



THE LAW LIBRARY OF VICTORIA

Library Bulletin

14 April 2017

Library News

Switch On... in the Law Library: JADE
Tuesday 18 April, 1:15pm - 1:45pm

JADE is a free Australian current awareness service and legal research platform designed to make it easier to find, use, share and present accurate legal information. This session will enable you to perform faster-than-normal complex searches to identify case law, legislative points and key points in authorities.

Lyrical Lunchtimes
Thursday 20 April, 1:15pm - 2:00pm

The Law Library of Victoria and BottledSnail Productions present a series of lunchtime classical concerts designed to provide an opportunity to relax and reflect in the beautiful surrounds of the Supreme Court Library.

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. The book costs \$60 and there is a \$10 discount for members of the Royal Historical Society of Victoria (RHSV).

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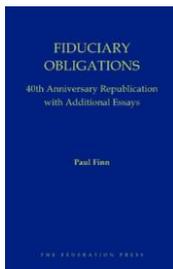
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New Books

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

Judicial officers and court staff can borrow any of the books listed. Contact your jurisdictional librarian to request an item.

Members of the legal profession and the public can request any of the books to read on site at the Supreme Court Library.

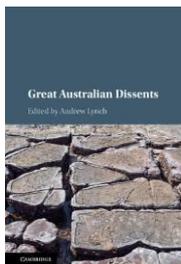


Finn, Paul, *Fiduciary Obligations: 40th Anniversary Republication with Additional essays*

Annandale, N.S.W., Federation Press, 2016

Call Number: 346.59 FIN (Supreme Court Library and County Court Library)

[Link to the book in the catalogue](#)

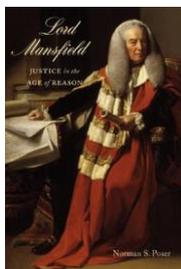


Lynch, Andrew (editor), *Great Australian Dissents*

Cambridge, Cambridge University Press, 2016

Call Number: 347.940124 GRE (Supreme Court Library)

[Link to the book in the catalogue](#)

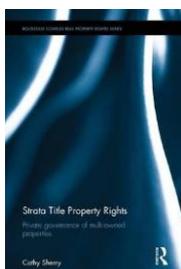


Poser, Norman, *Lord Mansfield Justice in the age of reason*

Montreal, McGill-Queen's University Press, 2013

Call Number: 347.41014 POS (Magistrates' Court Library)

[Link to the book in the catalogue](#)



Sherry, Cathy, *Strata title property rights: private governance of multi-owned properties*

New York, Routledge, 2017

Call Number: 346.0433 SHE (VCAT Library)

[Link to the book in the catalogue](#)

Legislation

Victorian Bills

No Victorian Bills have 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 Acts have come into operation by forced commencement since the last Library Bulletin.

- ***National Domestic Violence Order Scheme Act 2016*** No. 53/2016
 - Part 1 (sections 1-3), Part 9 (sections 82-87) came into operation on 5 April 2017 (SG111 4.4.2017)
- ***Racing and Other Acts Amendment (Greyhound Racing and Welfare Reform) Act 2016*** No. 17/2016
 - Sections 10(2), 15, 16 of this Act came into operation on 10 April 2017 (SG111 4.4.2017)
- ***Urban Renewal Authority Victoria Amendment (Development Victoria) Act 2017*** No. 10/2017
 - Sections 1-40 of this Act came into operation on 1 April 2017 (SG94 27.3.2017)

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

- ***Crimes Legislation Further Amendment Act 2017*** No. 6/2017
 - Sections 1-18 came in by forced commencement on 1 April 2017 s. 2(2)
- ***Land (Revocation of Reservations - Metropolitan Land) Act 2016*** No. 31/2016
 - Part 2 (sections 3-8), Part 3 (sections 9, 10) came in by forced commencement on 1 April 2017 s. 2(2)



EXHIBITIONS IN THE LIBRARY

Argus from 100 years ago

The Supreme Court Library has the Argus newspaper from 1917 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](https://twitter.com/lawlibraryvic) [#argus1917](https://twitter.com/lawlibraryvic)

High Court Cases

CONSTITUTIONAL LAW - Parliamentary elections (Cth) - Senate - Reference to Court of Disputed Returns - Where person elected and re-elected as senator - Where person stood to gain financially from Commonwealth paying rent under lease of person's electorate office - Where person's bank account nominated by lessor as bank account for payment of rent by Commonwealth - Where payment of rent reduced person's contingent liability as guarantor under loan facilities - Where person had prospect of receiving distribution of rent proceeds as beneficiary of discretionary trust - Whether person had indirect pecuniary interest in lease agreement with Commonwealth - Whether person incapable of being chosen or of sitting as senator under s 44(v) of Constitution - Whether vacancy should be filled by special count of ballot papers - Whether special count would distort voters' real intentions.

WORDS AND PHRASES - "distortion of the voters' real intentions", "expectation of pecuniary benefit", "incapable of being chosen", "indirect pecuniary interest", "special count", "true legal intent of the voters". Constitution, s44(v). Commonwealth Electoral Act 1918 (Cth), s168(1), s272(2), s273(27), s360, s376. Parliamentary Entitlements Act 1990 (Cth), s4(1), Item 7 of Pt 1 of Sched 1.

In the matter of questions referred to the Court of Disputed Returns Pursuant to Section 376 of the Commonwealth Electoral Act 1918 (Cth) concerning Mr Day AO, Robert John (No 2)

[\[2017\] HCA 14](#)

05/04/2017

Victorian Supreme Court Cases

Court of Appeal

CRIMINAL LAW - Appeal - Conviction - Attempting to possess a commercial quantity of a border controlled drug - Interruption of defence opening by trial judge - Whether interruptions unwarranted - Function of defence response - Purpose of defence response - Interruptions not unwarranted - Criminal Procedure Act 2009, s225.

CRIMINAL LAW - Appeal - Conviction - Attempting to possess a commercial quantity of a border controlled drug - Circumstantial case - Whether conviction unreasonable or not supportable having regard to the evidence - Whether jury could exclude reasonable hypothesis consistent with innocence - Not reasonably arguable that conviction unreasonable or not supportable having regard to the evidence - Leave to appeal refused - Criminal Procedure Act 2009, s276(1)(a).

Duong, Thi Hong Hanh v The Queen

Weinberg, Beach, and McLeish JJA

[\[2017\] VSCA 78](#)

04/04/2017

CRIMINAL LAW - Appeal - Procedural fairness - Submission by prosecutor and defence counsel that CCO 'open' - No CCO assessment ordered - Whether defence counsel aware that judge was not going to order a CCO - Judge made clear his intended sentencing approach before sentencing - Appellant given fair opportunity to address relevant matters.

CRIMINAL LAW - Appeal - Manifest excess - Effect of 'dead time' - Effect of delay - Duration of non-parole period - Manifest excess not demonstrated.

Jojic, Jovan v The Queen

Osborn and Priest JJA, and Kidd AJA

[\[2017\] VSCA 77](#)

30/03/2017

CRIMINAL LAW - Appeal - Sentence - Theft, handling stolen goods, aggravated burglary, other related dishonesty offences, summary offences - Co-offenders - BT sentenced to seven years and six months' imprisonment with non-parole period of five years - MK sentenced to six years and three months' imprisonment with non-parole period of four years - Whether sentences manifestly excessive - Whether trial judge doubly punished BT - Whether trial judge erred in relying on BT's uncharged acts as aggravating factors when sentencing - Whether trial judge failed to have regard to parity when sentencing MK - Whether trial judge mischaracterised MK's culpability for aggravated burglary by impugning knowledge of firearm possessed by BT - Leave to appeal concerning BT refused - Sentences within range - No double punishment - No suggestion BT was punished separately for uncharged act - Leave to appeal concerning MK granted - Presence of gun could not be used as aggravating factor for MK unless judge satisfied beyond reasonable doubt of his knowledge - Nonetheless no different sentence should be imposed - Appeal concerning MK dismissed.

Trajanovski, Billy v The Queen; Kelmendi, Mergin v The Queen

Weinberg and Santamaria JJA, and Kidd AJA

[\[2017\] VSCA 81](#)

10/04/2017

CRIMINAL LAW - Appeal - Sentence - Whether manifestly excessive - Youth of offender - Prospects of rehabilitation - Gravity of offending - Manifest excess not demonstrated - Appeal dismissed.

Walker, Brayden v The Queen

Maxwell P, Redlich and Osborn JJA

[\[2017\] VSCA 80](#)

07/04/2017

CRIMINAL LAW - Application for leave to appeal - Conviction - Cultivation of commercial quantity of cannabis - Trafficking in drug of dependence - Filing over new indictment during trial - Whether fundamental irregularity - Leave to appeal refused - Criminal Procedure Act 2009 s159(2), s164 - Juries Act 2000 s36.

CRIMINAL LAW - Appeal - Conviction - Cultivation of commercial quantity of cannabis and trafficking cannabis by way of possession for sale - Large sum of cash located at appellant's residence - Whether evidence of finding of cash relevant to trafficking by possession for sale - Whether probative value of evidence outweighed by risk of unfair prejudice - Appeal allowed - Evidence Act 2008 s55(1), s137.

Falzon, Romano v The Queen

Whelan, Priest, and Beach JJA

[\[2017\] VSCA 74](#)

05/04/2017

CRIMINAL LAW - Bail pending appeal - Proposed grounds of appeal arguable - Applicant's wife gravely ill and in desperate need of applicant's continual care - Exceptional circumstances demonstrated - Bail granted.

Daniels (a Pseudonym), Peter v The Queen

Weinberg JA

[\[2017\] VSCA 83](#)

10/04/2017

CRIMINAL LAW - Confiscation - Application for leave to appeal - Restraining order - Exclusion application - Tainted property - Meaning of 'tainted property' - Property derived or realised from property used in connection with relevant offences - Offender's interest in property - Offender's exclusion application dismissed by primary judge - Primary judge plainly correct - Application for leave to appeal refused - Confiscation Act 1997, s3, s18, s20 and s22.

Lee, David Choong v Director of Public Prosecutions [DPP]

Beach and Ferguson JJA, Cameron AJA

[\[2017\] VSCA 82](#)

07/04/2017

CRIMINAL LAW - Sentence - Application for leave to appeal - Access child pornography material using a carriage service - Fail to comply with reporting obligations under the Sex Offender Registration Act 2004 - Knowingly possess child pornography material - Total effective sentence of four years and six months' imprisonment - Non-parole period of two years and six months - Error as to objective seriousness of the offending - Finding that offending was escalating - Manifest excess - Leave to appeal granted.

Dennis, Stephen v The Queen

Tate JA

[\[2017\] VSCA 75](#)

03/04/2017

CRIMINAL LAW - Sentence - Application for leave to appeal - Aggravated burglary and intentionally causing injury - Total effective sentence four years and six months' imprisonment - Non-parole period three years and three months - Discrepancy between Record of Orders and transcript of sentencing reasons - Parity - Manifest excess - Clarification of sentence required.

Kiezenberg, Nick v The Queen

Tate JA

[\[2017\] VSCA 72](#)

03/04/2017

CRIMINAL LAW - Sentence - Application for leave to appeal - Incest - Indecent act with a child under 16 years - Total effective sentence of nine years' imprisonment - Non-parole period of seven years - Manifest excess - Leave to appeal granted.

Grantley (a Pseudonym), Richard v The Queen

Tate JA

[\[2017\] VSCA 67](#)

03/04/2017

CRIMINAL LAW - Sentence - Application for leave to appeal - Incest - Indecent act with a child under the age of 16 years - Total effective sentence of 11 years and five months' imprisonment - Non-parole period of nine years - Manifest excess - Leave to appeal granted.

Phillips (a Pseudonym), Bernard v The Queen

Tate JA

[\[2017\] VSCA 76](#)

03/04/2017

CRIMINAL LAW - Sentence - Application for leave to appeal - Two charges of theft, three charges of reckless conduct endangering persons, robbery, aggravated burglary, unlicensed driving and committing indictable offence whilst on bail - Total effective sentence of seven years and ten months' imprisonment - Non-parole period of five years - 'Utterly deplorable' high risk behaviour calculated to instil fear into members of both the public and the police - Manifest excess - Leave to appeal refused.

Borg, Dylan v The Queen

Tate JA

[\[2017\] VSCA 71](#)

03/04/2017

PRACTICE AND PROCEDURE - Determination of preliminary issue - Proceeding dismissed - Application for leave to appeal - Application to amend statement of claim - Application made after authentication of judgment - Application granted.

STATUTORY INTERPRETATION - Pregnancy of naval rating not detected at medical examinations - Whether pregnancy and childbirth an 'injury' within Military Rehabilitation and Compensation Act 2004 (Cth) - Whether applicant prohibited from bringing a proceeding at common law for damages to compensate her for the costs of raising her child.

F J (a Pseudonym) v Commonwealth of Australia

Tate, Santamaria, and Beach JJA

[\[2017\] VSCA 84](#)

12/04/2017

Commercial Court

CHARITABLE TRUST - Remedies for breach of trust - Whether election required - Identity of party or parties required to make election - Availability of proprietary remedies - Tracing - Extent of each charitable object's interest in the Assembly Hall and proceeds of sale of the Assembly Hall.

CHARITABLE TRUST - Construction of Trust Deed - Whether trustees authorised to deduct a Stipend or Collegiate Charge from amounts otherwise distributable - Amount of allowable Stipend or Collegiate Charge - Strict literal construction not appropriate in the circumstances.

Between Attorney-General of Victoria on the relation of The Presbyterian Church of Victoria Trusts Corporation; The Presbyterian Church of Victoria Trusts Corporation and Anstee, Dorothy Rae; Nuske, James Frederick; Evans, Bruce Charles; Holman, Helen Anne and Kerss, Paul Lindsay as Trustees of the Scots' Church Properties Trust and as Trustees of the Assembly Hall of the Presbyterian Church of Victoria and Sherman, Douglas in his capacity as representative of the Board of Management of the Scots' Church Melbourne and Hearn, Harry Meares

Sifris J

[\[2017\] VSC 102](#)

07/04/2017

CONTRACT - Illegality - Contract created as an instrument of deception - Void - Plaintiff's claims under the contract dismissed.

RESTITUTION - Loan to defendant - Independent of illegality - Unjust for defendant to retain the benefit of the loan - Plaintiff may apply to amend statement of claim to seek Restitution.

Christopoulos, Dimitri v Krishna, Badrish (and others according to the Schedule)

Judd J

[\[2017\] VSC 154](#)

04/04/2017

CORPORATIONS - Corporations Act 2001 (Cth), s459G, s459G(2) - 21 days after the demand is served to make application - Jurisdiction - Difference between 'delivery' and 'receipt' - Corporations Act 2001 (Cth), s459G(3) service of s459G application and affidavit in support within 21 days - Jurisdiction - Service interstate - Failure to include SEPA Notice - Statutory Demand failed to follow paragraph 6 of Form 509H which required the specification of an address for service in the State or Territory in which the demand is served on the company - Failure to do so - Defect or 'null and void'.

Slap Corporation P/L (ACN 601 930 732) v Civil, Infrastructure & Logistics P/L (ACN 142 850 619)

Randall AsJ

[\[2017\] VSC 168](#)

04/04/2017

CORPORATIONS - External administration under Part 5.3A of the Corporations Act 2001 (Cth) s439A(6) and s447A - Application for extensions of convening period to enable sales of businesses as going concerns and orderly process of sale of assets - Application granted.

In the matter of Rhodes & Beckett Pty Ltd (ACN 118 576 364) (Administrators Appointed) and Herringbone Pty Ltd (ACN 135 481 953) (Administrators Appointed): Bruno Antony Robert Secatore (In his capacity as Joint and Several Administrator of Rhodes & Beckett P/L ACN 118 576 364 (Administrators Appointed) and Herringbone P/L (ACN 135 481 953) (Administrators Appointed) and Others (according to the attached schedule)

Gardiner AsJ

[\[2017\] VSC 170](#)

05/04/2017

CORPORATIONS - Penalties for breach of officer's duties of s180 of the Corporations Act 2001 (Cth) (Corporations Act) - Declaration of contravention - Whether disqualification orders should be made - Whether pecuniary penalties orders should be made - Factors to be considered in imposing penalties - Considerations of penalties imposed on other officers of AWB - Whether conduct serious - Sections 206C, 1317E and 1317G of the Corporations Act. CORPORATIONS - Application for exoneration from liability for contravention of s180 of the Corporations Act - Factors to be considered in exercising discretion to grant relief - Whether declaration of contravention must be made - Application refused - Sections 1718S and 1318 of the Corporations Act.

PRACTICE AND PROCEDURE - Costs - Exercise of discretion as to costs in a complex case involving many issues - Where separate and discrete issues - Plaintiff won some issues but lost others - Order that there be no order as to costs - Rule 63.04 Supreme Court (General Civil Procedure) Rules 2005 (Vic).

In the matter of AWB Ltd (ACN 081 890 459) Between: Australian Securities and Investments Commission v Flugge, Trevor James

Robson J

[\[2017\] VSC 117](#)

10/04/2017

COSTS - Application by receivers for directions of winding up a trading trust - Whether all parties should be entitled to their costs from the receivership surplus.

CIVIL PROCEDURE - Order to pay funds into court - Whether funds should be paid immediately into Court or whether receivers are justified in holding on to funds.

Re Amerind P/L (receivers and managers appointed) (in liquidation) and Byrnes, Matthew James and Hewitt, Andrew Stewart Reed (in their capacity as joint and several receivers and managers of Amerind P/L (receivers and managers appointed) (in liquidation), Commonwealth Department of Employment; Carter Holt Harvey Wood Products (Australia) P/L; Alpine MDF Industries P/L; Morgan, Brent in his capacity as liquidator of Amerind P/L (receivers and managers appointed) (in liquidation); Amrimear P/L (receivers and managers appointed) (in liquidation); David, Kathryn (No 2)

Robson J

[\[2017\] VSC 169](#)

05/04/2017

EVIDENCE - Section 122 of the Evidence Act 2008 (Vic) - Challenges to claims for legal professional privilege - Issue waiver by reason of pleadings in third party notice - Waiver by reason of reference to internal lawyer in commercial contract - Waiver by reason of disclosure of substance of privileged communications - Waiver by reason of disclosure of selective documents - Whether vendor's privilege in documents handed over upon completion of a sale of a business without any express reservation of privilege capable of being maintained - Whether s126 can be used to compel the production of documents related to documents already produced.

EVIDENCE - Section 117 and s118 of the Evidence Act 2008 (Vic) - Challenge to claims for legal professional privilege - Whether internal lawyer had requisite independence - Whether the author or recipients of privileged documents entitled to access after they ceased employment with privilege holder.

EVIDENCE - Section 125 of the Evidence Act 2008 (Vic) - Whether documents produced in furtherance of a fraud - Meaning of 'fraud' within s125 of the Evidence Act 2008 (Vic).

Cargill Australia Ltd v Viterra Malt P/L (ACN 096 519 658) & Ors (according to the attached schedule) Cargill, Incorporated & Ors (according to the attached schedule) Viterra Malt P/L (ACN 096 519 658) & Ors (according to the attached schedule) Cargill Australia Ltd (ACN 004 684 173)

Daly AsJ

[\[2017\] VSC 126](#)

30/03/2017

TAXATION - Decision of VCAT - Application to appeal on questions of law - Determination by Commissioner on objection that exemption for primary production allowed in part - Decision by VCAT to vary Commissioner's determination so that no part of land entitled to exemption - whether jurisdiction to make decision in circumstances where taxpayer no longer dissatisfied with Commissioner's determination - onus of proof - whether any other errors of law - Land Tax Act 2005 (Vic) s65, s66, s68 - Taxation Administration Act 1997 (Vic) Part 10 - Victorian Civil and Administrative Tribunal Act 1998 (Vic) s148.

Frontlink P/L (ACN 074 034 496) v Commissioner of State Revenue

Kennedy J

[\[2017\] VSC 121](#)

27/03/2017

Common Law Division

ACCIDENT COMPENSATION - Transport accident - Benefits - Plaintiff quadriplegic - Special need for life sustaining equipment and carer - Increased rental expenses - Whether compensable - Whether costs of 'rehabilitation services', 'disability services' and/or 'medical services' - Transport Accident Act 1986 (Vic) s3(1), s60(2)(a).

D L Z (by way of litigation guardian Iskra Nikolovski) v Transport Accident Commission
Kaye JA

[\[2017\] VSC 176](#)

10/04/2017

ADMINISTRATIVE LAW - Judicial review - Decision of magistrate to refuse to refer certain documents to a medical panel pursuant to s304(b) of the Workplace Injury Rehabilitation and Compensation Act 2013 - Whether certiorari should be granted - Certiorari granted and the decision of the magistrate quashed.

Victorian WorkCover Authority v Nedelkovska, Roska and Magistrates' Court of Victoria

Macaulay J

[\[2017\] VSC 186](#)

11/04/2017

CONTRACT - Contract of employment - Enforceability of covenant in restraint of trade - Legitimate interest of employer in protecting its goodwill in its clients - Severance - Whether geographic restraint severable - Covenant severed - Balance of covenant enforceable - Whether contract of employment terminated by reason of defendant's acceptance of plaintiff's repudiatory conduct - Whether restraint of trade covenants survived termination effected by defendant's acceptance of plaintiff's repudiation of contract - Interlocutory injunction restraining defendant from providing accounting services to clients of plaintiff discharged.

Crowe Horwath (Aust) Pty Ltd (ACN 006 466 351) v Loone, Anthony

McDonald J

[\[2017\] VSC 163](#)

04/04/2017

CONTRACT - Sale of business agreement - Restraint of trade - Enforceability of covenant in restraint of trade - Legitimate interest of purchaser in protecting goodwill in business acquired - Whether restraint unreasonable - Strongly arguable that restraint unreasonable - Strongly arguable that contract should not be severed - application for injunction dismissed.

Freedom Finance Accounting P/L (ACN 600 717 100) v Goldstein, Theodore Edward & Anor (in accordance with the schedule attached)

McDonald J

[\[2017\] VSC 179](#)

10/04/2017

COSTS - Defamation - Cause of action pleaded against second defendant as publisher had no real prospect of success and summary judgment ordered - Indemnity costs - Whether plaintiff unreasonable to reject settlement offer - Interests of justice - Defamation Act 2005, s40(2)(b).

Defteros, George v Google Inc LLC and Google Australia P/L (Costs)

John Dixon J

[\[2017\] VSC 189](#)

10/04/2017

CRIMINAL LAW - Crimes mental impairment - Application for variation of custodial supervision order to non-custodial order - Application granted.

In the matter of an application for variation of a custodial supervision order to a non-custodial supervision order pursuant to s 31 of the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 (Vic) and In the matter of an application for further extended leave pursuant to s 57 of the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 (Vic) and In the matter of an application by J W H

Hollingworth J

[\[2017\] VSC 144](#)

31/03/2017

CRIMINAL LAW - Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 - Application to revoke non-custodial supervision order - Application granted.

In the matter of an application under the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 and In the matter of J F

Hollingworth J

[\[2017\] VSC 142](#)

12/04/2017

JUDICIAL REVIEW - Building Practitioners Board - Notices of inquiry into allegations against registered building practitioner - Amendments to principal Act - Abolition of Board - Transitional provisions - Whether inquiries commenced before commencement day of amending Act - Building Act 1993 s177, s178, s179, s179A, s180, s183 and s187; Building Legislation (Consumer Protection) Act 2016 s1, s2, s25, s59 and sch 8, cl 4.

STATUTES - Statutory interpretation - Amending Act - Transitional provisions - Whether inquiries commenced before commencement of new legislation - Legislative purpose - Whether interpretation would leave gap in regulation of builder's conduct - Building Act 1993 s177, s178, s179, s179A, s180, s183, s187; Building Legislation (Consumer Protection) Act 2016 s1, s2, s25, s59 and sch 8, cl 4.

Ross, Brian Douglas v Building Practitioners Board and Victorian Building Authority

Ginnane J

[\[2017\] VSC 196](#)

13/04/2017

JUDICIAL REVIEW - Discovery - Racing Integrity Commissioner's investigation report - Actual bias alleged - Documents relevant to Commissioner's investigation and decision-making - Immunity of Commissioner from being compelled to disclose decision-making process - Whether documents otherwise discoverable - Racing Act 1958 s37A, s37B, s37BA, s37C, s37E; Evidence (Miscellaneous Provisions) Act 1958 s14, s15, s16 and s21A.

PRACTICE AND PROCEDURE - Confidential exhibits - Report of Commissioner and transcript of plaintiff's interview - Whether should remain confidential - Discretionary considerations - Supreme Court (General Civil Procedure) Rules 2015 O.28 r(2)(a).

Moodie, David John v Racing Integrity Commissioner

Ginnane J

[\[2017\] VSC 175](#)

07/04/2017

JUDICIAL REVIEW - Statutory interpretation - what constitutes a 'hearing at which the order was made' for the purposes of considering an application for review made under Victorian Civil and Administrative Tribunal Act 1998 (Vic) s120.

In the matter of section 148 of the Victorian Civil and Administrative Tribunal Act 1998 (Vic) Between: Lockwood , Dean v Ecoliv Buildings P/L (ACN 142 871 850)

Zammit J

[\[2017\] VSC 109](#)

06/04/2017

PRACTICE AND PROCEDURE - Application to set aside order for substituted service - Where conditional appearance filed - Substituted Service of writ and amended statement of claim - Where defendant residing in Indonesia - Where order for substituted service set aside - Informal Service - Where informal service not confirmed - Application to set aside extension of writ - Where good reason for extending writ - Supreme Court (General Civil Procedure) Rules 2015 (Vic) r46.08, r6.10, r6.11, r7.02, r7.05, r7.09, r8.08, r2.01 - Civil Procedure Act 2010 (Vic) s4, s7, s8, s9, s10, s16.

Baz, Roxanne Stephanie v Minarto, Harry; Lo, Sioe Kiem; White Ray (Oakleigh) P/L (ACN 074 712 440) trading as Ray White Oakleigh

Ierodiaconou AsJ

[\[2017\] VSC 160](#)

31/03/2017

PRACTICE AND PROCEDURE - Case Management Conference - Progress of the Settlement Distribution Scheme - Declaration made that administration costs are reasonable - Treatment of tax liability of the interest incurred - Concern by group members regarding tax treatment of interest - Quarantining of \$750,000 for contingency risks - Court declines to intervene in outcomes of individual assessments - Application for further redaction category granted.

Matthews, Carol Ann v AusNet Electricity Services P/L (formerly SPI Electricity P/L) (ACN 064 651 118) and others according to the Schedule; AusNet Electricity Services P/L (formerly SPI Electricity P/L) (ACN 064 651 118) v ACN 060 674 580 P/L and others according to the Schedule; ACN 060 674 580 P/L v AusNet Electricity Services P/L (formerly SPI Electricity P/L) (ACN 064 651 118) and others according to the Schedule annexed to other rulings of the Court

J Forrest J

[\[2017\] VSC 187](#)

11/04/2017

PRACTICE AND PROCEDURE - General litigation restraint order - Vexatious litigant - Litigant persistently commencing and continuing vexatious proceedings - Vexatious Proceedings Act 2014 s3, s28, s29 and s30.

An application pursuant to section 28 of the Vexatious Proceedings Act 2014 Between: Attorney-General for the State of Victoria v Velissaris, George

Ginnane J

[\[2017\] VSC 161](#)

31/03/2017

PRACTICE AND PROCEDURE - Group proceeding - Manus Island - Class closure - Power to order class closure - Requiring group members to opt in to participate in mediation and further proceedings - Risk of prejudice to group members - Class closure not necessary or appropriate to ensure that justice is done in the proceeding - Civil Procedure Act 2010 s8, s9, s49 - Supreme Court Act 1986 s33ZF, s33ZG.

Kamasae, Majid Karami v Commonwealth of Australia & Ors (in accordance with the attached schedule) (No 8) (Class closure ruling)

McDonald J

[\[2017\] VSC 167](#)

05/04/2017

PRACTICE AND PROCEDURE - Judicial review - Order 56 of the Supreme Court (General Civil Procedure) Rules 2005 - Extension of time within which to commence proceeding - Special circumstances required - Lazarevic v Victoria Police [2014] VSC 497 - Extension of time granted.

ADMINISTRATIVE LAW - Judicial review - Where the applicant applies for judicial review of decisions of the respondent made pursuant to the Legal Profession Act 2004 (Vic) ('LPA') - Where disciplinary complaint made against applicant was dismissed by the respondent pursuant to s4.2.10(1)(f) of the LPA - Effect of dismissal - Whether the respondent has power to continue the complaint and investigation at a later date - Whether decision to dismiss the complaint was revoked by the respondent pursuant to s41A of the Interpretation of Legislation Act 1984 (Vic) - Whether the respondent has power to apply to the Victorian Civil and Administrative Tribunal to have the applicant dealt with on charges of professional misconduct - Legal Profession Act 2004 (Vic) s4.2.10, s4.4.7, s4.4.8 and s4.4.13.

Cahill, Francis v McGarvie, Michael Keith in his capacity as Victorian Legal Services Commissioner

Keogh J

[\[2017\] VSC 177](#)

07/04/2017

PRACTICE AND PROCEDURE - Open justice principle - Dissemination of evidence - Class containing 1905 members located in many different countries - Live streaming of evidence appropriate to ensure that justice is done in the proceeding - Supreme Court Act 1986 s33ZF - Civil Procedure Act 2010 s49.

Kamasae, Majid Karami v Commonwealth of Australia & Ors (in accordance with the attached schedule) (No 9) (Live streaming ruling)

McDonald J

[\[2017\] VSC 171](#)

07/04/2017

PRACTICE AND PROCEDURE - Summary judgment application - Whether causes of action pleaded against second defendant have any real prospect of success - Defamation proceeding - Pleadings - Whether defendant 'publisher' of any of the matters complained of - Insufficient connection with publication shown - No reasonable prospects of success - Application allowed - Civil Procedure Act 2010, s63, Supreme Court (General Civil Procedure) Rules 2015, r23.01.

Defteros, George v Google Inc LLC, Google Australia P/L

John Dixon J

[\[2017\] VSC 158](#)

04/04/2017

PRACTICE AND PROCEDURE - Vexatious litigant - Application for leave to apply to Victims of Crime Assistance Tribunal - Alleged incident of sexual abuse when applicant a child - Vexatious Proceedings Act 2014, s3, s29, s54, s55, s56 - Victims of Crime Assistance Act 1996, s29, s52, s53 and s54 - Application for leave to apply refused.

In the matter of an application under section 54 of the Vexatious Proceedings Act 2014 (Vic) Knight, Julian v Victims of Crime Assistance Tribunal

Keogh J

[\[2017\] VSC 133](#)

30/03/2017

PRACTICE AND PROCEDURE - Vexatious litigant - Application for leave to commence an action for a declaration under the Charter of Human Rights and Responsibilities Act 2006 (Vic) (the Charter) - Allegation that strip search of prison visitor breached the Charter, s10(b) - Vexatious Proceedings Act 2014 (Vic) s3, s29, s54, s55, s56 - Corrections Act 1986 (Vic) s71.

In the matter of an application for leave to commence a proceeding under s 54 of the Vexatious Proceedings Act 2014 (Vic) Knight, Julian v General Manager, HM Prison Barwon

Keogh J

[\[2017\] VSC 135](#)

31/03/2017

TORT - Negligence - Professional negligence - Insurance broker - Whether broker breached its duty to client - Whether broker's explanation was ambiguous - Adequacy of explanation and enquiries of broker to insured.

CAUSATION - Whether client misunderstood the broker's explanation - Whether further explanation would have caused client to change its instruction - Absence of evidence about counterfactual conduct.

DAMAGES - Prior settlement of dispute between insured plaintiffs and insurer - Principles relating to the assessment of damage where there has been a prior settlement.

SKM Industries P/L, Glass Recovery Services P/L v Australian Reliance P/L

Riordan J

[\[2017\] VSC 159](#)

31/03/2017

Criminal Division

CRIMINAL LAW - Bail - Charges of drug trafficking in commercial quantity and handling stolen goods - Whether exceptional circumstances demonstrated - Whether unacceptable risk - Bail refused.

In the matter of the Bail Act 1977 (Vic) and In the matter of an Application for Bail by Leo Eliades

Kaye JA

[\[2017\] VSC 164](#)

31/03/2017

CRIMINAL LAW - Murder - Compensation - Applicants are sister and three children of deceased - Sister awarded \$600,000 and three children awarded \$100,000 each, less amounts already received under Victims of Crime Assistance Act 1996 - Pain and suffering - Loss of earnings - Costs incurred in raising children - Financial circumstances of respondent - Sentencing Act 1991 s85B, s85K.

Brooks, Alison and Meade, Elizabeth Catherine and Meade, Archie and Meade, Charlotte Jenifer v Meade, Robert Arthur

Weinberg JA

[\[2017\] VSC 172](#)

06/04/2017

CRIMINAL LAW - Murder - Plea of not guilty by reason of mental impairment - Consent hearing - Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 - Defence established - Verdict recorded of not guilty because of mental impairment - Accused declared liable to supervision.

Director of Public Prosecutions [DPP] v Bailey, Stephen Patrick

Kaye JA

[\[2017\] VSC 195](#)

13/04/2017

CRIMINAL LAW - Sentence - Conspiracy to defraud the State of Victoria - Receiving secret commission - Awarding government contracts in excess of \$15M to related companies with conflict of interest - Offences occurred over seven year period - Key player - Plea of guilty - Undertaking to give evidence against co-offenders - Other mitigating circumstances - Total effective sentence 8 years with a minimum of 6 years.

The Queen v Ooi, Albert Hoe

John Dixon J

[\[2017\] VSC 157](#)

06/04/2017

CRIMINAL LAW - Sentence - Crown appeal - Sexual offending or harassment via the internet - Offences under the Criminal Code (Cth), s474.25A and s474.26 - Use of false identity - Use of social media to blackmail children into sexual activity - Total effective sentence of 30 months with 10 months pre-release period under recognisance release order ('RRO') - Whether manifestly inadequate - Individual sentences and total effective sentence low but not egregiously so - Pre-release period manifestly inadequate - Residual discretion to dismiss appeal - Tector v The Queen (2008) 186 A Crim R 133; R v Gajjar (2008) 192 A Crim R 76; DPP (Cth) v Hizhnikov [2008] VSCA 269; R v Fuller [2010] NSWCCA 192; R v Leask (2013) 236 A Crim R 1; DPP v Chatterton [2014] VSCA 1; DPP (Cth) v Walls [2014] VSCA 323; R v Engeln [2014] QCA 313; R v Tahiraj [2014] QCA 353; DPP v Watson [2016] VSCA 73; DPP (Cth) v Boyles [2016] VSCA 267, discussed.

CRIMINAL LAW - Crown appeals - Obligations on prosecution during plea in mitigation - Sentence not in excess of 3 years - RRO mandatory - Failure of prosecution to oppose disposition of RRO or likely pre-release period - Whether Director should be permitted to challenge sentences imposed - Whether amendment to ground of appeal to attack pre-release period of 10 months should be allowed - Nature of pre-release period discussed - Burden on Crown on plea not lessened by *Barbaro v The Queen* (2014) 253 CLR 58 - Obligation to explain relevance of statistics and tables of cases - *DPP (Cth) v Thomas* [2016] VSCA 237, discussed - Leave to amend refused - Appeal dismissed.

Director of Public Prosecutions [DPP] (Cth) v Haynes, Connor

Redlich, Weinberg, and McLeish JJA

[\[2017\] VSC 79](#)

06/04/2017

CRIMINAL LAW - Sentence - Intentionally causing serious injury - Intentionally causing injury - Reckless conduct endangering persons - Good prospects of rehabilitation - Delay - Family hardship - Exceptional circumstances - Sentenced to a total effective sentence of 4 years' imprisonment with a non-parole period of 2 years.

Director of Public Prosecutions [DPP] v Robertson, Michael

Hollingworth J

[\[2017\] VSC 90](#)

07/04/2017

CRIMINAL LAW - Sentence - Murder - Stabbing with knife - Spontaneous fight - Excessive self-defence - Prior convictions for violence - Offending whilst on bail and community correction orders - Mixed prospects of rehabilitation - No remorse - Sentenced to a term of imprisonment of 22 years with a non-parole period of 18 years.

The Director of Public Prosecutions [DPP] v Floyd, Julian

Hollingworth J

[\[2017\] VSC 178](#)

12/04/2017

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.

ACCIDENT COMPENSATION ACT 1985 - s134AB - Permanent severe mental or behavioural disturbance or disorder - Adjustment disorder with depressed mood - Alleged stress, discrimination, bullying and the like in the course of employment - No argument as to liability - Leave sought in relation to pain and suffering and economic loss damages - evidence of treating psychologist - Whether burden of proof discharged - Factors to be considered.

Abdelkawy v ANL Container Line Pty Ltd & Anor

[\[2017\] VCC 319](#)

Judge Bowman

30/03/2017

COMMERCIAL LAW; CAVEATS - Loan - Moneys had and received - Application for freezing order - Interim settlement agreement - Lodgement of caveat - Nature of interest - Whether interim agreement created a caveatable interest - Whether caveat valid.

Tannous and Anor v Abdo

[\[2017\] VCC 304](#)

Judge Macnamara

31/03/2017

FRANCHISE AGREEMENT - Where franchise agreement provided for airtime commission to be paid to franchisee at prescribed percentage rate - Where rate was varied by franchisor to a range of percentage rates - Whether variation was a breach of the agreement - Meaning of "prescribe".

UNCONSCIONABLE CONDUCT - Whether variation of airtime commission was unconscionable conduct by the franchisor under s20 to s22 of the Australian Consumer Law, Schedule 2 of the Competition and Consumer Act 2010 ('ACL') or the unwritten law.

PENALTY - Whether variation of airtime commission amounted to a penalty.

LACHES - Whether defendants' delay in bringing counterclaim should bar the bringing of the counterclaim either at common law or under s236 ACL.

BSB Pty Ltd v Stan Meyer Pty Ltd & Ors

[\[2017\] VCC 320](#)

Judge Marks

30/03/2017

LIMITATION OF ACTIONS - Application under s.23A - Effect of Transport Accident Act 1985 upon entitlement of plaintiff to commence proceedings - Relevance of specific and general prejudice.

Palmer v TAC

[\[2017\] VCC 259](#)

Judge Saccardo

21/03/2017

PRACTICE AND PROCEDURE - Costs - Offer of compromise by the plaintiff - “Claim to which the offer relates” - Statement of claim served with the writ included a claim based on contract - Amendment after the offer introduced a quantum meruit claim - Plaintiff succeeded at trial on both contractual and quantum meruit claims - Both claims for amounts “no less favourable to the plaintiff than the terms of the offer” - Judgment entered for the amount of the quantum meruit claim which was slightly higher - Indemnity costs ordered in accordance with Rule 26.08(2)(b) County Court Civil Procedure Rules 2008 (Vic).

Element Five Pty Ltd v. Kingsland Group Pty Ltd (No. 2)

[\[2017\] VCC 329](#)

Judge Anderson

3/4/2017

PRACTICE AND PROCEDURE - Defendant a person under a disability - Application for approval of settlement involving person under a disability - Approval of settlement by trial judge under Order 15.

United Retail Group Pty Ltd v Barbara Bogdan

[\[2017\] VCC 382](#)

Judge Cosgrave

7/4/2017

Articles

Administrative Law

Judicial review - Definition of reasonableness - Wednesbury unreasonableness - Hu and Ors v Immigration and Protection Tribunal - NZ
Rodriguez Ferrere, M. "Redefining reasonableness." [2017] (March) NZLJ 67-70.

Public law - Private law - Values - Principles - Reason - Control of power - Hong Kong
Allsop, J. "Values in law: how they influence and shape rules and application of law." [2016] LAWASIA J 125-136.

Arbitration

Farmers - Mandatory mediation - Legislation deficiencies - Varga v Commonwealth Bank of Australia - Farm Debt Mediation Act 2011 (Vic) - Victoria
Kennedy, B. "Debt and distress." (2016) 90(12) LIJ 30-33.

Constitutional Law

Grant of statehood - Commonwealth - Terms and conditions - Representation - Express limitations - Executive - Legislative authority - Constitution 1901 (Cth), s 121-122 - Northern Territory
Mildren, D. "Current constitutional and political obstacles to a grant of statehood for the Northern Territory." (2017) 91 (2) ALJ 94-101.

Parliamentary sovereignty doctrine - Prerogative authority - Territorial constitution - Pluralism - R (on the application of Miller and Dos Santos) v Secretary of State for exiting the European Union and associated references - UK
Elliott, M. "Miller and the modern British Constitution." [2017] (Mar) Counsel 24-26.

Contract Law

Documents signing electronically - Cloud based platforms - Process - Legislation requirements met - Electronic Transactions Act 1999 (Cth) - Corporations Act 2001 (Cth) s 127 - Australia
Loxton, D. "Not worth the paper they're not written on? Executing documents (including deeds) under electronic documentation platforms: part A." (2017) 91 (2) ALJ 133-152.

Corporations Law

Company directors - Personal liability - Common law - Statutory business judgment rules - Directors protection - Corporations Act 2001 (Cth), s180(2) - Australia - USA - South Africa
du Plessis, J. and J. Mathiopoulos. "Defences and relief from liability for company directors: widening protection to stimulate innovation." (2017) 31(3) Aust Jnl of Corp Law 287-318.

Director - Duty of care - Duty of diligence - Fiduciary duty - Non-fiduciary duty - Permanent Building Society Pty Ltd (in liq) v Wheeler - Australia
Buckingham, M. "A company director's duty of care and diligence: fiduciary or non-fiduciary?" (2017) 31(3) Aust Jnl of Corp Law 370-385.

Directors liability - Statutory business judgment rule - Directors protection - ASIC v Mariner - Corporations Act 2001 (Cth), s180(2) - Australia
Harris, J. and A. Hargovan. "Still a sleepy hollow? Directors' liability and the business judgment rule." (2017) 31(3) Aust Jnl of Corp Law 319-343.

Directors - Statutory duty - Care - Diligence - Cyber resilience fluency - Digital literacy - Digital disruption - Manage - Direct - Risk - Impact on business - *Palkon v Holmes* - Australia

Voogt, T. "Tall trees and digital literacy: lessons from *Palkon v Holmes*." (2017) 31(3) *Aust Jnl of Corp Law* 344-369.

Courts

Abuse victims - Facility dogs - Reduction of stress - Calming witnesses - Courts - Victoria
Derkley, K. "A case for canine counsel." (2016) 90(12) *LIJ* 21-22.

Children's Court - Independent judicial scrutiny - Best interests of the child - Reform - Carney Review - Care by Secretary orders - Family reunification orders - Permanent care orders - Children, Youth & Families (Permanent Care & Other Matters) Amendment Act 2014 (Vic) - Victoria
Ward, F. "Diminishing powers." (2017) 91(4) *LIJ* 36-39.

Criminal Law & Procedure

Adolescent family violence - Complex co-occurring problems - Legal responses - Better outcome - Support services - Accommodation - Therapeutic services - Police response - Court options
Savvas, E. and A. Jeronimus. "Troubled teens." (2017) 91(4) *LIJ* 40-43.

Adult Parole Board - Reform - Violent offenders - Sexual offenders - Community safety - Victoria
Ford, C. "Operation public confidence." (2016) 90(12) *LIJ* 15-18.

Breach of statutory duty - Corruption - Mens rea - Misconduct - Public office - UK
Gillespie, A. "Reforming misconduct in public office." [2017] (4) *Crim L R* 270-291.

Citation of authorities - Sentencing - Guidelines - UK
Harris, L. "Sentencing: *R v Thelwall (Kenneth)*." [2017] (3) *Crim L R* 240-243.

Confidential information - Disclosure - Hearings in Chambers - Individual applications - National security - Public interest - UK

Tausz, D. "Restriction of use of sensitive material: *R (on the application of Yam) v Central Criminal Court*." [2017] (3) *Crim L R* 235-237.

Convictions - Criminal records - Disclosure - Rehabilitation - France

Padfield, N. "Disclosing criminal records." [2017] (4) *Crim L R* 251-252.

Criminal procedure - Custody officers - Police detention - Police powers - Suspects - UK

Dehaghani, R. "Automatic authorisation: an exploration of the decision to detain in police custody." [2017] (3) *Crim L R* 187-202.

Death penalty - Ronald Ryan - 50th anniversary - Abolition - Victoria

Laster, K. "Remembering Ronald Ryan." (2017) 90(13) *LIJ* 19-21.

Exploitation of persons - Criminalisation - Jurisprudence - UK

Collins, J. "Exploitation of persons and the limits of the criminal law." [2017] (3) *Crim L R* 169-186.

Joint enterprise - Appeals against conviction - Criminal intent - Extension of time - Jury directions - Unsafe convictions - *R v Johnson (Lewis)* - *Jogee* - UK

Hargreaves, D. "Joint enterprise: *R v Johnson (Lewis)*." [2017] (3) *Crim L R* 216-221.

Criminal legislation - Non-fatal offences - Reform - Sentencing - Assault - Problems - Offences against the Person Act 1861 (UK) - UK

Eugenicos, A. "Should we reform the Offences against the Person Act 1861?" (2017) 81(1) *Crim L J* 26-32.

Litigation guardians - Legislative clarity - Presumption of legal capacity - Standard of capacity - Evidence of capacity - Assessing capacity - Appointing litigation guardians - Children's Court - Lack of scheme - Victoria
Mansfield, S. "Parents lacking capacity." (2017) 91(4) LIJ 32-35.

Police officers - Attacks on police officers - Victims - Resistance against law enforcement - Sentencing standards - Mitigating circumstances - Aggravating circumstances - UK - Germany
Isfen, O. and R. Rauxloh. "Police Officers as victims: sentencing standards and their justifications in England and Germany." (2017) 81(1) Crim L J 33-49.

Restorative justice - Child protection proceedings - Children - Vulnerable families - Family violence - Children's Court - Victoria
Magistrate Zemljak. "Restorative justice in the Children's Court." (2017) 91(4) LIJ 24-25.

Sentencing - Community Corrections Orders - Intrinsically punitive - Sentencing principles - Boulton v The Queen - Victoria
Venice, H. "No 'get out of jail free' card." (2016) 90(12) LIJ 38-41.

Sentencing - Statistical information - SACStat database - Victoria
Jeffreys, C. "Statistically speaking." (2016) 90(12) LIJ 34-37.

Technology - Driverless cars - Damages claims - Insurance - Design - Regulations - Vulnerable road users - Software development - Australia
Minogue, K. "Into the future: the ultimate joy ride." (2017) 90(13) LIJ 26-29.

Youth detention centres - Overcrowding - Understaffing - Punitive culture - Lack of rehabilitation - Safety - Staff - Offenders - Victoria
Derkley, K. "Trouble in 'juvie'." (2017) 91(4) LIJ 20-22.

Evidence

Appeal - Client conviction - Fresh evidence - New evidence - Miscarriage of justice - Case law principles - Victoria
Farrell, K. "New or fresh: a big difference." (2017) 90(13) LIJ 42-45 .

Evidence - Out of court - Vulnerable witnesses - Children - Cross-examination - Advocacy training - Judiciary - Legal profession - Youth Justice and Criminal Evidence Act 1999 (UK), s28 - UK
Drew, S. and L. Gibbs. "A united approach." [2017] (Mar) Counsel 30-31.

Human Rights

Immigration - Government policy - Extraterritorial detention - Processing of asylum seekers - Constitution 1901 (Cth), ss 51(xix), (xxvii) - Human rights standards - Australia
Lester, E. "Internationalising Constitutional law: an inward looking outlook." (2016) 42(2) Aust Feminist L J 321-349

Intellectual Property

Domain names - Disputes - Arbitration - Uniform Domain Name Dispute Resolution Policy - Claims procedures - Evidence - Victoria
Brown, N. "What's in a name?" (2016) 90(12) LIJ 27-29.

Jurisprudence

Rule of Law - Theory - Practice - Independent judiciary - Judicial review - Singapore
Menon, S. "The rule of law: the path to exceptionalism." [2016] LAWASIA J 115-124.

Legal Profession

Judicial legacy - Justice Susan Crennan - Collegiality - Judicial farewell speeches - Masculinist character of the law - Legal institutions - Australia

McLoughlin, K. "Collegiality is not compromise: Farewell Justice Crennan, the consensus women." (2016) 42(2) *Aust Feminist L J* 241-271.

Judiciary - Appointments - Diversity - UK
Crosse, E. "Who is to judge?" (2017) 167(7738) *NLJ* 8.

Medical Law

Donor conception laws - Donor conceived people - Information - Donors - Victoria
Johnson, L. "Anonymity and the right to know." (2016) 90(12) *LIJ* 25.

Medical treatment - Cannabis - History - Therapeutic usage - Seriously ill children - Eligible patients - Access to Medicinal Cannabis Act 2016 (Vic) - Victoria
Litleton, E. "Easing the pain." (2017) 91(4) *LIJ* 29-31.

Practice & Procedure

Alternative justice systems - Fraud - Punishment - Fixed penalty justice regulators - Regulatory administrative justice - Fraudster registers - UK
Button, M. "Fraud & punishment." (2017) 167(7737) *NLJ* 18-20.

Torts

Libel law - Media platforms - Twitter - Defamatory tweets - Serious harm - Damages - Costs - UK
"Don't get bitter on twitter." (2017) 167(7738) *NLJ* 5.

Transport accidents scheme - Serious injury - County Court - Streamlined procedures - Victoria
Lombard, M. and S. Thorn. "The gateway to serious injury." (2017) 90(13) *LIJ* 34-37.

Workers Compensation

Workplace - Sexual harassment - Compensation - Injury - Loss - Damage - Collins v Smith - Mathews v Winslow Constructors - Victoria
McCarthy, T. and S. Fitzgerald. "Increasing the tariff." (2017) 90(13) *LIJ* 30-33.

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