



THE LAW LIBRARY OF VICTORIA

Library
Bulletin
23 June 2017

Library News

Legal Luminaries and their books
Friday 7 July, 1:00pm - 2:00pm

A panel of eminent members of the legal community share their passion for books.

Held as part of Melbourne Rare Book week in the iconic Supreme Court Library - a building renowned for its spectacular architecture and influential history. This session celebrates the richness of the written word and the beauty of the book. After brief presentations from panellists, audience members will be invited to offer questions to the panel to stimulate further discussion.

Panellists:

The Honourable Justice Joseph Santamaria, *Supreme Court of Victoria, Court of Appeal*
Ms Annette Charak, *Victorian Bar*
Mr Gary Cazalet, *Melbourne Law School, University of Melbourne*

More information: <https://www.lawlibrary.vic.gov.au/services/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. The book costs \$60 and there is a \$10 discount for members of the Royal Historical Society of Victoria (RHSV).

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Finding legal abbreviations and then locating the case or article

Once you have completed your research and located relevant case or journal citation - what next?

How do you find out what the abbreviation stands for?

This can be a problem when looking for international or older law reports. There are two free online resources that can assist you:

- [Monash University Law Library's Guide to Legal Abbreviations](#)
- [Cardiff Index to Legal Abbreviations.](#)

Once you have identified the title - what next?

Look at the Law Library of Victoria's [Holdings List](#) on our website.

The Holding List is a complete list of the Supreme Court Library holdings of journals, law reports and legislation. It will indicate where they can be found in hardcopy on the shelves and if they are **available online** through the library's subscriptions.

If the title is **available online**, you can come into library and use our computers to access the databases. Bring a USB to download the document or email it to yourself for free.

If the title is available in hardcopy - bring money for photocopy machine to copy or scan.

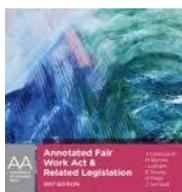
NOTE: The Library has been reorganising and moving library titles over the last six months. The Holdings List has now been updated to reflect this. If you have it saved as a pdf, please download the current version from our website.

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.



Catanzariti, Joe, *Annotated Fair Work Act & related legislation* 2017 ed., LexisNexis Butterworths, Chatswood, N.S.W., 2017
Call Number: 344.01 AUS 2017 (Supreme Court Library)



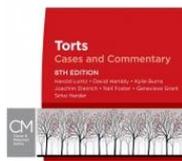
[Link to the book in the catalogue](#)



Condliffe, Peter, *Conflict management: A practical guide* 5th ed., LexisNexis Butterworths, Chatswood, N.S.W., 2016
Call Number: 303.69 CON.5 (VCAT Library)



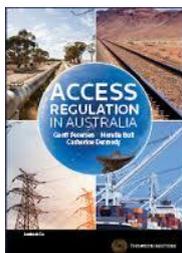
[Link to the book in the catalogue](#)



Luntz, Harold, *Torts: Cases and commentary* 8th ed., LexisNexis Butterworths, Chatswood, N.S.W., 2017
Call Number: 346.03 LUN.8 (Supreme Court Library)



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



Peterson, Geoff, *Access regulation in Australia* Thomson Reuters, Rozelle, N.S.W., 2017
Call Number 343.072 PET (Supreme Court Library)

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



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 [#argus1917](https://twitter.com/lawlibraryvic)

Legislation

Victorian Bills

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

- [Health Legislation Amendment \(Quality and Safety\) Bill 2017](#)
- [Planning and Building Legislation Amendment \(Housing Affordability and Other Matters\) Bill 2017](#)

Victorian Assents

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

- [Family Violence Protection Amendment \(Information Sharing\) Act 2017, No. 23/2017](#)
- [City of Greater Geelong Amendment Act 2017, No. 24/2017](#)
- [Sex Offenders Registration Amendment \(Miscellaneous\) Act 2017, No. 25/2017](#)

Proclamations

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

- *Judicial Commission of Victoria Act 2016* No. 16/2016
 - Part 12 Division 1 (sections 214-216) came in by forced commencement on 01 June 2017 s. 2(3)
- *Justice Legislation Amendment (Parole Reform and Other Matters) Act 2016* No. 76/2016
 - Part 3 Division 2 (sections 9-10) came in by forced commencement on 06 June 2017 s. 2(3)

High Court Cases

CONSTITUTIONAL LAW (Cth) - Courts - State courts - Federal jurisdiction - Diversity jurisdiction - Where appellant resident of New South Wales - Where appellant indicted for offence against law of Western Australia - Where matter between State and resident of another State within meaning of s75(iv) of Constitution - Where District Court of Western Australia exercising federal jurisdiction - Whether provisions of State Act picked up and applied as Commonwealth law - Whether s79 of Judiciary Act 1903 (Cth) operates in respect of s6(1)(a) of Misuse of Drugs Act 1981 (WA) - Whether s79 of Judiciary Act 1903 (Cth) operates in respect of s114(2) of Criminal Procedure Act 2004 (WA).

CRIMINAL LAW - Appeal against conviction - Where trial by jury in federal jurisdiction - Where majority verdict of guilty returned - Whether unanimous jury verdict required by s80 of Constitution - Whether majority jury verdict permitted under s114(2) of Criminal Procedure Act 2004 (WA).

WORDS AND PHRASES - "accrued jurisdiction", "diversity jurisdiction", "Federal Judicature", "federal jurisdiction", "jurisdiction", "matter", "picked up and applied", "power", "State jurisdiction", "State legislative capacity", "trial by jury". Constitution, s75(iv), s80. Criminal Procedure Act 2004 (WA), s114(2). Judiciary Act 1903 (Cth), s39(2), s79, s80. Misuse of Drugs Act 1981 (WA), s6(1)(a).

Rizeq, John v The State of Western Australia

[\[2017\] HCA 23](#)

12/06/2017

CRIMINAL LAW - Appeal against conviction - Identification evidence - Where victim's identification of accused on photoboard admitted at trial - Where police conveyed to victim that photograph of suspect would be on photoboard - Where victim had made erroneous previous identification - Whether probative value of identification evidence outweighed by unfair prejudice to accused - Whether evidence should have been excluded under s137 of Evidence Act 2008 (Vic) - Whether admission of identification evidence occasioned substantial miscarriage of justice.

WORDS AND PHRASES - "identification evidence", "probative value", "substantial miscarriage of justice", "unfair prejudice". Evidence Act 2008 (Vic), s137.

The Queen v Dickman, Glyn David

[\[2017\] HCA 24](#)

21/06/2017

CRIMINAL LAW - Appeal - Verdict unreasonable or insupportable having regard to evidence - Where appellant convicted on one count of aggravated indecent dealing with child and acquitted on two counts of aggravated indecent dealing with same child - Where appellant appealed conviction as unreasonable and inconsistent with acquittals - Whether Court of Appeal made independent assessment of sufficiency and quality of evidence in determining whether verdict unreasonable - Whether verdict unreasonable.

WORDS AND PHRASES - "unreasonable verdict".

GAX v The Queen

[\[2017\] HCA 25](#)

21/06/2017

EVIDENCE - Admissibility - Tendency evidence - Evidence Act 1995 (NSW), s97(1)(b) - Where appellant charged with 11 sexual offences against five female children aged under 16 years - Where prosecution permitted to adduce evidence of each complainant and other witnesses as tendency evidence - Where alleged tendencies identified as having sexual interest in underage girls and as using relationships to gain access to underage girls in order to engage in sexual activities with them - Whether tendency evidence required to display features of similarity with facts in issue in order to have "significant probative value" - Whether tendency evidence had "significant probative value".

WORDS AND PHRASES - "modus operandi", "pattern of conduct", "probative value", "significant probative value", "tendency evidence", "underlying unity". Evidence Act 1995 (NSW), s97(1)(b).

Hughes, Robert Lindsay v The Queen

[\[2017\] HCA 20](#)

14/06/2017

NEGLIGENCE - Duty of care - Statutory power to report abuse of child to police - Where duty of care in exercise of statutory powers conceded - Where scope or extent of duty disputed - Where primary judge found that no authority acting reasonably could regard failure to report abuse to police as reasonable exercise of statutory powers in present case - Where State conceded that only reasonable exercise of statutory powers in some cases may be to report abuse to police - Whether appropriate in light of concessions to consider scope or extent of duty - Special leave to appeal revoked.

TORT - Vicarious liability - Where State conceded vicarious liability for breach of duty of care - Where statute providing for vicarious liability of Crown not in force - Where concession may not have reflected applicable law at relevant times - Special leave to appeal revoked.

WORDS AND PHRASES - "duty of care", "scope or extent of duty", "statutory discretionary power", "vicarious liability". Child Welfare Act 1939 (NSW) - Pt XIV, s148B(5). Civil Liability Act 2002 (NSW) - s43A. Law Reform (Vicarious Liability) Act 1983 (NSW) - s8.

State of New South Wales v DC & Anor

[\[2017\] HCA 22](#)

14/06/2017

TRADE PRACTICES - Restrictive trade practices - Price fixing - Market identification - Location of market - Meaning of market "in Australia" - Where airlines competed to supply unidirectional air cargo services from ports of origin outside Australia to destination ports within Australia - Where airlines arrived at understanding to impose various surcharges and fees for supply of air cargo services - Whether market for air cargo services "in Australia" for purposes of Trade Practices Act 1974 (Cth). Trade practices - Restrictive trade practices - Price fixing - Foreign state compulsion - Where airlines contravened s45 of Trade Practices Act 1974 (Cth) - Whether conduct compelled by foreign law or foreign regulator's administrative practices.

STATUTORY INTERPRETATION - Inconsistency - Where s13(b) of Air Navigation Act 1920 (Cth) required airlines to comply with "agreement or arrangement" - Where Australia-Indonesia Air Services Agreement "agreement or arrangement" within meaning of s12(2) and s13(b) of Air Navigation Act - Where Australia-Indonesia Air Services Agreement required agreement between international airlines on minimum tariffs - Where s45 and s45A of Trade Practices Act 1974 (Cth) prohibited arriving at understandings concerning prices with competitors - Whether s12 and s13 of Air Navigation Act inconsistent with s45 and s45A of Trade Practices Act such that latter did not apply to contravening conduct.

WORDS AND PHRASES - "competition", "foreign state compulsion", "market identification", "market in Australia", "otherwise competitive with", "practically and operatively inconsistent", "price fixing", "rivalrous behaviour", "substitutability", "supply and demand". Air Navigation Act 1920 (Cth), s12, s13. Trade Practices Act 1974 (Cth), s4, s4E, s45(2), s45(3), s45A.

Air New Zealand Ltd and Australian Competition and Consumer Commission; PT Garuda Indonesia Ltd and Australian Competition and Consumer Commission

[\[2017\] HCA 21](#)

14/06/2017

Victorian Supreme Court Cases

Court of Appeal

ACCIDENT COMPENSATION - Application for leave to appeal - Application for stay - Interlocutory order of County Court - Order suspending proceedings because of refusal by worker to submit to medical examination - Whether judge erred in finding that requirement to submit to medical examination within reasonable interval and worker's refusal unreasonable - No error - Leave refused - Accident Compensation Act 1985 (Vic) s112.

PRACTICE AND PROCEDURE - Appeal - Interlocutory order of County Court - Whether appeal authorised by Accident Compensation Act 1985 (Vic) s52 or County Court Act 1958 (Vic) s74 - Whether Supreme Court Act 1986 (Vic) ss14A-14D apply - Whether 'real prospect of success' test in Supreme Court Act 1986 (Vic) s14C applies - Accident Compensation Act 1985 (Vic) s391(1) - Workplace Injury Rehabilitation and Compensation Act 2013 (Vic) s27, s627(3), s644 - Northern Health v Kuipers [2015] VSCA 172 and Metricon Homes Pty Ltd v Softley [2016] VSCA 60 referred to.

Karam, Akram v Palmone Shoes P/L

Ashley and Osborn JJA

[\[2017\] VSCA 145](#)

21/06/2017

CONTRACT - Loan agreement - Whether applicant as borrower breached agreement by failing to settle within period nominated by respondent as lender - Whether period nominated was reasonable - Whether applicant's failure to settle was for reasons beyond control of lender - Applicant not in breach and lender not entitled to terminate agreement - Appeal allowed.

CONTRACT - Construction of commercial contract - Whether amount specified for establishment fee ambiguous - Whether evidence of surrounding circumstances admissible - Amount not ambiguous.

CONTRACT - Penalties - Relevant principles - Amount claimed for establishment fee had no connection with alleged breach of contract and remained the same notwithstanding significant decrease in quantum of loan - Establishment fee constituted a penalty.

CONTRACT - Set off - Whether commitment fees paid by applicant for aborted loans must be set off against amounts claimed by respondent under a subsequent loan agreement - Set off not available.

Melbourne Linh Son Buddhist Society Inc v Gippsreal Ltd

Maxwell P, Kyrou JA, and Cameron AJA

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

23/06/2017

CRIMINAL LAW - Appeal against sentence - Crown appeal - Performance of acts preparatory to the commission of foreign incursion offences (2 charges) - Whether sentences of 44 days' imprisonment and 2 year community correction order were manifestly inadequate - Extent of rehabilitation - Relevance of delay - Relevance of general deterrence, specific deterrence, protection of the community, denunciation and just punishment - Relevance of radical beliefs in sentencing for offences not containing support for terrorism as an element of the offending - Whether judge erred in not imposing sentences that were appropriate in all the circumstances of each offence - Whether judge erred in concluding that respondent's rehabilitation was well advanced - Whether sentences imposed were wholly outside the range of permissible sentences open to the sentencing judge - Appeal dismissed - Crimes (Foreign Incursion and Recruitment) Act 1978 (Cth), s7(1)(e) - Crimes Act 1914 (Cth), s16A(1) and s17A(1).

Director of Public Prosecutions [DPP] (Cth) v El Sabsabi, Hassan

Redlich, Priest, and Beach JJA

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

23/06/2017

CRIMINAL LAW - Appeal against sentence - Reckless conduct endangering life - Respondent sentenced with conviction to serve Community Correction Order for 18 months with conditions - Whether judge erred in finding the fact that the deceased was killed was not to be taken into account in sentencing - Whether judge erred in finding the respondent lacked the appropriate appreciation of the risks - Whether sentence manifestly inadequate - Appeal dismissed - R v Toms [2006] VSCA 101; R v Lam [2006] VSCA 162 considered.

Director of Public Prosecutions [DPP] v Majok, David Daniel

Priest, Kyrou, and Kaye JJA

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

14/06/2017

CRIMINAL LAW - Appeal - Sentence - Guilty plea - Use carriage service to procure person under 16 years of age for sexual activity (1 count) - Offender interacted with covert operative posing as 14 year old girl with intention of engaging in sexual activity - Sentenced to 3 year community correction order with \$2000 fine - Whether sentence manifestly inadequate - R v Gajjar (2008) 192 A Crim R 76; DPP (Cth) v Hizhnikov (2008) 192 A Crim R 69; R v Poynder (2007) 171 A Crim R 544; R v Fuller [2010] NSWCCA 192, distinguished - Criminal Code (Cth) s474.26(1) - Appeal dismissed.

Director of Public Prosecutions [DPP] (Cth) v Singh, Vikram

Redlich, Beach, and McLeish JJA

[\[2017\] VSCA 146](#)

22/06/2017

CRIMINAL LAW - Application for leave to appeal - Conviction - Culpable driving causing death and dangerous driving causing death - Alternative offences under s318 and s319 of the Crimes Act 1958 - Application of s422A(1) of the Crimes Act 1958 - Whether judge misdirected jury as to sequence in which they should deliberate - Applicability of *Stanton v The Queen* (2003) 198 ALR 41 - Reference to 'merited criminal punishment' - *King v The Queen* (2012) 245 CLR 588 applied - Application granted - Appeal dismissed.

CRIMINAL LAW - Application for leave to appeal - Sentence - Sentence of 12 years' imprisonment with non-parole period of seven years and six months on two charges of culpable driving causing death - Whether deceased driver's conduct relevant to applicant's culpability - Whether sentence manifestly excessive - Whether fresh evidence of applicant's medical condition - Application refused.

George, Nicholas v The Queen

Ashley and Priest JJA, and Croucher AJA

[\[2017\] VSCA 152](#)

22/06/2017

CRIMINAL LAW - Application for leave to appeal - Conviction - Incest - Whether verdict unsafe and unsatisfactory - Numerous infirmities in complainant's evidence and that of key witness - Allegations of uncharged acts highly implausible - Complaint unreliable due to circumstances in which made - Appellant of good character and credible witness - Reasonable jury must have held a reasonable doubt - Whether admission of 'context' evidence was erroneous - Evidence Act 2008 s137 - Probative value did not outweigh risk of unfair prejudice - Leave granted - Appeal allowed - Judgment of acquittal entered.

CRIMINAL LAW - Appeal - Conviction - Jury empanelment - Juries Act 2000 s39 - Whether fundamental irregularity to accused's right of peremptory challenge - 'Stand and face the dock' procedure - *Theodoropoulos v The Queen* [2015] VSCA 364; *Cook v The Queen* [2016] VSCA 231; *Beqiri v The Queen* [2017] VSCA 112 considered - Solicitor's evidence of insufficient time to confer with accused - No reasonable opportunity to view prospective jurors - Fundamental irregularity in jury selection.

Daniels, Peter (a Pseudonym) v The Queen

Redlich and Priest JJA, and Croucher AJA

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

23/06/2017

CRIMINAL LAW - Application for leave to appeal - Conviction - Trafficking in a commercial quantity of cocaine - Whether guilty verdict unsafe and unsatisfactory - Whether open to jury to exclude hypothesis that applicant party to trafficking in drug other than cocaine - Leave refused.

Van, Cong Phuong v The Queen

Ashley and Priest JJA, and Croucher AJA

[\[2017\] VSCA 149](#)

22/06/2017

CRIMINAL LAW - Conviction - Application for leave to appeal - Rape and associated offences - Directed verdicts of acquittal on charges of rape and compelling sexual penetration - Whether judge erred in failing to instruct on use of evidence relating to charges subject of directed acquittal when considering remaining charges - Other misconduct evidence - Failure to give anti-propensity reasoning direction - No substantial and compelling reason to give direction - Jury Directions Act 2015 s16, s27 - Whether judge erred in not discharging jury following entries of acquittal - Whether directions on mental element of offences and consent adequate - Leave to appeal refused.

Gul, Huseyin v The Queen

Ashley and Priest JJA, and Croucher AJA

[\[2017\] VSCA 153](#)

22/06/2017

CRIMINAL LAW - Crown appeal - Sentence - Aggravated burglary, recklessly cause serious injury, theft, committing indictable offence whilst on bail - Total effective sentence four years' imprisonment with non-parole period of two years and six months - Whether sentence imposed manifestly inadequate - Whether Hogarth v The Queen (2012) 37 VR 658 required heavier sentence for confrontational aggravated burglary - Personal circumstances of accused mitigatory - Sentences arguably lenient but within range - Appeal dismissed.

Director of Public Prosecutions [DPP] v Benson, Cindy

Weinberg, Whelan, and Priest JJA

[\[2017\] VSCA 148](#)

21/06/2017

CRIMINAL LAW - Indictable offences and various summary offences - Applicant sentenced for indictable offence without arraignment or plea - Irregularity - Conviction set aside - Matter transferred to Magistrates' Court by consent of parties - Criminal Procedure Act 2009 s168.

CRIMINAL LAW - Application for leave to appeal against sentence - Reckless conduct endangering serious injury - Criminal damage - Common law assault - Aggravated burglary - Careless driving - Possession of a drug of dependence - Assault by kicking - Whether sentencing judge erred by failing to synthesise considerations relating to applicant's long-term addiction to drugs - Whether individual sentence imposed on one charge and orders for cumulation on certain charges offended the principles of totality and resulted in manifestly excessive total effective sentence and non-parole period.

Beasley, Kevin v The Queen

Osborn and Santamaria JJA, and Croucher AJA

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

22/06/2017

CRIMINAL LAW - Sentence - Appeal - Indictable offences - Related summary charges - Sentenced to imprisonment on summary charges - First offence - Sentences invalid - Appeal allowed - Appellant resentenced on summary charges - Other sentences and orders for cumulation confirmed - Appellant resentenced to 4 years and 2 months' imprisonment and fines of \$400 with non-parole period of 2 years and 6 months - Road Safety Act 1986 s49(2A)(a), s49(3AAA)(a).

Stocks, Dillon James v The Queen

Redlich, Santamaria, and Ferguson JJA

[\[2017\] VSCA 137](#)

14/06/2017

CRIMINAL LAW - Sentence - Crown appeal - Offence of doing acts in preparation for, or planning, terrorist act contrary to s101.6 of Criminal Code (Cth) - Respondent sentenced to 7 years' imprisonment with non-parole period of 5 years and 3 months - Whether sentence manifestly inadequate - Respondent 17 years old at time of offence - Guilty plea - Culpability measured by nature and extent of planned terrorist act - Serious example of offending - High moral culpability - General deterrence, denunciation and protection of community paramount sentencing considerations - Personal mitigatory factors of limited weight - Sentence manifestly inadequate - Appeal allowed - Respondent resentenced to 11 years' imprisonment with non-parole period of 8 years and 3 months - R v Lodhi (2006) 199 FLR 364 - Lodhi v The Queen (2007) 179 A Crim R 470 - Fattall v The Queen [2013] VSCA 226 - Elomar v The Queen (2014) 316 ALR 206.

Director of Public Prosecutions [DPP] (Cth) v M H K (a Pseudonym)

Warren CJ, Weinberg and Kaye JJA

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

23/06/2017

CRIMINAL LAW - Sentence - Crown appeal - One charge of burglary, two charges of theft and one charge of reckless conduct endangering life and two related summary offences - Offending included, inter alia, driving stolen vehicle at speed with victim on bonnet - Aggregate sentence imposed of 715 days' imprisonment and 2-year community correction order - 581 days of pre-sentence detention not declared - Whether sentence manifestly inadequate - Whether sentencing judge erred in failing to impose a head sentence with a non-parole period and in failing to declare pre-sentence detention - Whether sentencing judge erred in imposing an aggregate sentence - Appeal allowed - Respondent re-sentenced to total effective sentence of five years and nine months' imprisonment with non-parole period of four years.

Director of Public Prosecutions [DPP] v Rivette, Clint

Ashley and Priest JJA, and Croucher AJA

[\[2017\] VSCA 150](#)

22/06/2017

CRIMINAL LAW - Sentence - Crown appeal - One charge of having done acts in preparation for, or planning, a terrorist act contrary to s101.6 of Criminal Code 1995 (Cth) - Respondent sentenced to 10 years' imprisonment with non-parole period of 7 years' and 6 months - Whether sentencing judge erred in taking into account possibility that respondent would abandon planned attack - Whether sentencing judge erred by casting onus on Crown to prove beyond reasonable doubt that respondent had not resiled from belief in violent jihad - Whether sentence and non-parole period manifestly inadequate - Culpability of respondent measured by nature and extent of planned attack as well as proximity to commission of proposed act - General deterrence and protection of community paramount sentencing considerations - Personal mitigatory factors of limited weight - Grave example of offending - High moral culpability - Appeal allowed - Respondent resentenced to 14 years' imprisonment with non-parole period of 10 years and 6 months - Lodhi v The Queen (2007) 179 A Crim R 470 - R v Elomar (2014) 316 ALR 206 - Fattall v The Queen [2013] VSCA 276.

Director of Public Prosecutions [DPP] (Cth) v Besim, Sevdet

Warren CJ, Weinberg and Kaye JJA

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

23/06/2017

CRIMINAL LAW - Sentence - Crown appeal - Plea of not guilty - Importation of commercial quantity of methamphetamine - Two importations - First importation 4.5 times commercial quantity - Sentence of seven years' imprisonment - Second importation almost 60 times commercial quantity - Sentence of 10 years' imprisonment - Total effective sentence of 12 years' imprisonment with non-parole period of seven years - Whether sentence manifestly inadequate - Offence committed for financial gain - Need for general deterrence - Comparable cases - Sentence manifestly inadequate - Respondent resentenced to 11 years' imprisonment on the first charge and 16 years' imprisonment on the second charge - Total effective sentence of 20 years' imprisonment with non-parole period of 15 years.

Director of Public Prosecutions [DPP] (Cth) v Brown, Jared Samuel

Maxwell P, Santamaria JA, and Beale AJA

[\[2017\] VSCA 162](#)

23/06/2017

CRIMINAL LAW & PROCEDURE - Application for leave to appeal against conviction - Change of Plea - Murder - Whether trial judge erred in refusing application for leave to set aside guilty plea - Whether refusal to permit change of plea resulted in miscarriage of justice - Whether judge erred in failing to find applicant had viable defence - Whether failure to consider if there was an issuable question of guilt amounted to failure to take into account a relevant consideration - Relevance of accused's subjective belief in innocence - Application for leave to appeal refused.

Jamieson, Ian Francis v The Queen

Ashley, Osborn, and Santamaria JJA

[\[2017\] VSCA 140](#)

16/06/2017

DEEDS - Purported deed - Whether a deed fails as a contract for want of formality - Unexecuted deed capable of enforcement as a simple contract.

CONTRACTS - Sale of shares - Construction and interpretation - Identification of parties - Use of extrinsic evidence to identify parties - Use of post-contractual conduct to identify parties and existence of contract - Nature of contract - Whether concluded binding agreement or agreement to negotiate - Categories in *Masters v Cameron* considered - *Masters v Cameron* (1954) 91 CLR 353.

CONTRACTS - Remedies - Specific performance - Specific performance may be ordered of contract for sale of whole of the shares in a company.

Nurisvan Investment Ltd and FIBO Australia P/L v Anyoption Holdings Ltd

Osborn, Santamaria, and Kaye JJA

[\[2017\] VSCA 141](#)

16/06/2017

INTENTIONAL TORTS - Application for leave to appeal - Sexual assaults - Whether sufficient evidence that sexual assaults occurred - Presumption of innocence - Forensic disadvantage - Whether evidence unreliable - Delay - Motive to lie - Good character - Whether judge erred in failing to take account of issues not argued at trial - Whole of the evidence - *Briginshaw v Briginshaw* (1938) 60 CLR 336 referred to - Proposed grounds of appeal having no real prospect of success - Application for leave to appeal refused - Evidence Act 2008, s140.

F F F v B B B

Priest and Beach JJA, and Keogh AJA

[\[2017\] VSCA 156](#)

23/06/2017

PRACTICE AND PROCEDURE - Application for a stay pending application for special leave to appeal to High Court - Application for a stay of enforcement of costs orders - Application for a stay of taxation of bills of costs - High Court special leave applications alleging fraud - Whether special circumstances justifying a stay demonstrated - Insufficient prospects of obtaining special leave - Application for stay refused.

Giles, Virginia v Jeffrey, David and Curnow, Thomas

Whelan JA and Beach JA

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

20/06/2017

PRACTICE AND PROCEDURE - Application that leave to appeal not be taken to be abandoned - Failure to file leave application book by due date - Proposed expedited listing inconvenient and withdrawn - Subsequent misunderstanding as to due date for filing leave application book - Whether any prejudice might later be compensated by an appropriate order for costs and interest - Supreme Court (General Civil Procedure) Rules 2015 r64.45?64.46

Jambere P/L (ACN 164 765 520); Ritchie, Janine Michelle and Thompson, David Ian v Body in Balance Chiropractic P/L (ABN 120 371 897) and Beaumont, Bianca Jane

Tate JA, Whelan JA, and Kyrou JA

[\[2017\] VSCA 143](#)

19/06/2017

PRACTICE AND PROCEDURE - Claim of negligence and breach of retainer against solicitor - Trial 'on liability alone' conducted before judge - Judge found negligence and breach of retainer claims made out - Plaintiff not in position to provide full particulars of loss and damage before trial judge - Damages trial conducted before associate judge - Whether judge determined causation - Whether trial before associate judge therefore limited to quantification of loss.

PRACTICE AND PROCEDURE - Statement of claim said to identify alternative causation cases - Outline of evidence filed by applicant supported 'no transaction case' alone - Whether judge erred in requiring applicant to 'elect' between causation cases - Applicant bound by case that she chose to run - Application for leave to appeal refused.

Kambouris, Polyxeni (also known as Jenny Kambouris) v Kiatos, Con

Maxwell P, Beach and McLeish JJA

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

14/06/2017

PRACTICE AND PROCEDURE - Stay of proceedings - Exclusive jurisdiction clause - Where parties seek to enforce exclusive jurisdiction clause in agreement to which they are not party - Where party to agreement seeks to enforce exclusive jurisdiction clause even though not a party to the proceeding - Construction and interpretation of exclusive jurisdiction clause - Application of foreign law - No relevant error identified in judge's exercise of discretion to refuse stay, *House v The King* (1926) 55 CLR 499 - Application for leave to appeal granted, appeal dismissed - *Global Partners Fund Ltd v Babcock & Brown Ltd (in liq) & Ors* (2010) 79 ACSR 383 considered. ***Royal Bank of Scotland PLC and RBS Equity Corporation v Babcock & Brown DIF III Global Co-Investment Fund LP; DIF III GP Limited; Babcock & Brown International P/L (ACN 108 617 483); Babcock & Brown LP; DIF Capital Partners Ltd (ACN 101 611 438); Topfer, Robert Neil; Green, Phillip Hartley; Neilson, Fergus John; Nicholson, Harry; Officer, Robert Rupert; Talintyre, Berenice; Umbrecht, Richard; Spin Holdco Inc and Babcock & Brown Investment Holdings P/L. And Between: Babcock & Brown Investment Holdings P/L; Babcock & Brown International P/L (ACN 108 617 483); BBLP LLC and Babcock & Brown DIF III Global Co-Investment Fund LP; DIF III GP Limited; DIF Capital Partners Ltd (ACN 101 611 438); Topfer, Robert Neil; Green, Phillip Hartley; Neilson, Fergus John; Nicholson, Harry; Officer, Robert Rupert; Umbrecht, Richard; Spin Holdco Inc; The Royal Bank of Scotland PLC and RBS Equity Corporation***

Maxwell P, Whelan and Santamaria JJA

[\[2017\] VSCA 138](#)

15/06/2017

PRIVATE INTERNATIONAL LAW - Application for a permanent stay of proceeding under the Trans-Tasman Proceedings Act 2010 (Cth) - Exclusive choice of court agreement - Agreement not between the parties to the proceeding - Miscarriage of the discretion to determine that a New Zealand court is the more appropriate forum to determine the matters in issue - Application for leave to appeal granted - Appeal allowed - *Re Douglas Webber Events Pty Ltd* (2014) 291 FLR 173 considered - Trans-Tasman Proceedings Act 2010 s17, s19, s20.

Australian Gourmet Pastes P/L (ABN 137 941 185) v IAG New Zealand Ltd

Tate JA, Santamaria JA, and Beach JA

[\[2017\] VSCA 155](#)

23/06/2017

TRADE PRACTICES - Misleading or deceptive conduct - Sale of goods - Representations - Reliance - Oral representations as to suitability of seeds - Whether representations made - Whether relied on - Findings of fact - No error - Appeal dismissed - Trade Practices Act 1974 (Cth) s52, s53(c).

Fairbank's Selected Seed Co P/L v Amar Produce P/L

Maxwell P, Whelan and Santamaria JJA

[\[2017\] VSCA 139](#)

16/06/2017

VALUATION AND COMPULSORY ACQUISITION - Appeal - Application for leave to appeal from decision of trial judge on appeal on questions of law from Victorian Civil and Administrative Tribunal - Compensation for compulsory acquisition of land - Partial acquisition - Claim for loss of market value - Whether claim was in substance a claim for injurious affection - Whether 'before and after' assessment of market value made in accordance with s41(3) of Land Acquisition and Compensation Act 1986 - Chief Executive, Department of Transport and Main Roads v Cidneo Pty Ltd (2015) 207 LGERA 448 distinguished - Whether events subsequent to date of acquisition relevant to assessment of market value under s41(3) - Housing Commission of New South Wales v Falconer [1981] 1 NSWLR 547 considered; Brisbane City Council v Mio Art Pty Ltd [2012] 2 Qd R 1 approved - Whether cap on solatium in s44 assessed under s41(3) or s41(1)(a) of the Land Acquisition and Compensation Act 1986 - Application for leave to appeal allowed - Appeal dismissed.

Secretary to the Department of Economic Development, Jobs, Transport & Resources v Avid Property Group Nominees P/L (Formerly CRG Nominees P/L)

Osborn and McLeish JJA, Cameron AJA

[\[2017\] VSCA 136](#)

14/06/2017

ACCIDENT COMPENSATION - Transport accident - Benefits - Catastrophic injuries - Ventilator-dependent quadriplegic - Need for life sustaining equipment and 24 hour care - Need for premises to house equipment and carer - Increased rental expenses - Whether compensable - Whether need for larger premises or increased rent is a 'medical service', 'disability service' and/or 'rehabilitation service' - Transport Accident Act 1986, s3(1), s60(2)(a), s60(4) and s60(7).

STATUTORY INTERPRETATION - Text - Context - Legislative purpose - Examples - Interpretation of Legislation Act 1984, s35(a), s36(3A) and s36A(1).

WORDS AND PHRASES - Medical service - Disability service - Rehabilitation service - Transport Accident Act 1986, s3(1).

D L Z (by his litigation guardian Iskra Nikolovski) v Transport Accident Commission

Osborn, Priest, and Beach JJA

[\[2017\] VSCA 134](#)

14/06/2017

Commercial Court

CONTRACT - Construction and interpretation of contracts - Construction of a Priority Deed which provides for priority to apply until a 'freezing order is fully discharged' - Freezing order discharged - Whether priority continues to apply where relevant payment not made.

EQUITY - Equitable remedies - Rectification - Whether the Priority Deed should be rectified so that the relevant priority continues to apply where the relevant amount has not been paid. **Bob Jane Corporation P/L (ACN 005 870 431) and another (according to the schedule attached) v DSG Legal P/L (ACN 132 836 616) and another (according to the schedule attached)**

Kennedy J

[\[2017\] VSC 297](#)

19/06/2017

CONTRACT - Orders sought to enforce Deed of Settlement - Whether appropriate to use summary enforcement procedure by action in the original proceeding - Construction of Deed - Whether appropriate to grant specific performance - Whether default provision a penalty.

Fuji Xerox Australia P/L (ACN 000 341 819) v Xtream P/L (ACN 100 183 766); Thoi, Cuong Vinh and Thoi, Tri

Kennedy J

[\[2017\] VSC 333](#)

21/06/2017

CORPORATIONS - Whether statutory demand defective - Whether to set aside defective statutory demand - Corporations Act 2001 (Cth), s459J(1) - Vary statutory demand to remove interest component - Corporations Act 2001 (Cth), s459H(4) - Whether a genuine dispute.

United Petroleum P/L (ACN 085 779 255) v McGrathNicol Advisory Partnership (ABN 34 824 776 937)

Efthim AsJ

[\[2017\] VSC 239](#)

05/05/2017

COSTS - Application for payment out of funds in court - Competing equitable interests in the proceeds of the sale of land - General rule that successful litigant should receive their costs - Costs wasted by plaintiff - Calderbank offer - Whether rejecting offer was unreasonable in the circumstances - Whether circumstances warrant a costs order.

Morris Finance Ltd (ACN 083 630 139) v Commonwealth Bank of Australia (ACN 123 123 124) (and others according to the schedule attached)

Derham AsJ

[\[2017\] VSC 348](#)

19/06/2017

COSTS - Liquidators not parties - Whether costs orders should be made against liquidators personally - no exceptional circumstances - Supreme Court Act 1986 (Vic) s24.

United Petroleum P/L (ACN 085 779 255) v Coad, Thomas; Duin, Vicki Dianne; Bonnie View Petroleum P/L (in liquidation) (ACN 110 006 052) and Van Breugel, Anthony Craig (No 2)

Kennedy J

[\[2017\] VSC 334](#)

22/06/2017

LANDLORD AND TENANT - Construction of market rent review provisions - Nature and purpose of market rent review provisions - Applicable principles of construction - Relationship between different provisions of a lease (including market rent review provisions and percentage rent review provisions) - Australian Broadcasting Commission v Australian Performing Right Association Ltd (1973) 129 CLR 99 - Electricity Generation Corporation v Woodside Energy Ltd (2014) 251 CLR 640 - Mount Bruce Mining Pty Ltd v Wright Prospecting Pty Ltd (2015) 256 CLR 104 - Growthpoint Properties Australia Ltd v Australian Pacific Airports (Melbourne) Pty Ltd [2014] VSC 556 - Ecosse Property Holdings Pty Ltd v Gee Dee Nominees Pty Ltd (2017) 91 ALJR 486.

Point Cook Community Entertainment Facility P/L (ACN 123 118 187) v Geelong Football Club Ltd (ACN 005 150 818)

Croft J

[\[2017\] VSC 313](#)

09/06/2017

PRACTICE AND PROCEDURE - Security for costs - Where reason to believe that plaintiffs have insufficient assets - Discretionary considerations - Voluntary assumption of risk - Presence of an individual as co-plaintiff - Security for costs ordered - Appropriate amount of security to be ordered - Where payment of security delayed until after mediation - Supreme Court (General Civil Procedure) Rules 2015, r62.02(1) - Corporations Act 2001 (Cth) s1335(1).

Between: Raventhorpe P/L (ACN 078 287 500) v Westpac Banking Corporation (ABN 33 007 457 141) And Between: Tomlak P/L (ACN 091 502 644); Butera, Gregory and Westpac Banking Corporation (ABN 33 007 457 141)

Matthews JR

[\[2017\] VSC 362](#)

23/06/2017

PRIVILEGE - Whether client legal privilege attaches to emails sent between solicitors, client and third party - Evidence Act 2008 (Vic) s117, s118, s119 - Documents privileged - Circumstances indicating confidentiality - R v Sharp (2003) 143 A Crim R 344, applied.

Slea P/L (ABN 16 081 276 811) v Connective Services P/L (ACN 107 366 496), Connective Osn P/L (ACN 106 761 326), Millsave Holdings P/L (ACN 115 160 097), Connective Group P/L (ACN 162 397 060), Connective Broker Services P/L (ACN 161 731 111), Connective Lender Services P/L (ACN 161 731 460), Connective Funder Services P/L (ACN 161 732 645), Connective Group IP Holdings (No 1) P/L (ACN 165 282 084), Connective Group IP Holdings (No 2) P/L (ACN 165 281 925) and Haron, Mark Seamus.

Almond J

[\[2017\] VSC 361](#)

22/06/2017

Common Law Division

ADMINISTRATIVE LAW - Judicial review - Certiorari - Magistrates' Court of Victoria - Application for permanent stay of summary proceedings - Whether error on the face of the record - Contents of the record of the Magistrates' Court - Principles to be applied on application for permanent stay of proceeding - Whether prosecution foredoomed to fail - Allegation of evidence illegally obtained.

Giurina, Ermanno v Director of Public Prosecutions [DPP] (on behalf of Detective Senior Constable Anna Louise McIlroy) and The Magistrates' Court of Victoria

Riordan J

[\[2017\] VSC 289](#)

26/05/2017

APPEAL - Appeal from decision of Magistrate under s109 Magistrates Court Act 1989 (Vic) - No error of law disclosed - Subject matter jurisdiction - Magistrates Court General Civil Procedure Rules 2010 (Vic) - Pleadings - Function of Pleadings - Whether case was outside the pleadings - No procedural error - Alleged failure to indorse statement of claim - Apprehended bias application - Obligation of counsel on making apprehended bias application - Appeal dismissed.

Kuek, Gabriel v Phillips, Julie

J Forrest J

[\[2017\] VSC 332](#)

21/06/2017

APPEALS - Appeal from Magistrates' Court on question of law - Whether reasons given by Magistrate were adequate - Whether path of reasoning disclosed - Whether evidence properly considered - Competing versions of evidence - Reasons adequate.

Remanet P/L v Georgescu, Georghe and Sapunar, Florea

Ierodiamonou AsJ

[\[2017\] VSC 367](#)

23/06/2017

CONTRACT - Construction - Consultancy and management agreement - Agreement terminated prior to completion of property development project - Whether consultant entitled to 20% of net profit arising on sale of property - Entitlement to 20% net profit contingent on completion of project - Entitlement of consultant to be paid at agreed hourly rate for Services performed up to the date of termination - Contractual definition of Services - Whether evidence supports hourly amount claimed.

TORT - Negligence - Concurrent duties in contract and tort - Whether failure to advise of electricity substation constituted breach of duty - Whether failure to advise caused loss and damage.

REAL PROPERTY - Caveats - Application for removal of caveat - Whether amounts owing pursuant to consultancy and management agreement were secured by a charge over property - Whether the charge constituted a caveatable interest - Whether caveat lodged without reasonable cause.

Sim Development P/L (ACN 165 339 524) v Greenvale Property Group P/L (ACN 159 975 498). And Between: Greenvale Property Group P/L (ACN 159 975 498) and Sim Development P/L (ACN 165 339 524) & Anor (according to the schedule); And Between: Greenvale Property Group P/L (ACN 159 975 498) and Sim Development P/L (ACN 165 339 524) and The Registrar of Titles

Sifris J

[\[2017\] VSC 335](#)

16/06/2017

CRIMINAL LAW - Crimes mental impairment - Further major review of custodial supervision order - Intellectual disability and bipolar affective disorder - Whether safety of the reviewee or members of the public would be seriously endangered as a result of release - Custodial supervision order confirmed - Further review ordered in 5 years' time - Crimes (Mental Impairment and Unfitness to be Tried) Act, s35, s39 and s40.

In the matter of the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 (Vic) and In the matter of a major review of Brown, Joseph (a Pseudonym)

Hollingworth J

[\[2017\] VSC 325](#)

14/06/2017

CONTRACT - Partly oral and partly implied loan agreement - Whether the agreement included terms for the payment of interest - When the first demand of payment occurred - Statutory interest pursuant to Supreme Court Act 1986 s58.

Poulakos, Andria v Katiforis, Steven Efstathios

Emerton J

[\[2017\] VSC 287](#)

08/06/2017

CORONERS COURT - Appeal - Appellant convicted of murder - Coroner's decision not to hold an inquest - Whether an error of law - Whether necessary or desirable in the interests of justice to allow appeal - Coroners Act 2008 s1, s6, s7, s8, s52(3)(b),(c), s67, s69, s87, s87A.

Glascott, John Thomas v Coroners Court of Victoria

Ginnane J

[\[2017\] VSC 328](#)

09/06/2017

COSTS - Application for costs of compliance with subpoena to produce documents - Claim for public interest immunity over documents - Claim for public interest immunity sustained over parts of the document - Application for costs of making and prosecuting the public interest immunity objection - Application that costs be taxed immediately.

Charan, Atkinson Prakash v Nationwide News P/L

J Forrest J

[\[2017\] VSC 331](#)

16/06/2017

COSTS - Application for grant of leave to discontinue proceedings against third party with no order as to costs - Exercise of discretion as to costs - Liability of defendant for costs of third party where claim not pursued - Civil Procedure Act 2010 (Vic) - Supreme Court (General Civil Procedure) Rules 2015 (Vic).

A S by her litigation guardian Arthur, Marie Theresa and Minister for Immigration and Border Protection, Commonwealth of Australia and International Health And Medical Services P/L (ABN 40 073 811 131), Serco Australia P/L (ABN 44 003 677 352)

J Forrest J

[\[2017\] VSC 300](#)

09/06/2017

CRIMINAL LAW - Crimes mental impairment - Further major review of custodial supervision order - Intellectual disability and bipolar affective disorder - Whether safety of the reviewee or members of the public would be seriously endangered as a result of release - Custodial supervision order confirmed - Further review ordered in 5 years' time - Crimes (Mental Impairment and Unfitness to be Tried) Act, s35, s39 and s40.

In the matter of the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 (Vic) and In the matter of a major review of Brown, Joseph (a Pseudonym)

Hollingworth J

[\[2017\] VSC 325](#)

14/06/2017

EVIDENCE - Defamation trial - Admissibility and use of documents - Cross examination of plaintiff - Evidence Act 2008, s44, s69, s106, s136.

Wilson, Rebel Melanie Elizabeth v Bauer Media P/L & Anor (Ruling No 4)

John Dixon J

[\[2017\] VSC 354](#)

21/06/2017

EVIDENCE - Expert evidence - Admissibility of expert evidence - Relevance Defendants' characterisation of plaintiff's evidence not open to the jury - Leave refused.

PRACTICE AND PROCEDURE - Pleadings - Defamation - Amendment of defence on eve of trial - Whether proposed amendments futile - Whether prejudice to plaintiff - Civil Procedure Act 2010 (Vic) s65G.

Wilson, Rebel Melanie Elizabeth v Bauer Media P/L & Anor (Ruling No 1)

John Dixon J

[\[2017\] VSC 302](#)

30/05/2017

EVIDENCE - Expert evidence - Admissibility of expert evidence - Relevance - Defendants' characterisation of plaintiff's evidence not open to the jury - Leave refused.

Wilson, Rebel Melanie Elizabeth v Bauer Media P/L & Anor (Ruling No 2)

John Dixon J

[\[2017\] VSC 303](#)

30/05/2017

EVIDENCE - Expert evidence - Plaintiffs application to rely on the evidence of a consultant psychiatrist - Admissibility - Relevance - Whether s79 of the Evidence Act 2008 complied with - Non-compliance with O. 44 of the Supreme Court (General Civil Procedure) Rules 2015 - No substantial prejudice to defendants - Evidence Act 2008, s55, s56, s76, s79.

Certain Children by their litigation guardian Arthur, Sister Marie Brigid v Minister for Families and Children & Ors (Ruling No 2)

John Dixon J

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

05/04/2017

EVIDENCE - Expert evidence - Relevance - Admissibility - Whether risk of undue waste of time substantially outweighs probative value - Evidence Act 2008, s55, s56, s76, s79, s135.

Wilson, Rebel Melanie Elizabeth v Bauer Media P/L & Anor (Ruling No 7)

John Dixon J

[\[2017\] VSC 357](#)

20/06/2017

FAMILY PROVISION - Where testatrix made limited provision for adult stepdaughter - Where moral duty to plaintiff conceded - Where quantum of further provision in dispute - Justice Legislation Amendment (Succession and Surrogacy) Act 2014 - Administration and Probate Act 1958, Part IV - McKenzie v Topp [2004] VSC 90.

In the matter of the will of Williams, Margaret Mary, deceased. Smith, Elizabeth Ruth v Thwaites, Alan Keith (as executor of the estate of Margaret Mary Williams, deceased)

McMillan J

[\[2017\] VSC 365](#)

23/06/2017

JUDICIAL REVIEW - Appeal from the Building Appeals Board - Certiorari sought to quash Building Appeals Board determinations upholding a Building Surveyor's determinations under s87 of the Building Act 1993 in relation to protection works proposals - Jurisdictional error - Remitter sought under s149(1) of Building Act 1993 - Protection works notices under s84 of the Building Act 1993, invalidated by reason of an earlier notice under s84 being in train - Error as a consequence of a misconception by the Building Surveyor of his statutory function - Building Regulations 2006 - Building Regulation 607 - Failure by the Building Appeals Board to seriously consider submissions - Alternatively failure to give adequate reasons for rejection of submissions.

Colonial Range P/L (ACN 070 855 220) v CES-Queen (Vic) P/L (ACN 153 232 663); Akritidis, Ari (in his capacity as relevant building surveyor); The Building Appeals Board (constituted by a Panel comprising Stephen Lodge, Rebecca Cameron and Joe Zita) and Coutts, Gerard (in his capacity as Chairperson of the Building Appeals Board)

Digby J

[\[2017\] VSC 317](#)

05/06/2017

JUDICIAL REVIEW - Costs - Orders sought in joint memorandum made by Court - Decision of Magistrate quashed - Plaintiff's application for costs against Magistrates' Court of Victoria - Reliance on grounds additional to those on which the consent orders were based - Application refused.

Swabbs, Robin v Magistrates' Court of Victoria; Chief Commissioner of Police and Symons, Tracy

Ginnane J

[\[2017\] VSC 339](#)

20/06/2017

JUDICIAL REVIEW - Failure to consider a relevant matter in making an administrative decision - Whether council failed to have regard to significant evidence relevant to its statutory function to make an administrative decision - Failure to give adequate reasons for an administrative decision - Whether council met the requisite standard of written reasons.

STATUTORY DUTIES OF LOCAL GOVERNMENT BODIES - Building work precautions - Protection of the public - Respective roles of building surveyor and council under Building Regulations 2006 including Building Regulation 604 - Whether councils must have regard to public safety under Building Regulations 2006, Building Regulation 604(4) - Whether councils must have regard to the objects and purposes of Local Government Act 1989 s3C - Interaction of Building Act 1993 and Local Government Act 1989.

JUDICIAL REVIEW - Order in the nature of certiorari quashing a tribunal's decision - Whether the tribunal must be differently constituted after its initial decision is quashed - Practicality and expense of reconstituting tribunal - Perception of a fair hearing.

Colonial Range P/L (ACN 070 855 220) v CES-Queen (Vic) P/L (ACN 153 232 663) ; City of Melbourne; The Building Appeals Board (constituted by a Panel comprising Stephen Lodge, Rebecca Cameron and Joe Zita) and Coutts, Gerard (in his capacity as Chairperson of the Building Appeals Board)

Digby J

[\[2017\] VSC 256](#)

05/06/2017

NATURAL JUSTICE - Rule against bias - Reasonable apprehension of bias - Private building surveyor appointed under Building Act - Application by appointor for demolition permit - Notification process - Disagreement by adjoining owner about appropriate protection work - Statutory procedure for determination of appropriate work by surveyor - Surveyor's 'advice' to appointor about permit process - Whether reasonable grounds for apprehension of bias - Legal and statutory and factual context of decision making.

DISCOVERY - Pre action discovery from prospective defendant - Beneficence of rule - Condition to be satisfied that applicant 'has reasonable cause to believe' it may have the right to obtain relief in the Court' - 'May have' - Objective test on the evidence - Inadequacy of mere assertion or suspicion or conjecture - Apprehension that private building surveyor was not impartial in performing statutory functions - Whether apprehension of bias is reasonably based - Discovery sought to reveal communications with permit applicant - Application refused.

Colonial Range P/L v Akritidis, Aristidis

Mukhtar AsJ

[\[2017\] VSC 337](#)

15/06/2017

NEGLIGENCE - Personal injury - Negligence of employer - Injuries allegedly sustained in the course of employment - Whether claims in respect of injuries to be treated as one claim or multiple claims - Bell Radiology (A Firm) v McGraw (Unreported, Victorian Court of Appeal, 7 February 1996) - Karatzidis v Victorian Railways Commissioners [1971] VR 360, followed.

LIMITATION OF ACTIONS - Whether time begins to run from first injury or cessation of employment - Cause of action complete upon first compensable injury being suffered - Plaintiff out of time - Whether extension of time should be granted - Limitation of Actions Act 1958 (Vic) s23A - Relevant factors - Extension of time appropriate in this case.

Drew, Kevin v Patricks Stevedores Holdings Pty Ltd

Ierodiaconou AsJ

[\[2017\] VSC 352](#)

19/06/2017

PLANNING & ENVIRONMENT - Application for leave to appeal and appeal from the Victorian Civil and Administrative Tribunal under Victorian Civil and Administrative Tribunal Act 1998 s148 - Permit application - Whether the proposed development was a 'place of worship' under the Frankston Planning Scheme - Leave to appeal granted - Appeal allowed.

RSSB Australia P/L (ACN 091 518 820) v Ross, Barry and Frankston City Council

Emerton J

[\[2017\] VSC 314](#)

08/06/2017

PLANNING & ENVIRONMENT - Application for leave to appeal and appeal from the Victorian Civil and Administrative Tribunal - Whether Tribunal's decision not to conduct a further hearing and hear evidence from permit applicant's expert witness constituted a denial of procedural fairness - Appeal allowed - Tribunal's Order set aside and proceeding remitted to the Tribunal differently constituted - Victorian Civil and Administrative Tribunal Act 1998, s98, s102, s148.

Gurner 57 Johnston Street Developments P/L (ACN 606 523 835) v Yarra City Council and G & M Caminiti P/L (ACN 073 521 141) and Wardlaw, John and Duffy, Jane

Emerton J

[\[2017\] VSC 290](#)

08/06/2017

PRACTICE AND PROCEDURE - Application by plaintiff to suppress publication of financial benefits received from film contracts during trial of the proceeding - Whether commercially confidential - Application opposed by media parties - Discretionary considerations - Open Courts Act 2013, s7, s13, s18(1)(a), s20.

Wilson, Rebel Melanie Elizabeth v Bauer Media P/L & Anor (Ruling No 5)

John Dixon J

[\[2017\] VSC 355](#)

21/06/2017

PRACTICE AND PROCEDURE - Case management conference - Progress of the Settlement Distribution Scheme - Retainer of KPMG expert witness - Approval of settlement administration costs - Update on tax liability of interest incurred - Court declines to intervene in outcomes of individual assessments - Court to take into account feedback from group members in relation to assessment process.

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 (Ruling No 46)

J Forrest J

[\[2017\] VSC 360](#)

22/06/2017

PRACTICE AND PROCEDURE - Discovery - Application of Orders 33 and 44 of Supreme Court (General Civil Procedure) Rules 2015 (Vic) - Application of s119, s122(2) and s126 of the Evidence Act 2008 (Vic) - Whether notes of conference between medical expert and solicitor constitute a report - whether notes of conference are required to be provided - Client legal privilege - Whether privilege waived or lost.

Pierides, Jamie (a minor who sues by his Litigation Guardian Emile Pierides) v Monash Health (formerly known as Southern Health)

Clayton JR

[\[2017\] VSC 342](#)

16/06/2017

PRACTICE AND PROCEDURE - Discovery - Plaintiff seeks damages for allegedly negligent advice relating to an investment in the 2006 tax year - Application by defendant for discovery of plaintiff's taxation returns for the following ten years - Whether relevant - Held to be relevant to the plaintiff's counterfactual given that relevant loan agreements had terms of ten years - Supreme Court (General Civil Procedure) Rules 2015 r29.01.1.

PRACTICE AND PROCEDURE - Whether prior leave or consent is required to redact for relevance - Held no - Octagon Inc v Hewitt & anor (No 2) [2011] VSC 373 applied.

Braham, Simon v ACN 101 482 580 P/L (ACN 101 482 580); Romad Financial Services; McCleod Deutsch, Rory and Ludekens, Dr Andrew

Lansdowne AsJ

[\[2017\] VSC 340](#)

15/06/2017

PRACTICE AND PROCEDURE - Interrogatories - Rule 30.12 of Supreme Court (General Civil Procedure) Rules 2015 (Vic) - Non-compliance with orders - Delay - Usefulness of interrogatories - Missing document - Potential vacation of trial date - Application allowed.

Pierides, Jamie (a minor who sues by his Litigation Guardian Emile Pierides) v Monash Health (formerly known as Southern Health)

Clayton JR

[\[2017\] VSC 326](#)

09/06/2017

PRACTICE AND PROCEDURE - Trial Preparation - Disagreement as to estimate and scope of issues at trial - Plaintiffs' application for an urgent trial date - Whether trial ready to proceed - Trial date set.

Certain Children by their litigation guardian Arthur, Sister Marie Brigid v Minister for Families and Children & Ors (Ruling No 1)

John Dixon J

[\[2017\] VSC 153](#)

20/02/2017

PRACTICE AND PROCEDURE - Witnesses - Application to take evidence by video link - Requirement to make out a case for such an order to be made - What the interests of justice require in a particular case - Evidence (Miscellaneous Provisions) Act 1958, s42E.

Wilson, Rebel Melanie Elizabeth v Bauer Media P/L & Anor (Ruling No 3)

John Dixon J

[\[2017\] VSC 311](#)

31/05/2017

PROBATE - Application for revocation of grant of probate - Where applicants required to file particulars of grounds of objection - Where applicants delayed in making application - Whether amended grounds of objection establish a prima facie case - *Re Kouvakas; Lucas v Konakas* [2014] NSWSC 786 - *Ridges v Watson* (Unreported, Supreme Court of New South Wales, Powell J, 1 May 1992).

In the matter of the will and estate of Anderson, Lorna Louise, deceased. Between: Hill, Antony Christopher v Rowan, Annette Lee and Hartigan, Susan

McMillan J

[\[2017\] VSC 338](#)

16/06/2017

PROCEEDS OF CRIME - Application for variation of examination order in relation to restrained property - Whether current order invalid - Identification of subject matter - Section 180 of Proceeds of Crime Act 2002 (Cth) - Definition of 'affairs' pursuant to section 338 of Proceeds of Crime Act 2002 (Cth) - Scope and purpose of examination orders - Discretionary considerations.

Zhimin, Guo v Commissioner of the Australian Federal Police

J Forrest J

[\[2017\] VSC 269](#)

15/06/2017

SUCCESSION - Wills - Construction of will - Whether 'grandchildren' included step-grandchildren - Where phrase 'such of my grandchildren' found to include step-grandchildren - Equivocations - Whether phrase 'grandchildren' is an equivocation - *Hill v Crook* (1873) LR 6 HL 265 - *Fell v Fell* (1922) 31 CLR 268 - *Perrin v Morgan* [1943] AC 399

In the matter of the will and estate of Staughton, Janice Elizabeth, deceased and In the matter of an application pursuant to r54.02 of the Supreme Court (General Civil Procedure) Rules 2015 for the determination of a question arising in the administration of the estate. Grant, William Wallace; Grant, Caitlyn Louise (by their litigation guardian, Annette Louise Grant) and Annette Louise Grant (as the representative of James Grant and Christopher Grant) v McMillan, Neil (both as executor of the will and estate of Staughton, Janice Elizabeth, deceased, and as executor of the will and estate of Staughton, Richard Barrett, deceased) and Staughton, Nigel William (as the representative of Jordan Kate Bartlett and Matthew David Bartlett)

McMillan J

[\[2017\] VSC 359](#)

22/06/2017

WILLS AND ESTATES - Executor's commission - Executor seeks commission at 3 per cent on gross value of estate - Administration and Probate Act 1958, s65 - Supreme Court (Administration and Probate) Rules 2004, Order 10 - Applicable principles - Whether delay in appointment as executor and delay connected with a Part IV proceeding should affect an award of executor's commission.

In the matter of the Will and Estate of Mountney, Samuel Layland, deceased. Application by: Mountney, Lorraine Joan

Derham AsJ

[\[2017\] VSC 364](#)

23/06/2017

WILLS AND PROBATE - Application for rectification of will or revocation of probate - Wills Act 1997 (Vic), s31 - Will of the deceased created testamentary trust - Whether evidence that the testator's intention was not properly expressed in the will - Whether evidence goes to deliberations or conclusions about the content of the will - Applications refused.

In the matter of the Will and Estate of Dyer, Ada Margaret, deceased and In the matter of an application pursuant to Section 31 of the Wills Act 1997. Dyer, Colin Peter (in his capacity as the Executor of the Will and Estate of the abovenamed deceased) v Dyer, Hope Elizabeth

Ierodionou AsJ

[\[2017\] VSC 341](#)

16/06/2017

Criminal Division

CRIMINAL LAW - Evidence - Husband charged with murder of wife - Prosecution case wholly circumstantial - Evidence of family dispute leading to separation, deceased's fear of accused, accused's threats to kill or harm deceased or parents or sons made to her, accused's threats to kill or harm deceased or parents or sons made to others, state of marriage pre-separation, granting of intervention order against accused and accused's distribution of pornographic video allegedly depicting deceased - Whether admissible - Whether 'relationship evidence' - Whether relevant to motive of accused to commit and actual fact of crime - Whether probative value outweighed by danger of unfair prejudice to accused - Representations by deceased (an unavailable witness) to family and friends about conduct and threats of accused - Whether admissible as original evidence or as exception to hearsay rule - Whether contemporaneous representations about feelings and state of mind of deceased - Whether made when or shortly after asserted facts occurred and in circumstances making fabrication unlikely - Whether made in circumstances making reliability highly probable - Evidence Act 2008 (Vic) s55(1), s56(1), s59(1), s65(2)(a) and (b), s66A, s135 and s137.

Director of Public Prosecutions [DPP] v Paulino, Fernando Manuel (Ruling No 1)

Bell J

[\[2017\] VSC 343](#)

16/06/2017

CRIMINAL LAW - Proceeding for prosecution of indictable offence of murder - Prosecution case wholly circumstantial - Identity of killer the principal issue - DNA evidence linking accused to killing ruled inadmissible and excluded - No other evidence of such a link - Proposed interlocutory appeal against ruling by prosecution - Whether certification should be granted - Whether inadmissibility and exclusion of evidence would substantially weaken prosecution case - Criminal Procedure Act 2009 (Vic) s295(3)(a).

Director of Public Prosecutions [DPP] v Paulino, Fernando Manuel (Ruling No 5)

Bell J

[\[2017\] VSC 347](#)

16/06/2017

CRIMINAL LAW - Sentence - Armed robbery - Attempted armed robbery - Reckless conduct endangering life - Guilty plea - Long history of criminal offending - Youth at the time of offending - Willingness to facilitate the course of justice - Substantially improved prospects of rehabilitation - Genuine remorse - Serious mental health concerns - Sentenced to aggregate of 18 years and two months with minimum of 14 years and two months - 1832 days pre-sentence detention.

The Queen v Pecotic, Christopher

T Forrest J

[\[2017\] VSC 330](#)

14/06/2017

CRIMINAL LAW - Sentencing - Manslaughter by beating victim to death with punches and kicks - Contravening a family violence intervention order intending to cause harm or fear for safety by assault, including hitting victim's feet with hammer and dragging by her hair - Domestic violence - Male killing of female partner in own home - Circumstances of offending involving uncontrolled anger, aggression and rage - Heavy impact of crimes on victim's three children, parents and others - Plea of guilty and sincere remorse - Severe example of crime of manslaughter - Serious example of crime of contravening family violence protection order in specified manner - Importance of denunciation and specific and general deterrence - Application of sentencing principles in cases of domestic violence involving homicide - Right of women to dignity, personal autonomy and physical and emotional integrity and to be free from fear of physical or mental harm - Protective and educative purposes of the law and principles of sentencing - Crimes Act 1958 (Vic) s5, Family Violence Protection Act 2008 (Vic) s1, s123A(2), Sentencing Act 1991 (Vic) s5(1)(b)-(d) and s6AAA(2).

Director of Public Prosecutions [DPP] v Turner, Justin Garry

Bell J

[\[2017\] VSC 358](#)

23/06/2017

CRIMINAL LAW - Trial by jury of charge of murder by husband of wife - Identity of killer the sole issue - Evidence - Admissibility and exclusion - Preliminary ruling - DNA evidence of biological material in motor vehicle of accused - Whether connected accused with killing - Two indicative tests revealed that material might be blood - Subsequent confirmatory tests either not done or were negative for blood - Whether indicative tests relevant to any fact in issue - Whether could support a finding by jury that material was blood and of the deceased - Whether such a finding would be purely speculative - Whether DNA evidence should be excluded because its probative weight was outweighed by danger of unfair prejudice to accused - Evidence Act 2008 (Vic) s55(1), s56(2) and s137.

Director of Public Prosecutions [DPP] v Paulino, Fernando Manuel (Ruling No 2)

Bell J

[\[2017\] VSC 344](#)

16/06/2017

CRIMINAL LAW - Trial by jury of charge of murder by husband of wife - Identity of killer the sole issue - Evidence - Admissibility and exclusion - Preliminary ruling - Whether DNA evidence connected accused to the killing - Whether relevant to fact in issue - Whether innocent explanations existed for presence of DNA of deceased on items connected with accused - Whether reasonable bases existed for preferring inculpatory explanations of prosecution over exculpatory explanations of defence - Whether preferring prosecution explanation would be purely speculative - Whether DNA evidence should be excluded because its probative weight was outweighed by danger of unfair prejudice to accused - Evidence Act 2008 (Vic) s55(1), s56(2) and s137.

Director of Public Prosecutions [DPP] v Paulino, Fernando Manuel (Ruling No 3)

Bell J

[\[2017\] VSC 345](#)

16/06/2017

CRIMINAL LAW - Trial of accused on charge of murder - Prosecution case wholly circumstantial - Admissibility and exclusion of evidence - CCTV footage and related photographs of motor vehicle - Footage and photographs of low and very low quality and varying limited content - Relevance to opportunity of accused to commit crime and identity of killer - Evidence of vehicle examiner identifying vehicle by viewing footage and photographs - Whether proper expert evidence - Whether examiner had specialised knowledge based on training, study and experience - Whether examiner's evidence based on that knowledge - Whether examiner's identification of vehicle was admissible or that issue was wholly a matter for jury based on its own viewing - Whether footage and photographs of sufficient quality and content to allow identification of vehicle - Whether taken in overall circumstantial case footage and photographs were capable of supporting finding that vehicle belonged to accused - Whether probative value of evidence outweighed by danger of unfair prejudice to accused - Evidence Act 2008 (Vic) s55(1), s56(2), s79(1) and s137.

Director of Public Prosecutions [DPP] v Paulino, Fernando Manuel (Ruling No 4)

Bell J

[\[2017\] VSC 346](#)

16/06/2017

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.

CONTRACT - Insurance policy - Whether the defendant breached its contractual obligations under the policy.

Fenton v AIA Australia Ltd (formerly American International Assurance Company (Australia) Ltd)

[\[2017\] VCC 438](#)

Judge Kings

26/05/2017

RETAINER TO ACT AS SOLICITOR - Misleading or deceptive conduct - Damages for loss of opportunity.

Bacash and Aureus April Pty Ltd v Nelson and Blackney

[\[2017\] VCC 714](#)

Judge Lewitan

09/06/2017

STATUTORY CONSTRUCTION - Construction Industry Long Service Leave Act 1997 (Vic) - Where long service leave charge required to be paid in respect of every worker employed by the employer to perform construction work in the construction industry for the purposes of the Act and the Construction Industry Long Service Leave Rules - Whether employer was substantially engaged in the principal construction industry or the allied construction industry - Whether work done was maintenance or routine repairs of a minor nature.

Coinvest Ltd v Celsius Corporate Services Pty Ltd

[\[2017\] VCC 796](#)

Judge Marks

20/06/2017

Magistrates' Court of Victoria Cases

CRIMINAL.

Terence Amador v Minh Tran

[\[2017\] VMC 11](#)

Magistrate MacCallum

04/04/2017

WORKCOVER.

Pfeiffer v Belgravia Health and Leisure Group

[\[2017\] VMC 10](#)

Magistrate Ginnane

16/06/2017

Articles

Listed below are selected articles indexed by the Library from journals added to our collection over the last two weeks.

Members of the Judiciary and Court staff please contact your Court Librarian if you require copies. Members of the Legal Profession and the public can view the journals in the Supreme Court Library.

Arbitration

International - Investor state arbitration - Commonwealth of Australia - Free trade agreements - Power Rental OP Co Australia LLC v Forge Group Power Pty Ltd (in liq) (receivers and managers appointed) - Australia
Williams, E. "Turbines tussle may test free trade agreement." (2017) 37(5) Proctor 20-22.

Banking Law

Electronic payments systems - Peer-to-peer electronic cash system - Bitcoin - Ethereum - Smart contracts - Australia
Timmerman, T. and M. Thomas. "Ethereum: more than the new bitcoin." (2017) 37(5) Proctor 26-27.

Constitutional Law

Constitution - Implications - Usage of powers - Fixed Term Parliaments Act 2011 (UK) - UK
Parpworth, N. "Plus ca change?" (2017) 167(7747) NLJ 14-15.

Constitutional case law - Courts - Historical events - Normative choices - Judicial decisions - Continuity with the past - Israel - Australia
Barak-Erez, D. "History and memory in constitutional adjudication." (2017) 45(1) Fed L Rev 1-16.

Corporations Law

Corporate criminal liability - Crime prevention - Deferred prosecution agreements - Commercial organisations - Bribery - Prevention - Financial crime Fraud - Tax evasion - UK
Wells, C. "Corporate failure to prevent economic crime - a proposal." (2017) (6) Crim L R 426-439.

Courts

Appeals - Coroners - Powers - Duties - Death - Death in custody - Investigations - Inquests - Right to life - UK
Thornton, P. "Death investigation: a look at recent Coroner law." (2017) (6) Crim L R 440-457.

Criminal Law & Procedure

Adolescence - Young adulthood - Delinquency - Personal control - Social control - Australia
Curcio, A.e.al. "Predictors of delinquency among adolescents and young adults: a new psychosocial control perspective." (2017) 50(2) A & NZ J Crim 155-175.

Counter terrorist financing - Financial Action Task Force - Soft law instruments - Implementation - Australia
Goldbarsht, D. "Who's the legislator anyway? How the FATF'S global norms reshape Australian counter terrorism financing laws." (2017) 45(1) Fed L Rev 127-151.

Criminal proceedings - Judicial review - Reconsideration - Right of appeal - Without merit applications - UK

Rich, B. and P. von Berg. "One strike and you are out? Judicial review of criminal matters and interpretation of the procedural rule on "totally without merit"." (2017) (6) Crim L R 458-470.

Proportionality - Sentencing - Reduction - Imprisonment - Deterrence - Incapacitation - Criminal Justice Act 1991 (UK), s142 - UK

Ashworth, A. "Prisons, proportionality and recent penal history." (2017) 80(3) MLR 473-488.

Employment Law

Occupational health and safety - Law reform - Harmonisation of laws - Work health and safety regulators - Inspectorate resources - Functions - Activities - Decision making - Inter-Governmental Agreement for Regulatory and Operational Reform in Occupational Health Safety (the IGA) - Australia

Bluff, E. and R. Johnstone. "Supporting and enforcing compliance with Australia's harmonised WHS laws." (2017) 30(1) AJLL 30-57.

Family Law

Disclosure - Financial proceedings - Consequences - Non-Disclosure - Stanford v Stanford - Hall v Hall - Australia

Kopsen, H. and R. Carroll. "The importance of full and frank disclosure in family law financial proceedings and the many consequences of non-disclosure." (2017) 45(1) Fed L Rev 97-125.

Islam - Mahr - Dual registration of marriage - Divorce - Comparative law - Mohamed v Mohamed - Australia - Egypt - Turkey

Black, A. "Adaptions of Islamic family law for the Australian context." (2017) 30(3) AJFL 159-179.

Post-separation - Parenting disputes - Compulsory - Family dispute resolution - Exemption - Family violence - Best practice - Australia

Dobinson, S. and R. Gray. "A review of the literature on family dispute resolution and family violence: identifying best practice and research objectives for the next 10 years." (2017) 30(3) AJFL 180-204.

Human Rights

Unconscious direct discrimination - Unconscious adverse action - Unlawful - Psychological research - Board of Bendigo Regional Institute of Technical and Further Education v Barclay - Australia

Meagher, L. "Australian courts' approaches to unconscious direct discrimination and adverse action." (2017) 30(1) AJLL 1-29.

Insurance Law

Insurance fraud - Cash for crash - Offenders - Motivation - Profile - UK

Button, M. et al. "Just about everybody doing the business? explaining 'cash for crash' insurance fraud in the United Kingdom." (2017) 50(2) A & NZ J Crim 176-194.

Legal Profession

Lawyers - Good fame - Good character - Admission - Australia

Dal Pont, G. "Famous for the wrong reasons." (2017) 44(5) Brief 6.

Medical Law

Complaints - Medical practitioner - Fitness to practice - General Medical Council - Medical regulation - Medical Practitioners Tribunal - UK

Chamberlain, J. "Malpractice, criminality and medical regulation: reforming the role of the GMC in fitness to practise plan." (2017) 25(1) Med L Rev 1-22.

Health research - Liminality - Regulation - Confidentiality - Consent - Scotland - UK
Laurie, G. "Liminality and the limits of law in health research regulation: what are we missing in the spaces in between?" (2017) 25(1) Med L Rev 47-72.

Surrogacy - Cross-border reproductive care - Assisted reproduction - Egg donation - Payments - Legal parentage - Australia
Jackson, E.e.a. "Learning from cross-border reproduction." (2017) 25(1) Med L Rev 23-46.

Trade Practices

Consumer protection - Privacy - Personal information - Data protection - Data security breaches - Comparative law - Federal Trade Commission Act 1914 (USA) - Privacy Act 1988 (Cth) - Australia - USA
Corones, S. and J. Davis. "Protecting consumer privacy and data security: regulatory challenges and potential future directions." (2017) 45(1) Fed L Rev 65-95.

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 www.lawlibrary.vic.gov.au



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- 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

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- 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.
- Library news and events

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

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