



THE LAW LIBRARY OF VICTORIA

Library
Bulletin
21 July 2017

Library News

Switch On... in the Law Library: Using Twitter for legal research
Tuesday 15 August, 1:15pm - 1:45pm

Come along to our August session to find out who and how to follow the right people and organisations on Twitter, to keep up with the latest judgments, legal information, and disruption and innovation going on in the legal industry.

Lyrical Lunchtimes in August
Thursday 17 August, 1:15pm - 2:15pm

The Law Library of Victoria and Bottled Snail 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. All are welcome, entry is free, no need to register. Take a seat or simply wander the beautiful surrounds and enjoy the music.

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).

Contents

Victorian legislation	3
New Books	4
Legislation	5
High Court Cases	6
Victorian Supreme Court Cases	7
Court of Appeal	7
Commercial Court	10
Common Law Division	11
Costs Court	12
Criminal Division	12
County Court of Victoria Cases	14
Magistrates' Court of Victoria Cases	15
Articles	16
Contract Law	16
Courts	16
Equity	16
International Law	17
Jurisprudence	17
Legal Profession	17
Legal Systems	17
Practice & Procedure	17
Succession Law	18
Trade Practices	18

Victorian legislation

Online and Hardcopy & Current and Historic

ONLINE

Australian legislation is always going to be available on the relevant government website and free to access. Some state jurisdictions have online legislation as the authorised version and this is the case for Victoria. The online version is also going to be the most current version as it incorporates recent amending Acts.

For Victoria the authorised site is Victorian Legislation and Parliamentary Documents <http://www.legislation.vic.gov.au/>.

On the Victoria Law Today tab, look for an Act or Statutory Rule by title or search.



Historic versions are available at the bottom of individual Act page - Click on Show Version History. Up to nine online Versions may be produced before a hardcopy Reprint of an Act is published. This is why the online version of legislation is always the most up to date. Online versions on Victoria Law Today began after 1997. The historic legislation is useful to identify the law at it was at a particular point in time.

HARDCOPY

The green hardcopy reprints of Victorian legislation are printed and sent to subscribers. The Law Library of Victoria has the current reprints on the Ground Floor in Room 19 of the Supreme Court Library. Always check the reprint date on the front cover for the currency of the printing date and included amendments. **Remember that the online version will be current and authorised.**

The Law Library of Victoria has a collection of previous reprints in hardcopy. These are located on Level Three in Room E. Some of these Acts date back to the 1970's.

For example, if you need the definition of a particular crime in the Crimes Act 1958 (Vic) as it was in 1972, there are hardcopy reprints of this Act held from 1969 onwards. There is Reprint in 1970 and 1973.

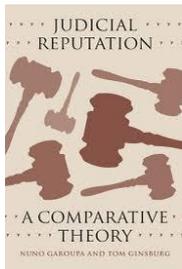
Contact the Library staff if you have any queries.

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.

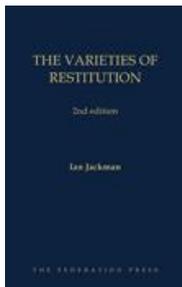


Garupa, Nuno and Ginsburg, Tom, *Judicial Reputation: a comparative theory*

The University of Chicago Press, Chicago, 2015

Call number: 347.014 GAR (County Court Library)

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

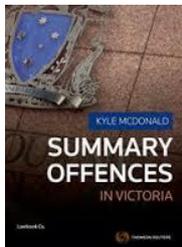


Jackman, Ian, *The varieties of restitution*

2nd ed., Federation Press, Annandale, N.S.W., 2017

Call number: 346.029 JAC.2 (Supreme Court Library)

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

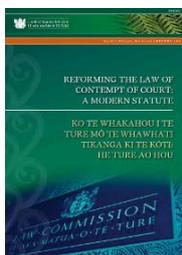


McDonald, Kyle, *Summary offences in Victoria*

Thomson Reuters (Professional) Australia, Pyrmont, N.S.W., 2017

Call number: 345.02 MCD (Supreme Court Library)

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



New Zealand Law Commission, *Reforming the law of contempt of court: a modern statute*

Law Commission, Wellington, 2017

Call number: LRC 93 R140 (Supreme Court 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

No Victorian Act proclamations have been made since the last Library Bulletin.

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

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

No High Court cases were delivered this fortnight.

Victorian Supreme Court Cases

Court of Appeal

CONTRACT - Application for leave to appeal - Employer and employee - Findings by judge that employer engaged in repudiatory conduct and that repudiation of contract accepted by employee - Whether judge erred by finding that particular conduct of employer breached terms of contract - Whether any ground had real prospect of success - Leave to appeal refused.

CONTRACT - Application for leave to appeal - Employer and employee - Restraint of trade clause - Termination of contract by employee's acceptance of employer's repudiatory conduct - Whether judge correct to find that employer not able to rely upon restraint clause in circumstances - Whether grounds had real prospect of success - Leave to appeal granted on all but one ground - Appeal dismissed.

PRACTICE AND PROCEDURE - Appeal - Whether applicant advanced arguments not raised at trial - Whether applicant should be allowed to raise new case on appeal - *Whisprun Pty Ltd v Dixon* (2003) 77 ALJR 1598 applied.

Crowe Horwath (Aust) P/L v Loone, Anthony

Ashley, Priest, and Beach JJA

[\[2017\] VSCA 181](#)

07/07/2017

CONTRACTS - Construction and Interpretation of Contracts - Respondent's mobile phone stolen while overseas - Theft was part of fraud - SIM card removed from phone and used for multiple international calls and SMSs using call forwarding - Applicant claimed Respondent owed \$34,945 for international roaming charges - International roaming not standard service under contract and had to be activated before use - Whether obligation to pay for international roaming services encompassed obligation to pay for calls constituted by call forwarding or diversion services - Fees and charges for international roaming to be read in context of contract - Contract imposed obligation to pay for calls on international roaming when customer's mobile phone used - SIM card used rather than phone - No obligation to pay - Appeal dismissed.

Business Service Brokers P/L v Beveridge, Kim Anthony

Santamaria and Ferguson JJA

[\[2017\] VSCA 184](#)

14/07/2017

CRIMINAL LAW - Application for leave to appeal against conviction - Applicant convicted of indecent assault - Whether trial judge erred in allowing prior statements made by complainant to be put to complainant in re-examination - Whether trial judge erred in admitting prior consistent statements of complainant through police informant - Whether trial miscarried due to prosecutor impugning credit of applicant's wife in closing address - Evidence Act 2008 s39, s108(3) - Leave to appeal refused.

Jaensch, Hans Anton v Director of Public Prosecutions [DPP]

Santamaria JA

[\[2017\] VSCA 192](#)

20/07/2017

CRIMINAL LAW - Application for leave to appeal against sentence - One charge of engaging in sexual intercourse with child outside Australia - One charge of engaging in sexual activity with child outside Australia - One charge of producing child pornography material outside Australia - One charge of knowingly possessing child pornography - Sentence of 5 years and 3 months' imprisonment - Whether sentences imposed on two charges manifestly excessive - Criminal Code Act 1995 (Cth) s272.8, s272.9 - *Assheton v The Queen* (2002) 132 A Crim R 237, *R v ONA* (2009) 24 VR 197, *R v Wicks* [2005] NSWCCA 409 considered - Leave to appeal refused.

Merrill, Elliott (a Pseudonym) v The Queen

Santamaria JA

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

20/07/2017

CRIMINAL LAW - Application for leave to appeal against sentence - One charge of intentionally causing serious injury - One charge of knowingly possessing child pornography - Sentence of 9 years' imprisonment with non-parole period of 6 years and 3 months - Whether sentence manifestly excessive - Effect of current sentencing practices on sentence - *DPP (Cth) v Brown* [2017] VSCA 162 - *Nash v The Queen* (2013) 40 VR 134, *Tasevski v The Queen* [2014] VSCA 135, *Webster v The Queen* [2016] VSCA 329, *May-Jordan v The Queen* [2017] VSCA 30 considered - Leave to appeal refused.

Ranger, Ty v The Queen

Santamaria JA

[\[2017\] VSCA 191](#)

20/07/2017

CRIMINAL LAW - Application for leave to appeal against sentence - One charge of trafficking in drug of dependence - One charge of possession of substance, material, documents or equipment for trafficking in drug of dependence - Sentence of 12 months' imprisonment and 2 year community correction order - Effect of timing of plea of guilty on sentence - Where plea of guilty entered at third committal mention - Where relevant period of trafficking disputed - Whether total sentence manifestly excessive - *Haddara v The Queen* [2016] VSCA 168 considered - Leave to appeal refused.

Kolovouris, Christos v The Queen

Santamaria JA

[\[2017\] VSCA 190](#)

20/07/2017

PRACTICE AND PROCEDURE - Application for continuation of stay of order pending special leave application - Whether substantial prospect that special leave to appeal will be granted - Balance of convenience - Where applicant has not questioned validity of security granted by it or events of default under security entitling mortgagee to exercise right of possession - Where applicant unable to pay money into court - Application dismissed.

Beton Pumping Group P/L (subject to a deed of company arrangement) v Zoomlion Capital (Australia) P/L (No 2)

Whelan and Santamaria JJA

[\[2017\] VSCA 185](#)

13/07/2017

PRACTICE AND PROCEDURE - Application for stay of judgment for delivery up of equipment - Where judgment given summarily - Where applicant mortgagor owes money to respondent mortgagee under chattel mortgages - Where mortgagee exercised right of repossession of equipment the subject of security - Where mortgagor seeks to hold mortgagee out of its rights to repossession based on set-off and counterclaim - Where mortgagor required to pay into court amount of outstanding mortgage debt as condition of stay - Where mortgagor unable to pay money into court - Longreach Family Living Pty Ltd v South Eastern Secured Investments Ltd [2009] VSC 499 applied - Application dismissed.

Beton Pumping Group P/L (subject to a deed of company arrangement) v Zoomlion Capital (Australia) P/L

Whelan and Santamaria JJA

[\[2017\] VSCA 183](#)

12/07/2017

PRACTICE AND PROCEDURE - Whether power in r9.09 of Supreme Court (General Civil Procedure) Rules 2015 to make a substitution order is discretionary - Relevance of Civil Procedure Act 2010 to exercise of Court's power under r9.09 - Power in r9.09 to make a substitution order to be exercised consistently with entitlement provided for by s29 of Administration and Probate Act 1958 - Absent 'disentitling circumstances' order should be made.

Culve Engineering P/L (ACN 004 794 825); Tena Denham Nominees P/L (ACN 005 247 709) and Cerrato, Sandra ((in her capacity as executrix of the deceased estate of Rocco Cerrato) v Apollo General Engineering (Aust) P/L (In Liquidation) (ACN 005 232 119); Jess, Matthew James and Burness, Paul Andrew

Whelan and Ferguson JJA

[\[2017\] VSCA 182](#)

11/07/2017

PROCEDURE - Abuse of Process - Applicant created as vehicle for bringing class actions against listed corporations - Applicant held shares in respondent purchased for less than \$1000 - Applicant not concerned with being compensated for loss nor with bring the proceedings for the benefit of the group members - Applicant sought to profit through orders for payment to it for acting as representative plaintiff and funding litigation - Proceeding stayed by trial judge as abuse of process because predominant purpose for bringing proceeding to gain collateral advantage that was improper - Proceedings are designed to redress wrongs - Relief applicant sought not for that purpose but to gain benefit of ancillary orders - Such relief 'outside the scope of the remedy' as discussed in the authorities - Appeal dismissed - Williams v Spautz (1992) 174 CLR 509, Goldsmith v Sperrings Ltd [1977] 1 WLR 478, Dowling v Colonial Mutual Life Assurance Society Ltd (1915) 20 CLR 509, Campbells Cash and Carry Pty Ltd v Fostif Pty Ltd (2006) 229 CLR 386, Farey v National Australia Bank Ltd [2016] FCA 340, Treasury Wine Estates Limited v Melbourne City Investments Pty Ltd (2014) 45 VR 585, Melbourne City Investments Pty Ltd v Leighton Holdings Limited [2015] VSCA 235 considered - Supreme Court Act 1986 s33V, s33ZF.

Melbourne City Investments P/L v Myer Holdings Ltd

Osborn, Whelan, and Ferguson JJA

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

20/07/2017

Commercial Court

CORPORATIONS - Corporations Act 2001 (Cth) - Statutory demand - Application pursuant to s459G to set aside statutory demand - Building contracts - Payment claim - Payment certificate - Debt due and payable for the purposes of the statutory demand - Relevance of the Building and Construction Industry Security of Payment Act 2002 (Vic) - Whether debt was required to be due and payable for the periods set out in s459F or whether sufficient that due and payable at the date of service of statutory demand.

In the matter of 289 Grange Road Developments P/L (ACN 604 659 047) 289 Grange Road Developments P/L (ACN 604 659 047) v Dalle Projects P/L (ACN 147 573 948). And: In the matter of 11 Mitchells Lane Developments P/L (ACN 604 931 919) 11 Mitchells Lane Developments P/L (ACN 604 931 919) v Dalle Projects P/L (ACN 147 573 948)

Randall AsJ

[\[2017\] VSC 409](#)

17/07/2017

CORPORATIONS - External administration - Application by liquidator for remuneration - Prima facie case for remuneration and expenses established - Quantum of remuneration - Remuneration for work in connection with sale of properties - Whether claim for expenses should include the GST payable on those expenses - IMO Traditional Values Management Limited (in liq) [2012] VSC 650 (14 December 2012) - Thackray v Gunns Plantations (2011) 85 ACSR 144 - Deputy Commissioner of Taxation v Starpicket Pty Ltd (No 2) [2013] FCA 699 - Corporations Act 2001 (Vic), s473.

Commissioner of State Revenue v Aohai P/L (ACN 151 602 970)

Matthews JR

[\[2017\] VSC 414](#)

21/07/2017

PRACTICE AND PROCEDURE - Appeal from associate judge - Application by mortgagees for summary judgment - Judgment for possession granted at first instance - Whether defence has real prospect of success - Proposed defence that loan was unconscionable - Whether unconscionability requires moral obloquy on the part of the lenders - Asset based lending - Appeal allowed - Civil Procedure Act 2010 (Vic), s61, s63, s64 - Supreme Court Act (General Civil Procedure) Rules 2015 (Vic), r22.03, r77.06, r77.06.1, r77.06.9.

Stubbings, Jeffrey William v Jams 2 P/L (ACN 600 173 117) & Ors

Elliott J

[\[2017\] VSC 404](#)

17/07/2017

Common Law Division

APPEAL - Refusal by Associate Justice to make direction for production of supplementary expert report - Decision not attended by legal, factual or discretionary error - Appeal dismissed - Supreme Court (General Civil Procedure) Rules 2015 r34.01, r77.06.

Gorman and Kelly Commercial Real Estate P/L (ACN 063 958 449); Gorman and Kelly Commercial Property Management P/L (ACN 085 622 975) v Peluso, Sandro; Brjzovsky, Jesse

McDonald J

[\[2017\] VSC 387](#)

21/07/2017

CONTRACT - Sale of business agreement - Restraint of trade - Enforceability of covenant in restraint of trade - Whether restraint reasonable - Application for interlocutory injunction granted.

Southern Cross Computer Systems P/L (ACN 005 770 598) and Ingenio Group P/L (ACN 610 396 748) v Palmer, Christopher Anthony; Faithfull, Jamie and Jakimoski, Zoran

McDonald J

[\[2017\] VSC 412](#)

27/06/2017

JUDICIAL REVIEW - Decision of Building Appeals Board upholding City of Stonnington's refusal to consent to a proposed development not complying with reg 414 of the Building Regulations 2006 (Vic) - Whether the Board's decision was attended by jurisdictional error by reason of taking into account an irrelevant consideration - Application for judicial review dismissed - s1, s4, s188A Building Act 1993 (Vic) - regs 101, 414, 416 Building Regulations 2006 - order 56 Supreme Court (General Civil Procedure) Rules 2015 (Vic).

Anderson, John Raymond; Anderson, Demitra v Building Appeals Board; City of Stonnington

McDonald J

[\[2017\] VSC 415](#)

21/07/2017

PRACTICE AND PROCEDURE - Self-represented litigant - Application for leave to amend pleadings - Application to vacate trial date - Whether in the interests of justice - Case management principles - Civil Procedure Act 2010 (Vic) s7 and s8 - Aon Risk Services v Australian National University (2009) 239 CLR 175 referred to - delay - Djime v Le [2016] VSCA 105 referred to - Supreme Court (General Civil Procedure) Rules 2015 (Vic) r2.04(1), O13 and r39.05(4).

Hingst, David v Construction Engineering (Aust) P/L (ABN 62 392 781 199)

Clayton JR

[\[2017\] VSC 407](#)

14/07/2017

Costs Court

CIVIL PROCEDURE - Whether breach of sections 19, 20, 21, 22, 23, 24, 25 of Civil Procedure Act 2010 (Vic) - Overarching obligations - Unfounded allegations - Conduct causing undue delay and expense - Review invoked to prevent or delay taxation of costs - Unmeritorious issues raised.

Mathieson Nominees P/L; Mathieson, Ian v AJH Lawyers P/L t/a AJH Lawyers Barristers & Solicitors

Efthim AsJ

[\[2017\] VSC 377](#)

27/06/2017

Criminal Division

CONTEMPT - Respondent refused to answer questions put by the Chief Examiner - Whether respondent had a reasonable excuse for refusing to answer questions - Respondent's fear for his safety based upon potential for court to order the release of restricted evidence without giving proper consideration to his safety concerns - No reasonable excuse for refusing to answer questions - Major Crime (Investigative Powers) Act 2004 s1, s36, s37, s38, s43, s43A, s49.

The Queen (on the application of the Chief Examiner) v D A (a Pseudonym) (No 2)

McDonald J

[\[2017\] VSC 221](#)

01/05/2017

CRIMINAL LAW - Application for bail - Charges of culpable driving causing death and related offences - Charged with further offences arising out of separate incidents including affray and assault while on bail - Applicant in 'show cause situation', having been charged with indictable offence while on bail - Whether 'unacceptable risk' of failing to answer bail and of committing further offences while on bail and of endangering safety and welfare of members of public - Bail refused - Bail Act 1977 s4(a) and (d).

In the matter of the Bail Act 1977 (Vic) and In the matter of an application for Bail by Abdulrahim, Sam

Weinberg AP

[\[2017\] VSC 411](#)

17/07/2017

CRIMINAL LAW - Application for bail - Attempting to import commercial quantity of cocaine and other offences - Applicant in 'show cause situation', having been charged with indictable offence while on bail - Whether 'unacceptable risk' of failing to answer bail and of committing further offences while on bail and of endangering safety and welfare of members of public - Applicant said to be 'key organiser' of drug syndicate - Failure of applicant to discharge onus of demonstrating not 'unacceptable risk' - Bail refused - Bail Act 1977 s4(2)(d) and s4(4)(a) - Criminal Code Act 1995 (Cth) s11.1 and s307.1.

In the matter of the Bail Act 1977 (Vic) and In the matter of an application for Bail by Youkhana, Moshey

Weinberg AP

[\[2017\] VSC 406](#)

13/07/2017

CRIMINAL LAW - Application for bail - Attempting to import commercial quantity of cocaine and other offences - Despite objective gravity of alleged offending, applicant prima facie entitled under Bail Act 1977 to bail - Not in 'show cause' situation - Whether 'unacceptable risk' of failing to answer bail - Relative youth of applicant - Conditions able to be imposed to reduce risk of absconding - Statutory presumption in favour of bail not rebutted - Bail granted - Bail Act 1977 s4(1) - Criminal Code Act 1995 (Cth) s11.1 and s307.1.

In the matter of the Bail Act 1977 (Vic) and In the matter of an application for Bail by Tawfik, Youssif

Weinberg AP

[\[2017\] VSC 405](#)

13/07/2017

CRIMINAL LAW - Bail - Show cause - Offences involving family violence - Firearms offences - Delay - Significant criminal history - History of drug use including methamphetamine - Unacceptable risk - Bail Act 1977 (Vic) s4(4)(a), s4(4)(c), s4(4)(d) and s18AA(1)(a) - Bail refused.

Re an Application for bail by Al-Jinavo, Steve

Beale J

[\[2017\] VSC 413](#)

13/07/2017

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 - LIMITATION OF ACTIONS - BANKRUPTCY - ESTOPPEL - Whether employee or contractor - whether claims statute barred - whether claim is in debt or damages - impact of bankruptcy on standing to bring proceedings - whether plaintiff is entitled to commission - Anshun estoppel.

Lee v Quest Investments Limited & Anor

[\[2017\] VCC 926](#)

Judge Cosgrave

07/07/2017

PRACTICE AND PROCEDURE - Application by defendants for summary judgment against the plaintiff pursuant to ss62 and 63 of the Civil Procedure Act 2010 (Vic) - Duties of court to self-represented plaintiff - Whether plaintiff should be permitted to re-plead - Whether plaintiff entitled to further adjournment - Application of the Code of Banking Practice - Costs payable on an indemnity basis under agreement between the parties.

Kourosh Jafari v Colonial First State Investments Ltd & Ors

[\[2017\] VCC 927](#)

Judge Woodward

13/07/2017

PRACTICE AND PROCEDURE - COSTS - Order for security costs - Plaintiffs failed to pay security costs - Whether the court had jurisdiction to make the orders - Whether the making of a self-executing order was justified.

David Gurupatham & Anor v Jim Lim

[\[2017\] VCC 948](#)

Judge Cosgrave

13/07/2017

REAL PROPERTY - COSTS - Removal of caveat - Prima facie case - Balance of convenience - Whether defendant was justified in maintaining caveat - Plaintiff seeks order for indemnity costs for removal of caveat.

Koay Eng Hooi & Anor v Jim Lim & Anor

[\[2017\] VCC 949](#)

Judge Cosgrave

13/07/2017

Magistrates' Court of Victoria Cases

WORKERS COMPENSATION - Dependency claim - Weekly pension - Pre-injury average weekly earnings - End-Date for calculation - Accident Compensation Act 1985 ss 5A, 82(2), 86, 92B, 100(2B)(a), "pre-injury average weekly earnings".

Quigg v Northend Carpentry

[\[2017\] VMC 13](#)

Magistrate B.R. Wright

14/06/2017

WORKERS COMPENSATION - Weekly Payments - Pre-injury average weekly earnings - Whether voluntarily altered nature of work otherwise than by reason of work-related incapacity - Incapacity for work - Incapacity to work - Workplace Injury Rehabilitation and Compensation Act 2013 s 154(2).

Stebbing v State of Victoria (Department of Education and Training)

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

Magistrate B.R. Wright

17/07/2017

Articles

Listed below are 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.

Contract Law

Contracts - Enforcement of penalty clauses - Equity - Equitable rule against penalties - Relief against penalties - *Andrews v Australia and New Zealand Banking Group Ltd* - Common law rule - English penalties doctrine - Test for whether a clause is penal - Comparative analysis - Australia - UK.

Tiverios, N. "A restatement of relief against contractual penalties (1): underlying principles in equity and at common law." (2017) 11(1) J Eq 1-28.

Courts

Federal Court of Australia - Establishment - History - 40th anniversary - Federal Court of Australia 1976 (Cth) - Australia.

Brennan, H.S.G. "Creation of the Federal Court: a reflection." (2017) 91(6) ALJ 461-470.

Judges - Judicial independence - Public criticism - Political criticism - Rule of law - Victorian Supreme Court - Victorian Court of Appeal - Victoria.

Attacks on Victorian judges 'grossly improper'. (2017) 91(7) LIJ 11.

Judges - Judicial method - Judgment writing methods - High Court of Australia - Australia.

Chief Justice Kiefel. "Judicial methods in the 21st century: Speech delivered at the Supreme Court Oration Banco Court, Supreme Court of Victoria, 16 March 2017." (2017) 44(6) Brief 28-31.

Judicial College of Victoria - Continuing Judicial education - Family violence - Youth justice - Bail - Sentencing - Victoria.

Ford, C. "Family violence education for judges." (2017) 91(7) LIJ 26.

Judicial Commission of Victoria - Judges - Judicial conduct - Judicial complaints investigation - Judicial Commission of Victoria Act 2016 (Vic) - Court management - Victoria.

"Independent judicial complaints body launched." (2017) 91(7) LIJ 10.

Online courts - Civil Resolution Tribunal - Small claims - Comparative analysis - British Columbia - Canada - UK.

Smith, R. "Take note of Canada's first online court." (2017) 167(7751) NLJ 7.

Equity

Breach of fiduciary duty - Fiduciary relationship - Legal theory - Disgorgement - Causation - *Tang Ying Loi v Tang Ying Ip* - *Warman International Ltd v Dwyer* - Common law jurisdictions - Australia - Hong Kong.

Lee, R. "Disgorgement of unauthorised fiduciary gains: an exercise in causation?" (2017) 11(1) J Eq 29-47.

Married women - Legal history - Wives' special equity - Contemporary relevance of - Law reform - Whether to broaden principle to apply to other relationship archetypes - Royal Bank of Scotland v Etridge (No 2) - Barclays Bank P/C v O'Brien - Yerkey v Jones - Garcia v National Australia Bank Ltd - Comparative analysis - UK - Australia.

Giancaspro, M. "I now pronounce you ... in a state of uncertainty': contemporary treatment of the wives' special equity and a plan for the future." (2017) 11(1) J Eq 80-211.

International Law

Armed conflict - Protection of cultural property - Indigenous Australian sacred sites - Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954 Hague Convention) - Australia.

Wooden, T. "The 1954 Hague Convention: Aboriginal and Torres Strait Islander sacred sites as cultural property." (2016) 24 Aus YIL 127-148.

International legal person - Legal history - British colonies - Sovereignty - Statehood - Independence - Federation - Foreign relations - Treaties - Australia.

Pert, A. "The development of Australia's international legal personality." (2016) 34 Aus YIL 149-189.

Maritime law enforcement - International Tribunal for the Law of the Sea - United Nations Convention on the Law of the Sea - South China Sea Arbitration (Philippines v China) (Award) (UNCLOS Arbitral Tribunal, Case No 2013-19, 12 July 2016) (Merits Award') - Implications for Australia - China - Philippines - Australia.

Letts, D.e.a. "Maritime law enforcement and the aggravation of the South China Sea dispute : implications for Australia." (2016) 34 Aus YIL 53-63.

Jurisprudence

Legal method - Legal reasoning - Judicial decisions - Characterisation - Categorisation - Contract law - Commercial law - Comparative analysis - UK - Australia.

Chief Justice Allsop. "Characterisation: its place in contractual analysis and related enquiries." (2017) 91(6) ALJ 471-482.

Legal Profession

Law Institute of Victoria - History - Legal profession - Legal publishing - Victoria.

Ford, C. "The LIJ turns 90: the Law Institute Journal was launched in July 1927." (2017) 91(7) LIJ 15-17.

Legal Systems

Constitutional law - Federalism - Federal jurisdiction - State jurisdiction - High Court of Australia original jurisdiction - Federal courts - State courts - Australian Constitution - Judiciary Act 1903 (Cth) - Australia.

French, R. "Federal jurisdiction and state laws. Plenary presentation, Law Summer School 2017, 17 February 2017, The University Club, Crawley, Western Australia." (2017) 44(6) Brief 32-37.

Practice & Procedure

Judgments - Appellate courts - Court rules - Written judgments - Judgment writing methods - Short form judgments - Comparative analysis - UK - NSW - Victoria.

Justice Kunc. "Current issues: shorter appellate judgments." (2017) 91(6) ALJ 431-432.

Juries - Jury trials - Constitutional validity - High Court decision - Alqudsi v R [2016] HCA 24 - Exclusionary rule and research - Australia.

Awad, J. "Tradition versus research." (2017) 91(7) LIJ 28-31.

Urgent applications - Supreme Court of Victoria - Supreme Court (General Civil Procedure) Rules 2015 (Vic) - Practice Notes - Victoria.

Finlay, M. "In a hurry? SCV civil applications." (2017) 91(7) LIJ 40-43.

Succession Law

Intestacy - Australian Aboriginal law - Succession Act 2006 (NSW) Part 4.4 - Re Estate of Wilson (decd) - New South Wales. **Vines, P.** "Just and equitable distribution on intestacy according to Aboriginal tradition - the first use of the Succession Act 2006 (NSW)." (2017) 11(1) J Eq 113-131.

Trade Practices

Retail leases - Supply of goods and services - Retails Leases Act 2003 (Vic) - CD Cold Storage Pty Ltd v IMCC Group (Australia) Pty Ltd - Comparative analysis - UK - Australia - Victoria.

Justice Croft. "Services: wholesale or retail?" (2017) 91(6) ALJ 433-434.

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



LIBRARY FACTS

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

Law Library of Victoria

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About the Law Library of Victoria

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

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

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

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

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

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