2015 - Dale v Clayton Utz (No 3) [2013] VSC 593, Setka v Abbott (No 2) [2013] VSCA 376 considered and applied - Sharma v Parbhakar [2015] VSC 632 considered - Shen v Ozbaby Dairy Pty Ltd & Ors [2015] VSC 207 [57] not followed.

***Fanissa P/L & Anor v Versace, Tanya & Anor***

Hargrave J

[\[2016\] VSC 416](#)

08/07/2016

### Common Law Division

APPEAL - Nature of appeal to the Supreme Court - De novo appeal or judicial review - Interpretation of grants of jurisdiction to courts - Types of appeals - Importance of the text, scheme and purpose of the statute - Availability of judicial review under Administrative Law Act 1978 (Vic) - Nature of decision appealed from - Effect of privative clause.

WORKCOVER - Deemed employer - Deemed worker - Workplace Injury Rehabilitation and Compensation Act 2013 (Vic) ss78-79, ss81-87, sch 1 cl 9.

***BSA Ltd v Victorian Workcover Authority; BSA Ltd v Victorian Workcover Authority***

Garde J

[\[2016\] VSC 435](#)

29/07/2016

CONTRACT - Where parties entered into deed of settlement in respect of foreshadowed claim for further provision from deceased estate pursuant to Pt IV of the Administration and Probate Act 1958 - Where will referred to some parcels of land in colloquial terms and other parcels of land by registered title - Where solicitor relied on inventory of assets prepared by probate clerk and wording of the will and did not undertake title searches - Where both parties to the deed mistaken as to the identification of the parcels of land - Whether mistake at common law or in equity - Whether rescission, rectification or setting aside the appropriate remedy - Where both parties submitted that deed should be set aside if a common mistake is found - Taylor v Johnson (1983) 151 CLR 422 - Svanosio v McNamara (1956) 96 CLR 186 - McRae v Commonwealth Disposals Commission (1951) 84 CLR 377 - Club Cape Schanck Resort Co Ltd v Cape Country Club Pty Ltd (2001) 3 VR 536 - Associated Japanese Bank (International) Ltd v Credit du Nord SA [1988] 3 All ER 902 - Solle v Butcher [1950] 1 KB 671.

COSTS - Where solicitor for plaintiff subpoenaed to give evidence at trial - Where subpoenaed witness seeks costs of compliance with subpoena - Where costs claimed are below scale - Where plaintiff accepts witness entitled to costs of travel, accommodation and time out of office - Where subpoenaed witness sought legal representation so that the findings made in this case do not adversely affect him in any future litigation - ASADA v 34 Players and one Support Person [2015] VSC 14 - Pyramid Building Society v Farrow Finance Corp Ltd [1995] 1 VR 464

***Rees, Shane Cameron v Rees, Debra Lynne***

McMillan J

[\[2016\] VSC 452](#)

05/08/2016

COSTS - Order quashing part of opinion of medical panel - Defendant successful as to part - Plaintiff's solicitors disclosing evidence relied upon at early stage of proceeding.

***Omerasevic, Smajl v Dr Kotzman, David & Ors***

Riordan J

[\[2016\] VSC 429](#)

02/08/2016

DEFAMATION - Pleading - Republication on overseas website - Whether natural and probable consequence of original publication - Fourth amended statement of claim struck out.

***Trkulja, Milorad (aka Trkulja, Michael) v Dobrijevic, Irinej***

Garde J

[\[2016\] VSC 421](#)

25/07/2016

EVIDENCE - Discovery - Public interest immunity claimed over production of documents characterised as Cabinet documents - Leave sought by plaintiff to cross examine deponents of affidavits filed by the Commonwealth - Leave refused but Commonwealth directed to file and serve further evidence - Evidence Act 2008 (Vic), s130, s131A.

***Kamasae, Majid Karami v Commonwealth of Australia & Ors (in accordance with the schedule) (No 3) (Cabinet document: further evidence ruling)***

Macaulay J

[\[2016\] VSC 438](#)

01/08/2016

JUDICIAL REVIEW - Decision by a County Court judge about adequacy of response to a subpoena duces tecum - Traffic offence - Appeal to County Court following conviction by a magistrate - Subpoena seeking production of red light camera manual - Subpoena initially struck out as fishing - Relief in nature of Certiorari and Mandamus granted by Supreme Court - On remitter to County Court further sections of manual provided to the plaintiff - Whether error of law on the face of the record - No error in reasoning - No denial of procedural fairness - Supreme Court (General Civil Procedure) Rules 2005 (Vic) O 56.

***Cai, Jack v The County Court of Victoria; The Registrar of the County Court of Victoria; Corbett, Michelle, Traffic Camera Office***

John Dixon J

[\[2016\] VSC 427](#)

29/07/2016

LAND VALUATION AND COMPENSATION - Compulsory acquisition of land - Trial of separate questions relating to whether the respondent had an interest in the acquired land - Court held that respondent had no interest in acquired land - No final orders made - Additional basis to claim interest in acquired land identified after completion of trial of the separate questions - Lease and occupation of land for farming purposes - Application to reopen trial of separate questions - Inadvertence and misapprehension of facts - Interests of justice - Public interest in the finality of litigation - Land Acquisition and Compensation Act s3(1).

***Department of Economic Development, Jobs, Transport & Resources v MG Pastoral Company P/L***

Emerton J

[\[2016\] VSC 456](#)

05/08/2016

PLANNING - Application to convert existing two-storey dwelling into two two-storey dwellings - Repeat application for review to Victorian Civil and Administrative Tribunal - Error of law - Measurement by Tribunal of maximum height - Natural justice - Application for leave to appeal refused.

***Zumpano, Rosemary v Banyule City Council and others (according to the Schedule attached)***

Garde J

[\[2016\] VSC 420](#)

25/07/2016

PRACTICE AND PROCEDURE - Application by defendant/creditor for Summary Dismissal - Whether the following issues should be determined summarily - Whether the creditor is estopped from exercising rights under a first mortgage because of judgment for possession under a second mortgage - Whether clause providing for higher rate of interest, but reduced to lower rate if borrower not in default, is a penalty - Whether consent order in another proceedings in respect of a similar loan contract estopped the plaintiffs disputing enforceability of the loan contract the subject of this proceeding - Whether guarantor estopped from denying enforceability of clause as a person connected with the judgment debtor.

***Stoyanova, Joyce & Anor v Equity-one Mortgage Fund Ltd (ACN 106 720 941)***

Riordan J

[\[2016\] VSC 414](#)

02/08/2016

PRACTICE AND PROCEDURE - Discovery - Scope of discovery - Relevance of documents sought - Relevance test - Supreme Court (General Civil Procedure) Rules 2015 (Vic) r29.11(a) and r29.08 - Discovery of some documents allowed - Subpoena to non-party before trial - Production to Prothonotary - Application to set aside subpoenas - Two-stage test - Whether documents sought relevant to issues in dispute - Whether legitimate forensic purpose in seeking the documents - Some documents not 'for evidence' - Some subpoenas set aside - Supreme Court (General Civil Procedure) Rules 2015 r42A.01, r42.04.

***Just Group Ltd (ACN 096 911 410) v Peck, Nicole (Ruling No 2)***

Ierodiaconou AsJ

[\[2016\] VSC 432](#) (First Revision 29 July 2016)

28/07/2016

PRACTICE AND PROCEDURE - Dismissal by operation of self-executing order - Application for reinstatement not pressed by plaintiff - Dismissal confirmed with costs of the proceedings to be paid by the plaintiff - Supreme Court (General Civil Procedure Rules) 2015, r24.06.

***Durney, Paul v Deakin University & Ors (according to the schedules attached for each proceeding)***

***Durney, Paul v Victoria University & Ors (according to the schedules attached for each proceeding)***

John Dixon J

[\[2016\] VSC 418](#)

25/07/2016

PRACTICE AND PROCEDURE - Group proceedings - Administration of approved settlement scheme - Approval of administration costs.

***Rowe, Katherine v Ausnet Electricity Services P/L (ACN 064 651 118) (formerly SPI Electricity P/L) & Ors (Ruling No 7)***

John Dixon J

[\[2016\] VSC 424](#)

26/07/2016

PRACTICE AND PROCEDURE - Mode of trial - Trial by jury or by judge sitting without a jury - Supreme Court (General Civil Procedure) Rules 2015 r47.02 - Claim in negligence and nuisance against entities established to design, construct and operate the East Link Project - Self-represented litigant - Complexity of factual and legal issues - Trevor Roller Shutter Service Pty Ltd v Crowe [2011] VSCA 16 considered and followed; Kyriackou & Ors v Edwards [2014] VSC 201 distinguished.

***Humphris, Clive Arthur and Humphris, Dorothy June v Connecteast Nominee Company P/L (ACN 108 736 992) and Connecteast P/L (ACN 101 213 263) (No 2)***

Daly AsJ

[\[2016\] VSC 419](#)

27/07/2016

PRACTICE AND PROCEDURE - Stay of enforcement or execution of judgment pending appeal - Whether special circumstances justifying a stay - Whether appeal would be rendered nugatory - Successful party entitled to benefit of the judgment in its favour - Supreme Court (General Civil Procedure) Rules 2015, r77.06.6 - Cellante v G Kallis Industries Pty Ltd [1991] 2 VR 653

PRACTICE AND PROCEDURE - Security for costs of appeal - Inherent jurisdiction to order security - Appellant impecunious - Whether principles for ordering of security differ at appellate level as at first instance - Tait v Bindal People [2002] FCA 322 (20 March 2002)

***Houlahan, Mark Anthony & Ors (according to the attached schedule) v Trentham Investment Management P/L and Nicholls, Saxon Herschel (No 2)***

McMillan J

[\[2016\] VSC 445](#)

28/07/2016

PROCEEDS OF CRIME - Application for examination of relative of accused - Proceeds of Crime Act 2002 (Cth) s180 and s180A - Abuse of process - Estoppel - Effect of consent orders - Timing of examination - Conditions of dissemination of examination material - of Proceeds of Crime Act 2002 (Cth) - Discretionary considerations - Application granted subject to order concerning dissemination of evidence on examination.

***In the matter of the Proceeds of Crime Act 2002 of the Commonwealth and in the matter of the suspect, Baljit Singh***

***In the matter of an application by the Commissioner of the Australian Federal Police and in the matter of Kaur, Surinder***

J Forrest J

[\[2016\] VSC 423](#)

01/08/2016

PUBLIC INTERNATIONAL LAW - Foreign State immunity - Immunity from jurisdiction - Third party proceedings commenced against Republic of Nauru seeking indemnity in respect of claims made against plaintiff by way of counterclaim - Republic of Nauru immune from jurisdiction of the Supreme Court of Victoria by operation of Foreign States Immunities Act 1985 (Cth) - Foreign States Immunities Act 1985 (Cth) s9, s11, s32A; Fair Work Act 2009 (Cth) s44(1), s90(2), s117(3), s546(3), s570.

***Bannon, Paul v Nauru Phosphate Royalties Trust***

***Nauru Phosphate Royalties Trust (Plaintiff by Counterclaim) v Bannon, Paul (Defendant by Counterclaim) and The Republic of Nauru (No 1)***

McDonald J

[\[2016\] VSC 425](#)

04/08/2016

TORT - Defamation - Pleadings - Defences - Honest opinion defence - Whether proper basis - Hore-Lacy imputations - Whether alternate imputations not substantially different from pleaded imputations - Adequacy of particulars - Defamation Act 2005 (Vic) s25, s31.

***Johnston, Stuart v Holland, Nicola***

John Dixon J

[\[2016\] VSC 422](#) First Revision: 29 July 2016

25/07/2016

## Criminal Division

CRIMINAL LAW - Bail - Applicant aged 17 - Show cause situation - Bail granted - Bail Act 1977 (Vic) s3B, s4(2)(d), s4(3), s4(4) - No principle of law

***In the matter of the Bail Act 1977 (Vic) and in the matter of an Application for Bail by KA***

Jane Dixon J

[\[2016\] VSC 444](#)

26/07/2016

CRIMINAL LAW - Application for bail - Aggravated burglary - Burglary - Theft - Theft of motor vehicle - Unlicensed driving - Criminal damage - Reckless conduct - Possess methyl amphetamine - Commit offences while on bail - Show cause position - Child accused, aged 13 years - Bail granted with conditions.

***In the matter of the Bail Act 1977 and in the matter of an application for bail by AB***

T Forrest J

[\[2016\] VSC 446](#)

02/08/2016

CRIMINAL LAW - Application for leave to set aside plea - Application refused.

***The Director of Public Prosecutions v Jamieson, Ian Francis (Ruling)***

Hollingworth J

[\[2016\] VSC 406](#)

22/07/2016

CRIMINAL LAW - Bail - Show cause - Whether unacceptable risk of danger to victim if released - Application granted.

***Application for Bail by Tomisic, Dino***

Kaye JA

[\[2016\] VSC 428](#) First Revision: 1 August 2016

27/08/2016

CRIMINAL LAW - Bail application - 'Show cause' situation pursuant to s4(4)(c) Bail Act 1977 - Cause not shown - Indictable offence with a weapon - Attempted murder - Applicant has pleaded not guilty by reason of mental impairment - Applicant has an established diagnosis of schizophrenia - Alleged offending took place in the context of a psychotic episode - Applicant had refused medication in the weeks leading up to the alleged offending - Regular methamphetamine use over the preceding 12 months - Prior convictions and prior relevant matters involving violence and threats to kill - Delay - Likelihood of obtaining a non-custodial supervision order - Availability of stable accommodation - Risk of relapse - Unacceptable risk of causing harm to others and of re-offending - Bail refused

***In the Matter of the Bail Act 1977 and in the matter of an Application for Bail by Wilson, Cheryl Ann Marie***

Emerton J

[\[2016\] VSC 426](#)

26/07/2016

CRIMINAL LAW - Murder and attempted murder - Consent mental impairment hearing - Accused, in grips of psychotic episode caused by schizophrenia, stabbed three men, killing one and injuring two others, and attempted to stab a fourth man - Verdicts of not guilty by reason of mental impairment directed - Custodial supervision order imposed - Accused committed to Victorian Institute of Forensic Mental Health (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 & s47.

***The Queen v Elmas, Erol***

Croucher J

[\[2016\] VSC 405](#) Third revision: 28 July 2016

21/03/2016

CRIMINAL LAW - Sentence - Murder - Guilty plea - Brutal attack - Young offender - Disadvantaged background - Alcoholism - Poor prospects of rehabilitation - Limited remorse - Sentence of 20 years imposed - Non-parole period of 16 years.

***The Queen v Marshall, Robert***

Emerton J

[\[2016\] VSC 439](#)

02/08/2016

CRIMINAL LAW - Sentence - Murder - Three victims - Longstanding animosity by offender towards neighbours - Victims killed at night, on own properties - First victim stabbed more than 25 times with hunting knife - Two subsequent killings premeditated - Two elderly victims shot multiple times from close range - Late pleas - No real remorse - No history of violence - Whether Verdins principles engaged - Sentenced on second and third charges as serious violent offender - Offender aged 65 at time of sentence - Whether non-parole period should be set - Sentenced to total effective sentence of imprisonment for life with non-parole period of 30 years.

***The Director of Public Prosecutions v Jamieson, Ian Francis***

Hollingworth J

[\[2016\] VSC 407](#)

22/07/2016

CRIMINAL LAW - Sentence - Murder of spouse - Plea of guilty - Spontaneous violence -  
Relevance of Delusional Disorder

***Director of Public Prosecutions v Whitelegg, David***

Jane Dixon J

[\[2016\] VSC 412](#)

20/07/2016

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**Bull, C. et. al.** "Company data: the full picture for legal professionals." (2016) 160(25) Sol J 20-21.

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**Mackenzie, J. "Clinical negligence update." (2016) 160(27) Sol J 35-36.**

Negligence - Public authorities - Misfeasance - Public office - Australia.  
**Aronson, M., "Misfeasance in public office: some unfinished business." (2016) 132(July) LQR 427-444.**

Negligence - Waiver of torts - Product liability - Efficient deterrence - Canada  
**Iacobucci, E. and M. Trebilcock. "An economic analysis of waiver of tort in negligence actions." (2016) 66 (2) U Toronto L J 173-196.**

Personal injury - Fundamental dishonesty principle - Claimants - Nesham v Sunrich clothing - UK  
**Bashey, G. "A claimant solicitor's perspective on fundamental dishonesty." (2016) 160(26) Sol J 32-33.**

## INFORMATION SESSIONS

The Law Library of Victoria hosts regular information sessions on how to use specific legal research databases.

If you have suggestions for future information sessions, please send them to [llv@courts.vic.gov.au](mailto:llv@courts.vic.gov.au)

Visit our website for upcoming events [lawlibrary.vic.gov.au](http://lawlibrary.vic.gov.au)



## LIBRARY FACTS

- The Law Library of Victoria is regarded as a library of national significance and is one of the largest law collections in the state, containing over 120,000 volumes.
- The oldest book in the collection is Statham's Abridgement of 1489, a case law digest.
- The largest portrait in the library is of John Schutt, the first librarian, who died in office after 54 years in the position.

## Law Library of Victoria

210 William Street  
Melbourne VIC 3000

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Since the 1850s, the legal profession in Victoria has funded a library to enhance the administration of justice.

The Law Library of Victoria builds upon this proud history and continues this role today. It provides access to authoritative legal information to ensure that the law is applied accurately, effectively and fairly.

The Library is an integral resource for the Victorian Courts and VCAT, as well as for the legal profession and the community.

The Library provides services that support the administration of justice in Victoria.

- We collate and curate the best range of legal information resources for our constituents.
- We assist with reference and research support, and improve skills in using legal resources across the community.
- We improve access to justice for all Victorians by providing access to legal resources for our members.

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