



# AGIS - Articles

Australian Government  
Attorney-General's Department

## SUBJECT INDEXED IN THIS REPORT

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AGE DISCRIMINATION  
ARTS AND THE LAW  
ASSOCIATIONS  
AUTOMATED LEGAL RESEARCH  
AWARDS AND HONOURS  
BANKRUPTCY  
BEHAVIOUR CONTROL  
BIAS  
BODY CORPORATE  
BUILDING LAW  
BULLYING  
BUSINESS  
CHILD PORNOGRAPHY  
COMMON LAW  
COMPUTERS  
CONSTITUTIONAL LAW  
CONSTRUCTION INDUSTRY  
CONSUMER CREDIT  
CONSUMER PROTECTION  
CONTRACTS  
COPYRIGHT  
COUNTER TERRORISM  
CRIME PREVENTION  
CRIMINAL OFFENDERS  
CRIMINAL OFFENDERS REHABILITATION  
CRIMINOLOGY  
DATA PROTECTION  
DEMOCRACY  
DESIGNS  
DISABILITY  
DISCOVERY

DOMAIN NAMES  
DUTY OF CARE  
EMPLOYMENT  
EMPLOYMENT LAW  
ENTERPRISE BARGAINING  
ENVIRONMENTAL LAW  
ENVIRONMENTAL PROTECTION  
ESTATE PLANNING  
EVIDENCE  
FEDERALISM  
FINANCIAL SERVICES  
FINANCIAL SYSTEM  
FOREIGN AID  
FREEDOM OF SPEECH  
GAMBLING  
GLOBALISATION  
GOODS AND SERVICES TAX  
GOVERNMENT  
GOVERNMENT LIABILITY  
HIGH COURT  
HISTORY  
HOUSING  
HUMAN RIGHTS  
INDIGENOUS PEOPLE  
INDUSTRIAL SAFETY  
INFORMATION TECHNOLOGY  
INTELLECTUAL PROPERTY  
INTERGOVERNMENTAL RELATIONS  
INTERNATIONAL COURT OF JUSTICE  
INTERNET  
JUDICIAL INDEPENDENCE  
JUDICIAL REVIEW  
JUDICIARY  
JURIES  
JUVENILE DELINQUENCY  
KNOWLEDGE MANAGEMENT  
LAND TITLES  
LAND USE  
LANDLORD AND TENANT  
LAW FIRMS  
LAW LIBRARIES

LAW REFORM  
LEASES  
LEGAL EDUCATION  
LEGAL PROFESSION  
LEGISLATION  
LITERATURE  
MAORIS  
MARINE RESOURCES  
MENTAL ILLNESS  
MOBILE DEVICES  
NATIVE TITLE  
NEGLIGENCE  
ORGANISED CRIME  
OUTSOURCING  
PARLIAMENTARY COMMITTEES  
PATENTS  
PENALTIES  
PEOPLE SMUGGLING  
PEOPLE WITH DISABILITIES  
PERSONAL PROPERTY SECURITIES  
POLICE INTERROGATION  
PRE TRIAL PROCEDURE  
PRIVACY  
PROPERTY LAW  
PSYCHIATRY  
PSYCHOLOGY  
PUBLIC ADMINISTRATION  
PUBLISHERS AND PUBLISHING  
RACIAL DISCRIMINATION  
RELIGION  
REMEDIES  
RULE OF LAW  
SEPARATION OF POWERS  
SEXUAL BEHAVIOUR  
SOCIAL MEDIA  
SOCIAL POLICY  
SOCIAL WELFARE  
STATUTORY INTERPRETATION  
SUPERANNUATION  
TAX AVOIDANCE  
TAXATION

TELECOMMUNICATIONS  
TRADE LAW  
TRADE MARKS  
TRADE NAMES  
UNFAIR DISMISSAL  
VAGRANCY  
VICTIMS OF CRIME  
VIOLENCE  
WILLS  
WITNESSES  
WORKERS COMPENSATION  
WORKING CONDITIONS

## AGE DISCRIMINATION

**AGIS No:** 20133065  
**Title:** Affirming age : making federal anti-discrimination regulation work for older Australians.

**Authors:** MACDERMOTT, Therese  
**Source:** AUSTRALIAN JOURNAL OF LABOUR LAW 26 (2) October 2013 : 141-163

**Abstract:** Reform of age discrimination legislation to implement proactive strategies - enhancement of effectiveness in dealing with age discrimination - structural framework for complaints and compliance - models for enforcement - harmonisation of discrimination laws - use of age discrimination laws to facilitate and sustain participation of older workers - assessment of potential reforms and strategies in meeting proposed objectives.

**Legislation:** Age Discrimination Act 2004 (CTH)  
Fair Work Act 2009 (CTH)

**Subjects:** AGE DISCRIMINATION  
EMPLOYMENT  
LAW REFORM

**Jurisdictions:** AUSTRALIA

## ARTS AND THE LAW

**AGIS No:** 20133097  
**Title:** Certification trade marks : protection of Indigenous art and intellectual property rights in Australia.

**Authors:** MCMEEKEN, Krista  
**Source:** AUSTRALIAN INTELLECTUAL PROPERTY LAW BULLETIN 26 (5) November 2013 : 121-123

**Abstract:** Rise in the number of infringement of intellectual property of Aboriginal and Torres Strait Islander peoples - need for national regulation of authenticity - label of authenticity - certification trade marks - current approaches to regulating authenticity - options for protection of Indigenous intellectual property.

**Subjects:** ARTS AND THE LAW  
INDIGENOUS PEOPLE  
INTELLECTUAL PROPERTY  
TRADE MARKS

**Jurisdictions:** AUSTRALIA

## ASSOCIATIONS

**AGIS No:** 20133102  
**Title:** A new Incorporated Societies Act.

**Authors:** MCLAY, Geoff  
**Source:** NEW ZEALAND LAW JOURNAL October 2013 : 321-322

**Abstract:** Reform recommendations for statutory regime governing incorporated societies - reform principles - need for new act - committees and conflict of interest - model constitution - corporate personality - powers of the registrar - future of recommendations.

**Legislation:** Incorporated Societies Act 1908 (NZ)

**Subjects:** ASSOCIATIONS

LAW REFORM

**Jurisdictions:** NEW ZEALAND

## **AUTOMATED LEGAL RESEARCH**

**AGIS No:** 20133136

**Title:** Automation and sampling in e-discovery.

**Authors:** WEBBER, William

BARON, Jason R

**Source:** INTERNET LAW BULLETIN 16 (7) November 2013 : 158-161

**Abstract:** "Discovery" in common law countries - automated technologies for e-discovery - measurement of production effectiveness - estimating effectiveness through sampling - case law on the use of sampling in e-discovery practice - e-discovery use in resolving dispute.

**Subjects:** AUTOMATED LEGAL RESEARCH

DISCOVERY

**Jurisdictions:** AUSTRALIA

UNITED STATES

## **AWARDS AND HONOURS**

**AGIS No:** 20133100

**Title:** Good practice lessons from Australian Crime and Violence Prevention Awards winners.

**Authors:** ANDERSON, Jessica

TERER, Kiptoo

**Source:** TRENDS AND ISSUES IN CRIME AND CRIMINAL JUSTICE (455) May 2013 : 1-12

**Abstract:** Australian Crime and Violence Prevention Awards (ACVPA) recognises innovative crime prevention projects - assessment of six ACVPA winners from 2009 and 2010 - Under the Limit Drink Driving Education and Rehabilitation Program (Queensland) - Weld to Life (Western Australia) - Time for Kids (South Australia) - The Bridge Project (Victoria) - BSafe (Victoria) - Dubbo Transformation Strategy (New South Wales).

**Subjects:** AWARDS AND HONOURS

CRIME PREVENTION

CRIMINOLOGY

**Jurisdictions:** AUSTRALIA

## **BANKRUPTCY**

**AGIS No:** 20140011

**Title:** Bankruptcy and order.

**Authors:** QUILTER, Michael  
**Source:** MONASH UNIVERSITY LAW REVIEW 39 (1) 2013 : 188-212  
**Abstract:** Relationship between the idea of bankruptcy and the need for order - origin of the idea of bankruptcy in the Roman Republic - need for bankruptcy laws in England between the 16th and 18th centuries to underpin entrepreneurship - philosophy and focus of modern bankruptcy law - emergence of consumer bankruptcy.  
**Subjects:** BANKRUPTCY  
HISTORY

## BEHAVIOUR CONTROL

**AGIS No:** 20133084  
**Title:** When I don't get what I want, I take it because it's mine. I-D compensation and incarcerated adolescents in a delayed-return society : an application of Martin's theory.  
**Authors:** GROENEWEG, M J  
VAN DER HELM, G H P  
STAMS, G J J M  
ASSCHER, J J  
**Source:** PSYCHIATRY, PSYCHOLOGY AND LAW 20 (5) October 2013 : 735-748  
**Abstract:** Application of Martin's I-D compensation theory to incarcerated juveniles lacking adequate feedback and control - positive responsiveness related to behavioural competence - self-serving cognitive distortions associated with lack of control - insights into antecedents of criminal behaviour - findings can assist in development of institutional treatment for juvenile delinquents.  
**Subjects:** BEHAVIOUR CONTROL  
JUVENILE DELINQUENCY

## BIAS

**AGIS No:** 20133087  
**Title:** Juror perceptions of African American- and Arabic-named victims.  
**Authors:** CLARK, John W  
CRAMER, Robert J  
PERCOSKY, Amy  
AND, others  
**Source:** PSYCHIATRY, PSYCHOLOGY AND LAW 20 (5) October 2013 : 781-794  
**Abstract:** Evaluation of perceptions of blame and guilt in violent crimes against Arabic, African American and Caucasian victims - patterns of bias in juror sample - differences between Latin American and Caucasian and African American perceptions - findings discussed in relation to modern racism - implications for research and juror consultation.  
**Subjects:** BIAS  
CRIMINAL OFFENDERS  
RACIAL DISCRIMINATION  
VICTIMS OF CRIME

## BODY CORPORATE

**AGIS No:** 20133062

**Title:** Statutory warranties for residential building work flow down the line : amendments to the Home Building Act 1989 overcome Ace Woollahra.

**Authors:** TOOZOFF, Larissa  
GREENWOOD, Alice

**Source:** AUSTRALIAN CONSTRUCTION LAW BULLETIN 25 (7) October 2013 : 120-122

**Abstract:** Limited ability of owners corporations to enforce warranties against builders - parties to contract for building work must be land owner for successors in title to be able to enforce warranties - amendments to the Home Building Act to remove this rule - case law.

**Legal Cases:** Ace Woollahra Pty Ltd v Owners - Strata Plan 61424 (2010) 77 NSWLR 613  
Baron Corp Pty Ltd v Owners of Strata Plan 69567 [2013] NSWCA 238

**Legislation:** Home Building Act 1989 (NSW)  
Home Building Amendment (Warranties and Insurance) Act 2010 (NSW)  
Strata Schemes (Freehold Development) Act 1973 (NSW)

**Subjects:** BODY CORPORATE  
BUILDING LAW  
CONTRACTS  
LAND TITLES

**Jurisdictions:** AUSTRALIA, New South Wales

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**Subjects:** BODY CORPORATE  
BUILDING LAW  
CONTRACTS  
LAND TITLES

**Jurisdictions:** AUSTRALIA, New South Wales



## BULLYING

**AGIS No:** 20133069  
**Title:** An inquiry into workplace bullying in Australia : report of the Standing Committee on Education and Employment : Workplace bullying: we just want it to stop.  
**Authors:** KELLY, Caroline  
**Source:** AUSTRALIAN JOURNAL OF LABOUR LAW 26 (2) October 2013 : 224-238  
**Abstract:** Issue of workplace bullying - overview of the report of the Standing Committee on Education and Employment on workplace bullying - existing legislative and regulatory frameworks - report recommendations - legislative reforms - dissenting report by Coalition members.  
**Legislation:** Crimes Amendment (Bullying) Act 2011 (VIC)  
Fair Work Act 2009 (CTH)  
**Subjects:** BULLYING  
PARLIAMENTARY COMMITTEES  
WORKING CONDITIONS  
**Jurisdictions:** AUSTRALIA

## BUSINESS

**AGIS No:** 20133130  
**Title:** A hoary chestnut resurrected : the meaning of 'ordinary course of business' in secured transactions law.  
**Authors:** GEDYE, Mike  
**Source:** MELBOURNE UNIVERSITY LAW REVIEW 37 (1) 2013 : 1-45  
**Abstract:** Guidance for practitioners and judiciary in Australia and New Zealand on the meaning of 'ordinary course of business' in relation to a sale - meaning under Personal Property Securities Act in each country - defining buyers - role of ordinary course transactions - security interests - legal principles developed in North American courts - analysis of differences between Australian and New Zealand legislative provisions.  
**Legal Cases:** Tubbs v Ruby 2005 Ltd (2010) 12 TCLR 746  
Tubbs v Ruby 2005 Ltd (2010) NZCCLR 31  
Tubbs v Ruby 2005 Ltd [(2011) 3 NZLR 551  
**Legislation:** Personal Property Securities Act 1999 (NZ)  
Personal Property Securities Act 2009 (CTH)  
Personal Property Security Act 1990 (ONT)  
**Subjects:** BUSINESS  
PERSONAL PROPERTY SECURITIES  
**Jurisdictions:** AUSTRALIA  
NEW ZEALAND  
  
**AGIS No:** 20133078  
**Title:** Legal issues in doing business online.  
**Authors:** HAMILTON, Ben  
DEADY, James

**Source:** INHOUSE COUNSEL 17 (1) October 2013 : 16-18  
**Abstract:** Growth in internet business - raises compliance issues - misleading and deceptive conduct associated with business use of social media - third line forcing - cartel conduct - privacy and data security - compliance issues can be managed or mitigated.  
**Legislation:** Privacy Act 1988 (CTH)  
**Subjects:** BUSINESS  
INTERNET  
SOCIAL MEDIA  
**Jurisdictions:** AUSTRALIA

## CHILD PORNOGRAPHY

**AGIS No:** 20133139  
**Title:** Legal responses to sexting : the importance of consent.  
**Authors:** URBAS, Gregor  
FOURACRE, Kendra  
**Source:** INTERNET LAW BULLETIN 16 (7) November 2013 : 171-173  
**Abstract:** Concept of sexting - two broad categories of sexting - primary and secondary - sexting and child pornography laws - amending child pornography laws - creating a specific offence.  
**Subjects:** CHILD PORNOGRAPHY  
MOBILE DEVICES  
**Jurisdictions:** AUSTRALIA

## COMMON LAW

**AGIS No:** 20133135  
**Title:** Developing the common law : how far is too far?  
**Authors:** WALKER, Robert  
**Source:** MELBOURNE UNIVERSITY LAW REVIEW 37 (1) 2013 : 232-253  
**Abstract:** Situations in which judges are called upon to develop and modify common law - recent developments in the United Kingdom and Australia - law of evidence - common law privilege - right to privacy - causation in the tort of negligence - manner and extent judges can develop the law in absence of parliamentary intervention.  
**Legal Cases:** D'Orta-Ekenaike v Victoria Legal Aid (2005) 223 CLR 1  
Fairchild v Glenhaven Funeral Services Ltd (2003) 1 AC 32  
Jones v Kaney (2011) 2 AC 398  
**Subjects:** COMMON LAW  
JUDICIARY

## COMPUTERS

**AGIS No:** 20133131  
**Title:** Curing the authorless void : protecting computer-generated works following IceTV and Phone Directories.  
**Authors:** MCCUTCHEON, Jani

**Source:** MELBOURNE UNIVERSITY LAW REVIEW 37 (1) 2013 : 46-102

**Abstract:** Examination and evaluation of three possible reform options to protect copyright of computer-generated works - deeming authorship of works - classifying computer-generated materials as subject matter other than works - sui generis protection - issues created by these options.

**Legal Cases:** Acohs Pty Ltd v Ucorp Pty Ltd (2010) 86 IPR 492  
IceTV Pty Ltd v Nine Network Australia Pty Ltd (2009) 239 CLR 458  
Telstra Corp Ltd v Phone Directories Co Pty Ltd (2010) 194 FCR 142  
Telstra Corp Ltd v Phone Directories Co Pty Ltd (2010) 264 ALR 617

**Legislation:** Copyright Act 1968 (CTH)  
Copyright, Designs and Patents Act 1988 (UK)

**Subjects:** COMPUTERS  
COPYRIGHT

**Jurisdictions:** AUSTRALIA

## CONSTITUTIONAL LAW

**AGIS No:** 20140007

**Title:** A path to purposive formalism : interpreting Chapter III for judicial independence and impartiality.

**Authors:** WELSH, Rebecca

**Source:** MONASH UNIVERSITY LAW REVIEW 39 (1) 2013 : 66-105

**Abstract:** Interpretation of the separation of federal judicial power from Chapter III of the Constitution - examination of key methods of interpretation - formalist separation rules - functionalist incompatibility test - identification of purposive formalism approach.

**Legal Cases:** Fardon v Attorney-General (Queensland) (2004) 223 CLR 575  
Kable v Director of Public Prosecutions (NSW) (1996) 189 CLR 51  
Waterside Workers' Federation (Aust) v JW Alexander Ltd (1918) 25 CLR 434  
Wilson v Minister for Aboriginal and Torres Strait Islander Affairs (1996) 189 CLR 1

**Legislation:** Constitution (CTH)

**Subjects:** CONSTITUTIONAL LAW  
JUDICIAL INDEPENDENCE  
SEPARATION OF POWERS

**Jurisdictions:** AUSTRALIA

**AGIS No:** 20140010

**Title:** Constitutionally heeding the right to silence in Australia.

**Authors:** GRAY, Anthony

**Source:** MONASH UNIVERSITY LAW REVIEW 39 (1) 2013 : 156-187

**Abstract:** Infringement of right to silence contrary to requirements of the Constitution - acceptance and application of right to silence in Australian case law - abridgment by statute - interpretation and application in overseas jurisdictions - future of interpretation of right to silence in Australian law.

**Legal Cases:** Dietrich v The Queen (1992) 177 CLR 292  
Hammond v The Commonwealth (1982) 152 CLR 188  
Thomson Newspapers Ltd. v. Canada (Director of Investigation and Research, Restrictive Trade Practices Commission) (1990) 1 SCR 425

**Legislation:** Constitution (CTH)  
Royal Commissions Act 1902 (CTH)

**Subjects:** CONSTITUTIONAL LAW

**Jurisdictions:** AUSTRALIA  
CANADA  
EUROPE  
UNITED STATES

**AGIS No:** 20140009

**Title:** Manufactured consistency.

**Authors:** DOUR, Nicolas  
TAYLOR, Greg

**Source:** MONASH UNIVERSITY LAW REVIEW 39 (1) 2013 : 131-155

**Abstract:** Nature of manufactured consistency - concepts of good faith and bad faith in constitutional law - intention central to determining manufactured consistency - principles of legislative intent and legislative motive - basis for implying doctrine in constitutional law - drawing implications - manufacturing inconsistency with state laws seen as destroying states' capacity to govern.

**Legal Cases:** Lange v Australian Broadcasting Corporation (1997) 189 CLR 520  
Melbourne Corporation v Commonwealth (1947) 74 CLR 31  
Western Australia v Commonwealth (1995) 183 CLR 373

**Legislation:** Constitution (CTH)  
Native Title Act 1993 (CTH)

**Subjects:** CONSTITUTIONAL LAW  
LEGISLATION

**Jurisdictions:** AUSTRALIA

**AGIS No:** 20133134

**Title:** Williams v Commonwealth : Commonwealth executive power and Australian federalism.

**Authors:** CHORDIA, Shipra  
LYNCH, Andrew  
WILLIAMS, George

**Source:** MELBOURNE UNIVERSITY LAW REVIEW 37 (1) 2013 : 189-231

**Abstract:** High Court decision in Williams v Commonwealth - Commonwealth lacks general power to enter into contracts and spend public money without statutory authority or some other source of power - reasoning of the Court - implications for federalism - potential use of s 96 grants to delivery programs previously directly funded by Commonwealth executive contracts - whether statutory authority is required for Commonwealth to enter inter-governmental agreements.

**Legal Cases:** Melbourne Corporation v Commonwealth (1947) 74 CLR 31  
Victoria v Commonwealth (AAP case) (1975) 134 CLR 338  
Williams v Commonwealth of Australia (2012) 288 ALR 410

**Legislation:** Constitution (CTH)

**Subjects:** CONSTITUTIONAL LAW  
CONTRACTS  
HIGH COURT  
**Jurisdictions:** AUSTRALIA

## CONSTRUCTION INDUSTRY

**AGIS No:** 20133063  
**Title:** PPSR : a reminder to all owners not in possession of their personal property.  
**Authors:** WINTER, Richard  
STEELE, Sandra  
BAKER, Jennie  
MARQUARDT, Marcel  
**Source:** AUSTRALIAN CONSTRUCTION LAW BULLETIN 25 (7) October 2013 : 123-125  
**Abstract:** Registration of security interests and transitional provisions - registering interests prior to relinquishing possession of personal property - lien in unfixed plant and material not a security interest and not registrable - priority rules for priority interests - security of payment legislation - case law.  
**Legal Cases:** Re Maiden Civil (P&E) Pty Ltd; Albarran v Queensland Excavation Services Pty Ltd [2013] NSWSC 852  
**Legislation:** Building and Construction Industry Security of Payment Act 1999 (NSW)  
Personal Property Securities Act 2009 (CTH)  
**Subjects:** CONSTRUCTION INDUSTRY  
PERSONAL PROPERTY SECURITIES  
**Jurisdictions:** AUSTRALIA

**AGIS No:** 20133061  
**Title:** When can you challenge what a Superintendent has "ascertained" under a construction contract?  
**Authors:** RUDGE, Nick  
GALLINA, Nicholas  
GIBLIN, Emily  
**Source:** AUSTRALIAN CONSTRUCTION LAW BULLETIN 25 (7) October 2013 : 118-119  
**Abstract:** Dispute about whether superintendent complied with a provision in a contract - works taken out of the hands of contractor - superintendent "ascertained" cost to complete works - distinction between clauses that require determination in mechanical way and clauses that allow discretion to be exercised in making determination - outcomes of different determination methods - case law.  
**Legal Cases:** Dura (Australia) Constructions Pty Ltd v Hue Boutique Living Pty Ltd (Formerly SC Land Richmond Pty Ltd) (No 3) [2013] VSCA 179  
**Subjects:** CONSTRUCTION INDUSTRY  
CONTRACTS  
**Jurisdictions:** AUSTRALIA

## CONSUMER CREDIT

**AGIS No:** 20133091

**Title:** Conducting credit activities "efficiently, honestly and fairly" : the role of responsible managers.

**Authors:** CARROLL, Samantha  
COOLING, Damien

**Source:** AUSTRALIAN BANKING AND FINANCE LAW BULLETIN 29 (5) November 2013 : 58-60

**Abstract:** Steps for ensuring obligations under the National Consumer Credit Protection Act (NCCP) are satisfied - overview of key obligations - interpretation of similar obligations under the Corporations Act - requirements of credit licensees and financial services licensees - understanding the nature of obligations.

**Legal Cases:** Australian Securities and Investments Commission (ASIC) v Camelot Derivatives Pty Ltd (in liq) (2012) 88 ACSR 206

**Legislation:** Corporations Act 2001 (CTH)  
National Consumer Credit Protection Act 2009 (CTH)

**Subjects:** CONSUMER CREDIT  
FINANCIAL SERVICES

**Jurisdictions:** AUSTRALIA

## CONSUMER PROTECTION

**AGIS No:** 20140014

**Title:** Consumer protection enforcement update : spotlight on telecommunications industry.

**Authors:** LLOYD, Bruce  
BATTERSBY, Matthew  
TAKIS, Alexia

**Source:** COMMUNICATIONS LAW BULLETIN 32 (4) October 2013 : 1-4

**Abstract:** Recent regulatory changes to assist consumers in their dealings with telecommunications service providers - advertising and disclosure - broadband speed claims - unfair contracts - unsolicited consumer agreements - consumer guarantees.

**Legal Cases:** Australian Competition and Consumer Commission (ACCC) v TPG Internet Pty Ltd (No 2) (2012) ATPR 42-402  
Australian Competition and Consumer Commission (ACCC) v TPG Internet Pty Ltd [2011] FCA 1254  
Australian Competition and Consumer Commission v Singtel Optus Pty Ltd (No 4) (2011) 282 ALR 246

**Legislation:** Trade Practices Act 1974 (CTH)

**Subjects:** CONSUMER PROTECTION  
TELECOMMUNICATIONS

**Jurisdictions:** AUSTRALIA

## CONTRACTS

**AGIS No:** 20140006

**Title:** Contractual specification of new property rights in resources : the problem of measurement costs.

**Authors:** O'CONNOR, Pamela

**Source:** MONASH UNIVERSITY LAW REVIEW 39 (1) 2013 : 38-65

**Abstract:** Nature and causes of measurement costs - principal property law mechanisms to control measurement costs - grundnorm - numerus clausus - limiting rules - approaches to defining new property - expanding classes of property - Tulk v Moxhay covenants as a tool of regulation - forestry carbon covenants.

**Legal Cases:** Codelfa Construction Pty Ltd v State Rail Authority (NSW) (1982) 149 CLR 337  
Tulk v Moxhay (1848) 2 Ph 774  
Westfield Management Ltd v Perpetual Trustee Co Ltd (2007) 233 CLR 528

**Legislation:** Carbon Rights Act 2003 (WA)  
Transfer of Land Act 1893 (WA)

**Subjects:** CONTRACTS  
PROPERTY LAW

**Jurisdictions:** AUSTRALIA

**AGIS No:** 20133106

**Title:** More on implied terms.

**Authors:** MCLAUCHLAN, David

**Source:** NEW ZEALAND LAW JOURNAL October 2013 : 345-348

**Abstract:** Implied terms in contracts - implication and interpretation as distinct processes - criterion of reasonableness - increased uncertainty - application of the construction approach - case law.

**Legal Cases:** Attorney General of Belize v Belize Telecom Ltd (2009) 1 WLR 1988

**Subjects:** CONTRACTS

**Jurisdictions:** NEW ZEALAND

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Victoria v Commonwealth (AAP case)  
(1975) 134 CLR 338

Williams v Commonwealth of Australia (2012) 288 ALR 410  
**Legislation:** Constitution (CTH)  
**Subjects:** CONSTITUTIONAL LAW  
CONTRACTS  
HIGH COURT



**Jurisdictions:** AUSTRALIA

## **COPYRIGHT**

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IceTV Pty Ltd v Nine Network Australia Pty Ltd (2009) 239 CLR 458  
Telstra Corp Ltd v Phone Directories Co Pty Ltd (2010) 194 FCR 142  
Telstra Corp Ltd v Phone Directories Co Pty Ltd (2010) 264 ALR 617  
**Legislation:** Copyright Act 1968 (CTH)  
Copyright, Designs and Patents Act 1988 (UK)  
**Subjects:** COMPUTERS  
COPYRIGHT  
**Jurisdictions:** AUSTRALIA

**AGIS No:** 20133138  
**Title:** Fifty shades of copyright grey.  
**Authors:** MIDDLETON, Kiralee  
**Source:** INTERNET LAW BULLETIN 16 (7) November 2013 : 167-170  
**Abstract:** Amateur non-commercial creative works - fanfiction - creation and dissemination of fanfiction under Australian copyright law - policy issues - reform of copyright laws to allow fanfiction authors to continue creating works - creative commons - fair use - fair dealing.  
**Legal Cases:** Salinger v Colting 607 F 3d 68 (2010)  
**Legislation:** Copyright Act 1968 (CTH)  
**Subjects:** COPYRIGHT  
LITERATURE  
**Jurisdictions:** AUSTRALIA

**AGIS No:** 20133095  
**Title:** IP protection in China : still a misnomer?  
**Authors:** EADIE, Michelle  
**Source:** AUSTRALIAN INTELLECTUAL PROPERTY LAW BULLETIN 26 (5) November 2013 : 114-117  
**Abstract:** Protection and enforcement of intellectual property rights (IPR) in China - history of Chinese IPR - trade marks - patents and designs - copyright - avenues for enforcement - enforcement problems.

**Subjects:** COPYRIGHT  
DESIGNS  
INTELLECTUAL PROPERTY  
PATENTS  
TRADE MARKS  
**Jurisdictions:** CHINA

**AGIS No:** 20140008  
**Title:** Representative actions, proof of fact and author privacy in copyright law : a history and a concern.  
**Authors:** ADENEY, Elizabeth  
**Source:** MONASH UNIVERSITY LAW REVIEW 39 (1) 2013 : 106-130  
**Abstract:** Summary of recent cases stating need for identification of author claiming copyright infringement - legal mechanisms historically shielding author identities from disclosure - statutory presumption - implication of need for author identification under statutory presumption - analysis of recent cases against statutory presumption.

**Legal Cases:** IceTV Pty Ltd v Nine Network Australia Pty Ltd (2009) 239 CLR 458  
Telstra Corp Ltd v Desktop Marketing Systems Pty Ltd (2001) 181 ALR 134  
Telstra Corp Ltd v Phone Directories Co Pty Ltd (2010) 264 ALR 617

**Legislation:** Copyright Act 1912 (CTH)  
Copyright Act 1956 (UK)  
Copyright Act 1968 (CTH)

**Subjects:** COPYRIGHT  
PRIVACY

**Treaties:** Berne Convention for the Protection of Literary and Artistic Works  
**Jurisdictions:** AUSTRALIA

**AGIS No:** 20133104  
**Title:** The Copyright Tribunal and file sharing.  
**Authors:** SIMS, Alexandra  
**Source:** NEW ZEALAND LAW JOURNAL October 2013 : 326-328  
**Abstract:** Overview of decisions made under the Copyright (Infringing File Sharing) Amendment Act - emerging jurisprudence - infringement by uploading - presumptions - Tribunal orders - strict liability - suspension of access.  
**Legal Cases:** Recording Industry Association of New Zealand Inc v Telecom NZ [2013] NZCOP 1  
RIANZ Inc v TCLE [A] T5877102 [2013] NZCopyT 2  
**Legislation:** Copyright (Infringing File Sharing) Amendment Act 2011 (NZ)  
Copyright Act 1994 (NZ)  
**Subjects:** COPYRIGHT  
**Jurisdictions:** NEW ZEALAND

## COUNTER TERRORISM

**AGIS No:** 20133133  
**Title:** The reshaping of control orders in the United Kingdom : time for a fairer go, Australia!

**Authors:** WALKER, Clive  
**Source:** MELBOURNE UNIVERSITY LAW REVIEW 37 (1) 2013 : 143-188  
**Abstract:** Background to the United Kingdom control order legislation for terrorism offences - overview of new scheme - Terrorism Prevention and Investigation Measures (TPIM) as measures of prevention and investigation - TPIM mechanics - policy transfer to Australia - Council of Australian Governments Review of Counter-Terrorism Legislation - comparison of UK and Australian legislation.  
**Legislation:** Anti-terrorism Act (No. 2) 2004 (CTH)  
Prevention of Terrorism Act 2005 (UK)  
Protection of Freedoms Act 2012 (UK)  
Terrorism Prevention and Investigation Measures Act 2011 (UK)  
**Subjects:** COUNTER TERRORISM  
LEGISLATION  
**Jurisdictions:** AUSTRALIA  
UNITED KINGDOM

## CRIME PREVENTION

**AGIS No:** 20133100  
**Title:** Good practice lessons from Australian Crime and Violence Prevention Awards winners.  
**Authors:** ANDERSON, Jessica  
TERER, Kiptoo  
**Source:** TRENDS AND ISSUES IN CRIME AND CRIMINAL JUSTICE (455) May 2013 : 1-12  
**Abstract:** Australian Crime and Violence Prevention Awards (ACVPA) recognises innovative crime prevention projects - assessment of six ACVPA winners from 2009 and 2010 - Under the Limit Drink Driving Education and Rehabilitation Program (Queensland) - Weld to Life (Western Australia) - Time for Kids (South Australia) - The Bridge Project (Victoria) - BSafe (Victoria) - Dubbo Transformation Strategy (New South Wales).  
**Subjects:** AWARDS AND HONOURS  
CRIME PREVENTION  
CRIMINOLOGY  
**Jurisdictions:** AUSTRALIA

## CRIMINAL OFFENDERS

**AGIS No:** 20133087  
**Title:** Juror perceptions of African American- and Arabic-named victims.  
**Authors:** CLARK, John W  
CRAMER, Robert J  
PERCOSKY, Amy  
AND, others  
**Source:** PSYCHIATRY, PSYCHOLOGY AND LAW 20 (5) October 2013 : 781-794

**Abstract:** Evaluation of perceptions of blame and guilt in violent crimes against Arabic, African American and Caucasian victims - patterns of bias in juror sample - differences between Latin American and Caucasian and African American perceptions - findings discussed in relation to modern racism - implications for research and juror consultation.

**Subjects:** BIAS  
CRIMINAL OFFENDERS  
RACIAL DISCRIMINATION  
VICTIMS OF CRIME

**AGIS No:** 20133132

**Title:** On the origins of consorting laws.

**Authors:** MCLEOD, Andrew

**Source:** MELBOURNE UNIVERSITY LAW REVIEW 37 (1) 2013 : 103-142

**Abstract:** Historical analysis of consorting laws - criminalised act of repeated association with criminals - English vagrancy legislation in the late-medieval period - application of English vagrancy laws in Australasian colonies - colonial attempts to criminalise association - consorting offences in the 20th century in Australia and New Zealand - present day re-emergence of consorting offences within the context of organised crime.

**Legal Cases:** South Australia v Totani (2010) 242 CLR 1

**Legislation:** Crimes Amendment (Consorting and Organised Crime) Act 2012 (NSW)  
Statutes Amendment (Serious and Organised Crime) Act 2012 (SA)  
Vagrancy Act 1824 (UK)

**Subjects:** CRIMINAL OFFENDERS  
ORGANISED CRIME  
VAGRANCY

**Jurisdictions:** AUSTRALIA  
ENGLAND  
NEW ZEALAND

**AGIS No:** 20133083

**Title:** You have to hit some people! Why problem-solving skills are more criminogenic than hostile attributional biases for adult male violent offenders.

**Authors:** KELTY, Sally F

**Source:** PSYCHIATRY, PSYCHOLOGY AND LAW 20 (5) October 2013 : 713-734

**Abstract:** Qualitative study of how and why grievances escalate and typical situations that end in violence - criminogenic risk factors for violence - attributions of hostile and malevolent intent - violence-based social problem solving - comparison of offenders and non-offenders.

**Subjects:** CRIMINAL OFFENDERS  
CRIMINAL OFFENDERS REHABILITATION  
VIOLENCE

**Jurisdictions:** AUSTRALIA

## CRIMINAL OFFENDERS REHABILITATION

**AGIS No:** 20133083  
**Title:** You have to hit some people! Why problem-solving skills are more criminogenic than hostile attributional biases for adult male violent offenders.  
**Authors:** KELTY, Sally F  
**Source:** PSYCHIATRY, PSYCHOLOGY AND LAW 20 (5) October 2013 : 713-734  
**Abstract:** Qualitative study of how and why grievances escalate and typical situations that end in violence - criminogenic risk factors for violence - attributions of hostile and malevolent intent - violence-based social problem solving - comparison of offenders and non-offenders.  
**Subjects:** CRIMINAL OFFENDERS  
CRIMINAL OFFENDERS REHABILITATION  
VIOLENCE  
**Jurisdictions:** AUSTRALIA

## CRIMINOLOGY

**AGIS No:** 20133100  
**Title:** Good practice lessons from Australian Crime and Violence Prevention Awards winners.  
**Authors:** ANDERSON, Jessica  
TERER, Kiptoo  
**Source:** TRENDS AND ISSUES IN CRIME AND CRIMINAL JUSTICE (455) May 2013 : 1-12  
**Abstract:** Australian Crime and Violence Prevention Awards (ACVPA) recognises innovative crime prevention projects - assessment of six ACVPA winners from 2009 and 2010 - Under the Limit Drink Driving Education and Rehabilitation Program (Queensland) - Weld to Life (Western Australia) - Time for Kids (South Australia) - The Bridge Project (Victoria) - BSafe (Victoria) - Dubbo Transformation Strategy (New South Wales).  
**Subjects:** AWARDS AND HONOURS  
CRIME PREVENTION  
CRIMINOLOGY  
**Jurisdictions:** AUSTRALIA

## DATA PROTECTION

**AGIS No:** 20140016  
**Title:** Protecting consumer data is in everyone's interest.  
**Authors:** FIJAC, Xavier  
**Source:** COMMUNICATIONS LAW BULLETIN 32 (4) October 2013 : 8-9  
**Abstract:** Consumer concerns about who is accessing their personal data - applications of Big Data - public private surveillance partnership - cloud based services - recent privacy reforms in Australian - National Security Agency internet surveillance - technology sector and privacy.  
**Subjects:** DATA PROTECTION  
INTERNET  
PRIVACY

## DEMOCRACY

**AGIS No:** 20133119  
**Title:** Pursuing revenue autonomy or playing politics? Fiscal behaviour of local government in Taiwan.  
**Authors:** KUO, Nai-Ling  
WAI YIP SO, Bennis  
**Source:** AUSTRALIAN JOURNAL OF PUBLIC ADMINISTRATION 72 (3) September 2013 : 330-343  
**Abstract:** Literature review of the fiscal incentives of decentralised local governments in a democratic unitary state - experience of intergovernmental fiscal relations in Taiwan - taxation - intergovernmental transfers.  
**Subjects:** DEMOCRACY  
FINANCIAL SYSTEM  
INTERGOVERNMENTAL RELATIONS  
**Jurisdictions:** TAIWAN

## DESIGNS

**AGIS No:** 20133094  
**Title:** Getting it right.  
**Authors:** STONE, Amalia  
YIP, Charles  
**Source:** AUSTRALIAN INTELLECTUAL PROPERTY LAW BULLETIN 26 (5) November 2013 : 110-113  
**Abstract:** Issues with errors in naming the application for registration of intellectual property - circumstances where errors are fatal to registration - designs - person entitled to be registered owner - constructive trust - trade marks - correcting the error - steps to ensure registration correct - case law.  
**Legal Cases:** Crazy Ron's Communications Pty Ltd v Mobileworld Communications Pty Ltd (2004) 209 ALR 1  
Foster's Australia Ltd v Cash's (Australia) Pty Ltd (2013) 299 ALR 134  
**Legislation:** Designs Act 2003 (CTH)  
Patents Act 1990 (CTH)  
Trade Marks Act 1995 (CTH)  
**Subjects:** DESIGNS  
INTELLECTUAL PROPERTY  
TRADE MARKS  
**Jurisdictions:** AUSTRALIA

**AGIS No:** 20133095  
**Title:** IP protection in China : still a misnomer?  
**Authors:** EADIE, Michelle  
**Source:** AUSTRALIAN INTELLECTUAL PROPERTY LAW BULLETIN 26 (5) November 2013 : 114-117  
**Abstract:** Protection and enforcement of intellectual property rights (IPR) in China - history of Chinese IPR - trade marks - patents and designs - copyright - avenues for enforcement - enforcement problems.

**Subjects:** COPYRIGHT  
DESIGNS  
INTELLECTUAL PROPERTY  
PATENTS  
TRADE MARKS  
**Jurisdictions:** CHINA

## DISABILITY

**AGIS No:** 20133099  
**Title:** A "VIP" treaty : Stevie Wonder finally sings at Marrakesh.  
**Authors:** HEINDL, Sabiene  
**Source:** AUSTRALIAN INTELLECTUAL PROPERTY LAW BULLETIN 26 (5) November 2013 : 126-127  
**Abstract:** Adoption of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled - promotion of the making and distribution of books and other published material in accessible formats - history of the treaty - key provisions - ratification.  
**Subjects:** DISABILITY  
PUBLISHERS AND PUBLISHING  
**Treaties:** Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled

## DISCOVERY

**AGIS No:** 20133136  
**Title:** Automation and sampling in e-discovery.  
**Authors:** WEBBER, William  
BARON, Jason R  
**Source:** INTERNET LAW BULLETIN 16 (7) November 2013 : 158-161  
**Abstract:** "Discovery" in common law countries - automated technologies for e-discovery - measurement of production effectiveness - estimating effectiveness through sampling - case law on the use of sampling in e-discovery practice - e-discovery use in resolving dispute.  
**Subjects:** AUTOMATED LEGAL RESEARCH  
DISCOVERY  
**Jurisdictions:** AUSTRALIA  
UNITED STATES

## DOMAIN NAMES

**AGIS No:** 20133137  
**Title:** Proving "use as a trade mark" in the domain name context : key principles and evidentiary requirements.  
**Authors:** HARRIS, Sonia  
**Source:** INTERNET LAW BULLETIN 16 (7) November 2013 : 162-166

**Abstract:** Consideration of when use of a domain name constitutes "trade use" - purpose of securing registration of, resisting opposition to a trade mark - analysis of case law - trends in types or use of domain names that constitute trade usage - infringement of registered mark.

**Legal Cases:** Edgetec International Pty Ltd v Zippykerb (NSW) Pty Ltd (2012) 98 IPR 1

**Legislation:** Trade Marks Act 1995 (CTH)

**Subjects:** DOMAIN NAMES  
TRADE LAW  
TRADE MARKS

**Jurisdictions:** AUSTRALIA

## DUTY OF CARE

**AGIS No:** 20133079

**Title:** The duty of care owed to a mentally ill person in the community who may require involuntary apprehension.

**Authors:** SCOTT, Russ

**Source:** PSYCHIATRY, PSYCHOLOGY AND LAW 20 (5) October 2013 : 660-685

**Abstract:** Mental health service duty of care - overview of case against ACT Mental Health Service - mentally ill man shot by police - negligence due to failure to exercise statutory power of apprehension - decisions by trial judge and appeals court - statutory power to apprehend.

**Legal Cases:** Australian Capital Territory v Crowley [2012] ACTCA 52

**Legislation:** Mental Health (Treatment and Care) Act 1994 (ACT)

**Subjects:** DUTY OF CARE  
MENTAL ILLNESS  
NEGLIGENCE

**Jurisdictions:** AUSTRALIA, Australian Capital Territory

## EMPLOYMENT

**AGIS No:** 20133065

**Title:** Affirming age : making federal anti-discrimination regulation work for older Australians.

**Authors:** MACDERMOTT, Therese

**Source:** AUSTRALIAN JOURNAL OF LABOUR LAW 26 (2) October 2013 : 141-163

**Abstract:** Reform of age discrimination legislation to implement proactive strategies - enhancement of effectiveness in dealing with age discrimination - structural framework for complaints and compliance - models for enforcement - harmonisation of discrimination laws - use of age discrimination laws to facilitate and sustain participation of older workers - assessment of potential reforms and strategies in meeting proposed objectives.

**Legislation:** Age Discrimination Act 2004 (CTH)  
Fair Work Act 2009 (CTH)

**Subjects:** AGE DISCRIMINATION  
EMPLOYMENT  
LAW REFORM

**Jurisdictions:** AUSTRALIA



**AGIS No:** 20133066  
**Title:** Social media, unfair dismissal and the regulation of employees' conduct outside work.

**Authors:** THORNTHWAITE, Louise

**Source:** AUSTRALIAN JOURNAL OF LABOUR LAW 26 (2) October 2013 : 164-184

**Abstract:** Unfair dismissal determinations of Fair Work Australia relating to social media - affect of social media on the employment relationship - distinction between employees' public and private life - off-duty activities - legal rights of employers to regulation employee private lives - case analysis of unfair dismissal applications - implications of recent case law for management police, employee commitments to employers and regulation of employment relationships.

**Legal Cases:** Dover - Ray v Real Insurance Pty Ltd (2010) 194 IR 22  
Dover-Ray v Real Insurance Pty Ltd (2010) 204 IR 399  
Fitzgerald v Smith t/as Escape Hair Design (2010) 204 IR 292  
Lukazewski v Capones Pizzeria Kyneton [2009] AIRC 280  
Stutsel v Linfox Australia Pty Ltd (2011) 217 IR 28

**Subjects:** EMPLOYMENT  
SOCIAL MEDIA  
UNFAIR DISMISSAL

**Jurisdictions:** AUSTRALIA

**AGIS No:** 20140018

**Title:** The impact of social media in the workplace : and employer's perspective.

**Authors:** SLOW, Veronica

**Source:** COMMUNICATIONS LAW BULLETIN 32 (4) October 2013 : 12-14

**Abstract:** Employer's use of social media in recruitment and discipline processes - assessment of prospective employees using social media - disciplining employees for social media conduct - posts about colleagues and employer.

**Legal Cases:** Dover-Ray v Real Insurance Pty Ltd [2010] FWA 8544  
Fitzgerald v Smith t/as Escape Hair Design [2010] FWA 7358  
Stutsel v Linfox Australia Pty Limited [2011] FWA 8444

**Legislation:** Fair Work Act 2009 (CTH)

**Subjects:** EMPLOYMENT  
SOCIAL MEDIA

**Jurisdictions:** AUSTRALIA

## EMPLOYMENT LAW

**AGIS No:** 20133064

**Title:** Is the right to request flexibility under the Fair Work Act enforceable?

**Authors:** CHAPMAN, Anna

**Source:** AUSTRALIAN JOURNAL OF LABOUR LAW 26 (2) October 2013 : 118-140

**Abstract:** Australian law reform initiative regarding work and care - right to request flexibility - requests to working arrangements to accommodate care responsibilities - legal obligations on an employer that are directly enforceable through a legal claim - 'reasonable business grounds' for denying requests - request provisions and other rules - interpretation of other rules - request regime in the UK - interpretation of UK scheme useful in the understanding of Australian scheme.

**Legal Cases:** Re Parental Leave Test Case 2005 (2005) 143 IR 245

**Legislation:** Employment Rights Act 1996 (UK)  
Fair Work Act 2009 (CTH)

**Subjects:** EMPLOYMENT LAW  
WORKING CONDITIONS

**Jurisdictions:** AUSTRALIA  
UNITED KINGDOM

## ENTERPRISE BARGAINING

**AGIS No:** 20133068

**Title:** Industrial action as a measure to compel employers to commence bargaining.

**Authors:** HOWARD, Leigh

**Source:** AUSTRALIAN JOURNAL OF LABOUR LAW 26 (2) October 2013 : 214-223

**Abstract:** Options available when an employer refuses to bargain - protected action ballot order - policy and legislative background of certified agreement provisions - bargaining provisions in the Fair Work Act - case law.

**Legal Cases:** Ford Motor Company of Australia Ltd v Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia (2009) 190 IR 300  
JJ Richards & Sons Pty Ltd v Fair Work Australia (2012) 201 FCR 297  
Stuartholme School v Independent Education Union of Australia (2010) 192 IR 29

**Legislation:** Fair Work Act 2009 (CTH)

**Subjects:** ENTERPRISE BARGAINING

**Jurisdictions:** AUSTRALIA

## ENVIRONMENTAL LAW

**AGIS No:** 20140001

**Title:** The globalisation and harmonisation of environmental law : an Australian perspective.

**Authors:** PRESTON, Brian J  
HANSON, Charlotte

**Source:** ASIA PACIFIC JOURNAL OF ENVIRONMENTAL LAW (16) 2013 : 1-36

**Abstract:** Growth of international and domestic environmental laws resulting in globalisation of laws - harmonisation between international and domestic environmental laws - sharing and adoption of domestic laws between countries - initiatives facilitating the continued globalisation and harmonisation of laws - need for more effective governance - reduction of overlap of multilateral environmental agreements and improved institutional coordination - synthesis of international environmental law with other areas of environmental law.

**Subjects:** ENVIRONMENTAL LAW  
GLOBALISATION

**Treaties:** Convention on Biological Diversity  
Marrakesh Agreement Establishing the World Trade Organization  
United Nations Convention on the Law of the Sea

## ENVIRONMENTAL PROTECTION

**AGIS No:** 20133108

**Title:** Watch this (sea) space : native title, fisheries legislation and marine management.

**Authors:** BUTTERLY, Lauren

**Source:** AUSTRALIAN ENVIRONMENT REVIEW 28 (9) October 2013 : 756-760

**Abstract:** High Court's decision in the Torres Strait Sea Claim - overview of the claim - expansion of Indigenous involvement in marine governance - Sea Country Indigenous Protected Areas - Marine Protected Areas - National Representative System of Marine Protected Areas.

**Legal Cases:** Akiba obh Torres Strait Islanders of Regional Seas Claim Group v State of Queensland (No 2); sub nom Akiba v Queensland (No 3) (FCR) (2010) 204 FCR 1  
Akiba on behalf of the Torres Strait Regional Seas Claim Group v Commonwealth of Australia (2013) 300 ALR 1

**Subjects:** ENVIRONMENTAL PROTECTION  
INDIGENOUS PEOPLE  
MARINE RESOURCES  
NATIVE TITLE

**Jurisdictions:** AUSTRALIA

## ESTATE PLANNING

**AGIS No:** 20133098

**Title:** Western Australia repeals Aboriginal intestacy laws that impeded the transfer of intellectual property value for Aboriginal Australians.

**Authors:** MCMEEKEN, Krista

**Source:** AUSTRALIAN INTELLECTUAL PROPERTY LAW BULLETIN 26 (5) November 2013 : 124-125

**Abstract:** Process for dealing with intellectual property of Indigenous artists who die intestate brought into line with non-Indigenous artists - importance of artist understanding value of their intellectual property and plan for distribution after death - Mabel King exhibition.

**Legislation:** Aboriginal Affairs Planning Authority Act 1972 (WA)  
Racial Discrimination Act 1975 (CTH)

**Subjects:** ESTATE PLANNING  
INDIGENOUS PEOPLE  
WILLS

**Jurisdictions:** AUSTRALIA, Western Australia

## EVIDENCE

**AGIS No:** 20133082  
**Title:** Counter-interrogation strategies among small cells of suspects.  
**Authors:** GRANHAG, Par Anders  
GIOLLA, Erik Mac  
STROMWALL, Leif A  
RANGMAR, Jenny  
**Source:** PSYCHIATRY, PSYCHOLOGY AND LAW 20 (5) October 2013 : 705-715  
**Abstract:** Subjective interview strategies of groups of truth-tellers and liars - comparison with suspects' actual interview performance - behavioural similarities - cognitive differences - subjective strategies - objective measures of forthcoming.  
**Subjects:** EVIDENCE  
POLICE INTERROGATION

## FEDERALISM

**AGIS No:** 20133110  
**Title:** Dilemmas of federalism and the dynamics of the Australian case.  
**Authors:** FENNA, Alan  
HOLLANDER, Robyn  
**Source:** AUSTRALIAN JOURNAL OF PUBLIC ADMINISTRATION 72 (3) September 2013 : 220-227  
**Abstract:** Overview of features and tendencies of federal systems - characteristics of Australian system - design - evolution - fiscal federalism - move towards performance-based federalism - cooperative federalism and intergovernmental relations.  
**Subjects:** FEDERALISM  
INTERGOVERNMENTAL RELATIONS  
**Jurisdictions:** AUSTRALIA

**AGIS No:** 20133123  
**Title:** Reducing tensions in Australian intergovernmental relations through institutional innovation.  
**Authors:** MENZIES, Jennifer  
**Source:** AUSTRALIAN JOURNAL OF PUBLIC ADMINISTRATION 72 (3) September 2013 : 382-389  
**Abstract:** Domination of intergovernmental relations by 'soft factors' of partisanship, personality and political cycle - institutional reform to support intergovernmental relations.  
**Subjects:** FEDERALISM  
INTERGOVERNMENTAL RELATIONS  
**Jurisdictions:** AUSTRALIA

**AGIS No:** 20133111  
**Title:** Understanding intergovernmental relations : key features and trends.  
**Authors:** PHILLIMORE, John

**Source:** AUSTRALIAN JOURNAL OF PUBLIC ADMINISTRATION 72 (3) September 2013 : 228-238

**Abstract:** Features of intergovernmental relations (IGR) - IGR in federations - IGR institutions and processes - trends, challenges and improvements.

**Subjects:** FEDERALISM  
INTERGOVERNMENTAL RELATIONS

**Jurisdictions:** AUSTRALIA

## FINANCIAL SERVICES

**AGIS No:** 20133091

**Title:** Conducting credit activities "efficiently, honestly and fairly" : the role of responsible managers.

**Authors:** CARROLL, Samantha  
COOLING, Damien

**Source:** AUSTRALIAN BANKING AND FINANCE LAW BULLETIN 29 (5) November 2013 : 58-60

**Abstract:** Steps for ensuring obligations under the National Consumer Credit Protection Act (NCCP) are satisfied - overview of key obligations - interpretation of similar obligations under the Corporations Act - requirements of credit licensees and financial services licensees - understanding the nature of obligations.

**Legal Cases:** Australian Securities and Investments Commission (ASIC) v Camelot Derivatives Pty Ltd (in liq) (2012) 88 ACSR 206

**Legislation:** Corporations Act 2001 (CTH)  
National Consumer Credit Protection Act 2009 (CTH)

**Subjects:** CONSUMER CREDIT  
FINANCIAL SERVICES

**Jurisdictions:** AUSTRALIA

## FINANCIAL SYSTEM

**AGIS No:** 20133122

**Title:** Accountability and reforms to Australia's federal financial relations.

**Authors:** O'LOUGHLIN, Mary Ann

**Source:** AUSTRALIAN JOURNAL OF PUBLIC ADMINISTRATION 72 (3) September 2013 : 376-381

**Abstract:** Introduction of new accountability arrangements as part of federal financial reforms - outline of the Intergovernmental Agreement on Federal Financial Arrangements - lessons learned from implementation.

**Subjects:** FINANCIAL SYSTEM  
INTERGOVERNMENTAL RELATIONS

**Jurisdictions:** AUSTRALIA

  

**AGIS No:** 20133121

**Title:** Analyzing social safety net and employment assistance spending in Chinese cities.

**Authors:** TAT-KEI HO, Alfred  
LANG, Tao  
**Source:** AUSTRALIAN JOURNAL OF PUBLIC ADMINISTRATION 72 (3) September 2013 : 359-375  
**Abstract:** Social safety net and employment spending - current decentralised policy in China - advantages and challenges - increase in social safety net spending - spending gap between urban and rural areas - intra and inter-provincial differences.  
**Subjects:** FINANCIAL SYSTEM  
SOCIAL POLICY  
**Jurisdictions:** CHINA

**AGIS No:** 20133116  
**Title:** Determinants of land finance in China : a study based on provincial-level panel data.

**Authors:** YE, Fangzhi  
WANG, Wen  
**Source:** AUSTRALIAN JOURNAL OF PUBLIC ADMINISTRATION 72 (3) September 2013 : 293-303  
**Abstract:** Historical developments and current practice of land finance - examination of factors behind Chinese local government reliance on land finance - intergovernmental fiscal arrangements increasing exploitation of land leasing by local governments - implications for future reforms of land management and intergovernmental financing.

**Subjects:** FINANCIAL SYSTEM  
INTERGOVERNMENTAL RELATIONS  
LAND USE  
**Jurisdictions:** CHINA

**AGIS No:** 20133113  
**Title:** Fiscal decentralization in China revisited.  
**Authors:** NIU, Meili  
**Source:** AUSTRALIAN JOURNAL OF PUBLIC ADMINISTRATION 72 (3) September 2013 : 251-263  
**Abstract:** Measurement of level of fiscal decentralisation across tiers of government - decentralisation at provincial and sub-provincial levels - achievements of China's fiscal decentralisation - challenges for next steps of fiscal reform.  
**Subjects:** FINANCIAL SYSTEM  
INTERGOVERNMENTAL RELATIONS  
**Jurisdictions:** CHINA

**AGIS No:** 20133118  
**Title:** Fiscal equalisation in Australia.  
**Authors:** SPASOVEJIC, John  
**Source:** AUSTRALIAN JOURNAL OF PUBLIC ADMINISTRATION 72 (3) September 2013 : 316-329

**Abstract:** Features of processes used to distribute the GST in Australia - Commonwealth and State revenues and expenditures - factors causing differences in State and Territory fiscal capacities - current issues surrounding inter-governmental financial relations.

**Subjects:** FINANCIAL SYSTEM  
GOODS AND SERVICES TAX  
INTERGOVERNMENTAL RELATIONS

**Jurisdictions:** AUSTRALIA

**AGIS No:** 20133115

**Title:** Hidden fiscal risks in local China.

**Authors:** MA, Jun

**Source:** AUSTRALIAN JOURNAL OF PUBLIC ADMINISTRATION 72 (3) September 2013 : 278-292

**Abstract:** Fiscal risks in China at the local (sub-national) government level - debt system - governmental liabilities - local government involvement in debt finance - measures adopted to control local debt risks.

**Subjects:** FINANCIAL SYSTEM  
GOVERNMENT LIABILITY

**Jurisdictions:** CHINA

**AGIS No:** 20133119

**Title:** Pursuing revenue autonomy or playing politics? Fiscal behaviour of local government in Taiwan.

**Authors:** KUO, Nai-Ling

WAI YIP SO, Bennis

**Source:** AUSTRALIAN JOURNAL OF PUBLIC ADMINISTRATION 72 (3) September 2013 : 330-343

**Abstract:** Literature review of the fiscal incentives of decentralised local governments in a democratic unitary state - experience of intergovernmental fiscal relations in Taiwan - taxation - intergovernmental transfers.

**Subjects:** DEMOCRACY  
FINANCIAL SYSTEM  
INTERGOVERNMENTAL RELATIONS

**Jurisdictions:** TAIWAN

**AGIS No:** 20133117

**Title:** The evolution of Australia's intergovernmental financial relations framework.

**Authors:** ROBINSON, Peter

FARRELLY, Tess

**Source:** AUSTRALIAN JOURNAL OF PUBLIC ADMINISTRATION 72 (3) September 2013 : 304-315

**Abstract:** Key features of Australia's intergovernmental framework - history - the Constitution and federal financial relations - analysis of intergovernmental financial transactions - vertical fiscal imbalance and horizontal equity - quantitative data on spending across Australian governments - current issues and future developments impacting on the distribution of revenue.

**Subjects:** FINANCIAL SYSTEM  
INTERGOVERNMENTAL RELATIONS  
**Jurisdictions:** AUSTRALIA

**AGIS No:** 20133114  
**Title:** The impacts of intergovernmental transfers on local governments' fiscal behavior in China : a cross-county analysis.  
**Authors:** ZHANG, Guang  
**Source:** AUSTRALIAN JOURNAL OF PUBLIC ADMINISTRATION 72 (3) September 2013 : 264-277  
**Abstract:** Three major types of fiscal transfers and budgets - tax returns - general purpose or fiscal capacity transfers - special purpose transfers - analysis of cross county data using regression models for testing hypotheses - impact of intergovernmental transfers.

**Subjects:** FINANCIAL SYSTEM  
INTERGOVERNMENTAL RELATIONS  
**Jurisdictions:** CHINA

**AGIS No:** 20133120  
**Title:** The recent social policy expansion and its implications for inter-governmental financial relations in China.  
**Authors:** NGOK, Kinglun  
**Source:** AUSTRALIAN JOURNAL OF PUBLIC ADMINISTRATION 72 (3) September 2013 : 344-358  
**Abstract:** Recent social policy expansion and related increase in social policy expenditure in China - impact on central-local financial responsibilities - responsibility to finance social expansion - imbalance of financial responsibilities between central and local governments in funding people's wellbeing - need to restructure central-local financial relationships in China.  
**Subjects:** FINANCIAL SYSTEM  
INTERGOVERNMENTAL RELATIONS  
SOCIAL POLICY  
**Jurisdictions:** CHINA

## FOREIGN AID

**AGIS No:** 20140004  
**Title:** Japanese aid in comparative perspective.  
**Authors:** NICHOLSON, Pip  
HINDERLING, Samantha  
**Source:** HAGUE JOURNAL ON THE RULE OF LAW 5 (2) 2013 : 274-309  
**Abstract:** Analysis of rule of law aid - Schimmelfinnig's matrix - history of Japanese legal development assistance - application of analysis to Japan - exploration of what, who, how, funding base and locale of rule of law activities.  
**Subjects:** FOREIGN AID  
RULE OF LAW  
**Jurisdictions:** JAPAN



## FREEDOM OF SPEECH

**AGIS No:** 20133103  
**Title:** Trade marks : protest, parody, satire.  
**Authors:** MORGAN, Alastair  
**Source:** NEW ZEALAND LAW JOURNAL October 2013 : 323-325  
**Abstract:** Free speech and intellectual property (IP) - use of trade marks and other IP in everyday language - expansion of trade mark infringement to cover unconventional uses - unconventional use not necessarily motivated by commercial gain - examples of trade mark use in protests, parodies and satire - course of trade - use of trade marks - case law.  
**Legal Cases:** New Zealand Rugby Football Union Inc v Saint Publishing Ltd (Unreported, NZ H.Ct., 2 October 2001)  
Solid Energy New Zealand Limited v Mountier [2007] NZHC 713  
**Legislation:** Trade Marks Act 2002 (NZ)  
**Subjects:** FREEDOM OF SPEECH  
INTELLECTUAL PROPERTY  
TRADE MARKS  
**Jurisdictions:** NEW ZEALAND

## GAMBLING

**AGIS No:** 20140017  
**Title:** What does the Abbott Government mean for online gambling?  
**Authors:** AZZI, Jessica  
**Source:** COMMUNICATIONS LAW BULLETIN 32 (4) October 2013 : 10-11  
**Abstract:** Policies introduced by the Abbott Government relating to problem gambling and online safety for children - effect of policies on reform of Interactive Gambling Act (IGA) - overview of IGA - Australian gamblers' use of offshore gaming - online safety policy and social games sector.  
**Legislation:** Interactive Gambling Act 2001 (CTH)  
**Subjects:** GAMBLING  
INTERNET  
SOCIAL MEDIA  
**Jurisdictions:** AUSTRALIA

## GLOBALISATION

**AGIS No:** 20140001  
**Title:** The globalisation and harmonisation of environmental law : an Australian perspective.  
**Authors:** PRESTON, Brian J  
HANSON, Charlotte  
**Source:** ASIA PACIFIC JOURNAL OF ENVIRONMENTAL LAW (16) 2013 : 1-36

**Abstract:** Growth of international and domestic environmental laws resulting in globalisation of laws - harmonisation between international and domestic environmental laws - sharing and adoption of domestic laws between countries - initiatives facilitating the continued globalisation and harmonisation of laws - need for more effective governance - reduction of overlap of multilateral environmental agreements and improved institutional coordination - synthesis of international environmental law with other areas of environmental law.

**Subjects:** ENVIRONMENTAL LAW  
GLOBALISATION

**Treaties:** Convention on Biological Diversity  
Marrakesh Agreement Establishing the World Trade Organization  
United Nations Convention on the Law of the Sea

**AGIS No:** 20133089

**Title:** The globalisation of the Australian legal profession in the Asian century : a report of the paper presented at the Joint Study Institute, 2013.

**Authors:** KELLY, Celine

**Source:** LEGAL INFORMATION MANAGEMENT 13 (3) 2013 : 209-212

**Abstract:** Overview of paper presented by Andrew Godwin at the Joint Study Institute 2013 conference - globalisation and liberalisation of legal services - GATS - experiences of countries where markets have been liberalised - effect of globalisation on law students.

**Subjects:** GLOBALISATION  
LEGAL PROFESSION

**Jurisdictions:** AUSTRALIA  
CHINA  
INDIA  
JAPAN  
SINGAPORE  
SOUTH KOREA

## GOODS AND SERVICES TAX

**AGIS No:** 20133118

**Title:** Fiscal equalisation in Australia.

**Authors:** SPASOVEJIC, John

**Source:** AUSTRALIAN JOURNAL OF PUBLIC ADMINISTRATION 72 (3) September 2013 : 316-329

**Abstract:** Features of processes used to distribute the GST in Australia - Commonwealth and State revenues and expenditures - factors causing differences in State and Territory fiscal capacities - current issues surrounding inter-governmental financial relations.

**Subjects:** FINANCIAL SYSTEM  
GOODS AND SERVICES TAX  
INTERGOVERNMENTAL RELATIONS

**Jurisdictions:** AUSTRALIA

## GOVERNMENT

**AGIS No:** 20133109  
**Title:** Public administration in China and Australia : different worlds by similar challenges.  
**Authors:** PODGER, Andrew  
YAN, Bo  
**Source:** AUSTRALIAN JOURNAL OF PUBLIC ADMINISTRATION 72 (3) September 2013 : 201-219  
**Abstract:** Key features and principles of public administration in Australia and China - different political contexts - institutions of governance - political and financial relations between different levels of government - public management - reform - future governance arrangements.  
**Subjects:** GOVERNMENT  
PUBLIC ADMINISTRATION  
**Jurisdictions:** AUSTRALIA  
CHINA

**AGIS No:** 20133112  
**Title:** Redefining decentralization : devolution of administrative authority to county governance in Zhejiang Province.  
**Authors:** YU, Jianxing  
GAO, Xiang  
**Source:** AUSTRALIAN JOURNAL OF PUBLIC ADMINISTRATION 72 (3) September 2013 : 239-250  
**Abstract:** Case study of expansion of county government powers in Zhejiang Province - administrative decentralisation implemented independently of fiscal and personal decentralisation - effective expansion of local autonomy and stimulate regional economic growth - model for other transitional countries to initiate market reform.  
**Subjects:** GOVERNMENT  
**Jurisdictions:** CHINA

## GOVERNMENT LIABILITY

**AGIS No:** 20133115  
**Title:** Hidden fiscal risks in local China.  
**Authors:** MA, Jun  
**Source:** AUSTRALIAN JOURNAL OF PUBLIC ADMINISTRATION 72 (3) September 2013 : 278-292  
**Abstract:** Fiscal risks in China at the local (sub-national) government level - debt system - governmental liabilities - local government involvement in debt finance - measures adopted to control local debt risks.  
**Subjects:** FINANCIAL SYSTEM  
GOVERNMENT LIABILITY  
**Jurisdictions:** CHINA

## HIGH COURT

**AGIS No:** 20133134  
**Title:** Williams v Commonwealth : Commonwealth executive power and Australian federalism.

**Authors:** CHORDIA, Shipra  
LYNCH, Andrew  
WILLIAMS, George

**Source:** MELBOURNE UNIVERSITY LAW REVIEW 37 (1) 2013 : 189-231

**Abstract:** High Court decision in Williams v Commonwealth - Commonwealth lacks general power to enter into contracts and spend public money without statutory authority or some other source of power - reasoning of the Court - implications for federalism - potential use of s 96 grants to delivery programs previously directly funded by Commonwealth executive contracts - whether statutory authority is required for Commonwealth to enter inter-governmental agreements.

**Legal Cases:** Melbourne Corporation v Commonwealth (1947) 74 CLR 31  
Victoria v Commonwealth (AAP case) (1975) 134 CLR 338  
  
Williams v Commonwealth of Australia (2012) 288 ALR 410

**Legislation:** Constitution (CTH)

**Subjects:** CONSTITUTIONAL LAW  
CONTRACTS  
HIGH COURT

**Jurisdictions:** AUSTRALIA

## HISTORY

**AGIS No:** 20140011  
**Title:** Bankruptcy and order.  
**Authors:** QUILTER, Michael  
**Source:** MONASH UNIVERSITY LAW REVIEW 39 (1) 2013 : 188-212  
**Abstract:** Relationship between the idea of bankruptcy and the need for order - origin of the idea of bankruptcy in the Roman Republic - need for bankruptcy laws in England between the 16th and 18th centuries to underpin entrepreneurship - philosophy and focus of modern bankruptcy law - emergence of consumer bankruptcy.

**Subjects:** BANKRUPTCY  
HISTORY

## HOUSING

**AGIS No:** 20140005  
**Title:** Protecting public housing tenants in Australia from forced eviction : the fundamental importance of the human right to adequate housing and home.

**Authors:** BELL, Kevin  
**Source:** MONASH UNIVERSITY LAW REVIEW 39 (1) 2013 : 1-37

**Abstract:** Scope of human right of adequate housing and home under international law - international position contrasted with public housing regimes in Australian states and territories - debate in the idea of home over traditional property law - exploration of differences between international obligations and domestic law - reform of law and administration in respect to public housing to comply with human rights obligations.

**Subjects:** HOUSING  
HUMAN RIGHTS  
LANDLORD AND TENANT

**Treaties:** International Covenant on Civil and Political Rights  
International Covenant on Economic, Social and Cultural Rights  
Universal Declaration of Human Rights

**Jurisdictions:** AUSTRALIA

## HUMAN RIGHTS

**AGIS No:** 20140005

**Title:** Protecting public housing tenants in Australia from forced eviction : the fundamental importance of the human right to adequate housing and home.

**Authors:** BELL, Kevin

**Source:** MONASH UNIVERSITY LAW REVIEW 39 (1) 2013 : 1-37

**Abstract:** Scope of human right of adequate housing and home under international law - international position contrasted with public housing regimes in Australian states and territories - debate in the idea of home over traditional property law - exploration of differences between international obligations and domestic law - reform of law and administration in respect to public housing to comply with human rights obligations.

**Subjects:** HOUSING  
HUMAN RIGHTS  
LANDLORD AND TENANT

**Treaties:** International Covenant on Civil and Political Rights  
International Covenant on Economic, Social and Cultural Rights  
Universal Declaration of Human Rights

**Jurisdictions:** AUSTRALIA

## INDIGENOUS PEOPLE

**AGIS No:** 20133097

**Title:** Certification trade marks : protection of Indigenous art and intellectual property rights in Australia.

**Authors:** MCMEEKEN, Krista

**Source:** AUSTRALIAN INTELLECTUAL PROPERTY LAW BULLETIN 26 (5) November 2013 : 121-123

**Abstract:** Rise in the number of infringement of intellectual property of Aboriginal and Torres Strait Islander peoples - need for national regulation of authenticity - label of authenticity - certification trade marks - current approaches to regulating authenticity - options for protection of Indigenous intellectual property.

**Subjects:** ARTS AND THE LAW  
INDIGENOUS PEOPLE  
INTELLECTUAL PROPERTY  
TRADE MARKS  
**Jurisdictions:** AUSTRALIA

**AGIS No:** 20140003  
**Title:** New ways for exploring who knows what in a native title case : a sociological approach.

**Authors:** O'BRIEN, Rebecca  
ELDER, Catriona

**Source:** AUSTRALIAN ABORIGINAL STUDIES (2) 2013 : 29-41

**Abstract:** Native title legal process - use of sociology of knowledge to understand who is involved in native title hearings and how they are understood by the court - literature review on Indigenous peoples involvement in native title hearings - legitimation code theory (LCT) and how and when knowledge is heard - how Indigenous knowledge is heard - case law.

**Legal Cases:** Members of the Yorta Yorta Aboriginal Community v State of Victoria [1998] FCA 1606  
**Legislation:** Native Title Act 1993 (CTH)  
**Subjects:** INDIGENOUS PEOPLE  
NATIVE TITLE  
**Jurisdictions:** AUSTRALIA

**AGIS No:** 20133108  
**Title:** Watch this (sea) space : native title, fisheries legislation and marine management.

**Authors:** BUTTERLY, Lauren

**Source:** AUSTRALIAN ENVIRONMENT REVIEW 28 (9) October 2013 : 756-760

**Abstract:** High Court's decision in the Torres Strait Sea Claim - overview of the claim - expansion of Indigenous involvement in marine governance - Sea Country Indigenous Protected Areas - Marine Protected Areas - National Representative System of Marine Protected Areas.

**Legal Cases:** Akiba on behalf of the Torres Strait Islanders of Regional Seas Claim Group v State of Queensland (No 2); sub nom Akiba v Queensland (No 3) (FCR) (2010) 204 FCR 1  
Akiba on behalf of the Torres Strait Regional Seas Claim Group v Commonwealth of Australia (2013) 300 ALR 1

**Subjects:** ENVIRONMENTAL PROTECTION  
INDIGENOUS PEOPLE  
MARINE RESOURCES  
NATIVE TITLE

**Jurisdictions:** AUSTRALIA

**AGIS No:** 20133098  
**Title:** Western Australia repeals Aboriginal intestacy laws that impeded the transfer of intellectual property value for Aboriginal Australians.

**Authors:** MCMEEKEN, Krista

**Source:** AUSTRALIAN INTELLECTUAL PROPERTY LAW BULLETIN 26 (5) November 2013 : 124-125

**Abstract:** Process for dealing with intellectual property of Indigenous artists who die intestate brought into line with non-Indigenous artists - importance of artist understanding value of their intellectual property and plan for distribution after death - Mabel King exhibition.

**Legislation:** Aboriginal Affairs Planning Authority Act 1972 (WA)  
Racial Discrimination Act 1975 (CTH)

**Subjects:** ESTATE PLANNING  
INDIGENOUS PEOPLE  
WILLS

**Jurisdictions:** AUSTRALIA, Western Australia

## INDUSTRIAL SAFETY

**AGIS No:** 20133067

**Title:** The harmonisation of Australia's occupational health and safety laws : much ado about nothing?

**Authors:** WINDHOLZ, Eric

**Source:** AUSTRALIAN JOURNAL OF LABOUR LAW 26 (2) October 2013 : 185-213

**Abstract:** Public interest in occupational health and safety (OHS) harmonisation - policy arena occupied by different actors with differing concepts of public interest and reform agendas - development of model laws - time, effort and expense in development - examination of model laws - identification and explanation of key reforms - stakeholder responses - implication of stakeholder responses.

**Subjects:** INDUSTRIAL SAFETY  
LAW REFORM

**Jurisdictions:** AUSTRALIA

## INFORMATION TECHNOLOGY

**AGIS No:** 20133073

**Title:** Protecting your secrets in the cloud.

**Authors:** PARK, Michael  
CHEUNG, Ka-Chai

**Source:** INHOUSE COUNSEL 17 (1) October 2013 : 10-12

**Abstract:** Risks and issues associated with corporate information stored in the cloud - definition of cloud computing - Federal Government's National Cloud Strategy - need for a cloud procurement strategy to address potential risks - impact of privacy laws regarding the storage of personal information in the cloud.

**Subjects:** INFORMATION TECHNOLOGY  
PRIVACY

**Jurisdictions:** AUSTRALIA

## INTELLECTUAL PROPERTY

**AGIS No:** 20133097

**Title:** Certification trade marks : protection of Indigenous art and intellectual property rights in Australia.

**Authors:** MCMEEKEN, Krista

**Source:** AUSTRALIAN INTELLECTUAL PROPERTY LAW BULLETIN 26 (5) November 2013 : 121-123

**Abstract:** Rise in the number of infringement of intellectual property of Aboriginal and Torres Strait Islander peoples - need for national regulation of authenticity - label of authenticity - certification trade marks - current approaches to regulating authenticity - options for protection of Indigenous intellectual property.

**Subjects:** ARTS AND THE LAW  
INDIGENOUS PEOPLE  
INTELLECTUAL PROPERTY  
TRADE MARKS

**Jurisdictions:** AUSTRALIA

**AGIS No:** 20133094

**Title:** Getting it right.

**Authors:** STONE, Amalia  
YIP, Charles

**Source:** AUSTRALIAN INTELLECTUAL PROPERTY LAW BULLETIN 26 (5) November 2013 : 110-113

**Abstract:** Issues with errors in naming the application for registration of intellectual property - circumstances where errors are fatal to registration - designs - person entitled to be registered owner - constructive trust - trade marks - correcting the error - steps to ensure registration correct - case law.

**Legal Cases:** Crazy Ron's Communications Pty Ltd v Mobileworld Communications Pty Ltd (2004) 209 ALR 1  
Foster's Australia Ltd v Cash's (Australia) Pty Ltd (2013) 299 ALR 134

**Legislation:** Designs Act 2003 (CTH)  
Patents Act 1990 (CTH)  
Trade Marks Act 1995 (CTH)

**Subjects:** DESIGNS  
INTELLECTUAL PROPERTY  
TRADE MARKS

**Jurisdictions:** AUSTRALIA

**AGIS No:** 20133095

**Title:** IP protection in China : still a misnomer?

**Authors:** EADIE, Michelle

**Source:** AUSTRALIAN INTELLECTUAL PROPERTY LAW BULLETIN 26 (5) November 2013 : 114-117

**Abstract:** Protection and enforcement of intellectual property rights (IPR) in China - history of Chinese IPR - trade marks - patents and designs - copyright - avenues for enforcement - enforcement problems.



**Subjects:** COPYRIGHT  
DESIGNS  
INTELLECTUAL PROPERTY  
PATENTS  
TRADE MARKS  
**Jurisdictions:** CHINA

**AGIS No:** 20133103  
**Title:** Trade marks : protest, parody, satire.  
**Authors:** MORGAN, Alastair  
**Source:** NEW ZEALAND LAW JOURNAL October 2013 : 323-325  
**Abstract:** Free speech and intellectual property (IP) - use of trade marks and other IP in everyday language - expansion of trade mark infringement to cover unconventional uses - unconventional use not necessarily motivated by commercial gain - examples of trade mark use in protests, parodies and satire - course of trade - use of trade marks - case law.  
**Legal Cases:** New Zealand Rugby Football Union Inc v Saint Publishing Ltd (Unreported, NZ H.Ct., 2 October 2001)  
Solid Energy New Zealand Limited v Mountier [2007] NZHC 713  
**Legislation:** Trade Marks Act 2002 (NZ)  
**Subjects:** FREEDOM OF SPEECH  
INTELLECTUAL PROPERTY  
TRADE MARKS  
**Jurisdictions:** NEW ZEALAND

## INTERGOVERNMENTAL RELATIONS

**AGIS No:** 20133122  
**Title:** Accountability and reforms to Australia's federal financial relations.  
**Authors:** O'LOUGHLIN, Mary Ann  
**Source:** AUSTRALIAN JOURNAL OF PUBLIC ADMINISTRATION 72 (3) September 2013 : 376-381  
**Abstract:** Introduction of new accountability arrangements as part of federal financial reforms - outline of the Intergovernmental Agreement on Federal Financial Arrangements - lessons learned from implementation.  
**Subjects:** FINANCIAL SYSTEM  
INTERGOVERNMENTAL RELATIONS  
**Jurisdictions:** AUSTRALIA

**AGIS No:** 20133116  
**Title:** Determinants of land finance in China : a study based on provincial-level panel data.  
**Authors:** YE, Fangzhi  
WANG, Wen  
**Source:** AUSTRALIAN JOURNAL OF PUBLIC ADMINISTRATION 72 (3) September 2013 : 293-303

**Abstract:** Historical developments and current practice of land finance - examination of factors behind Chinese local government reliance on land finance - intergovernmental fiscal arrangements increasing exploitation of land leasing by local governments - implications for future reforms of land management and intergovernmental financing.

**Subjects:** FINANCIAL SYSTEM  
INTERGOVERNMENTAL RELATIONS  
LAND USE

**Jurisdictions:** CHINA

**AGIS No:** 20133110

**Title:** Dilemmas of federalism and the dynamics of the Australian case.

**Authors:** FENNA, Alan  
HOLLANDER, Robyn

**Source:** AUSTRALIAN JOURNAL OF PUBLIC ADMINISTRATION 72 (3) September 2013 : 220-227

**Abstract:** Overview of features and tendencies of federal systems - characteristics of Australian system - design - evolution - fiscal federalism - move towards performance-based federalism - cooperative federalism and intergovernmental relations.

**Subjects:** FEDERALISM  
INTERGOVERNMENTAL RELATIONS

**Jurisdictions:** AUSTRALIA

**AGIS No:** 20133113

**Title:** Fiscal decentralization in China revisited.

**Authors:** NIU, Meili

**Source:** AUSTRALIAN JOURNAL OF PUBLIC ADMINISTRATION 72 (3) September 2013 : 251-263

**Abstract:** Measurement of level of fiscal decentralisation across tiers of government - decentralisation at provincial and sub-provincial levels - achievements of China's fiscal decentralisation - challenges for next steps of fiscal reform.

**Subjects:** FINANCIAL SYSTEM  
INTERGOVERNMENTAL RELATIONS

**Jurisdictions:** CHINA

**AGIS No:** 20133118

**Title:** Fiscal equalisation in Australia.

**Authors:** SPASOVEJIC, John

**Source:** AUSTRALIAN JOURNAL OF PUBLIC ADMINISTRATION 72 (3) September 2013 : 316-329

**Abstract:** Features of processes used to distribute the GST in Australia - Commonwealth and State revenues and expenditures - factors causing differences in State and Territory fiscal capacities - current issues surrounding inter-governmental financial relations.

**Subjects:** FINANCIAL SYSTEM  
GOODS AND SERVICES TAX  
INTERGOVERNMENTAL RELATIONS

**Jurisdictions:** AUSTRALIA

**AGIS No:** 20133119

**Title:** Pursuing revenue autonomy or playing politics? Fiscal behaviour of local government in Taiwan.

**Authors:** KUO, Nai-Ling  
WAI YIP SO, Bennis

**Source:** AUSTRALIAN JOURNAL OF PUBLIC ADMINISTRATION 72 (3) September 2013 : 330-343

**Abstract:** Literature review of the fiscal incentives of decentralised local governments in a democratic unitary state - experience of intergovernmental fiscal relations in Taiwan - taxation - intergovernmental transfers.

**Subjects:** DEMOCRACY  
FINANCIAL SYSTEM  
INTERGOVERNMENTAL RELATIONS

**Jurisdictions:** TAIWAN

**AGIS No:** 20133123

**Title:** Reducing tensions in Australian intergovernmental relations through institutional innovation.

**Authors:** MENZIES, Jennifer

**Source:** AUSTRALIAN JOURNAL OF PUBLIC ADMINISTRATION 72 (3) September 2013 : 382-389

**Abstract:** Domination of intergovernmental relations by 'soft factors' of partisanship, personality and political cycle - institutional reform to support intergovernmental relations.

**Subjects:** FEDERALISM  
INTERGOVERNMENTAL RELATIONS

**Jurisdictions:** AUSTRALIA

**AGIS No:** 20133117

**Title:** The evolution of Australia's intergovernmental financial relations framework.

**Authors:** ROBINSON, Peter  
FARRELLY, Tess

**Source:** AUSTRALIAN JOURNAL OF PUBLIC ADMINISTRATION 72 (3) September 2013 : 304-315

**Abstract:** Key features of Australia's intergovernmental framework - history - the Constitution and federal financial relations - analysis of intergovernmental financial transactions - vertical fiscal imbalance and horizontal equity - quantitative data on spending across Australian governments - current issues and future developments impacting on the distribution of revenue.

**Subjects:** FINANCIAL SYSTEM  
INTERGOVERNMENTAL RELATIONS

**Jurisdictions:** AUSTRALIA

**AGIS No:** 20133114

**Title:** The impacts of intergovernmental transfers on local governments' fiscal behavior in China : a cross-county analysis.  
**Authors:** ZHANG, Guang  
**Source:** AUSTRALIAN JOURNAL OF PUBLIC ADMINISTRATION 72 (3) September 2013 : 264-277  
**Abstract:** Three major types of fiscal transfers and budgets - tax returns - general purpose or fiscal capacity transfers - special purpose transfers - analysis of cross county data using regression models for testing hypotheses - impact of intergovernmental transfers.  
**Subjects:** FINANCIAL SYSTEM  
INTERGOVERNMENTAL RELATIONS  
**Jurisdictions:** CHINA

**AGIS No:** 20133120  
**Title:** The recent social policy expansion and its implications for inter-governmental financial relations in China.  
**Authors:** NGOK, Kinglun  
**Source:** AUSTRALIAN JOURNAL OF PUBLIC ADMINISTRATION 72 (3) September 2013 : 344-358  
**Abstract:** Recent social policy expansion and related increase in social policy expenditure in China - impact on central-local financial responsibilities - responsibility to finance social expansion - imbalance of financial responsibilities between central and local governments in funding people's wellbeing - need to restructure central-local financial relationships in China.  
**Subjects:** FINANCIAL SYSTEM  
INTERGOVERNMENTAL RELATIONS  
SOCIAL POLICY  
**Jurisdictions:** CHINA

**AGIS No:** 20133111  
**Title:** Understanding intergovernmental relations : key features and trends.  
**Authors:** PHILLIMORE, John  
**Source:** AUSTRALIAN JOURNAL OF PUBLIC ADMINISTRATION 72 (3) September 2013 : 228-238  
**Abstract:** Features of intergovernmental relations (IGR) - IGR in federations - IGR institutions and processes - trends, challenges and improvements.  
**Subjects:** FEDERALISM  
INTERGOVERNMENTAL RELATIONS  
**Jurisdictions:** AUSTRALIA

## INTERNATIONAL COURT OF JUSTICE

**AGIS No:** 20133090  
**Title:** 'By means of its own choosing' : is the court refashioning the remedies of state responsibility?  
**Authors:** TULLY, Stephen  
**Source:** INTERNATIONAL COMMUNITY LAW REVIEW 15 (4) 2013 : 459-481

**Abstract:** Extent to which remedial orders made by the International Court of Justice intrude into municipal legal order of States - review of relevant authorities used to order the United States to review and reconsider convictions and sentences in certain cases - consular notification cases - obligations of conduct and obligations of result - judicial restitution.

**Subjects:** INTERNATIONAL COURT OF JUSTICE  
JUDICIAL REVIEW  
REMEDIES

**Treaties:** Vienna Convention on Consular Relations

**Jurisdictions:** UNITED STATES

## INTERNET

**AGIS No:** 20140015

**Title:** Champing at the Bitcoin : Bitcoin, regulators and the law.

**Authors:** ROUNTREE, David

**Source:** COMMUNICATIONS LAW BULLETIN 32 (4) October 2013 : 5-7

**Abstract:** Overview of Bitcoin - virtual currency - history - Bitcoin and regulators - potential for money laundering and other financial crimes - Bitcoin and the courts - future of Bitcoin.

**Subjects:** INTERNET

**AGIS No:** 20133078

**Title:** Legal issues in doing business online.

**Authors:** HAMILTON, Ben  
DEADY, James

**Source:** INHOUSE COUNSEL 17 (1) October 2013 : 16-18

**Abstract:** Growth in internet business - raises compliance issues - misleading and deceptive conduct associated with business use of social media - third line forcing - cartel conduct - privacy and data security - compliance issues can be managed or mitigated.

**Legislation:** Privacy Act 1988 (CTH)

**Subjects:** BUSINESS  
INTERNET  
SOCIAL MEDIA

**Jurisdictions:** AUSTRALIA

**AGIS No:** 20140016

**Title:** Protecting consumer data is in everyone's interest.

**Authors:** FIJAC, Xavier

**Source:** COMMUNICATIONS LAW BULLETIN 32 (4) October 2013 : 8-9

**Abstract:** Consumer concerns about who is accessing their personal data - applications of Big Data - public private surveillance partnership - cloud based services - recent privacy reforms in Australian - National Security Agency internet surveillance - technology sector and privacy.

**Subjects:** DATA PROTECTION  
INTERNET  
PRIVACY

**AGIS No:** 20140017

**Title:** What does the Abbott Government mean for online gambling?

**Authors:** AZZI, Jessica

**Source:** COMMUNICATIONS LAW BULLETIN 32 (4) October 2013 : 10-11

**Abstract:** Policies introduced by the Abbott Government relating to problem gambling and online safety for children - effect of policies on reform of Interactive Gambling Act (IGA) - overview of IGA - Australian gamblers' use of offshore gaming - online safety policy and social games sector.

**Legislation:** Interactive Gambling Act 2001 (CTH)

**Subjects:** GAMBLING  
INTERNET  
SOCIAL MEDIA

**Jurisdictions:** AUSTRALIA

## JUDICIAL INDEPENDENCE

**AGIS No:** 20140007

**Title:** A path to purposive formalism : interpreting Chapter III for judicial independence and impartiality.

**Authors:** WELSH, Rebecca

**Source:** MONASH UNIVERSITY LAW REVIEW 39 (1) 2013 : 66-105

**Abstract:** Interpretation of the separation of federal judicial power from Chapter III of the Constitution - examination of key methods of interpretation - formalist separation rules - functionalist incompatibility test - identification of purposive formalism approach.

**Legal Cases:** Fardon v Attorney-General (Queensland) (2004) 223 CLR 575  
Kable v Director of Public Prosecutions (NSW) (1996) 189 CLR 51  
Waterside Workers' Federation (Aust) v JW Alexander Ltd (1918) 25 CLR 434  
Wilson v Minister for Aboriginal and Torres Strait Islander Affairs (1996) 189 CLR 1

**Legislation:** Constitution (CTH)

**Subjects:** CONSTITUTIONAL LAW  
JUDICIAL INDEPENDENCE  
SEPARATION OF POWERS

**Jurisdictions:** AUSTRALIA

## JUDICIAL REVIEW

**AGIS No:** 20133090

**Title:** 'By means of its own choosing' : is the court refashioning the remedies of state responsibility?

**Authors:** TULLY, Stephen

**Source:** INTERNATIONAL COMMUNITY LAW REVIEW 15 (4) 2013 : 459-481

**Abstract:** Extent to which remedial orders made by the International Court of Justice intrude into municipal legal order of States - review of relevant authorities used to order the United States to review and reconsider convictions and sentences in certain cases - consular notification cases - obligations of conduct and obligations of result - judicial restitution.

**Subjects:** INTERNATIONAL COURT OF JUSTICE  
JUDICIAL REVIEW  
REMEDIES

**Treaties:** Vienna Convention on Consular Relations

**Jurisdictions:** UNITED STATES

## JUDICIARY

**AGIS No:** 20133135

**Title:** Developing the common law : how far is too far?

**Authors:** WALKER, Robert

**Source:** MELBOURNE UNIVERSITY LAW REVIEW 37 (1) 2013 : 232-253

**Abstract:** Situations in which judges are called upon to develop and modify common law - recent developments in the United Kingdom and Australia - law of evidence - common law privilege - right to privacy - causation in the tort of negligence - manner and extent judges can develop the law in absence of parliamentary intervention.

**Legal Cases:** D'Orta-Ekenaike v Victoria Legal Aid (2005) 223 CLR 1  
Fairchild v Glenhaven Funeral Services Ltd (2003) 1 AC 32  
Jones v Kaney (2011) 2 AC 398

**Subjects:** COMMON LAW  
JUDICIARY

## JURIES

**AGIS No:** 20133080

**Title:** Don't be happy, worry : positive mood, but not anxiety, increases stereotyping in a mock-juror decision-making task.

**Authors:** CURTIS, Guy J

**Source:** PSYCHIATRY, PSYCHOLOGY AND LAW 20 (5) October 2013 : 686-699

**Abstract:** Study of decision-making based on juror anxiety or happiness - increased stereotyping by happy participants - findings that anxiety does not increase biased judgments based on social stereotyping.

**Subjects:** JURIES  
PSYCHOLOGY

## JUVENILE DELINQUENCY

**AGIS No:** 20133084

**Title:** When I don't get what I want, I take it because it's mine. I-D compensation and incarcerated adolescents in a delayed-return society : an application of Martin's theory.

**Authors:** GROENEWEG, M J  
VAN DER HELM, G H P  
STAMS, G J J M  
ASSCHER, J J

**Source:** PSYCHIATRY, PSYCHOLOGY AND LAW 20 (5) October 2013 : 735-748

**Abstract:** Application of Martin's I-D compensation theory to incarcerated juveniles lacking adequate feedback and control - positive responsiveness related to behavioural competence - self-serving cognitive distortions associated with lack of control - insights into antecedents of criminal behaviour - findings can assisting in development of institutional treatment for juvenile delinquents.

**Subjects:** BEHAVIOUR CONTROL  
JUVENILE DELINQUENCY

## KNOWLEDGE MANAGEMENT

**AGIS No:** 20140023

**Title:** A lean approach to enterprise knowledge management.

**Authors:** TOHOLKA, Vanessa

**Source:** AUSTRALIAN LAW LIBRARIAN 21 (3) 2013 : 196-201

**Abstract:** Overview of Know-How group at law firm Minter Ellison - enterprise social networking solution - application of Lean methodology - product testing - Cisco WebEx Social case study.

**Subjects:** KNOWLEDGE MANAGEMENT  
LAW FIRMS

**AGIS No:** 20140024

**Title:** KM 101 : a personal reflection on the Information and Knowledge Management specialisation of the Bachelor of Information Studies course as offered by Charles Sturt University.

**Authors:** FURLER, David

**Source:** AUSTRALIAN LAW LIBRARIAN 21 (3) 2013 : 202-207

**Abstract:** Overview of knowledge management (KM) specialisation offered at Charles Sturt University - information architecture - digital repositories - suggested reading list.

**Subjects:** KNOWLEDGE MANAGEMENT

**Jurisdictions:** AUSTRALIA

**AGIS No:** 20140020

**Title:** Knowledge management and in-house legal counsel : eight years on.

**Authors:** SURREY, Amanda  
WARD, Katherine

**Source:** AUSTRALIAN LAW LIBRARIAN 21 (3) 2013 : 175-180

**Abstract:** Overview of the changes in knowledge management - comparison with situation eight years ago - innovation - knowledge management community - maximising value - importance of simplicity - cross-jurisdictional challenges.



**Subjects:** KNOWLEDGE MANAGEMENT  
LAW FIRMS

**AGIS No:** 20140021

**Title:** Legal industry innovation & the knowledge worker's contribution.

**Authors:** NORTH, Justin

**Source:** AUSTRALIAN LAW LIBRARIAN 21 (3) 2013 : 181-185

**Abstract:** Challenges facing knowledge workers - innovation - understanding of work by peers in knowledge management - value - active engagement - future directions for knowledge workers.

**Subjects:** KNOWLEDGE MANAGEMENT  
LAW FIRMS

**AGIS No:** 20140019

**Title:** Managing knowledge in a global law firm.

**Authors:** DIMOND, Sam

**Source:** AUSTRALIAN LAW LIBRARIAN 21 (3) 2013 : 169-174

**Abstract:** Role of knowledge in a global law firm - global relevance - new expertise - leverage - challenges of managing knowledge - global knowledge systems - risk management - cultural attitudes - communication - impact on national knowledge managers.

**Subjects:** KNOWLEDGE MANAGEMENT  
LAW FIRMS

**AGIS No:** 20140022

**Title:** The curious case of knowledge management (a perspective from the recruitment industry).

**Authors:** KING, Brad

**Source:** AUSTRALIAN LAW LIBRARIAN 21 (3) 2013 : 186-189

**Abstract:** Knowledge management in the recruitment industry - challenges similar to legal knowledge management - risk analysis - different trends in each jurisdiction - decentralisation or centralisation of knowledge management - future of knowledge management.

**Subjects:** KNOWLEDGE MANAGEMENT

**AGIS No:** 20140025

**Title:** Working out loud for knowledge management in 2013.

**Authors:** MURFEY, Josephine

**Source:** AUSTRALIAN LAW LIBRARIAN 21 (3) 2013 : 209-212

**Abstract:** Collaboration and social media in knowledge management - social business tools - enterprise social network tools - Yammer - future for law firms and social business tools - collaboration and "working out loud".

**Subjects:** KNOWLEDGE MANAGEMENT  
LAW FIRMS  
SOCIAL MEDIA

## LAND TITLES

**AGIS No:** 20133062

**Title:** Statutory warranties for residential building work flow down the line : amendments to the Home Building Act 1989 overcome Ace Woollahra.

**Authors:** TOOZOFF, Larissa  
GREENWOOD, Alice

**Source:** AUSTRALIAN CONSTRUCTION LAW BULLETIN 25 (7) October 2013 : 120-122

**Abstract:** Limited ability of owners corporations to enforce warranties against builders - parties to contract for building work must be land owner for successors in title to be able to enforce warranties - amendments to the Home Building Act to remove this rule - case law.

**Legal Cases:** Ace Woollahra Pty Ltd v Owners - Strata Plan 61424 (2010) 77 NSWLR 613  
Baron Corp Pty Ltd v Owners of Strata Plan 69567 [2013] NSWCA 238

**Legislation:** Home Building Act 1989 (NSW)  
Home Building Amendment (Warranties and Insurance) Act 2010 (NSW)  
Strata Schemes (Freehold Development) Act 1973 (NSW)

**Subjects:** BODY CORPORATE  
BUILDING LAW  
CONTRACTS  
LAND TITLES

**Jurisdictions:** AUSTRALIA, New South Wales

## LAND USE

**AGIS No:** 20133116

**Title:** Determinants of land finance in China : a study based on provincial-level panel data.

**Authors:** YE, Fangzhi  
WANG, Wen

**Source:** AUSTRALIAN JOURNAL OF PUBLIC ADMINISTRATION 72 (3) September 2013 : 293-303

**Abstract:** Historical developments and current practice of land finance - examination of factors behind Chinese local government reliance on land finance - intergovernmental fiscal arrangements increasing exploitation of land leasing by local governments - implications for future reforms of land management and intergovernmental financing.

**Subjects:** FINANCIAL SYSTEM  
INTERGOVERNMENTAL RELATIONS  
LAND USE

**Jurisdictions:** CHINA

  

**AGIS No:** 20133105

**Title:** Maori land development.

**Authors:** SHARP, Michael

**Source:** NEW ZEALAND LAW JOURNAL October 2013 : 341-344

**Abstract:** Recommendations of a review considering the amendment of Te Ture Whenua Maori Act - analysis of types of law reform to provide efficient solutions to Maori land development - Central North Island Inquiry - Tauranga Inquiry - assistance with management of land development - modern alternatives for tribal authorities - long term financial assistance.

**Legislation:** Te Ture Whenua Maori Act 1993 (NZ)

**Subjects:** LAND USE  
MAORIS

**Jurisdictions:** NEW ZEALAND

## LANDLORD AND TENANT

**AGIS No:** 20140005

**Title:** Protecting public housing tenants in Australia from forced eviction : the fundamental importance of the human right to adequate housing and home.

**Authors:** BELL, Kevin

**Source:** MONASH UNIVERSITY LAW REVIEW 39 (1) 2013 : 1-37

**Abstract:** Scope of human right of adequate housing and home under international law - international position contrasted with public housing regimes in Australian states and territories - debate in the idea of home over traditional property law - exploration of differences between international obligations and domestic law - reform of law and administration in respect to public housing to comply with human rights obligations.

**Subjects:** HOUSING  
HUMAN RIGHTS  
LANDLORD AND TENANT

**Treaties:** International Covenant on Civil and Political Rights  
International Covenant on Economic, Social and Cultural Rights  
Universal Declaration of Human Rights

**Jurisdictions:** AUSTRALIA

## LAW FIRMS

**AGIS No:** 20140023

**Title:** A lean approach to enterprise knowledge management.

**Authors:** TOHOLKA, Vanessa

**Source:** AUSTRALIAN LAW LIBRARIAN 21 (3) 2013 : 196-201

**Abstract:** Overview of Know-How group at law firm Minter Ellison - enterprise social networking solution - application of Lean methodology - product testing - Cisco WebEx Social case study.

**Subjects:** KNOWLEDGE MANAGEMENT  
LAW FIRMS

**AGIS No:** 20140020

**Title:** Knowledge management and in-house legal counsel : eight years on.

**Authors:** SURREY, Amanda  
WARD, Katherine

**Source:** AUSTRALIAN LAW LIBRARIAN 21 (3) 2013 : 175-180  
**Abstract:** Overview of the changes in knowledge management - comparison with situation eight years ago - innovation - knowledge management community - maximising value - importance of simplicity - cross-jurisdictional challenges.

**Subjects:** KNOWLEDGE MANAGEMENT  
LAW FIRMS

**AGIS No:** 20140021

**Title:** Legal industry innovation & the knowledge worker's contribution.

**Authors:** NORTH, Justin

**Source:** AUSTRALIAN LAW LIBRARIAN 21 (3) 2013 : 181-185

**Abstract:** Challenges facing knowledge workers - innovation - understanding of work by peers in knowledge management - value - active engagement - future directions for knowledge workers.

**Subjects:** KNOWLEDGE MANAGEMENT  
LAW FIRMS

**AGIS No:** 20140019

**Title:** Managing knowledge in a global law firm.

**Authors:** DIMOND, Sam

**Source:** AUSTRALIAN LAW LIBRARIAN 21 (3) 2013 : 169-174

**Abstract:** Role of knowledge in a global law firm - global relevance - new expertise - leverage - challenges of managing knowledge - global knowledge systems - risk management - cultural attitudes - communication - impact on national knowledge managers.

**Subjects:** KNOWLEDGE MANAGEMENT  
LAW FIRMS

**AGIS No:** 20140025

**Title:** Working out loud for knowledge management in 2013.

**Authors:** MURFEY, Josephine

**Source:** AUSTRALIAN LAW LIBRARIAN 21 (3) 2013 : 209-212

**Abstract:** Collaboration and social media in knowledge management - social business tools - enterprise social network tools - Yammer - future for law firms and social business tools - collaboration and "working out loud".

**Subjects:** KNOWLEDGE MANAGEMENT  
LAW FIRMS  
SOCIAL MEDIA

## LAW LIBRARIES

**AGIS No:** 20140002

**Title:** A survey of major law libraries around the world.

**Authors:** GEE, David

**Source:** INTERNATIONAL JOURNAL OF LEGAL INFORMATION 41 (2) Summer 2013 : 108-161

**Abstract:** Global survey of major law libraries providing a comparative assessment and analysis of library services - overview of current research support services - emerging trends - new service initiatives - benchmarking and best practice information.

**Subjects:** LAW LIBRARIES

## LAW REFORM

**AGIS No:** 20133102

**Title:** A new Incorporated Societies Act.

**Authors:** MCLAY, Geoff

**Source:** NEW ZEALAND LAW JOURNAL October 2013 : 321-322

**Abstract:** Reform recommendations for statutory regime governing incorporated societies - reform principles - need for new act - committees and conflict of interest - model constitution - corporate personality - powers of the registrar - future of recommendations.

**Legislation:** Incorporated Societies Act 1908 (NZ)

**Subjects:** ASSOCIATIONS  
LAW REFORM

**Jurisdictions:** NEW ZEALAND

  

**AGIS No:** 20133065

**Title:** Affirming age : making federal anti-discrimination regulation work for older Australians.

**Authors:** MACDERMOTT, Therese

**Source:** AUSTRALIAN JOURNAL OF LABOUR LAW 26 (2) October 2013 : 141-163

**Abstract:** Reform of age discrimination legislation to implement proactive strategies - enhancement of effectiveness in dealing with age discrimination - structural framework for complaints and compliance - models for enforcement - harmonisation of discrimination laws - use of age discrimination laws to facilitate and sustain participation of older workers - assessment of potential reforms and strategies in meeting proposed objectives.

**Legislation:** Age Discrimination Act 2004 (CTH)  
Fair Work Act 2009 (CTH)

**Subjects:** AGE DISCRIMINATION  
EMPLOYMENT  
LAW REFORM

**Jurisdictions:** AUSTRALIA

  

**AGIS No:** 20133067

**Title:** The harmonisation of Australia's occupational health and safety laws : much ado about nothing?

**Authors:** WINDHOLZ, Eric

**Source:** AUSTRALIAN JOURNAL OF LABOUR LAW 26 (2) October 2013 : 185-213

**Abstract:** Public interest in occupational health and safety (OHS) harmonisation - policy arena occupied by different actors with differing concepts of public interest and reform agendas - development of model laws - time, effort and expense in development - examination of model laws - identification and explanation of key reforms - stakeholder responses - implication of stakeholder responses.

**Subjects:** INDUSTRIAL SAFETY  
LAW REFORM

**Jurisdictions:** AUSTRALIA

## LEASES

**AGIS No:** 20133093

**Title:** Is dat yours? Maybe not! NSWSC confirms operation of priority rules under the Personal Property Securities Act.

**Authors:** MEEHAN, Lionel

**Source:** AUSTRALIAN BANKING AND FINANCE LAW BULLETIN 29 (5) November 2013 : 65-70

**Abstract:** Treatment of leases of goods under the Personal Property Securities Act (PPSA) - registration of lease transaction - leasing transactions as purchase money security interests - dangers of non-registration of leases - key lessons from recent NSW Supreme Court decision.

**Legal Cases:** Rabobank New Zealand Ltd v McAnulty [2011] NZCA 212  
Re Maiden Civil (P&E) Pty Ltd; Albarran v Queensland Excavation Services Pty Ltd [2013] NSWSC 852

**Legislation:** Personal Property Securities Act 2009 (CTH)

**Subjects:** LEASES  
PERSONAL PROPERTY SECURITIES

**Jurisdictions:** AUSTRALIA, New South Wales

## LEGAL EDUCATION

**AGIS No:** 20133088

**Title:** Trends in legal education and the legal profession : comparative perspectives.

**Authors:** BIRD, Ruth

**Source:** LEGAL INFORMATION MANAGEMENT 13 (3) 2013 : 162-171

**Abstract:** Requirements to study law in seven jurisdictions - specific requirements for foreign law graduates to study law - bodies that regulate legal education.

**Subjects:** LEGAL EDUCATION  
LEGAL PROFESSION

**Jurisdictions:** AUSTRALIA  
CANADA  
ENGLAND  
NEW ZEALAND  
NORTHERN IRELAND  
SCOTLAND  
UNITED STATES  
WALES

## LEGAL PROFESSION

**AGIS No:** 20133089  
**Title:** The globalisation of the Australian legal profession in the Asian century : a report of the paper presented at the Joint Study Institute, 2013.  
**Authors:** KELLY, Celine  
**Source:** LEGAL INFORMATION MANAGEMENT 13 (3) 2013 : 209-212  
**Abstract:** Overview of paper presented by Andrew Godwin at the Joint Study Institute 2013 conference - globalisation and liberalisation of legal services - GATS - experiences of countries where markets have been liberalised - effect of globalisation on law students.  
**Subjects:** GLOBALISATION  
LEGAL PROFESSION  
**Jurisdictions:** AUSTRALIA  
CHINA  
INDIA  
JAPAN  
SINGAPORE  
SOUTH KOREA

**AGIS No:** 20133088  
**Title:** Trends in legal education and the legal profession : comparative perspectives.  
**Authors:** BIRD, Ruth  
**Source:** LEGAL INFORMATION MANAGEMENT 13 (3) 2013 : 162-171  
**Abstract:** Requirements to study law in seven jurisdictions - specific requirements for foreign law graduates to study law - bodies that regulate legal education.  
**Subjects:** LEGAL EDUCATION  
LEGAL PROFESSION  
**Jurisdictions:** AUSTRALIA  
CANADA  
ENGLAND  
NEW ZEALAND  
NORTHERN IRELAND  
SCOTLAND  
UNITED STATES  
WALES

## LEGISLATION

**AGIS No:** 20133070  
**Title:** Lost in the landscape of privacy.  
**Authors:** LEONARD, Peter G  
**Source:** INHOUSE COUNSEL 17 (1) October 2013 : 8-9

**Abstract:** Challenges of understanding privacy principles in Australia - Australian Privacy Commissioner sits in the Office of the Australian Information Commissioner (OAIC) - confusion as the OAIC applies laws which Australian Parliament call principles - how privacy and security by design become law through principles.

**Legislation:** Privacy Act 1988 (CTH)

**Subjects:** LEGISLATION  
PRIVACY

**Jurisdictions:** AUSTRALIA

**AGIS No:** 20140009

**Title:** Manufactured consistency.

**Authors:** DOUR, Nicolas  
TAYLOR, Greg

**Source:** MONASH UNIVERSITY LAW REVIEW 39 (1) 2013 : 131-155

**Abstract:** Nature of manufactured consistency - concepts of good faith and bad faith in constitutional law - intention central to determining manufactured consistency - principles of legislative intent and legislative motive - basis for implying doctrine in constitutional law - drawing implications - manufacturing inconsistency with state laws seen as destroying states' capacity to govern.

**Legal Cases:** Lange v Australian Broadcasting Corporation (1997) 189 CLR 520  
Melbourne Corporation v Commonwealth (1947) 74 CLR 31  
Western Australia v Commonwealth (1995) 183 CLR 373

**Legislation:** Constitution (CTH)  
Native Title Act 1993 (CTH)

**Subjects:** CONSTITUTIONAL LAW  
LEGISLATION

**Jurisdictions:** AUSTRALIA

**AGIS No:** 20133133

**Title:** The reshaping of control orders in the United Kingdom : time for a fairer go, Australia!

**Authors:** WALKER, Clive

**Source:** MELBOURNE UNIVERSITY LAW REVIEW 37 (1) 2013 : 143-188

**Abstract:** Background to the United Kingdom control order legislation for terrorism offences - overview of new scheme - Terrorism Prevention and Investigation Measures (TPIM) as measures of prevention and investigation - TPIM mechanics - policy transfer to Australia - Council of Australian Governments Review of Counter-Terrorism Legislation - comparison of UK and Australian legislation.

**Legislation:** Anti-terrorism Act (No. 2) 2004 (CTH)  
Prevention of Terrorism Act 2005 (UK)  
Protection of Freedoms Act 2012 (UK)  
Terrorism Prevention and Investigation Measures Act 2011 (UK)

**Subjects:** COUNTER TERRORISM  
LEGISLATION

**Jurisdictions:** AUSTRALIA  
UNITED KINGDOM



## LITERATURE

**AGIS No:** 20133138  
**Title:** Fifty shades of copyright grey.  
**Authors:** MIDDLETON, Kiralee  
**Source:** INTERNET LAW BULLETIN 16 (7) November 2013 : 167-170  
**Abstract:** Amateur non-commercial creative works - fanfiction - creation and dissemination of fanfiction under Australian copyright law - policy issues - reform of copyright laws to allow fanfiction authors to continue creating works - creative commons - fair use - fair dealing.  
**Legal Cases:** Salinger v Colting 607 F 3d 68 (2010)  
**Legislation:** Copyright Act 1968 (CTH)  
**Subjects:** COPYRIGHT  
LITERATURE  
**Jurisdictions:** AUSTRALIA

## MAORIS

**AGIS No:** 20133105  
**Title:** Maori land development.  
**Authors:** SHARP, Michael  
**Source:** NEW ZEALAND LAW JOURNAL October 2013 : 341-344  
**Abstract:** Recommendations of a review considering the amendment of Te Ture Whenua Maori Act - analysis of types of law reform to provide efficient solutions to Maori land development - Central North Island Inquiry - Tauranga Inquiry - assistance with management of land development - modern alternatives for tribal authorities - long term financial assistance.  
**Legislation:** Te Ture Whenua Maori Act 1993 (NZ)  
**Subjects:** LAND USE  
MAORIS  
**Jurisdictions:** NEW ZEALAND

## MARINE RESOURCES

**AGIS No:** 20133108  
**Title:** Watch this (sea) space : native title, fisheries legislation and marine management.  
**Authors:** BUTTERLY, Lauren  
**Source:** AUSTRALIAN ENVIRONMENT REVIEW 28 (9) October 2013 : 756-760  
**Abstract:** High Court's decision in the Torres Strait Sea Claim - overview of the claim - expansion of Indigenous involvement in marine governance - Sea Country Indigenous Protected Areas - Marine Protected Areas - National Representative System of Marine Protected Areas.  
**Legal Cases:** Akiba on behalf of the Torres Strait Islanders of Regional Seas Claim Group v State of Queensland (No 2); sub nom Akiba v Queensland (No 3) (FCR) (2010) 204 FCR 1  
Akiba on behalf of the Torres Strait Regional Seas Claim Group v Commonwealth of Australia (2013) 300 ALR 1

**Subjects:** ENVIRONMENTAL PROTECTION  
INDIGENOUS PEOPLE  
MARINE RESOURCES  
NATIVE TITLE  
**Jurisdictions:** AUSTRALIA

## MENTAL ILLNESS

**AGIS No:** 20133079  
**Title:** The duty of care owed to a mentally ill person in the community who may require involuntary apprehension.  
**Authors:** SCOTT, Russ  
**Source:** PSYCHIATRY, PSYCHOLOGY AND LAW 20 (5) October 2013 : 660-685  
**Abstract:** Mental health service duty of care - overview of case against ACT Mental Health Service - mentally ill man shot by police - negligence due to failure to exercise statutory power of apprehension - decisions by trial judge and appeals court - statutory power to apprehend.  
**Legal Cases:** Australian Capital Territory v Crowley [2012] ACTCA 52  
**Legislation:** Mental Health (Treatment and Care) Act 1994 (ACT)  
**Subjects:** DUTY OF CARE  
MENTAL ILLNESS  
NEGLIGENCE  
**Jurisdictions:** AUSTRALIA, Australian Capital Territory

**AGIS No:** 20133107  
**Title:** Unfitness to stand trial raised post-conviction.  
**Authors:** BROOKBANKS, Warren  
**Source:** NEW ZEALAND LAW JOURNAL October 2013 : 349-352  
**Abstract:** Difficulties in determining fitness for trial after the event - two categories of appeal cases - failure of process in determining fitness - contemporary assessments of trial capacity raise questions of fitness - raising fitness for first time on appeal - contemporaneous evidence - implications for public policy and law.  
**Legal Cases:** Ferguson v R [2010] NZCA 2  
Lawler v R [2013] NZCA 308  
**Legislation:** Criminal Justice Act 1985 (NZ)  
**Subjects:** MENTAL ILLNESS  
PRE TRIAL PROCEDURE  
**Jurisdictions:** NEW ZEALAND

## MOBILE DEVICES

**AGIS No:** 20133139  
**Title:** Legal responses to sexting : the importance of consent.  
**Authors:** URBAS, Gregor  
FOURACRE, Kendra  
**Source:** INTERNET LAW BULLETIN 16 (7) November 2013 : 171-173

**Abstract:** Concept of sexting - two broad categories of sexting - primary and secondary - sexting and child pornography laws - amending child pornography laws - creating a specific offence.

**Subjects:** CHILD PORNOGRAPHY  
MOBILE DEVICES

**Jurisdictions:** AUSTRALIA

## NATIVE TITLE

**AGIS No:** 20140003

**Title:** New ways for exploring who knows what in a native title case : a sociological approach.

**Authors:** O'BRIEN, Rebecca  
ELDER, Catriona

**Source:** AUSTRALIAN ABORIGINAL STUDIES (2) 2013 : 29-41

**Abstract:** Native title legal process - use of sociology of knowledge to understand who is involved in native title hearings and how they are understood by the court - literature review on Indigenous peoples involvement in native title hearings - legitimation code theory (LCT) and how and when knowledge is heard - how Indigenous knowledge is heard - case law.

**Legal Cases:** Members of the Yorta Yorta Aboriginal Community v State of Victoria [1998] FCA 1606

**Legislation:** Native Title Act 1993 (CTH)

**Subjects:** INDIGENOUS PEOPLE  
NATIVE TITLE

**Jurisdictions:** AUSTRALIA

**AGIS No:** 20133108

**Title:** Watch this (sea) space : native title, fisheries legislation and marine management.

**Authors:** BUTTERLY, Lauren

**Source:** AUSTRALIAN ENVIRONMENT REVIEW 28 (9) October 2013 : 756-760

**Abstract:** High Court's decision in the Torres Strait Sea Claim - overview of the claim - expansion of Indigenous involvement in marine governance - Sea Country Indigenous Protected Areas - Marine Protected Areas - National Representative System of Marine Protected Areas.

**Legal Cases:** Akiba on behalf of the Torres Strait Islanders of Regional Seas Claim Group v State of Queensland (No 2); sub nom Akiba v Queensland (No 3) (FCR) (2010) 204 FCR 1  
Akiba on behalf of the Torres Strait Regional Seas Claim Group v Commonwealth of Australia (2013) 300 ALR 1

**Subjects:** ENVIRONMENTAL PROTECTION  
INDIGENOUS PEOPLE  
MARINE RESOURCES  
NATIVE TITLE

**Jurisdictions:** AUSTRALIA

## NEGLIGENCE

**AGIS No:** 20133079

**Title:** The duty of care owed to a mentally ill person in the community who may require involuntary apprehension.

**Authors:** SCOTT, Russ

**Source:** PSYCHIATRY, PSYCHOLOGY AND LAW 20 (5) October 2013 : 660-685

**Abstract:** Mental health service duty of care - overview of case against ACT Mental Health Service - mentally ill man shot by police - negligence due to failure to exercise statutory power of apprehension - decisions by trial judge and appeals court - statutory power to apprehend.

**Legal Cases:** Australian Capital Territory v Crowley [2012] ACTCA 52

**Legislation:** Mental Health (Treatment and Care) Act 1994 (ACT)

**Subjects:** DUTY OF CARE  
MENTAL ILLNESS  
NEGLIGENCE

**Jurisdictions:** AUSTRALIA, Australian Capital Territory

## ORGANISED CRIME

**AGIS No:** 20133132

**Title:** On the origins of consorting laws.

**Authors:** MCLEOD, Andrew

**Source:** MELBOURNE UNIVERSITY LAW REVIEW 37 (1) 2013 : 103-142

**Abstract:** Historical analysis of consorting laws - criminalised act of repeated association with criminals - English vagrancy legislation in the late-medieval period - application of English vagrancy laws in Australasian colonies - colonial attempts to criminalise association - consorting offences in the 20th century in Australia and New Zealand - present day re-emergence of consorting offences within the context of organised crime.

**Legal Cases:** South Australia v Totani (2010) 242 CLR 1

**Legislation:** Crimes Amendment (Consorting and Organised Crime) Act 2012 (NSW)  
Statutes Amendment (Serious and Organised Crime) Act 2012 (SA)  
Vagrancy Act 1824 (UK)

**Subjects:** CRIMINAL OFFENDERS  
ORGANISED CRIME  
VAGRANCY

**Jurisdictions:** AUSTRALIA  
ENGLAND  
NEW ZEALAND

## OUTSOURCING

**AGIS No:** 20133072

**Title:** Tips and traps in outsourcing the delivery of intra-fund advice.

**Authors:** TURNER, Phillip  
DALTON, Sophie

**Source:** AUSTRALIAN SUPERANNUATION LAW BULLETIN 25 (3) October 2013 : 44-47

**Abstract:** Outsourcing intra-fund advice for employer plans - Future of Financial Advice (FOFA) considerations - influencing intra-fund advice to members and employers - influencing separate advice to members - other matters to consider.

**Legislation:** Superannuation Industry (Supervision) Act 1993 (CTH)

**Subjects:** OUTSOURCING  
SUPERANNUATION

**Jurisdictions:** AUSTRALIA

## PARLIAMENTARY COMMITTEES

**AGIS No:** 20133069

**Title:** An inquiry into workplace bullying in Australia : report of the Standing Committee on Education and Employment : Workplace bullying: we just want it to stop.

**Authors:** KELLY, Caroline

**Source:** AUSTRALIAN JOURNAL OF LABOUR LAW 26 (2) October 2013 : 224-238

**Abstract:** Issue of workplace bullying - overview of the report of the Standing Committee on Education and Employment on workplace bullying - existing legislative and regulatory frameworks - report recommendations - legislative reforms - dissenting report by Coalition members.

**Legislation:** Crimes Amendment (Bullying) Act 2011 (VIC)  
Fair Work Act 2009 (CTH)

**Subjects:** BULLYING  
PARLIAMENTARY COMMITTEES  
WORKING CONDITIONS

**Jurisdictions:** AUSTRALIA

## PATENTS

**AGIS No:** 20133095

**Title:** IP protection in China : still a misnomer?

**Authors:** EADIE, Michelle

**Source:** AUSTRALIAN INTELLECTUAL PROPERTY LAW BULLETIN 26 (5) November 2013 : 114-117

**Abstract:** Protection and enforcement of intellectual property rights (IPR) in China - history of Chinese IPR - trade marks - patents and designs - copyright - avenues for enforcement - enforcement problems.

**Subjects:** COPYRIGHT  
DESIGNS  
INTELLECTUAL PROPERTY  
PATENTS  
TRADE MARKS

**Jurisdictions:** CHINA

## **PENALTIES**

**AGIS No:** 20140012  
**Title:** The uniformity of taxation penalties in Australia.  
**Authors:** SMAILES, Andrew  
MCDERMOTT, Peter  
**Source:** MONASH UNIVERSITY LAW REVIEW 39 (1) 2013 : 213-245  
**Abstract:** Australian taxation system - purposes of taxation penalties - case for uniformity - uniformity of the Australian tax penalty system - Minerals Resource Rent Tax penalties - comparison of uniformity in Australia to other jurisdictions - arguments against uniformity.  
**Legislation:** Minerals Resource Rent Tax (Consequential Amendments and Transitional Provisions) Act 2012 (CTH)  
Minerals Resource Rent Tax Act 2012 (CTH)  
Tax Administration Act 1953 (CTH)  
**Subjects:** PENALTIES  
TAXATION  
**Jurisdictions:** AUSTRALIA

## **PEOPLE SMUGGLING**

**AGIS No:** 20140013  
**Title:** Migrant smuggling, criminal fault and the legal status of Australia : PJ v The Queen.  
**Authors:** WALLACE, Duncan  
**Source:** MONASH UNIVERSITY LAW REVIEW 39 (1) 2013 : 246-279  
**Abstract:** Recent court decision on the offence of 'aggravated people smuggling' - requirement for defendant to be aware of 'legal status' of Australia - rules of interpretation provided by the Criminal Code - difference between mistakes of legal status and ignorance of law - disaggregation of criminal offences.  
**Legal Cases:** PJ v R (2012) 268 FLR 99  
**Legislation:** Anti-People Smuggling and Other Measures Act 2010 (CTH)  
Migration Act 1958 (CTH)  
**Subjects:** PEOPLE SMUGGLING  
STATUTORY INTERPRETATION  
**Jurisdictions:** AUSTRALIA

## **PEOPLE WITH DISABILITIES**

**AGIS No:** 20133077  
**Title:** Sexual surrogate partner therapy : legal and ethical issues.  
**Authors:** FRECKELTON, Ian  
**Source:** PSYCHIATRY, PSYCHOLOGY AND LAW 20 (5) October 2013 : 643-659  
**Abstract:** Role of sexual surrogate partners in providing assistance to persons with a disability in expressing their sexual needs and desires - sexual surrogate therapy - professional associations - legal issues - line between sexual surrogacy and prostitution - ethical and regulatory issues.  
**Subjects:** PEOPLE WITH DISABILITIES  
SEXUAL BEHAVIOUR

## PERSONAL PROPERTY SECURITIES

**AGIS No:** 20133130  
**Title:** A hoary chestnut resurrected : the meaning of 'ordinary course of business' in secured transactions law.  
**Authors:** GEDYE, Mike  
**Source:** MELBOURNE UNIVERSITY LAW REVIEW 37 (1) 2013 : 1-45  
**Abstract:** Guidance for practitioners and judiciary in Australia and New Zealand on the meaning of 'ordinary course of business' in relation to a sale - meaning under Personal Property Securities Act in each country - defining buyers - role of ordinary course transactions - security interests - legal principles developed in North American courts - analysis of differences between Australian and New Zealand legislative provisions.

**Legal Cases:** Tubbs v Ruby 2005 Ltd (2010) 12 TCLR 746  
Tubbs v Ruby 2005 Ltd (2010) NZCCLR 31  
Tubbs v Ruby 2005 Ltd [(2011) 3 NZLR 551

**Legislation:** Personal Property Securities Act 1999 (NZ)  
Personal Property Securities Act 2009 (CTH)  
Personal Property Security Act 1990 (ONT)

**Subjects:** BUSINESS  
PERSONAL PROPERTY SECURITIES

**Jurisdictions:** AUSTRALIA  
NEW ZEALAND

**AGIS No:** 20133093  
**Title:** Is dat yours? Maybe not! NSWSC confirms operation of priority rules under the Personal Property Securities Act.  
**Authors:** MEEHAN, Lionel  
**Source:** AUSTRALIAN BANKING AND FINANCE LAW BULLETIN 29 (5) November 2013 : 65-70  
**Abstract:** Treatment of leases of goods under the Personal Property Securities Act (PPSA) - registration of lease transaction - leasing transactions as purchase money security interests - dangers of non-registration of leases - key lessons from recent NSW Supreme Court decision.

**Legal Cases:** Rabobank New Zealand Ltd v McAnulty [2011] NZCA 212  
Re Maiden Civil (P&E) Pty Ltd; Albarran v Queensland Excavation Services Pty Ltd [2013] NSWSC 852

**Legislation:** Personal Property Securities Act 2009 (CTH)

**Subjects:** LEASES  
PERSONAL PROPERTY SECURITIES

**Jurisdictions:** AUSTRALIA, New South Wales

**AGIS No:** 20133092  
**Title:** PPSA : when are battle lines drawn?  
**Authors:** FLYNN, Steve  
**Source:** AUSTRALIAN BANKING AND FINANCE LAW BULLETIN 29 (5) November 2013 : 61-63

**Abstract:** Point in time at which priority disputes should determined under the Personal Property Securities Act - security interests - subordination arrangement - benefits and consequences of perfection.

**Legal Cases:** Gibbston Downs Wines Ltd v Perpetual Trust Ltd (2012) 2 NZLR 574  
Sperry Inc v Canadian Imperial Bank of Commerce (1985) 17 DLR (4th) 236

**Legislation:** Personal Property Securities Act 1999 (NZ)

**Subjects:** PERSONAL PROPERTY SECURITIES

**Jurisdictions:** NEW ZEALAND

**AGIS No:** 20133063

**Title:** PPSR : a reminder to all owners not in possession of their personal property.

**Authors:** WINTER, Richard  
STEELE, Sandra  
BAKER, Jennie  
MARQUARDT, Marcel

**Source:** AUSTRALIAN CONSTRUCTION LAW BULLETIN 25 (7) October 2013 : 123-125

**Abstract:** Registration of security interests and transitional provisions - registering interests prior to relinquishing possession of personal property - lien in unfixed plant and material not a security interest and not registrable - priority rules for priority interests - security of payment legislation - case law.

**Legal Cases:** Re Maiden Civil (P&E) Pty Ltd; Albarran v Queensland Excavation Services Pty Ltd [2013] NSWSC 852

**Legislation:** Building and Construction Industry Security of Payment Act 1999 (NSW)  
Personal Property Securities Act 2009 (CTH)

**Subjects:** CONSTRUCTION INDUSTRY  
PERSONAL PROPERTY SECURITIES

**Jurisdictions:** AUSTRALIA

## **POLICE INTERROGATION**

**AGIS No:** 20133082

**Title:** Counter-interrogation strategies among small cells of suspects.

**Authors:** GRANHAG, Par Anders  
GIOLLA, Erik Mac  
STROMWALL, Leif A  
RANGMAR, Jenny

**Source:** PSYCHIATRY, PSYCHOLOGY AND LAW 20 (5) October 2013 : 705-715

**Abstract:** Subjective interview strategies of groups of truth-tellers and liars - comparison with suspects' actual interview performance - behavioural similarities - cognitive differences - subjective strategies - objective measures of forthcoming.

**Subjects:** EVIDENCE  
POLICE INTERROGATION



## PRE TRIAL PROCEDURE

**AGIS No:** 20133107  
**Title:** Unfitness to stand trial raised post-conviction.  
**Authors:** BROOKBANKS, Warren  
**Source:** NEW ZEALAND LAW JOURNAL October 2013 : 349-352  
**Abstract:** Difficulties in determining fitness for trial after the event - two categories of appeal cases - failure of process in determining fitness - contemporary assessments of trial capacity raise questions of fitness - raising fitness for first time on appeal - contemporaneous evidence - implications for public policy and law.

**Legal Cases:** Ferguson v R [2010] NZCA 2  
Lawler v R [2013] NZCA 308

**Legislation:** Criminal Justice Act 1985 (NZ)

**Subjects:** MENTAL ILLNESS  
PRE TRIAL PROCEDURE

**Jurisdictions:** NEW ZEALAND

## PRIVACY

**AGIS No:** 20133070  
**Title:** Lost in the landscape of privacy.  
**Authors:** LEONARD, Peter G  
**Source:** INHOUSE COUNSEL 17 (1) October 2013 : 8-9  
**Abstract:** Challenges of understanding privacy principles in Australia - Australian Privacy Commissioner sits in the Office of the Australian Information Commissioner (OAIC) - confusion as the OAIC applies laws which Australian Parliament call principles - how privacy and security by design become law through principles.

**Legislation:** Privacy Act 1988 (CTH)

**Subjects:** LEGISLATION  
PRIVACY

**Jurisdictions:** AUSTRALIA

  

**AGIS No:** 20140016  
**Title:** Protecting consumer data is in everyone's interest.  
**Authors:** FIJAC, Xavier  
**Source:** COMMUNICATIONS LAW BULLETIN 32 (4) October 2013 : 8-9  
**Abstract:** Consumer concerns about who is accessing their personal data - applications of Big Data - public private surveillance partnership - cloud based services - recent privacy reforms in Australian - National Security Agency internet surveillance - technology sector and privacy.

**Subjects:** DATA PROTECTION  
INTERNET  
PRIVACY

  

**AGIS No:** 20133076  
**Title:** Protecting corporate information in M&A transactions.

**Authors:** RASA, Tharani  
**Source:** INHOUSE COUNSEL 17 (1) October 2013 : 13-15  
**Abstract:** Common issues regarding protecting confidential information in a sale - suggested guidance in relation to how to address issues - confidentiality agreements - transitional services agreement (TSA).  
**Subjects:** PRIVACY  
**Jurisdictions:** AUSTRALIA

**AGIS No:** 20133073  
**Title:** Protecting your secrets in the cloud.  
**Authors:** PARK, Michael  
CHEUNG, Ka-Chai  
**Source:** INHOUSE COUNSEL 17 (1) October 2013 : 10-12  
**Abstract:** Risks and issues associated with corporate information stored in the cloud - definition of cloud computing - Federal Government's National Cloud Strategy - need for a cloud procurement strategy to address potential risks - impact of privacy laws regarding the storage of personal information in the cloud.  
**Subjects:** INFORMATION TECHNOLOGY  
PRIVACY  
**Jurisdictions:** AUSTRALIA

**AGIS No:** 20140008  
**Title:** Representative actions, proof of fact and author privacy in copyright law : a history and a concern.  
**Authors:** ADENEY, Elizabeth  
**Source:** MONASH UNIVERSITY LAW REVIEW 39 (1) 2013 : 106-130  
**Abstract:** Summary of recent cases stating need for identification of author claiming copyright infringement - legal mechanisms historically shielding author identities from disclosure - statutory presumption - implication of need for author identification under statutory presumption - analysis of recent cases against statutory presumption.  
**Legal Cases:** IceTV Pty Ltd v Nine Network Australia Pty Ltd (2009) 239 CLR 458  
Telstra Corp Ltd v Desktop Marketing Systems Pty Ltd (2001) 181 ALR 134  
Telstra Corp Ltd v Phone Directories Co Pty Ltd (2010) 264 ALR 617  
**Legislation:** Copyright Act 1912 (CTH)  
Copyright Act 1956 (UK)  
Copyright Act 1968 (CTH)  
**Subjects:** COPYRIGHT  
PRIVACY  
**Treaties:** Berne Convention for the Protection of Literary and Artistic Works  
**Jurisdictions:** AUSTRALIA

## PROPERTY LAW

**AGIS No:** 20140006  
**Title:** Contractual specification of new property rights in resources : the problem of measurement costs.

**Authors:** O'CONNOR, Pamela  
**Source:** MONASH UNIVERSITY LAW REVIEW 39 (1) 2013 : 38-65  
**Abstract:** Nature and causes of measurement costs - principal property law mechanisms to control measurement costs - grundnorm - numerus clausus - limiting rules - approaches to defining new property - expanding classes of property - Tulk v Moxhay covenants as a tool of regulation - forestry carbon covenants.

**Legal Cases:** Codelfa Construction Pty Ltd v State Rail Authority (NSW) (1982) 149 CLR 337  
Tulk v Moxhay (1848) 2 Ph 774  
Westfield Management Ltd v Perpetual Trustee Co Ltd (2007) 233 CLR 528

**Legislation:** Carbon Rights Act 2003 (WA)  
Transfer of Land Act 1893 (WA)

**Subjects:** CONTRACTS  
PROPERTY LAW

**Jurisdictions:** AUSTRALIA

## PSYCHIATRY

**AGIS No:** 20133081  
**Title:** The reliability of the Psychiatric Impairment Scale (PIRS) in valuing psychological impairment.  
**Authors:** DAVIES, Gordon R W  
**Source:** PSYCHIATRY, PSYCHOLOGY AND LAW 20 (5) October 2013 : 700-704  
**Abstract:** Examination of the validity of valuations made using descriptors in the subscales of the Psychiatric Impairment Scale (PIRS) - comparison of psychiatrists trained in PIRS and patients with psychiatric disorders - estimates of how people are affected by illness - rating psychiatric impairment under workers' compensation legislation.

**Subjects:** PSYCHIATRY  
WORKERS COMPENSATION

**Jurisdictions:** AUSTRALIA, New South Wales

## PSYCHOLOGY

**AGIS No:** 20133080  
**Title:** Don't be happy, worry : positive mood, but not anxiety, increases stereotyping in a mock-juror decision-making task.  
**Authors:** CURTIS, Guy J  
**Source:** PSYCHIATRY, PSYCHOLOGY AND LAW 20 (5) October 2013 : 686-699  
**Abstract:** Study of decision-making based on juror anxiety or happiness - increased stereotyping by happy participants - findings that anxiety does not increase biased judgments based on social stereotyping.

**Subjects:** JURIES  
PSYCHOLOGY

**AGIS No:** 20133085  
**Title:** On the phenomenology of innocence : the role of belief in a just world.

**Authors:** JORDAN, Sarah  
HARTWIG, Maria

**Source:** PSYCHIATRY, PSYCHOLOGY AND LAW 20 (5) October 2013 : 749-760

**Abstract:** Relationship between belief in a just world (BJW) and innocent suspects' behaviour - affect on veracity judgments of observers - BJW and interview strategies - perceptions of interview - faith in innocence - interview behaviour and observer's lie detection judgment.

**Subjects:** PSYCHOLOGY

## **PUBLIC ADMINISTRATION**

**AGIS No:** 20133109

**Title:** Public administration in China and Australia : different worlds by similar challenges.

**Authors:** PODGER, Andrew  
YAN, Bo

**Source:** AUSTRALIAN JOURNAL OF PUBLIC ADMINISTRATION 72 (3) September 2013 : 201-219

**Abstract:** Key features and principles of public administration in Australia and China - different political contexts - institutions of governance - political and financial relations between different levels of government - public management - reform - future governance arrangements.

**Subjects:** GOVERNMENT  
PUBLIC ADMINISTRATION

**Jurisdictions:** AUSTRALIA  
CHINA

## **PUBLISHERS AND PUBLISHING**

**AGIS No:** 20133099

**Title:** A "VIP" treaty : Stevie Wonder finally sings at Marrakesh.

**Authors:** HEINDL, Sabiene

**Source:** AUSTRALIAN INTELLECTUAL PROPERTY LAW BULLETIN 26 (5) November 2013 : 126-127

**Abstract:** Adoption of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled - promotion of the making and distribution of books and other published material in accessible formats - history of the treaty - key provisions - ratification.

**Subjects:** DISABILITY  
PUBLISHERS AND PUBLISHING

**Treaties:** Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled

## **RACIAL DISCRIMINATION**

**AGIS No:** 20133087

**Title:** Juror perceptions of African American- and Arabic-named victims.

**Authors:** CLARK, John W  
CRAMER, Robert J  
PERCOSKY, Amy  
AND, others

**Source:** PSYCHIATRY, PSYCHOLOGY AND LAW 20 (5) October 2013 : 781-794

**Abstract:** Evaluation of perceptions of blame and guilt in violent crimes against Arabic, African American and Caucasian victims - patterns of bias in juror sample - differences between Latin American and Caucasian and African American perceptions - findings discussed in relation to modern racism - implications for research and juror consultation.

**Subjects:** BIAS  
CRIMINAL OFFENDERS  
RACIAL DISCRIMINATION  
VICTIMS OF CRIME

## RELIGION

**AGIS No:** 20133129

**Title:** Eternal life and the common good : why loving one's neighbour matters in the long run.

**Authors:** MARSHALL, Christopher

**Source:** VICTORIA UNIVERSITY OF WELLINGTON LAW REVIEW 44 (2) September 2013 : 403-412

**Abstract:** Duty to "love one's neighbour as oneself" - moral and ethical philosophy carried over from biblical tradition - secular interpretation - removal of principle of 'neighbour-love' - negative duty of non-interference in with rights and freedoms of others - common good and neighbour-love.

**Subjects:** RELIGION  
SOCIAL WELFARE

**Jurisdictions:** NEW ZEALAND

**AGIS No:** 20133125

**Title:** Recovering the common good : the key to a truly prosperous society?

**Authors:** BRADSTOCK, Andrew

**Source:** VICTORIA UNIVERSITY OF WELLINGTON LAW REVIEW 44 (2) September 2013 : 319-343

**Abstract:** Concept of common good as developed within Catholic social teaching - attempts by the Catholic Church to introduce common good into public debate - belief that promoting common goods seen as favouring one religious notion of a "good life" over others - more appropriate to explore social justice - extent that markets and governments might promote the common good.

**Subjects:** RELIGION  
SOCIAL WELFARE

**Jurisdictions:** NEW ZEALAND

**AGIS No:** 20133127

**Title:** Working for the common good : where practice meets theory.

**Authors:** BEECH, Lisa  
**Source:** VICTORIA UNIVERSITY OF WELLINGTON LAW REVIEW 44 (2) September 2013 : 365-381  
**Abstract:** Perspectives of practitioners working for the common good - reflection on distinctive contribution of Catholic understanding of common good in public policy debates - Catholic social teaching on common good - Caritas engagement with parliamentary committees.  
**Subjects:** RELIGION  
SOCIAL WELFARE  
**Jurisdictions:** NEW ZEALAND

## REMEDIES

**AGIS No:** 20133090  
**Title:** 'By means of its own choosing' : is the court refashioning the remedies of state responsibility?  
**Authors:** TULLY, Stephen  
**Source:** INTERNATIONAL COMMUNITY LAW REVIEW 15 (4) 2013 : 459-481  
**Abstract:** Extent to which remedial orders made by the International Court of Justice intrude into municipal legal order of States - review of relevant authorities used to order the United States to review and reconsider convictions and sentences in certain cases - consular notification cases - obligations of conduct and obligations of result - judicial restitution.  
**Subjects:** INTERNATIONAL COURT OF JUSTICE  
JUDICIAL REVIEW  
REMEDIES  
**Treaties:** Vienna Convention on Consular Relations  
**Jurisdictions:** UNITED STATES

## RULE OF LAW

**AGIS No:** 20140004  
**Title:** Japanese aid in comparative perspective.  
**Authors:** NICHOLSON, Pip  
HINDERLING, Samantha  
**Source:** HAGUE JOURNAL ON THE RULE OF LAW 5 (2) 2013 : 274-309  
**Abstract:** Analysis of rule of law aid - Schimmelfinnig's matrix - history of Japanese legal development assistance - application of analysis to Japan - exploration of what, who, how, funding base and locale of rule of law activities.  
**Subjects:** FOREIGN AID  
RULE OF LAW  
**Jurisdictions:** JAPAN

## SEPARATION OF POWERS

**AGIS No:** 20140007  
**Title:** A path to purposive formalism : interpreting Chapter III for judicial independence and impartiality.

**Authors:** WELSH, Rebecca  
**Source:** MONASH UNIVERSITY LAW REVIEW 39 (1) 2013 : 66-105  
**Abstract:** Interpretation of the separation of federal judicial power from Chapter III of the Constitution - examination of key methods of interpretation - formalist separation rules - functionalist incompatibility test - identification of purposive formalism approach.

**Legal Cases:** Fardon v Attorney-General (Queensland) (2004) 223 CLR 575  
Kable v Director of Public Prosecutions (NSW) (1996) 189 CLR 51  
Waterside Workers' Federation (Aust) v JW Alexander Ltd (1918) 25 CLR 434  
Wilson v Minister for Aboriginal and Torres Strait Islander Affairs (1996) 189 CLR 1

**Legislation:** Constitution (CTH)  
**Subjects:** CONSTITUTIONAL LAW  
JUDICIAL INDEPENDENCE  
SEPARATION OF POWERS  
**Jurisdictions:** AUSTRALIA

## SEXUAL BEHAVIOUR

**AGIS No:** 20133077  
**Title:** Sexual surrogate partner therapy : legal and ethical issues.  
**Authors:** FRECKELTON, Ian  
**Source:** PSYCHIATRY, PSYCHOLOGY AND LAW 20 (5) October 2013 : 643-659  
**Abstract:** Role of sexual surrogate partners in providing assistance to persons with a disability in expressing their sexual needs and desires - sexual surrogate therapy - professional associations - legal issues - line between sexual surrogacy and prostitution - ethical and regulatory issues.  
**Subjects:** PEOPLE WITH DISABILITIES  
SEXUAL BEHAVIOUR

## SOCIAL MEDIA

**AGIS No:** 20133078  
**Title:** Legal issues in doing business online.  
**Authors:** HAMILTON, Ben  
DEADY, James  
**Source:** INHOUSE COUNSEL 17 (1) October 2013 : 16-18  
**Abstract:** Growth in internet business - raises compliance issues - misleading and deceptive conduct associated with business use of social media - third line forcing - cartel conduct - privacy and data security - compliance issues can be managed or mitigated.

**Legislation:** Privacy Act 1988 (CTH)  
**Subjects:** BUSINESS  
INTERNET  
SOCIAL MEDIA  
**Jurisdictions:** AUSTRALIA

**AGIS No:** 20133066

**Title:** Social media, unfair dismissal and the regulation of employees' conduct outside work.

**Authors:** THORNTHWAITE, Louise

**Source:** AUSTRALIAN JOURNAL OF LABOUR LAW 26 (2) October 2013 : 164-184

**Abstract:** Unfair dismissal determinations of Fair Work Australia relating to social media - affect of social media on the employment relationship - distinction between employees' public and private life - off-duty activities - legal rights of employers to regulation employee private lives - case analysis of unfair dismissal applications - implications of recent case law for management police, employee commitments to employers and regulation of employment relationships.

**Legal Cases:** Dover - Ray v Real Insurance Pty Ltd (2010) 194 IR 22  
Dover-Ray v Real Insurance Pty Ltd (2010) 204 IR 399  
Fitzgerald v Smith t/as Escape Hair Design (2010) 204 IR 292  
Lukazsewski v Capones Pizzeria Kyneton [2009] AIRC 280  
Stutsel v Linfox Australia Pty Ltd (2011) 217 IR 28

**Subjects:** EMPLOYMENT  
SOCIAL MEDIA  
UNFAIR DISMISSAL

**Jurisdictions:** AUSTRALIA

**AGIS No:** 20140018

**Title:** The impact of social media in the workplace : and employer's perspective.

**Authors:** SLOW, Veronica

**Source:** COMMUNICATIONS LAW BULLETIN 32 (4) October 2013 : 12-14

**Abstract:** Employer's use of social media in recruitment and discipline processes - assessment of prospective employees using social media - disciplining employees for social media conduct - posts about colleagues and employer.

**Legal Cases:** Dover-Ray v Real Insurance Pty Ltd [2010] FWA 8544  
Fitzgerald v Smith t/as Escape Hair Design [2010] FWA 7358  
Stutsel v Linfox Australia Pty Limited [2011] FWA 8444

**Legislation:** Fair Work Act 2009 (CTH)

**Subjects:** EMPLOYMENT  
SOCIAL MEDIA

**Jurisdictions:** AUSTRALIA

**AGIS No:** 20140017

**Title:** What does the Abbott Government mean for online gambling?

**Authors:** AZZI, Jessica

**Source:** COMMUNICATIONS LAW BULLETIN 32 (4) October 2013 : 10-11

**Abstract:** Policies introduced by the Abbott Government relating to problem gambling and online safety for children - effect of policies on reform of Interactive Gambling Act (IGA) - overview of IGA - Australian gamblers' use of offshore gaming - online safety policy and social games sector.

**Legislation:** Interactive Gambling Act 2001 (CTH)



**Subjects:** GAMBLING  
INTERNET  
SOCIAL MEDIA  
**Jurisdictions:** AUSTRALIA

**AGIS No:** 20140025  
**Title:** Working out loud for knowledge management in 2013.  
**Authors:** MURFEY, Josephine  
**Source:** AUSTRALIAN LAW LIBRARIAN 21 (3) 2013 : 209-212  
**Abstract:** Collaboration and social media in knowledge management - social business tools - enterprise social network tools - Yammer - future for law firms and social business tools - collaboration and "working out loud".  
**Subjects:** KNOWLEDGE MANAGEMENT  
LAW FIRMS  
SOCIAL MEDIA

## SOCIAL POLICY

**AGIS No:** 20133121  
**Title:** Analyzing social safety net and employment assistance spending in Chinese cities.  
**Authors:** TAT-KEI HO, Alfred  
LANG, Tao  
**Source:** AUSTRALIAN JOURNAL OF PUBLIC ADMINISTRATION 72 (3) September 2013 : 359-375  
**Abstract:** Social safety net and employment spending - current decentralised policy in China - advantages and challenges - increase in social safety net spending - spending gap between urban and rural areas - intra and inter-provincial differences.  
**Subjects:** FINANCIAL SYSTEM  
SOCIAL POLICY  
**Jurisdictions:** CHINA

**AGIS No:** 20133128  
**Title:** Seeking the common good or just making us be good? Recent amendment to New Zealand's social security law.  
**Authors:** STEPHENS, Mamari  
**Source:** VICTORIA UNIVERSITY OF WELLINGTON LAW REVIEW 44 (2) September 2013 : 383-401  
**Abstract:** Social security system in New Zealand - consistent with a definition of common good informed by Christian ethics - encouragement to lead "good" lives by punishing bad actions or imposing positive obligations - sanctions and obligations in social security law - social obligations and morals testing.  
**Legislation:** Social Security Act 1964 (NZ)  
**Subjects:** SOCIAL POLICY  
SOCIAL WELFARE  
**Jurisdictions:** NEW ZEALAND

**AGIS No:** 20133120  
**Title:** The recent social policy expansion and its implications for inter-governmental financial relations in China.  
**Authors:** NGOK, Kinglun  
**Source:** AUSTRALIAN JOURNAL OF PUBLIC ADMINISTRATION 72 (3) September 2013 : 344-358  
**Abstract:** Recent social policy expansion and related increase in social policy expenditure in China - impact on central-local financial responsibilities - responsibility to finance social expansion - imbalance of financial responsibilities between central and local governments in funding people's wellbeing - need to restructure central-local financial relationships in China.  
**Subjects:** FINANCIAL SYSTEM  
INTERGOVERNMENTAL RELATIONS  
SOCIAL POLICY  
**Jurisdictions:** CHINA

## SOCIAL WELFARE

**AGIS No:** 20133129  
**Title:** Eternal life and the common good : why loving one's neighbour matters in the long run.  
**Authors:** MARSHALL, Christopher  
**Source:** VICTORIA UNIVERSITY OF WELLINGTON LAW REVIEW 44 (2) September 2013 : 403-412  
**Abstract:** Duty to "love one's neighbour as oneself" - moral and ethical philosophy carried over from biblical tradition - secular interpretation - removal of principle of 'neighbour-love' - negative duty of non-interference in with rights and freedoms of others - common good and neighbour-love.  
**Subjects:** RELIGION  
SOCIAL WELFARE  
**Jurisdictions:** NEW ZEALAND

**AGIS No:** 20133125  
**Title:** Recovering the common good : the key to a truly prosperous society?  
**Authors:** BRADSTOCK, Andrew  
**Source:** VICTORIA UNIVERSITY OF WELLINGTON LAW REVIEW 44 (2) September 2013 : 319-343  
**Abstract:** Concept of common good as developed within Catholic social teaching - attempts by the Catholic Church to introduce common good into public debate - belief that promoting common goods seen as favouring one religious notion of a "good life" over others - more appropriate to explore social justice - extent that markets and governments might promote the common good.  
**Subjects:** RELIGION  
SOCIAL WELFARE  
**Jurisdictions:** NEW ZEALAND

**AGIS No:** 20133124  
**Title:** Recovering the common good.  
**Authors:** MORRIS, Grant  
**Source:** VICTORIA UNIVERSITY OF WELLINGTON LAW REVIEW 44 (2) September 2013 : 313-317  
**Abstract:** Introduction to common good special issue - Christian theology and the common good - meaning and importance of common good - overview of papers presented at "Recovering the common good" conference.  
**Subjects:** SOCIAL WELFARE  
**Jurisdictions:** NEW ZEALAND

**AGIS No:** 20133128  
**Title:** Seeking the common good or just making us be good? Recent amendment to New Zealand's social security law.  
**Authors:** STEPHENS, Mamari  
**Source:** VICTORIA UNIVERSITY OF WELLINGTON LAW REVIEW 44 (2) September 2013 : 383-401  
**Abstract:** Social security system in New Zealand - consistent with a definition of common good informed by Christian ethics - encouragement to lead "good" lives by punishing bad actions or imposing positive obligations - sanctions and obligations in social security law - social obligations and morals testing.  
**Legislation:** Social Security Act 1964 (NZ)  
**Subjects:** SOCIAL POLICY  
SOCIAL WELFARE  
**Jurisdictions:** NEW ZEALAND

**AGIS No:** 20133126  
**Title:** The common good in an age of moral hyperpluralism : a Catholic bioethical perspective.  
**Authors:** KLEINSMAN, John  
**Source:** VICTORIA UNIVERSITY OF WELLINGTON LAW REVIEW 44 (2) September 2013 : 345-363  
**Abstract:** Notion that common good endangered by contemporary account of the moral good - "traditional" morality - new morality - moral hyperpluralism - common good and moral hyperpluralism.  
**Subjects:** SOCIAL WELFARE  
**Jurisdictions:** NEW ZEALAND

**AGIS No:** 20133127  
**Title:** Working for the common good : where practice meets theory.  
**Authors:** BEECH, Lisa  
**Source:** VICTORIA UNIVERSITY OF WELLINGTON LAW REVIEW 44 (2) September 2013 : 365-381  
**Abstract:** Perspectives of practitioners working for the common good - reflection on distinctive contribution of Catholic understanding of common good in public policy debates - Catholic social teaching on common good - Caritas engagement with parliamentary committees.

**Subjects:** RELIGION  
SOCIAL WELFARE  
**Jurisdictions:** NEW ZEALAND

## STATUTORY INTERPRETATION

**AGIS No:** 20140013  
**Title:** Migrant smuggling, criminal fault and the legal status of Australia : PJ v The Queen.  
**Authors:** WALLACE, Duncan  
**Source:** MONASH UNIVERSITY LAW REVIEW 39 (1) 2013 : 246-279  
**Abstract:** Recent court decision on the offence of 'aggravated people smuggling' - requirement for defendant to be aware of 'legal status' of Australia - rules of interpretation provided by the Criminal Code - difference between mistakes of legal status and ignorance of law - disaggregation of criminal offences.  
**Legal Cases:** PJ v R (2012) 268 FLR 99  
**Legislation:** Anti-People Smuggling and Other Measures Act 2010 (CTH)  
Migration Act 1958 (CTH)  
**Subjects:** PEOPLE SMUGGLING  
STATUTORY INTERPRETATION  
**Jurisdictions:** AUSTRALIA

## SUPERANNUATION

**AGIS No:** 20133075  
**Title:** Reflections on representation in Australian superannuation governance.  
**Authors:** DAVIS, Ronald B  
**Source:** AUSTRALIAN SUPERANNUATION LAW BULLETIN 25 (3) October 2013 : 51-54  
**Abstract:** Pension fund governance - tensions between accountability and financial market expertise - Australian regulation of governance - Cooper Review on superannuation governance - review recommendations - governing body representation - member representation.  
**Subjects:** SUPERANNUATION  
**Jurisdictions:** AUSTRALIA

**AGIS No:** 20133072  
**Title:** Tips and traps in outsourcing the delivery of intra-fund advice.  
**Authors:** TURNER, Phillip  
DALTON, Sophie  
**Source:** AUSTRALIAN SUPERANNUATION LAW BULLETIN 25 (3) October 2013 : 44-47  
**Abstract:** Outsourcing intra-fund advice for employer plans - Future of Financial Advice (FOFA) considerations - influencing intra-fund advice to members and employers - influencing separate advice to members - other matters to consider.  
**Legislation:** Superannuation Industry (Supervision) Act 1993 (CTH)

**Subjects:** OUTSOURCING  
SUPERANNUATION  
**Jurisdictions:** AUSTRALIA

**AGIS No:** 20133074  
**Title:** Want to know how to run a pension fund? Ask the ATO.  
**Authors:** MACKENZIE, Gordon  
**Source:** AUSTRALIAN SUPERANNUATION LAW BULLETIN 25 (3) October 2013 : 48-50

**Abstract:** Recent Taxation Ruling on the difference between a lump sum or pension payment - importance of taxation - pension commencement - ceasing of pension - commutation.

**Subjects:** SUPERANNUATION  
TAXATION  
**Jurisdictions:** AUSTRALIA

**AGIS No:** 20133071  
**Title:** What you need to know about super guarantee : part 1.  
**Authors:** GRAY, Heather  
**Source:** AUSTRALIAN SUPERANNUATION LAW BULLETIN 25 (3) October 2013 : 38-43

**Abstract:** Superannuation guarantee (SG) from a fund viewpoint - overview of SG regime - relationship between superannuation fund and contributing employers - review of enforcement of contribution obligations - part 1 of 2 part series.

**Legislation:** Superannuation Guarantee (Administration) Act 1992 (CTH)  
Superannuation Guarantee Charge Act 1992 (CTH)  
Superannuation Industry (Supervision) Act 1993 (CTH)  
Taxation Administration Act 1953 (CTH)

**Subjects:** SUPERANNUATION  
**Jurisdictions:** AUSTRALIA

## TAX AVOIDANCE

**AGIS No:** 20133101  
**Title:** Tax update.  
**Authors:** COLEMAN, James  
**Source:** NEW ZEALAND LAW JOURNAL October 2013 : 319-320

**Abstract:** Policy statement s BG 1 issued by the Commission of Inland Revenue - authority of the statement within the legal system - application of the statement - arrangements in black letter terms - four-step analysis of arrangement - tax avoidance - tax avoidance arrangements - parliamentary contemplation test.

**Legal Cases:** Ben Nevis Forestry Ventures Ltd v Commissioner of Inland Revenue (2009) 2 NZLR 289  
Commissioner of Inland Revenue (CIR) v BNZ Investments Ltd [2002] 1 NZLR 450  
Russell v Commissioner of Inland Revenue [2012] NZCA 128

**Subjects:** TAX AVOIDANCE  
TAXATION  
**Jurisdictions:** NEW ZEALAND

## TAXATION

**AGIS No:** 20133101  
**Title:** Tax update.  
**Authors:** COLEMAN, James  
**Source:** NEW ZEALAND LAW JOURNAL October 2013 : 319-320  
**Abstract:** Policy statement s BG 1 issued by the Commission of Inland Revenue - authority of the statement within the legal system - application of the statement - arrangements in black letter terms - four-step analysis of arrangement - tax avoidance - tax avoidance arrangements - parliamentary contemplation test.

**Legal Cases:** Ben Nevis Forestry Ventures Ltd v Commissioner of Inland Revenue (2009) 2 NZLR 289  
Commissioner of Inland Revenue (CIR) v BNZ Investments Ltd [2002] 1 NZLR 450  
Russell v Commissioner of Inland Revenue [2012] NZCA 128

**Subjects:** TAX AVOIDANCE  
TAXATION  
**Jurisdictions:** NEW ZEALAND

**AGIS No:** 20140012  
**Title:** The uniformity of taxation penalties in Australia.  
**Authors:** SMAILES, Andrew  
MCDERMOTT, Peter  
**Source:** MONASH UNIVERSITY LAW REVIEW 39 (1) 2013 : 213-245  
**Abstract:** Australian taxation system - purposes of taxation penalties - case for uniformity - uniformity of the Australian tax penalty system - Minerals Resource Rent Tax penalties - comparison of uniformity in Australia to other jurisdictions - arguments against uniformity.

**Legislation:** Minerals Resource Rent Tax (Consequential Amendments and Transitional Provisions) Act 2012 (CTH)  
Minerals Resource Rent Tax Act 2012 (CTH)  
Tax Administration Act 1953 (CTH)  
**Subjects:** PENALTIES  
TAXATION  
**Jurisdictions:** AUSTRALIA

**AGIS No:** 20133074  
**Title:** Want to know how to run a pension fund? Ask the ATO.  
**Authors:** MACKENZIE, Gordon  
**Source:** AUSTRALIAN SUPERANNUATION LAW BULLETIN 25 (3) October 2013 : 48-50  
**Abstract:** Recent Taxation Ruling on the difference between a lump sum or pension payment - importance of taxation - pension commencement - ceasing of pension - commutation.

**Subjects:** SUPERANNUATION  
TAXATION  
**Jurisdictions:** AUSTRALIA

## TELECOMMUNICATIONS

**AGIS No:** 20140014  
**Title:** Consumer protection enforcement update : spotlight on telecommunications industry.

**Authors:** LLOYD, Bruce  
BATTERSBY, Matthew  
TAKIS, Alexia

**Source:** COMMUNICATIONS LAW BULLETIN 32 (4) October 2013 : 1-4

**Abstract:** Recent regulatory changes to assist consumers in their dealings with telecommunications service providers - advertising and disclosure - broadband speed claims - unfair contracts - unsolicited consumer agreements - consumer guarantees.

**Legal Cases:** Australian Competition and Consumer Commission (ACCC) v TPG Internet Pty Ltd (No 2) (2012) ATPR 42-402  
Australian Competition and Consumer Commission (ACCC) v TPG Internet Pty Ltd [2011] FCA 1254  
Australian Competition and Consumer Commission v Singtel Optus Pty Ltd (No 4) (2011) 282 ALR 246

**Legislation:** Trade Practices Act 1974 (CTH)

**Subjects:** CONSUMER PROTECTION  
TELECOMMUNICATIONS

**Jurisdictions:** AUSTRALIA

## TRADE LAW

**AGIS No:** 20133137  
**Title:** Proving "use as a trade mark" in the domain name context : key principles and evidentiary requirements.

**Authors:** HARRIS, Sonia

**Source:** INTERNET LAW BULLETIN 16 (7) November 2013 : 162-166

**Abstract:** Consideration of when use of a domain name constitutes "trade use" - purpose of securing registration of, resisting opposition to a trade mark - analysis of case law - trends in types or use of domain names that constitute trade usage - infringement of registered mark.

**Legal Cases:** Edgetec International Pty Ltd v Zippykerb (NSW) Pty Ltd (2012) 98 IPR 1

**Legislation:** Trade Marks Act 1995 (CTH)

**Subjects:** DOMAIN NAMES  
TRADE LAW  
TRADE MARKS

**Jurisdictions:** AUSTRALIA

## TRADE MARKS

**AGIS No:** 20133097  
**Title:** Certification trade marks : protection of Indigenous art and intellectual property rights in Australia.  
**Authors:** MCMEEKEN, Krista  
**Source:** AUSTRALIAN INTELLECTUAL PROPERTY LAW BULLETIN 26 (5) November 2013 : 121-123  
**Abstract:** Rise in the number of infringement of intellectual property of Aboriginal and Torres Strait Islander peoples - need for national regulation of authenticity - label of authenticity - certification trade marks - current approaches to regulating authenticity - options for protection of Indigenous intellectual property.  
**Subjects:** ARTS AND THE LAW  
INDIGENOUS PEOPLE  
INTELLECTUAL PROPERTY  
TRADE MARKS  
**Jurisdictions:** AUSTRALIA

**AGIS No:** 20133094  
**Title:** Getting it right.  
**Authors:** STONE, Amalia  
YIP, Charles  
**Source:** AUSTRALIAN INTELLECTUAL PROPERTY LAW BULLETIN 26 (5) November 2013 : 110-113  
**Abstract:** Issues with errors in naming the application for registration of intellectual property - circumstances where errors are fatal to registration - designs - person entitled to be registered owner - constructive trust - trade marks - correcting the error - steps to ensure registration correct - case law.  
**Legal Cases:** Crazy Ron's Communications Pty Ltd v Mobileworld Communications Pty Ltd (2004) 209 ALR 1  
Foster's Australia Ltd v Cash's (Australia) Pty Ltd (2013) 299 ALR 134  
**Legislation:** Designs Act 2003 (CTH)  
Patents Act 1990 (CTH)  
Trade Marks Act 1995 (CTH)  
**Subjects:** DESIGNS  
INTELLECTUAL PROPERTY  
TRADE MARKS  
**Jurisdictions:** AUSTRALIA

**AGIS No:** 20133095  
**Title:** IP protection in China : still a misnomer?  
**Authors:** EADIE, Michelle  
**Source:** AUSTRALIAN INTELLECTUAL PROPERTY LAW BULLETIN 26 (5) November 2013 : 114-117  
**Abstract:** Protection and enforcement of intellectual property rights (IPR) in China - history of Chinese IPR - trade marks - patents and designs - copyright - avenues for enforcement - enforcement problems.



**Subjects:** COPYRIGHT  
DESIGNS  
INTELLECTUAL PROPERTY  
PATENTS  
TRADE MARKS  
**Jurisdictions:** CHINA

**AGIS No:** 20133137  
**Title:** Proving "use as a trade mark" in the domain name context : key principles and evidentiary requirements.  
**Authors:** HARRIS, Sonia  
**Source:** INTERNET LAW BULLETIN 16 (7) November 2013 : 162-166  
**Abstract:** Consideration of when use of a domain name constitutes "trade use" - purpose of securing registration of, resisting opposition to a trade mark - analysis of case law - trends in types or use of domain names that constitute trade usage - infringement of registered mark.  
**Legal Cases:** Edgetec International Pty Ltd v Zippykerb (NSW) Pty Ltd (2012) 98 IPR 1  
**Legislation:** Trade Marks Act 1995 (CTH)  
**Subjects:** DOMAIN NAMES  
TRADE LAW  
TRADE MARKS  
**Jurisdictions:** AUSTRALIA

**AGIS No:** 20133103  
**Title:** Trade marks : protest, parody, satire.  
**Authors:** MORGAN, Alastair  
**Source:** NEW ZEALAND LAW JOURNAL October 2013 : 323-325  
**Abstract:** Free speech and intellectual property (IP) - use of trade marks and other IP in everyday language - expansion of trade mark infringement to cover unconventional uses - unconventional use not necessarily motivated by commercial gain - examples of trade mark use in protests, parodies and satire - course of trade - use of trade marks - case law.  
**Legal Cases:** New Zealand Rugby Football Union Inc v Saint Publishing Ltd (Unreported, NZ H.Ct., 2 October 2001)  
Solid Energy New Zealand Limited v Mountier [2007] NZHC 713  
**Legislation:** Trade Marks Act 2002 (NZ)  
**Subjects:** FREEDOM OF SPEECH  
INTELLECTUAL PROPERTY  
TRADE MARKS  
**Jurisdictions:** NEW ZEALAND

## TRADE NAMES

**AGIS No:** 20133096  
**Title:** Thredbo ski resort fails to establish "Thredbo" as a trade : and falls foul of restraint of trade doctrine, to boot.  
**Authors:** BROWN, Rachel

**Source:** AUSTRALIAN INTELLECTUAL PROPERTY LAW BULLETIN 26 (5) November 2013 : 118-120

**Abstract:** Name of town or region cannot acquire distinctiveness - secondary meaning of a name - misleading and deceptive conduct - restraint of trade - case law.

**Legal Cases:** Kosciuszko Thredbo Pty Ltd v ThredboNet Marketing Pty Ltd [2013] FCA 563

**Subjects:** TRADE NAMES

**Jurisdictions:** AUSTRALIA

## UNFAIR DISMISSAL

**AGIS No:** 20133066

**Title:** Social media, unfair dismissal and the regulation of employees' conduct outside work.

**Authors:** THORNTHWAITE, Louise

**Source:** AUSTRALIAN JOURNAL OF LABOUR LAW 26 (2) October 2013 : 164-184

**Abstract:** Unfair dismissal determinations of Fair Work Australia relating to social media - affect of social media on the employment relationship - distinction between employees' public and private life - off-duty activities - legal rights of employers to regulation employee private lives - case analysis of unfair dismissal applications - implications of recent case law for management police, employee commitments to employers and regulation of employment relationships.

**Legal Cases:** Dover - Ray v Real Insurance Pty Ltd (2010) 194 IR 22  
Dover-Ray v Real Insurance Pty Ltd (2010) 204 IR 399  
Fitzgerald v Smith t/as Escape Hair Design (2010) 204 IR 292  
Lukazsewski v Capones Pizzeria Kyneton [2009] AIRC 280  
Stutsel v Linfox Australia Pty Ltd (2011) 217 IR 28

**Subjects:** EMPLOYMENT  
SOCIAL MEDIA  
UNFAIR DISMISSAL

**Jurisdictions:** AUSTRALIA

## VAGRANCY

**AGIS No:** 20133132

**Title:** On the origins of consorting laws.

**Authors:** MCLEOD, Andrew

**Source:** MELBOURNE UNIVERSITY LAW REVIEW 37 (1) 2013 : 103-142

**Abstract:** Historical analysis of consorting laws - criminalised act of repeated association with criminals - English vagrancy legislation in the late-medieval period - application of English vagrancy laws in Australasian colonies - colonial attempts to criminalise association - consorting offences in the 20th century in Australia and New Zealand - present day re-emergence of consorting offences within the context of organised crime.

**Legal Cases:** South Australia v Totani (2010) 242 CLR 1

**Legislation:** Crimes Amendment (Consorting and Organised Crime) Act 2012 (NSW)  
Statutes Amendment (Serious and Organised Crime) Act 2012 (SA)  
Vagrancy Act 1824 (UK)

**Subjects:** CRIMINAL OFFENDERS  
ORGANISED CRIME  
VAGRANCY  
**Jurisdictions:** AUSTRALIA  
ENGLAND  
NEW ZEALAND

## VICTIMS OF CRIME

**AGIS No:** 20133087  
**Title:** Juror perceptions of African American- and Arabic-named victims.  
**Authors:** CLARK, John W  
CRAMER, Robert J  
PERCOSKY, Amy  
AND, others  
**Source:** PSYCHIATRY, PSYCHOLOGY AND LAW 20 (5) October 2013 : 781-794  
**Abstract:** Evaluation of perceptions of blame and guilt in violent crimes against Arabic, African American and Caucasian victims - patterns of bias in juror sample - differences between Latin American and Caucasian and African American perceptions - findings discussed in relation to modern racism - implications for research and juror consultation.  
**Subjects:** BIAS  
CRIMINAL OFFENDERS  
RACIAL DISCRIMINATION  
VICTIMS OF CRIME

## VIOLENCE

**AGIS No:** 20133083  
**Title:** You have to hit some people! Why problem-solving skills are more criminogenic than hostile attributional biases for adult male violent offenders.  
**Authors:** KELTY, Sally F  
**Source:** PSYCHIATRY, PSYCHOLOGY AND LAW 20 (5) October 2013 : 713-734  
**Abstract:** Qualitative study of how and why grievances escalate and typical situations that end in violence - criminogenic risk factors for violence - attributions of hostile and malevolent intent - violence-based social problem solving - comparison of offenders and non-offenders.  
**Subjects:** CRIMINAL OFFENDERS  
CRIMINAL OFFENDERS REHABILITATION  
VIOLENCE  
**Jurisdictions:** AUSTRALIA

## WILLS

**AGIS No:** 20133098  
**Title:** Western Australia repeals Aboriginal intestacy laws that impeded the transfer of intellectual property value for Aboriginal Australians.

**Authors:** MCMEEKEN, Krista  
**Source:** AUSTRALIAN INTELLECTUAL PROPERTY LAW BULLETIN 26 (5) November 2013 : 124-125  
**Abstract:** Process for dealing with intellectual property of Indigenous artists who die intestate brought into line with non-Indigenous artists - importance of artist understanding value of their intellectual property and plan for distribution after death - Mabel King exhibition.  
**Legislation:** Aboriginal Affairs Planning Authority Act 1972 (WA)  
Racial Discrimination Act 1975 (CTH)  
**Subjects:** ESTATE PLANNING  
INDIGENOUS PEOPLE  
WILLS  
**Jurisdictions:** AUSTRALIA, Western Australia

## WITNESSES

**AGIS No:** 20133086  
**Title:** Determining true and false witnessed events : can an eyewitness-implicit association test distinguish between the seen and unseen.  
**Authors:** FRENG, Scott  
KEHN, Andre  
**Source:** PSYCHIATRY, PSYCHOLOGY AND LAW 20 (5) October 2013 : 761-780  
**Abstract:** Overview of psychology and law research with the Implicit Association Test (IAT) - eyewitness memory for peripheral and central details - direct eyewitness - misinformation paradigm - difference between witnessed and non-witnessed details.  
**Subjects:** WITNESSES

## WORKERS COMPENSATION

**AGIS No:** 20133081  
**Title:** The reliability of the Psychiatric Impairment Scale (PIRS) in valuing psychological impairment.  
**Authors:** DAVIES, Gordon R W  
**Source:** PSYCHIATRY, PSYCHOLOGY AND LAW 20 (5) October 2013 : 700-704  
**Abstract:** Examination of the validity of valuations made using descriptors in the subscales of the Psychiatric Impairment Scale (PIRS) - comparison of psychiatrists trained in PIRS and patients with psychiatric disorders - estimates of how people are affected by illness - rating psychiatric impairment under workers' compensation legislation.  
**Subjects:** PSYCHIATRY  
WORKERS COMPENSATION  
**Jurisdictions:** AUSTRALIA, New South Wales

## WORKING CONDITIONS

**AGIS No:** 20133069

**Title:** An inquiry into workplace bullying in Australia : report of the Standing Committee on Education and Employment : Workplace bullying: we just want it to stop.

**Authors:** KELLY, Caroline

**Source:** AUSTRALIAN JOURNAL OF LABOUR LAW 26 (2) October 2013 : 224-238

**Abstract:** Issue of workplace bullying - overview of the report of the Standing Committee on Education and Employment on workplace bullying - existing legislative and regulatory frameworks - report recommendations - legislative reforms - dissenting report by Coalition members.

**Legislation:** Crimes Amendment (Bullying) Act 2011 (VIC)

Fair Work Act 2009 (CTH)

**Subjects:** BULLYING

PARLIAMENTARY COMMITTEES

WORKING CONDITIONS

**Jurisdictions:** AUSTRALIA

**AGIS No:** 20133064

**Title:** Is the right to request flexibility under the Fair Work Act enforceable?

**Authors:** CHAPMAN, Anna

**Source:** AUSTRALIAN JOURNAL OF LABOUR LAW 26 (2) October 2013 : 118-140

**Abstract:** Australian law reform initiative regarding work and care - right to request flexibility - requests to working arrangements to accommodate care responsibilities - legal obligations on an employer that are directly enforceable through a legal claim - 'reasonable business grounds' for denying requests - request provisions and other rules - interpretation of other rules - request regime in the UK - interpretation of UK scheme useful in the understanding of Australian scheme.

**Legal Cases:** Re Parental Leave Test Case 2005 (2005) 143 IR 245

**Legislation:** Employment Rights Act 1996 (UK)

Fair Work Act 2009 (CTH)

**Subjects:** EMPLOYMENT LAW

WORKING CONDITIONS

**Jurisdictions:** AUSTRALIA

UNITED KINGDOM