



THE LAW LIBRARY OF VICTORIA

Library
Bulletin
30 September
2016

Library News

Supreme Court Library Tours

11 October 1.15-2.15pm

Take a 60 minute tour of the Library facilities and history, targeted at the legal profession and those with a keen interest in libraries and law, exploring all four levels of the Library.

25 October 1.15-1.40pm

Take a 30 minute tour of the Library, recommended for those who want a brief introduction to the Library and its history, exploring the magnificent Main Reading Room and the First Floor.

More information: <https://lawlibrary.vic.gov.au/tours>

Upcoming Switch On... sessions

18 October 1.15-1.40 pm - Unreported Judgments.

This session provides guidance for locating unreported judgments of the Victorian Supreme Court, Magistrates' Court and VCAT.

15 November 1.15-1.40pm - Victorian Reports Quick Guide

This session will introduce you to the guide developed by the Library for our community.

More information: <https://lawlibrary.vic.gov.au/events>

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



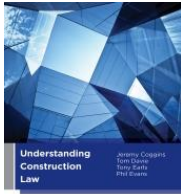
Judging for the People: A Social History of the Supreme Court in Victoria 1841-2016 has just been published. Copies of the book can be ordered from the Supreme Court Library, please phone 03 9603 6282 for details.

Contents

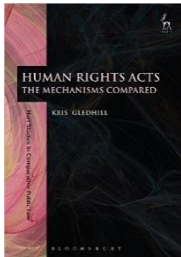
Library News	1		
Contents	2		
New Books	3		
Legislation	4		
Victorian Bills	4		
Victorian Assents	4		
High Court Cases	Error!	Bookmark	not
defined.			
Victorian Supreme Court Cases	5		
Court of Appeal	5		
Commercial Court	6		
Common Law Division	7		
Criminal Division	10		
County Court of Victoria Cases	11		
Articles	13		
Administrative Law	13		
Arbitration	13		
Constitutional Law	13		
Contract Law	13		
Corporations Law	13		
Courts	13		
Criminal Law & Procedure	13		
Equity	14		
Human Rights	14		
Legal Profession	14		
Legislation	14		
Property Law	14		
Practice and Procedure	14		
About the Law Library of Victoria	15		

New Books

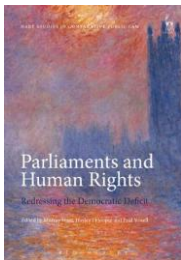
Following is a selection of new books in the Library collection. For details of more new books, see the Library Catalogue: https://courts.sdp.sirsidynix.net.au/client/en_AU/llv/



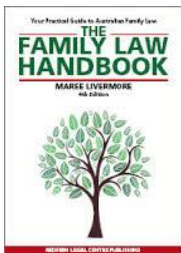
Coggins, Jeremy, *Understanding Construction Law*
Thomson Reuters, NSW, 2016.
Call number: 343.9407869 COG (VCAT Library)



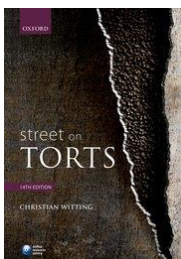
Gledhill, Kris, *Human Rights Acts : The Mechanisms Compared*
Hart Publishing, Oxford, 2015.
Call number: 342.085 GLED (Supreme Court Library)



Hunt, Murray, *Parliaments and Human Rights : Redressing the Democratic Deficit*
Hart Publishing, Oxford, 2015.
Call number: 342.085 PAR (Supreme Court Library)



Livermore, Maree, *The Family Law Handbook*
Thomson Reuters, NSW, 2016.
Call number: 346.94015 LIV.4 (Supreme Court Library)



Witting, Christian A., *Street on torts*
Oxford University Press, Oxford, 2016.
Call number: 346.4203 STR.14 (Supreme Court Library)

Legislation

Victorian Bills

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

Victorian Assents

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

- [Livestock Disease Control Amendment Act 2016 No. 49/2016](#)

Proclamations

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

- *Crimes Amendment (Sexual Offences) Act 2016 No. 47/2016*
 - Parts Pt 1 (ss 1, 2), ss 27(2), 28(2)(3)(4) of the Act came into operation on 26 September 2016 (VGG S289 20.09.2016)
- *Emergency Management (Control of Response Activities and Other Matters) Act 2015 No. 43/2015*
 - Sections 26(2), 27, Pt 3 Div. 4 (ss 35-40) of this Act came into operation on 19 September 2016 (VGG S284 13.09.2016)



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

Victorian Supreme Court Cases

Court of Appeal

ASSOCIATIONS AND CLUBS - Horse racing - Rules of racing - Prohibitions on performance-enhancing substances - Substance prohibited unless present at or below specified concentration - Blood sample taken - Testing by accredited laboratory - Laboratory reported substance present at above specified concentration - Reading 'rounded up' - Whether rules authorised 'rounding up' - Scientific conventions - Interpretation of words and numbers distinguished - Licensed trainer bound by approved testing procedures - Appeal allowed.

Racing Victoria Limited (ACN 096 917 930) v Riley, Mark

Maxwell ACJ, Hansen and Osborn JJA

[\[2016\] VSCA 230](#)

21/09/2016

CRIMINAL LAW - Appeal - Conviction - Sexual penetration of child under 16 - Whether verdict unsafe and unsatisfactory - Inconsistencies between complainant's evidence and the evidence of alleged eye-witness - Credibility and reliability of complainant's evidence - Whether verdicts inconsistent - Whether Kilby direction required - Appeal allowed - Judgment of acquittal entered.

Tandy, Lionel (a pseudonym) v The Queen

Priest JA, Beach JA, and Cavanough AJA

[\[2016\] VSCA 229](#)

21/09/2016

CRIMINAL LAW - Application for leave to appeal - Sentence - Applicant convicted of trafficking in a drug of dependence and possession of a drug of dependence - Sentenced to a total of 12 months' imprisonment and 12 month CCO - Whether sentencing judge erred in several respects in course of sentencing - Whether sentencing judge appropriately applied Renzella principle - Whether sentencing judge imposed an unduly harsh sentence in comparison to co-offender - No error made by sentencing judge - Application for leave to appeal refused.

Robinson, Matthew v The Queen

Weinberg and Hansen JJA

[\[2016\] VSCA 225](#)

19/09/2016

CRIMINAL LAW - Sentence - Appeal - Money laundering - Applicant sentenced to a total effective sentence of 8 years and 6 months' imprisonment with a non-parole period of 6 years - Whether disparity with sentence on co-offender - Whether sentence manifestly excessive - Appeal allowed - Resentenced to a total effective sentence of 6 years with a non-parole period of 4 years.

Truong, Minh Phat v The Queen

Priest and Santamaria JJA

[\[2016\] VSCA 228](#)

21/09/2016

PROCEEDS OF CRIME - Applications for forfeiture orders - Applications for exclusion from forfeiture orders - Imported border controlled drugs stored at residential property - Whether trial judge erred in finding that the property was an instrument of an offence - Whether property used in or in connection with the commission of an offence - Proceeds of Crime Act 2002 (Cth) s92, s94 and s329(2) - Leave to appeal refused.

Cini, Patrick v The Commissioner Of The Australian Federal Police

Priest, Santamaria, and Kaye JJA

[\[2016\] VSCA 227](#)

21/09/2016

TRADE PRACTICES - Misleading or deceptive conduct - Purchase of commercial property - Representations as to prior offer and as to tenant being a good tenant and paying rent under lease - Reliance concerning payment of rent - Dishonesty - Non-disclosure of agreement between vendors and tenant that excused the paying of rent - Causation - Damages - Trade Practices Act 1974 (Cth) s52, s82 - Fair Trading Act 1999 (Vic) s9, s159.

Mcnee, William Derek v P-Value P/L; Wellara Holdings P/L v P-Value P/L; Nucara, Fred v P-Value P/L

Hansen, Osborn, and Beach JJA

[\[2016\] VSCA 223](#)

16/09/2016

Commercial Court

CONTRACT - Construction - Reasonable Endeavours Clause - Purpose and Object of Agreement. SETTLEMENT - Heads of Agreement - Dispute Regarding Construction - Special Referee Appointed - Special Referee Report - Whether Obvious Error - Report Adopted in Part.

Ugrinovski, Robert v Naumovski, Vlado (and others according to the schedule)

Almond J

[\[2016\] VSC 555](#)

16/09/2016

CORPORATIONS - Corporations Act 2001 (Cth) - Application to set aside statutory demand - Section 459 - Group proceedings - Part IVA of the Supreme Court Act 1986 (Vic) - Whether settlement of group proceedings bars a group member from relying upon genuine dispute or genuine offsetting claim.

Pekell Delaire Holdings P/L (ACN 059 749 316) in its own capacity and as trustee for the delis family trust v Bendigo And Adelaide Bank Ltd (ACN 068 049 178)

Randall AsJ

[\[2016\] VSC 570](#)

21/09/2016

COURTS AND JUDGES - The Court heard an application to strike out the statement of claim - The judge in his judgment ruled that he intended to order the statement claim to be struck out - The judge raised the issue of whether the proceeding was an abuse of process and/or contrary to the Civil Procedure Act 2008 and invited the parties to address him on the matter - The defendant subsequently sought an order that the plaintiff's proceedings be dismissed on the grounds that it was an abuse of process - The plaintiff applied for the judge hearing the defendant's application and the matter raised by the judge to recuse himself - The plaintiff contended that there was a reasonable apprehension of bias on the part of the judge - Consideration of whether statements made by judge in his judgment, during argument and in an appeal to which the plaintiff was a party, could reasonably be considered prejudgment - Consideration of principles on bias - Judge refused to recuse himself.

Melbourne City Investments P/L v UGL Ltd (ACN 009 180 287)

Robson J

[\[2016\] VSC 554](#)

21/09/2016

PRACTICE AND PROCEDURE - Originating Motion - Application under Order 54 Supreme Court (General Civil Procedure) Rules 2005 - Section 63 of the Trustee Act 1958 - Trustees' powers to dispose of Land the subject of a trust - Contract of Sale of trust Land - Special Condition of Contract of Sale that such contract be conditional upon the Vendors obtaining a Court order establishing that the Vendors have full and exclusive legal authority to enter into that contract.

Sweeney, William Joseph and Walter, Catherine Mary (who apply in their capacity as Trustees of the Bacchus Marsh Land Trust) v Sweeney, Charles Augustine; Sweeney, Francis John; Walter, Catherine Mary (in her own capacity and in her capacity as Executor of the Will of Elizabeth Coral Sweeney); Sweeney, William Joseph (in his own capacity and in his capacity as Executor of the Will of Elizabeth Coral Sweeney)

Digby J

[\[2016\] VSC 550](#)

05/09/2016

Common Law Division

ADMINISTRATIVE LAW - Application for leave to appeal to Supreme Court from the Victorian Civil and Administrative Tribunal ('VCAT') - Hearing of application for leave and the appeal, if leave granted, at the same time pursuant to the expedition rule Supreme Court (Miscellaneous Civil Proceedings) Rules 2008, r4.14(3) - Application for leave granted and appeal allowed - Application to extend time to apply for leave to cross-appeal - Time extended - Application for leave refused and appeal denied.

PROPERTY LAW - Ambit of the power of VCAT to make orders under Subdivision Act 1988 s34D - Owners corporation power under Subdivision Act 1988, s32 - Transfer of Land Act 1958, s42.

ASA Nominees Pty Ltd (ACN 084 232 306) (Controllers Appointed) v Owners Corporation PS513436B and Adamopoulos, Irene: Adamopoulos, Irene v ASA Nominees Pty Ltd (ACN 084 232 306) (Controllers Appointed) and Owners Corporation PS 513436B

Derham AsJ

[\[2016\] VSC 562](#)

20/09/2016

APPEAL - Victorian Civil and Administrative Tribunal - orders that lot owner in apartment building rectify damage to common property at own expense - owners corporation applied for those orders without dispute resolution process in Model Rules being activated by lot owner - whether VCAT had jurisdiction with respect to application - whether VCAT had discretionary jurisdiction to dismiss or strike out the application - whether VCAT wrongly exercised its discretion to refuse to exercise that jurisdiction - Owners Corporation Act 2006 (Vic) s153(3), s164, Victorian Civil and Administrative Appeals Tribunal Act 1998 (Vic) s148(1).

Shearman, Danielle Lisa v Owners Corporation No 1 417405Y

Bell J

[\[2016\] VSC 551](#)

21/09/2016

CONSTITUTIONAL LAW - Parliament - Casual vacancy in the Legislative Council - Legislative Assembly declined proposal of Legislative Council for joint sitting - Plaintiff sought declaratory relief and mandamus - Preliminary question as to whether a justiciable controversy exists - Principle of exclusive cognisance - Whether claim for mandamus requiring Premier to advise Governor to summons the Houses of Parliament for a joint sitting a justiciable dispute to which questions concerning the internal proceedings of Parliament are incidental - Constitution Act 1975 (Vic), s8, s19, s20, s27A, s87E, Supreme Court (General Civil Procedure) Rules 2015 (Vic), r47.04.

O'Sullivan, Luke Bartholomew v The Honourable Daniel Michael Andrews, Premier of Victoria and State of Victoria

John Dixon J

[\[2016\] VSC 560](#)

21/09/2016

DAMAGES - Negligence - Personal Injury - Plaintiff involved in a motor vehicle accident 21 years ago - Defendant admitted liability for having negligently caused some of the plaintiff's injuries - Court to determine the true extent of the injuries caused and sum of damages to be awarded - Causation.

Davies, Dianne v Nilsen, Judith

Macaulay J

[\[2016\] VSC 557](#)

19/09/2016

DEFAMATION - Pleadings - Defences - Application to strike out various paragraphs of each defendant's defence - *Bruce v Odhams Press Ltd* [1936] 1 KB 697.

PRACTICE AND PROCEDURE - First defendant's application that proceeding be heard by jury - Whether first defendant had established reasons sufficient to outweigh factors in favour of the plaintiff maintaining the benefit of the mode of trial chosen by him - *Deka v Johns* [2009] VSC 296 - Supreme Court (General Civil Procedure) Rules 2015 r47.02.

Von Marburg, Roland v Aldred, Ethan and Mourik, Pieter ; Mourik, Pieter and Von Marburg, Roland

Keogh J

[\[2016\] VSC 565](#)

21/09/2016

DEFAMATION - Pleadings - Defences - Application to strike out various paragraphs of each defendant's defence.

PRACTICE AND PROCEDURE - First defendant's application that proceeding be heard by jury - Supreme Court (General Civil Procedure) Rules 2015 r47.02 - Roland Von Marburg v Aldred and Anor [2016] VSC 565.

Von Marburg, Anna v Aldred, Ethan and Mourik, Pieter; Mourik, Pieter and Von Marburg, Anna

Keogh J

[\[2016\] VSC 566](#)

21/09/2016

TESTATOR'S FAMILY MAINTENANCE - Application under Part IV of the Administration and Probate Act 1958 - Application by grandchild of the deceased - Application made prior to 2015 amendments introducing concept of 'eligible person' - Where the child's father and son of the deceased predeceased the deceased - Whether the deceased has moral responsibility for proper maintenance and support of grandchild - Administration and Probate Act 1958 (Vic), section 91(4) - Adult son who contributed to farm work and care of elderly father left entire estate - Applicant has funds in Court from father's estate - Applicant had minimal contact with the deceased - Re Davies [2014] VSC 248, Petrucci v Fields [2004] VSC 435 considered and distinguished - Application dismissed.

Missen, Lucas Alexander Philip Moleta (a minor by his Litigation Guardian Angela Helen Moleta) v Missen, Leigh John and Missen, Karen Lorraine (who are sued in their capacity as Executors of the Will and Estate of Leonard Albert Missen)

Daly AsJ

[\[2016\] VSC 539](#)

15/09/2016

TESTATORS' FAMILY MAINTENANCE - Whether plaintiff is an eligible person under Administration and Probate Act 1958, Part IV - Whether a child of a former domestic partner of the deceased is a stepchild of the deceased - Whether relationship of stepchild-stepparent ends on death of natural parent - Plaintiff held to be an eligible person - Administration and Probate Act 1958, Part IV, s90.

Bail, Laurace v Scott-Mackenzie, John Ewen (who is sued as the Executor of the Estate of Siegfried Ruopp, deceased)

Derham AsJ

[\[2016\] VSC 563](#)

20/09/2016

Criminal Division

CRIMINAL LAW - Admissibility of evidence - Probative value - *Hothnyang v R* [2014] VSCA 64
- *O'Leary v R* (1946) 73 CLR 566.

The Queen v Vikic, Rasim

Coghlan JA

[\[2016\] VSC 540](#)

16/09/2016

CRIMINAL LAW - One count of murder, three counts of theft - Accused previously found unfit to stand trial - Special hearing held - Verdicts of not guilty by reason of mental impairment - Custodial supervision order made - Nominal term of 25 years - Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 s26 and s28

The Director Of Public Prosecutions [DPP] v Woodruff, John

Hollingworth J

[\[2016\] VSC 525](#)

16/09/2016

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.

BUILDING CONTRACT - Adjudication completed under Building and Construction Industry Security of Payment Act 2002 (Vic) - Cheque for much lesser amount sent by defendant to plaintiff - Accompanied by letter stating that presentation of cheque will be deemed acceptance in full and final payment - Whether accord and satisfaction - Whether purported settlement agreement breached section 48 by having "the effect of excluding, modifying or restricting the operation" of the Act.

Fitzroy Shopfitting and Building Pty Ltd v Solene Investments Pty Ltd

Judge Anderson

[\[2016\] VCC 1352](#)

21/09/2016

BUILDING CONTRACT - Payment claims served pursuant to the Building and Construction Industry Security of Payment Act 2002 (Vic) - Alleged that settlement agreement reached - Whether settlement agreement breached section 48 by restricting the operation of the Act.

Simtec Group Pty Ltd v Ascot Building Pty Ltd

Judge Anderson

[\[2016\] VCC 1127](#)

10/08/2016

PRACTICE AND PROCEDURE - Application to set aside default judgment - Short-term loan for one month with interest of 4% per month and default interest of 10% per month - Whether National Credit Code applies - Code not applicable because loan not predominately for "personal, domestic or household purposes" - Whether loan agreement unconscionable because of failure by the lender to disclose that default rate of interest was equal to 120% per annum - No lack of disclosure impugning the transaction - Application dismissed

Money Renters Pty Ltd v Good Onion Pty Ltd & Ors

Judge Anderson

[\[2016\] VCC 1406](#)

23/09/2016

PRACTICE AND PROCEDURE - Preliminary questions determined against defendant - Application for leave to appeal lodged by defendant - Subsequent summary judgment application consistent with decision on preliminary questions - Whether application should be adjourned until after the appeal process concludes or be determined on the presumption that the preliminary questions were correctly answered - Sections 61 and 63 Civil Procedure Act 2010 (Vic).

Dumayne Property Group Pty Ltd v Balanced Securities Ltd

Judge Anderson

[\[2016\] VCC 1387](#)

20/09/2016

PRACTICE AND PROCEDURE - Security for costs - Franchisee bringing action against franchisor for failure to disclose a possible or likely change in its system of operations - Financial resources of corporate plaintiff and its sole director/shareholder limited - Security ordered in tranches.

PA & FA Services Pty Ltd v Fisher & Paykel Customer Services Pty Ltd

Judge Anderson

[\[2016\] VCC 1384](#)

20/09/2016

PRACTICE AND PROCEDURE - Warrant of seizure and sale - Auction by sheriff unsuccessful - Application for further auction “without reserve” - Whether order for sale should be made - Order refused - *Humphreys v. Pioneer Homes Australia Pty Ltd* [2000] VSC 10 and *Zhou v. Kousal & Ors* [2012] VSC 187 considered.

Stramit Corporation Pty Ltd v C.D.S. Roofing Pty Ltd & Schelfout

Judge Anderson

[\[2016\] VCC 1347](#)

20/09/2016

Articles

Administrative Law

Judicial review - Proceedings - Standing - Special interest - Special damage - Environmental cases - Reforms - Boyce v Paddington Borough Council - Australian Conservation Foundation v Commonwealth - Argos Pty Ltd v Corbell - Administrative Appeals Tribunal Act 1975 (Cth) - Australia
Groves, M. "The evolution and reform of standing in Australian administrative law." (2016) 44(2) Fed L Rev 167-199.

Arbitration

International Arbitration - Awards - Enforcement - Setting aside - Judicial discretion - Convention on the Recognition and Enforcement of Foreign Arbitral Awards, Art V(1)(e), Art VII(1) - Australia - Hong Kong - Singapore
Butler, D. and K. Dharmananda. "Three perspectives on the enforcement of awards set aside at the seat." (2016) 42(2) Aust Bar Rev 228-248.

Constitutional Law

Plenary executive power - Plenary discretion - Legislative power - Limitations - Plaintiff S157 - Commonwealth Constitution, s51, s52 - Australia
Burton Crawford, L. "Can Parliament confer plenary executive power? The limitations imposed by sections 51 and 52 of the Australian Constitution." (2016) 44(2) Fed L Rev 287-310.

Contract Law

Partnership - Termination - Repudiation - Loss of bargain - Loss of benefit - Performance - Partnership Act 1890 (UK) - Hurst v Bryk - Brew v Rozano Holdings Ltd - Goldstein v Bishop - Canada - UK - Australia
Latimer, P. "Repudiation of partnership contracts." (2016) 42(2) Aust Bar Rev 170-186.

Corporations Law

Insolvent companies - Unsecured creditors - Phoenix companies - Phoenix activity - Directors - Enforcement - Liquidators - Australian Securities and Investments Commission (ASIC) - Australia
Welsh, M. and H. Anderson. "The public enforcement of sanctions against phoenix activity: scope, rationale and reform." (2016) 44(2) Fed L Rev 201-225.

Courts

Federal Court - Technology - Awards - Australia
Federal Court wins international award. (2016) 36(8) Proctor 6.

Criminal Law & Procedure

Death - Children - Vulnerable adults - Parents - Defences - Reasonableness - Domestic Violence, Crime and Victims Act 2004 (UK) - UK
Freer, E. "'Causing or allowing the death of a child': challenges to working out 'Which one of you did it?'" [2016] (9) Crim L R 618-626.

Offences against the person - Actual bodily harm - Assault - Battery - Grievous bodily harm - Wounding - Law reform - New offences - Criminal law revision - Offences Against the Person Act 1861 (UK) - UK
Gibson, M. "Getting their 'Act' together: implementing statutory reform of offences against the person." [2016] (9) Crim L R 597 - 617.

Judicial comments - Judicial reflections - Defence - Negative judicial comments - Assisting jury - Hermanus v R - R v Heron - MM - UK - Victoria - NSW - WA - Australia
Taylor, G. "Judicial reflections on the defence case - an update." (2016) 42(2) Aust Bar Rev 189-200.

Equity

Equitable compensation - Fiduciary breach - Joint and several liability - Proportionate liability - Knowing assistance - Liability - Quantum - Michael Wilson & Partners v Nicholls - Australia

Glister, J. "Knowing assistance and equitable compensation." (2016) 42(3) Aust Bar Rev 152-169.

Human Rights

Defamation - Reputation - Personal data - Data collection - Right to be forgotten - Cut off date - Due diligence - EU Charter - Companies House - UK

Young, M. "The risks of deleting history." (2016) 160(33) Sol J 15.

Drones - Remote aircraft - Privacy - Data protection - Regulation - Civil Aviation Authority (CAA) - UK

Dalby, J. and R. Sethi. "Drones: flightpath to the future?" [2016] (Sept) Counsel 22-23.

Hate speech - Incitement - Offend - Insult - Victim focus - Freedom of speech - Reform - Australian Human Rights Commission - Racial Discrimination Act 1975 (Cth), s18C - United Nations Human Rights Committee (UNHRC) - Committee on the Elimination of Racial Discrimination (CERD) - Germany - Australia
Hicks, E. "Context and the limits of legal reasoning: the 'victim focus' of section 18C in comparative perspective." (2016) 44(2) Fed L Rev 257-285.

Legal Profession

Judiciary - Judges - Judicial appointment - Women - Statistics - UK

Increase in number of women on the bench [2016] (Sept) Counsel 6.

Law Council of Australia - Australian Bar Association - Judicial Council - Council of Chief Justices of Australia and New Zealand (CCJ) - Guidelines - Communication - Commercial arbitration - Asian Business Law Institute - Family violence - High Court - Australia

Chief Justice Robert French. "State of the Australian Judicature." (2016) 42(3) Aust Bar Rev 139-148.

Legislation

Statutory interpretation - Legislative intent - Meaning thesis - Mens rea - High Court - Acts Interpretation Act 1901 (Cth), s15AA - Charter of Human Rights and Responsibilities Act 2006 (VIC), s32(1) - Australia

Smith, D. "Is the High Court mistaken about the aim of statutory interpretation?" (2016) 44(2) Fed L Rev 227-255.

Property Law

Leases - Breach of contract - Breach of covenant - Landlord's rights - Proportionality - Relief against forfeiture - *Magnic Ltd v Ul-Hassan* - *Safin (Fursecroft) Ltd v Badrig* - *Frefield v West Kensington Court Ltd* - UK
Sissons, P. "Forfeiture revisited: *Magnic, Safin and Frefield*." [2016] (4) Conv. 286-295.

Leasing - Green leases - Commercial leasing - Contract terms - Energy efficiency - Carbon reduction - Research study - WICKED - UK
Bright, S. "WICKED insights into the role of green leases." [2016] (4) Conv. 264-285.

Practice and Procedure

Appointment of assessor - Court discretion - Complex cases - Expert evidence - Adversarial system - Role of the assessor - Just results - Cost efficiency - Timeliness - Australia

Yates, R. "An obligation to appoint an assessor?" (2016) 42(2) Aust Bar Rev 201-227.

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

Visit our website for upcoming events lawlibrary.vic.gov.au



About the Law Library of Victoria

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.

The Library Bulletin is a free fortnightly information service provided by the Law Library of Victoria for judicial officers, members of the legal profession and anyone with an interest in the law. It is compiled by Library staff and includes the following content:

- Library news and events
- New books and articles received by the Library
- Victorian legislative updates
- High Court, Supreme Court of Victoria Court of Appeal and Trial Division judgments.

The Library Bulletin is prepared within a quick turnaround time. All attempts are made to ensure accuracy, however readers are advised to verify information contained in the Library Bulletin against information from original sources. If you do see an error or omission, please contact us at llv@courts.vic.gov.au.

The Library Bulletin is provided on the basis that readers will assume full responsibility for making their own assessment of the information provided. This service does not provide legal advice. No liability will be accepted as a result of any reliance on this service.

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