



AGIS - Articles

Australian Government
Attorney-General's Department

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Published Date From 16/10/2013 To 29/10/2013

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WATER POLLUTION
WATER RESOURCES
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ABORIGINES

AGIS No: 20132629
Title: Aboriginal representation in child protection : an East Kimberley perspective.
Authors: PATTERSON, Hamish
Source: BRIEF 40 (7) August 2013 : 41-43
Abstract: Principle that community views are observed in care and protection proceedings about Aboriginal children - meaning and application of the principle - issues with applying the principle.
Legislation: Children and Community Services Act 2004 (WA)
Subjects: ABORIGINES
CHILD WELFARE
CHILDREN IN CARE PROCEEDINGS
Jurisdictions: AUSTRALIA, Western Australia

AGIS No: 20132575
Title: Community economic development in patenting traditional knowledge : a case study of the Mudjala TK project in the Kimberley region of Western Australia.
Authors: MARSHALL, Virginia
JANKE, Terri
WATSON, Anthony
Source: INDIGENOUS LAW BULLETIN 8 (6) May / June 2013 : 17-21
Abstract: Case study in opportunities for commercialisation of Indigenous traditional knowledge - particular issues with patents and traditional knowledge.
Legislation: Patents Act 1990 (CTH)
Subjects: ABORIGINES
INDIGENOUS PEOPLE
INTELLECTUAL PROPERTY
PATENTS
Treaties: UN Declaration on the Rights of Indigenous Peoples
Jurisdictions: AUSTRALIA, Western Australia

AGIS No: 20132505
Title: Constitutional recognition of Aboriginal and Torres Strait Islanders : are we ready as a nation?
Authors: FERGUSON, Glenn
Source: JAMES COOK UNIVERSITY LAW REVIEW (19) 2012 : 6-17
Abstract: Mayo lecture 2012 - School of Law James Cook University - speech by member of the Expert Panel on Constitutional Recognition of Aboriginal and Torres Strait Islander People - comment on proposals of the Expert Panel.
Legislation: Constitution (CTH)
Subjects: ABORIGINES
CONSTITUTIONAL REFORM
REFERENDUMS
Jurisdictions: AUSTRALIA

AGIS No: 20132547
Title: Launch of the Victorian Bar reconciliation action plan : the Bar helps address inequalities faced by indigenous communities.
Authors: BODMAN, Sally
Source: VICTORIAN BAR NEWS (153) Winter 2013 : 54-55
Abstract: Report on the formal launch of the Victorian Bar's Reconciliation Action Plan - Victorian Bar's commitment to reconciliation.
Subjects: ABORIGINES
BAR ASSOCIATIONS
INDIGENOUS PEOPLE
Jurisdictions: AUSTRALIA, Victoria

AGIS No: 20132571
Title: Native title : a vehicle for change and empowerment? Workshop report.
Authors: HARTLEY, Jackie
LINO, Dylan
Source: INDIGENOUS LAW BULLETIN 8 (6) May / June 2013 : 3-5
Abstract: Report on workshop to mark the 20th anniversary of the Native Title Act 1993 - achievements and limitations of the native title system.
Legislation: Native Title Act 1993 (CTH)
Subjects: ABORIGINES
INDIGENOUS PEOPLE
NATIVE TITLE
Jurisdictions: AUSTRALIA

AGIS No: 20132619
Title: 'Sticking up for the land' : Aboriginality, mining and the lived effects of native title.
Authors: VINCENT, Eve
Source: AUSTRALIAN JOURNAL OF HUMAN RIGHTS 19 (1) August 2013 : 155-174
Abstract: Critique of native title as a process that can destroy Aboriginal self-understandings and local social relations - mineral exploration and mining - native title and the reorganisation of local Aboriginal identities.
Subjects: ABORIGINES
HUMAN RIGHTS
NATIVE TITLE
Jurisdictions: AUSTRALIA, South Australia

AGIS No: 20132573
Title: The Fernando principles and genetic vulnerabilities to the criminogenic effects of social environments.
Authors: MCCAY, Allan
Source: INDIGENOUS LAW BULLETIN 8 (6) May / June 2013 : 9-13

Abstract: Factors relevant to sentencing of Aboriginal offenders - socio-economic circumstances - genetic vulnerability and mitigation - ethical issues.
Legal Cases: R v Fernando (1992) 76 A Crim R 58
Subjects: ABORIGINES
CRIMINOLOGY
INDIGENOUS PEOPLE
SENTENCING
Jurisdictions: AUSTRALIA

AGIS No: 20132576
Title: The Tanami Gold NL mining agreement with Tjurabalan : an example of how a small native title group invests its mining funds.
Authors: MARTIN, Fiona
Source: INDIGENOUS LAW BULLETIN 8 (6) May / June 2013 : 22-26
Abstract: Case study of how a native title group in Western Australia is managing mining payments made to the group - use of a larger regional trust structure to maximise returns.
Subjects: ABORIGINES
CHARITABLE TRUSTS
INDIGENOUS PEOPLE
NATIVE TITLE
TRUSTS AND TRUSTEES
Jurisdictions: AUSTRALIA, Western Australia

AGIS No: 20132617
Title: Who is the 'human' in 'human rights'?
Authors: MACDONALD, Gaynor
Source: AUSTRALIAN JOURNAL OF HUMAN RIGHTS 19 (1) August 2013 : 107-131
Abstract: Only people rendered as humans can hold rights - denial of human rights to Aboriginal Australians through racialisation - examination of racialisation by Australia both historically and currently.
Subjects: ABORIGINES
HUMAN RIGHTS
RACE RELATIONS
RACIAL DISCRIMINATION
Jurisdictions: AUSTRALIA

ACCOUNTING

AGIS No: 20132481
Title: Trust accounting requirements : best practice guidelines for legal practitioners and auditors.
Authors: BURKE, Rosalind
Source: BULLETIN (LAW SOCIETY OF S.A.) 35 (5) June 2013 : 27

Abstract: Recommendations by the Law Society of SA on establishment of new trust accounting requirements and guidelines - regulatory recommendations - best practice trust accounting processes.

Legislation: Legal Practitioners Act 1981 (SA)

Subjects: ACCOUNTING
TRUSTS AND TRUSTEES

Jurisdictions: AUSTRALIA, South Australia

ADMINISTRATIVE LAW

AGIS No: 20132650

Title: Public and private interests in Australian administrative law.

Authors: EDGAR, Andrew

Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 36 (1) 2013 : 202-223

Abstract: Characteristics of a public interest model of administrative law - characteristics of Australian administrative law that can be understood as being within the public interest model - how the public interest model could be developed in Australia.

Subjects: ADMINISTRATIVE LAW

Jurisdictions: AUSTRALIA

AGIS No: 20132489

Title: Recent developments in administrative law.

Authors: COOK, Katherine

Source: AIAL FORUM (73) July 2013 : 1-11

Abstract: Reviews of counter-terrorism laws - Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Bill - warning to AAPT after failure to protect customer privacy - Excision Bill and human rights - adverse ASIO security assessment process - data breach notification regime - recent administrative decisions.

Subjects: ADMINISTRATIVE LAW

Jurisdictions: AUSTRALIA

AGIS No: 20132493

Title: The concept of 'deference' in judicial review of administrative decisions in Australia : part 1.

Authors: FRECKELTON, Alan

Source: AIAL FORUM (73) July 2013 : 52-70

Abstract: Rejection of the deference approach in Enfield - reasons for rejection - examination of concept of 'judicial power in the Commonwealth'.

Legal Cases: Enfield City Corporation v Development Assessment Commission (2000) 199 CLR 135

Subjects: ADMINISTRATIVE LAW
JUDICIAL REVIEW

Jurisdictions: AUSTRALIA

ADVOCACY

AGIS No: 20132663
Title: The "new advocacy" and the emergence of lawyer representatives in ADR.
Authors: COOPER, Donna
Source: AUSTRALASIAN DISPUTE RESOLUTION JOURNAL 24 (3) August 2013 : 178-186

Abstract: Emergence of "dispute resolution advocacy" role for lawyers - representation of clients in negotiation, mediation and conciliation processes - professional obligations as dispute resolution advocates - advocacy as non-adversarial practice.

Subjects: ADVOCACY
ALTERNATIVE DISPUTE RESOLUTION
LEGAL PROFESSION

AGED

AGIS No: 20132476
Title: Caring for ageing parents : some practical advice.
Authors: BARNFIELD, David
Source: BULLETIN (LAW SOCIETY OF S.A.) 35 (5) June 2013 : 20-21

Abstract: Moving an ageing parent from their own home into care - aged care at home - community care services - aged care homes - costs - tips and traps.

Subjects: AGED
HEALTH CARE

AGRICULTURE

AGIS No: 20132641
Title: Assessment of the efficacy of Victorian GM crop control legislation.
Authors: PELEKANAKIS, Ian
Source: eLaw journal : Murdoch University Electronic Journal of Law 18 (2) 2011 : 22-28

Abstract: Extent to which the Control of Genetically Modified Food Act 2004 (Vic) has achieved objectives - prevention of prospective adverse impact on export markets resulting from the release of genetically modified crops in Victoria - consideration of life-cycle of legislation.

Legislation: Control of Genetically Modified Crops Act 2004 (VIC)

Subjects: AGRICULTURE
FOOD LAWS
GENETIC ENGINEERING

Jurisdictions: AUSTRALIA, Victoria

ALTERNATIVE DISPUTE RESOLUTION

AGIS No: 20132589
Title: Alternative dispute resolution.
Authors: POWELL, Carol

Source: NEW ZEALAND LAW JOURNAL August 2013 : 261-264
Abstract: Preliminary mediation meetings - level of conflict - special needs in mediation - preparation for negotiation - international consistency - mediator toolkit - family mediation.
Legal Cases: Zurich Australian Insurance Limited t/a Zurich New Zealand v Cognition Education Limited [2013] NZCA 180
Subjects: ALTERNATIVE DISPUTE RESOLUTION
MEDIATION
Jurisdictions: NEW ZEALAND
PORTUGAL

AGIS No: 20132535
Title: Can a declarant be sued for defamation for giving a statutory declaration in an expert determination?
Authors: PRICE, Melanie
MONCZKO, Travis
Source: AUSTRALIAN CONSTRUCTION LAW BULLETIN 25 (5) August 2013 : 88-90

Abstract: Protection of statements made for the purposes of expert determination or adjudication - limitation on absolute privilege - potential defence of qualified privilege - triviality - need to take care in drafting statutory declarations.

Legislation: Civil Law (Wrongs) Act 2002 (ACT)
Defamation Act 2005 (NSW)
Defamation Act 2005 (QLD)
Defamation Act 2005 (SA)
Defamation Act 2005 (VIC)
Defamation Act 2005 (WA)
Defamation Act 2006 (NT)
Subjects: ALTERNATIVE DISPUTE RESOLUTION
DEFAMATION
Jurisdictions: AUSTRALIA

AGIS No: 20132507
Title: Mediation ethics in Australia : a case for rethinking the foundational paradigm.
Authors: FIELD, Rachael
Source: JAMES COOK UNIVERSITY LAW REVIEW (19) 2012 : 41-69
Abstract: Examination of neutrality as a key mediation ethic - arguments for rethinking the paradigm of mediator neutrality - neutrality as aspirational concept - development of mediation practice in Australia - confidence in conflict resolution profession - power imbalances.
Subjects: ALTERNATIVE DISPUTE RESOLUTION
ETHICS
MEDIATION
Jurisdictions: AUSTRALIA

AGIS No: 20132506
Title: Neutrality, self-determination, fairness and differing models of mediation.
Authors: DOUGLAS, Susan
Source: JAMES COOK UNIVERSITY LAW REVIEW (19) 2012 : 19-40
Abstract: Examination of problem-solving models employed in mediation - comparison of the role of the mediator across the models in relation to principles of neutrality self-determination and fairness - critique of mediator's limited role in ensuring substantive fairness - argument for critical examination and development of the principle of party self-determination.

Subjects: ALTERNATIVE DISPUTE RESOLUTION
ETHICS
MEDIATION

Jurisdictions: AUSTRALIA

AGIS No: 20132662
Title: Settling sexual harassment complaints : what benefits does ADR offer?
Authors: ALLEN, Dominique
Source: AUSTRALASIAN DISPUTE RESOLUTION JOURNAL 24 (3) August 2013 : 169-177

Abstract: Comparison of alternative dispute resolution (ADR) settlements in sexual harassment cases with tribunal orders - additional benefits of ADR - possible changes to process to enhance effectiveness of tribunal orders while maintaining ADR benefits.

Legislation: Anti-Discrimination Act 1991 (QLD)
Subjects: ALTERNATIVE DISPUTE RESOLUTION
SEXUAL HARASSMENT
TRIBUNALS

Jurisdictions: AUSTRALIA, Queensland

AGIS No: 20132663
Title: The "new advocacy" and the emergence of lawyer representatives in ADR.
Authors: COOPER, Donna
Source: AUSTRALASIAN DISPUTE RESOLUTION JOURNAL 24 (3) August 2013 : 178-186

Abstract: Emergence of "dispute resolution advocacy" role for lawyers - representation of clients in negotiation, mediation and conciliation processes - professional obligations as dispute resolution advocates - advocacy as non-adversarial practice.

Subjects: ADVOCACY
ALTERNATIVE DISPUTE RESOLUTION
LEGAL PROFESSION

AGIS No: 20132511
Title: The 'new' limitations of Fisher and Ury's model of interest-based negotiation : not necessarily the ethical alternative.
Authors: WOLSKI, Bobette
Source: JAMES COOK UNIVERSITY LAW REVIEW (19) 2012 : 127-155

Abstract: Use of interest-based negotiation in mediation - examination of assumptions about dichotomy between interest-based negotiation and positional negotiation - ethical assumptions - interest-based process bias in mediation and collaborative law - limitations of interest-based negotiation - implications for legal representatives.

Subjects: ALTERNATIVE DISPUTE RESOLUTION
ETHICS
MEDIATION
NEGOTIATION

Jurisdictions: AUSTRALIA

AMERICAN INDIANS

AGIS No: 20132642

Title: The protection of American Indian : intangible cultural heritage.

Authors: ALZHRANI, Damna A

Source: eLaw journal : Murdoch University Electronic Journal of Law 18 (2) 2011 : 53-63

Abstract: Analysis of historical and contemporary legal protections afforded to Native Americans to protect their intangible heritage - reservation system - casinos.

Subjects: AMERICAN INDIANS
INDIGENOUS PEOPLE
INDIGENOUS RIGHTS

Treaties: UN Declaration on the Rights of Indigenous Peoples

Jurisdictions: UNITED STATES

ARBITRATION

AGIS No: 20132602

Title: Critical appraisal of 'patent illegality' as a ground for setting aside an arbitral award in India.

Authors: ARYA, Garima Budhiraja
SEBASTIAN, Tania

Source: BOND LAW REVIEW 24 (2) December 2012 : 157-177

Abstract: Legislative history of arbitration in India - public policy and judicial decisions - judicial review of arbitral awards - use of 'patent illegality' to set aside arbitral awards - case law.

Legal Cases: ONGC v Saw Pipes Ltd (2003) 5 SCC 705
Renusagar Power Co Ltd v General Electric Co (1994) 1 SCC Supl 644

Legislation: Arbitration and Conciliation Act 1996 (INDIA)
Foreign Awards (Recognition and Enforcement) Act 1961 (INDIA)

Subjects: ARBITRATION
JUDICIAL REVIEW

Jurisdictions: INDIA

ATTORNEY-GENERAL

AGIS No: 20132626
Title: An interview with Christian Porter.
Authors: CREEK, Simon
VERSTEEGEN, James
Source: BRIEF 40 (7) August 2013 : 28-31
Abstract: Interview with former Western Australian Attorney-General - lawyers and politics - role of State Attorney-General.
Subjects: ATTORNEY-GENERAL
LEGAL PROFESSION
POLITICS AND GOVERNMENT
Jurisdictions: AUSTRALIA, Western Australia

AUSTRALIAN COMPETITION AND CONSUMER COMMISSION

AGIS No: 20132647
Title: Collective bargaining by business : economic and legal implications.
Authors: KING, Stephen P
Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 36 (1) 2013 : 107-138
Abstract: Analysis of economic costs and benefits of collective bargaining by businesses - overview of Australian law on collective bargaining authorisation and negotiation under Competition and Consumer Act - analysis of ACCC approach to economic costs.
Legislation: Competition and Consumer Act 2010 (CTH)
Subjects: AUSTRALIAN COMPETITION AND CONSUMER COMMISSION
CARTELS
CONSUMER PROTECTION
Jurisdictions: AUSTRALIA

AGIS No: 20132572
Title: Indigenous people, telecommunications and consumer protection.
Authors: LOBAN, Heron
Source: INDIGENOUS LAW BULLETIN 8 (6) May / June 2013 : 6-8
Abstract: Issues faced by Indigenous people in dealing with telecommunications companies - mobile phones - coverage - knowledge and use of complaints mechanisms - misleading and deceptive conduct - case law.
Legal Cases: Australian Competition and Consumer Commission (ACCC) v Excite Mobile Pty Ltd [2013] FCA 350

Australian Competition and Consumer Commission (ACCC) v EDirect Pty Ltd (in liq) [2012] FCA 976

Australian Competition and Consumer Commission (ACCC) v EDirect Pty Ltd [2008] FCA 65

Legislation: Competition and Consumer Act 2010 (CTH)
Trade Practices Act 1974 (CTH)
Subjects: AUSTRALIAN COMPETITION AND CONSUMER COMMISSION
CONSUMER PROTECTION
INDIGENOUS PEOPLE
MOBILE DEVICES
TELECOMMUNICATIONS
Jurisdictions: AUSTRALIA

AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

AGIS No: 20132622
Title: Civil penalty settlement agreements : a new approach : ASIC v Ingleby.
Authors: MACKNAY, Elizabeth
KEOGH, Matthew
BRIGHT, Emma
Source: BRIEF 40 (7) August 2013 : 12-13
Abstract: Negotiated settlements in civil penalty proceedings - Victorian Supreme Court approach - power of court not restrained by what has been agreed by parties - case law.
Legal Cases: Australian Securities and Investments Commission (ASIC) v Ingleby [2013] VSCA 49
NW Frozen Foods Pty Ltd v Australian Competition and Consumer Commission (1996)
71 FCR 285
Legislation: Corporations Act 2001 (CTH)
Subjects: AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION
PENALTIES
SENTENCING
Jurisdictions: AUSTRALIA, Victoria

AGIS No: 20132555
Title: Difficulty of reform in a federation : not-for-profit and government nexus.
Authors: GILCHRIST, David
Source: PUBLIC ADMINISTRATION TODAY (35) July / September 2013 : 23-25
Abstract: Regulation of not-for-profit organisations - regulatory reform - supervision by Australian Charities and Not-for-profits Commission - challenges of regulation at Commonwealth and state territory level.
Subjects: AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION
CHARITIES
COMMUNITY ORGANISATIONS
POLITICS AND GOVERNMENT
PUBLIC ADMINISTRATION
Jurisdictions: AUSTRALIA

BANKING

AGIS No: 20132638

Title: Fees? Not so simple : Andrews and Ors v Australia New Zealand Banking Group Ltd [2012] HCA 30 (6 September 2012)

Authors: ROBINSON, Ludmilla K

Source: UNIVERSITY OF WESTERN SYDNEY LAW REVIEW (16) 2012 : 161-173

Abstract: Clarification of the principles relating to the application and scope of the penalty doctrine on the status of 'fees' charged by bank - circumstances in which the penalty doctrine may be invoked - characterisation of a fee as a penalty - implications beyond banking and finance agreements - case law.

Legal Cases: Andrews v Australia and New Zealand Banking Group Ltd [2012] HCA 30

Subjects: BANKING
CONTRACTS
FINANCIAL SERVICES

Jurisdictions: AUSTRALIA

BANKRUPTCY

AGIS No: 20132531

Title: Can the ATO access a taxpayer's superannuation when bankruptcy looms?

Authors: OON, David
FIGOT, Bryce

Source: AUSTRALIAN SUPERANNUATION LAW BULLETIN 24 (10) July 2013 : 224-225

Abstract: Special status of superannuation in bankruptcy law - whether tax commissioner can garnishee amounts held in superannuation - recovery of tax debts - case law.

Legal Cases: Denlay v Commissioner of Taxation [2013] FCA 307

Legislation: Bankruptcy Act 1966 (CTH)
Taxation Administration Act 1953 (CTH)

Subjects: BANKRUPTCY
SUPERANNUATION
TAXATION

Jurisdictions: AUSTRALIA

BAR ASSOCIATIONS

AGIS No: 20132547

Title: Launch of the Victorian Bar reconciliation action plan : the Bar helps address inequalities faced by indigenous communities.

Authors: BODMAN, Sally

Source: VICTORIAN BAR NEWS (153) Winter 2013 : 54-55

Abstract: Report on the formal launch of the Victorian Bar's Reconciliation Action Plan - Victorian Bar's commitment to reconciliation.

Subjects: ABORIGINES
BAR ASSOCIATIONS
INDIGENOUS PEOPLE

Jurisdictions: AUSTRALIA, Victoria

BARRISTERS

AGIS No: 20132543
Title: A study in contradictions : Le Stage International du Barreau de Paris.
Authors: BRENNAN, Amy
Source: VICTORIAN BAR NEWS (153) Winter 2013 : 37-39
Abstract: Perspective on French legal system and profession from an Australian lawyer undertaking a "traineeship" for international lawyers in Paris.
Subjects: BARRISTERS
CIVIL LAW
LEGAL PROFESSION
LEGAL SYSTEM
Jurisdictions: FRANCE

AGIS No: 20132542
Title: QC or not QC?
Authors: HAMPEL
WYLES, Michael D
Source: VICTORIAN BAR NEWS (153) Winter 2013 : 33-36
Abstract: Two viewpoints on the question of retaining "Senior Counsel" or returning to "Queen's Counsel".
Legislation: Supreme Court (Miscellaneous Civil Proceedings) Rules 2008 (VIC)
Subjects: BARRISTERS
LEGAL PROFESSION
Jurisdictions: AUSTRALIA, Victoria

BIOGRAPHY

AGIS No: 20132545
Title: That's Sir Hayden Starke.
Authors: MERRALLS, J D
Source: VICTORIAN BAR NEWS (153) Winter 2013 : 42-47
Abstract: Biographical essay on Sir Hayden Starke.
Subjects: BIOGRAPHY
HIGH COURT
Jurisdictions: AUSTRALIA

AGIS No: 20132631
Title: The keys to opportunity : education, persistence and hard work.
Authors: COLEMAN, Ian Roy
Source: UNIVERSITY OF WESTERN SYDNEY LAW REVIEW (16) 2012 : 8-17
Abstract: Speech given by the Hon Justice Ian Roy Coleman to the University of Western Sydney Law Alumni November 2012 - reflections on a legal career.

Subjects: BIOGRAPHY
LEGAL PROFESSION
Jurisdictions: AUSTRALIA

BUILDING LAW

AGIS No: 20132536
Title: Case note : Adelaide Interior Linings Pty Ltd v Romaldi Constructions Pty Ltd.
Authors: WATSON, Juniper
SCHINCKEL, Tom
Source: AUSTRALIAN CONSTRUCTION LAW BULLETIN 25 (5) August 2013 : 91-92
Abstract: Attempt to circumvent building and construction industry security of payment scheme - injunction sought in local court - intention of legislation to establish a "pay now argue later" system upheld - case law.
Legal Cases: Adelaide Interior Linings Pty Ltd v Romaldi Constructions Pty Ltd [2013] SASC 110
Legislation: Building and Construction Industry Security of Payment Act 2009 (SA)
Subjects: BUILDING LAW
CONSTRUCTION INDUSTRY
Jurisdictions: AUSTRALIA, South Australia

AGIS No: 20132537
Title: No contract : no worries! Except if there is an "arrangement" under the Building and Construction Industry Payments Act 2004 (Qld).
Authors: MCVEIGH, Jennifer
PRICE, Melanie
Source: AUSTRALIAN CONSTRUCTION LAW BULLETIN 25 (5) August 2013 : 93-94
Abstract: Definition of "construction contract" - meaning of other "arrangement" - circumstances that are likely to give rise to an arrangement.
Legal Cases: Okaroo Pty Ltd v Vos Construction & Joinery Pty Ltd [2005] NSWSC 45
Legislation: Building and Construction Industry Payments Act 2004 (QLD)
Subjects: BUILDING LAW
CONSTRUCTION INDUSTRY
CONTRACTS
Jurisdictions: AUSTRALIA, Queensland

BULLYING

AGIS No: 20132577
Title: Bullying in schools and its relation to parenting and family life.
Authors: RIGBY, Ken
Source: FAMILY MATTERS (92) 2013 : 61-67
Abstract: Bullying - parental awareness of bullying - role of early childhood development - family functioning - parenting style and parent characteristics - parent beliefs about peer victimisation - education of parents.

Subjects: BULLYING
CHILDREN
PARENTAL RIGHTS AND DUTIES

AGIS No: 20132510
Title: Conflict coaching : a tool for conflict resolution in schools.
Authors: SAHA, Priyanka
Source: JAMES COOK UNIVERSITY LAW REVIEW (19) 2012 : 113-126
Abstract: Examination of the application of conflict coaching to deal with bullying in schools - obstacles and solutions when dealing with children - conflict management.

Subjects: BULLYING
CONFLICT MANAGEMENT
Jurisdictions: AUSTRALIA

AGIS No: 20132624
Title: Cyber bullying.
Authors: CASSIDY-VERNON, Cheryl
Source: BRIEF 40 (7) August 2013 : 20-22
Abstract: Young people and cyber bullying - legal implications - victims of bullying at school likely to become online aggressors - sexting - suggested ways to address cyber bullying.

Subjects: BULLYING
INFORMATION TECHNOLOGY
MOBILE DEVICES
SOCIAL MEDIA
Jurisdictions: AUSTRALIA

AGIS No: 20132578
Title: Parental involvement in preventing and responding to cyberbullying.
Authors: ROBINSON, Elly
Source: FAMILY MATTERS (92) 2013 : 68-76
Abstract: Characteristics of cyberbullying - prevalence - level of harm - parental prevention and responses to cyberbullying - internet monitoring - disclosure - identification - parents and schools working together.

Subjects: BULLYING
CHILDREN
INTERNET
MOBILE DEVICES
SOCIAL MEDIA
YOUNG PERSONS
Jurisdictions: AUSTRALIA

BUSINESS ADMINISTRATION

AGIS No: 20132487
Title: Business development 101 : a basic introduction to BD in law firms.
Authors: CREEK, Simon
GRENNELL, Michael
Source: BRIEF 40 (5) June 2013 : 34-36
Abstract: Role of business development (BD) teams in a law firm - facilitating relationships - tenders and proposals - emarketing - innovation - communicating with partners and directors.
Subjects: BUSINESS ADMINISTRATION
LAW FIRMS
MARKETING

AGIS No: 20132558
Title: When being caring isn't enough.
Authors: MOFFATT, Lindsey
Source: PUBLIC ADMINISTRATION TODAY (35) July / September 2013 : 39-41
Abstract: Challenges for Tasmania's community services sector - labour and skills shortages - overview of whole-of-sector workforce development plan.
Subjects: BUSINESS ADMINISTRATION
COMMUNITY ORGANISATIONS
MANAGEMENT
PUBLIC ADMINISTRATION
Jurisdictions: AUSTRALIA, Tasmania

CARTELS

AGIS No: 20132647
Title: Collective bargaining by business : economic and legal implications.
Authors: KING, Stephen P
Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 36 (1) 2013 : 107-138
Abstract: Analysis of economic costs and benefits of collective bargaining by businesses - overview of Australian law on collective bargaining authorisation and negotiation under Competition and Consumer Act - analysis of ACCC approach to economic costs.
Legislation: Competition and Consumer Act 2010 (CTH)
Subjects: AUSTRALIAN COMPETITION AND CONSUMER COMMISSION
CARTELS
CONSUMER PROTECTION
Jurisdictions: AUSTRALIA

AGIS No: 20132612
Title: Joint venture or cartel arrangement?
Authors: ZAURRINI, Ross
PHILLIPS, Alyssa

Source: INHOUSE COUNSEL 16 (9) August 2013 : 176-179
Abstract: Competition law and joint ventures - fine line between collaborative conduct and cartel conduct - anti-competition prohibitions - Australian Consumer and Competition Commission - joint venture exception - managing risk - practical tips on joint ventures.
Legislation: Competition and Consumer Act 2010 (CTH)
Subjects: CARTELS
JOINT VENTURES
RISK MANAGEMENT
Jurisdictions: AUSTRALIA

CHARITABLE TRUSTS

AGIS No: 20132576
Title: The Tanami Gold NL mining agreement with Tjurabalan : an example of how a small native title group invests its mining funds.
Authors: MARTIN, Fiona
Source: INDIGENOUS LAW BULLETIN 8 (6) May / June 2013 : 22-26
Abstract: Case study of how a native title group in Western Australia is managing mining payments made to the group - use of a larger regional trust structure to maximise returns.
Subjects: ABORIGINES
CHARITABLE TRUSTS
INDIGENOUS PEOPLE
NATIVE TITLE
TRUSTS AND TRUSTEES
Jurisdictions: AUSTRALIA, Western Australia

CHARITIES

AGIS No: 20132497
Title: Charities 'not second-class beneficiaries'.
Source: PROCTOR 33 (5) June 2013 : 24-25
Abstract: Open letter to Queensland practitioners who act for executors - duty of trustees to act in best interests of all beneficiaries including charities - practical advice.
Subjects: CHARITIES
TRUSTS AND TRUSTEES
WILLS

AGIS No: 20132555
Title: Difficulty of reform in a federation : not-for-profit and government nexus.
Authors: GILCHRIST, David
Source: PUBLIC ADMINISTRATION TODAY (35) July / September 2013 : 23-25
Abstract: Regulation of not-for-profit organisations - regulatory reform - supervision by Australian Charities and Not-for-profits Commission - challenges of regulation at Commonwealth and state territory level.

Subjects: AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION
CHARITIES
COMMUNITY ORGANISATIONS
POLITICS AND GOVERNMENT
PUBLIC ADMINISTRATION
Jurisdictions: AUSTRALIA

AGIS No: 20132557
Title: EMPLOYEES support third sector.
Source: PUBLIC ADMINISTRATION TODAY (35) July / September 2013 : 28-29
Abstract: Overview of New South Wales public sector workplace giving program.
Subjects: CHARITIES
PUBLIC SECTOR
Jurisdictions: AUSTRALIA, New South Wales

AGIS No: 20132480
Title: Proposed statutory definition of charity.
Authors: INGRAM, Paul
Source: BULLETIN (LAW SOCIETY OF S.A.) 35 (5) June 2013 : 38-39
Abstract: Statutory definition of 'charity' for all Federal legislation - new definition - Charities Bill 2013 - Charities (Consequential Amendments and Transitional Provisions) Bill 2013 - charitable purpose - public benefit - disqualifying purpose - charity-like government entities - administration of the new statutory definitions.
Subjects: CHARITIES
Jurisdictions: AUSTRALIA

CHILD SEXUAL ABUSE

AGIS No: 20132484
Title: Human trafficking and gender-based violence in Cambodia : an Australian NGO response.
Authors: MACK, Gary
Source: BRIEF 40 (5) June 2013 : 18-23
Abstract: South East Asian Investigations into Social and Humanitarian Activities - work with children trafficked in the sex industry - training of Cambodian police in investigative principles, planning and techniques - raising awareness and combating gender-based violence - Cambodian laws.
Subjects: CHILD SEXUAL ABUSE
PEOPLE TRAFFICKING
VIOLENCE
Jurisdictions: CAMBODIA

CHILD WELFARE

AGIS No: 20132629

Title: Aboriginal representation in child protection : an East Kimberley perspective.

Authors: PATTERSON, Hamish

Source: BRIEF 40 (7) August 2013 : 41-43

Abstract: Principle that community views are observed in care and protection proceedings about Aboriginal children - meaning and application of the principle - issues with applying the principle.

Legislation: Children and Community Services Act 2004 (WA)

Subjects: ABORIGINES
CHILD WELFARE
CHILDREN IN CARE PROCEEDINGS

Jurisdictions: AUSTRALIA, Western Australia

AGIS No: 20132646

Title: Express recognition of the UN Convention on the Rights of the Child in the Family Law Act : what impact for children's participation?

Authors: FERNANDO, Michelle

Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 36 (1) 2013 : 88-106

Abstract: Examination of the effectiveness of amendments to the Family Law Act to include as an object giving effect to the United Nations Convention on the Rights of the Child - Convention as an aid to interpretation.

Legislation: Family Law Act 1975 (CTH)
Family Law Legislation Amendment (Family Violence and Other Measures) Act 2011 (CTH)

Subjects: CHILD WELFARE
CHILDREN IN CARE PROCEEDINGS
CHILDRENS RIGHTS
FAMILY LAW

Treaties: Convention on the Rights of the Child

Jurisdictions: AUSTRALIA

CHILDREN

AGIS No: 20132577

Title: Bullying in schools and its relation to parenting and family life.

Authors: RIGBY, Ken

Source: FAMILY MATTERS (92) 2013 : 61-67

Abstract: Bullying - parental awareness of bullying - role of early childhood development - family functioning - parenting style and parent characteristics - parent beliefs about peer victimisation - education of parents.

Subjects: BULLYING
CHILDREN
PARENTAL RIGHTS AND DUTIES

AGIS No: 20132570

Title: Children's direct participation and the views of Australian judges.
Authors: FERNADO, Michelle
Source: FAMILY MATTERS (92) 2013 : 41-47
Abstract: Children's direct participation in family law matters - judges hearing directly from children - judicial views on meeting with children - recommendations to ensure children are heard - children's views on their level of participation.
Subjects: CHILDREN
CHILDRENS EVIDENCE
FAMILY COURT
JUDICIARY
Jurisdictions: AUSTRALIA

AGIS No: 20132578
Title: Parental involvement in preventing and responding to cyberbullying.
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Abstract: Characteristics of cyberbullying - prevalence - level of harm - parental prevention and responses to cyberbullying - internet monitoring - disclosure - identification - parents and schools working together.
Subjects: BULLYING
CHILDREN
INTERNET
MOBILE DEVICES
SOCIAL MEDIA
YOUNG PERSONS
Jurisdictions: AUSTRALIA

CHILDREN IN CARE PROCEEDINGS

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CHILD WELFARE
CHILDREN IN CARE PROCEEDINGS
Jurisdictions: AUSTRALIA, Western Australia

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Legislation: Family Law Act 1975 (CTH)
Family Law Legislation Amendment (Family Violence and Other Measures) Act 2011 (CTH)

Subjects: CHILD WELFARE
CHILDREN IN CARE PROCEEDINGS
CHILDRENS RIGHTS
FAMILY LAW

Treaties: Convention on the Rights of the Child

Jurisdictions: AUSTRALIA

CHILDRENS EVIDENCE

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Subjects: CHILDREN
CHILDRENS EVIDENCE
FAMILY COURT
JUDICIARY

Jurisdictions: AUSTRALIA

CHILDRENS RIGHTS

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Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 36 (1) 2013 : 88-106

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Legislation: Family Law Act 1975 (CTH)
Family Law Legislation Amendment (Family Violence and Other Measures) Act 2011 (CTH)

Subjects: CHILD WELFARE
CHILDREN IN CARE PROCEEDINGS
CHILDRENS RIGHTS
FAMILY LAW
Treaties: Convention on the Rights of the Child
Jurisdictions: AUSTRALIA

AGIS No: 20132583
Title: Immigration and the unborn child.
Authors: YEE, Tina
Source: NEW ZEALAND LAW JOURNAL August 2013 : 243-244
Abstract: Children born to illegal parents facing deportation - rights attributed to unborn children to allow parent to escape deportation - international obligations - humanitarian circumstances - best interests of the child.
Legal Cases: Dhindsa v Secretary of Labour [2012] NZCA 282
Subjects: CHILDRENS RIGHTS
IMMIGRATION
UNBORN CHILD
Treaties: Convention on the Rights of the Child
International Covenant on Civil and Political Rights
Jurisdictions: NEW ZEALAND

CIVIL LAW

AGIS No: 20132543
Title: A study in contradictions : Le Stage International du Barreau de Paris.
Authors: BRENNAN, Amy
Source: VICTORIAN BAR NEWS (153) Winter 2013 : 37-39
Abstract: Perspective on French legal system and profession from an Australian lawyer undertaking a "traineeship" for international lawyers in Paris.
Subjects: BARRISTERS
CIVIL LAW
LEGAL PROFESSION
LEGAL SYSTEM
Jurisdictions: FRANCE

CIVIL PROCEDURE

AGIS No: 20132499
Title: Interest matters : what you should know about interest awards in the courts.
Authors: LEE, Stephen
Source: PROCTOR 33 (5) June 2013 : 30-33
Abstract: Overview of the four main bases of jurisdiction to award interest - practical tips for practitioners.
Legislation: Civil Proceedings Act 2011 (QLD)

Subjects: CIVIL PROCEDURE
INTEREST RATES
Jurisdictions: AUSTRALIA, Queensland

AGIS No: 20132501
Title: Judgment by default : the process under UCPR.
Authors: DOWNES, Kylie
GOTHARD, Kirsty
Source: PROCTOR 33 (5) June 2013 : 40-42
Abstract: Outline of the process for obtaining a default judgment if the defendant fails to file a defence - procedural requirements.
Legislation: Uniform Civil Procedure Rules 1999 (QLD)
Subjects: CIVIL PROCEDURE
Jurisdictions: AUSTRALIA, Queensland

AGIS No: 20132636
Title: Judicial review for the convicted felon in Australia : a consideration of statutory context and the doctrine of attainder.
Authors: DONNELLY, Jason
Source: UNIVERSITY OF WESTERN SYDNEY LAW REVIEW (16) 2012 : 137-154
Abstract: Statutory prohibition on persons in custody for a serious indictable offence from commencing civil proceedings - meaning of 'civil proceedings' - examination of common law doctrine of attainder - civil rights of prisoners - statutory interpretation - case law.

Legal Cases: Patsalis v State of New South Wales [2012] NSWCA 307
Legislation: Felons (Civil Proceedings) Act 1981 (NSW)
Subjects: CIVIL PROCEDURE
JUDICIAL REVIEW
PENOLOGY
PRISONERS
Jurisdictions: AUSTRALIA, New South Wales

AGIS No: 20132643
Title: Restraints of trade : the legal practice.
Authors: ARUP, Christopher
DENT, Chris
HOWE, John
AND, others
Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 36 (1) 2013 : 1-29
Abstract: Uncertainty in common law on restraint of trade - empirical research into the effect of uncertainty in the law on how restraint of trade matters proceed in legal practice - uncertainty weighs more heavily on the employee.
Subjects: CIVIL PROCEDURE
EMPLOYMENT LAW

Jurisdictions: AUSTRALIA

CLIMATE CHANGE

AGIS No: 20132651

Title: Law, governance and risk : deconstructing the public-private divide in climate change adaptation.

Authors: GODDEN, Lee
ROCHFORD, Francine
PEEL, Jacqueline
AND, others

Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 36 (1) 2013 : 224-255

Abstract: Examination of the complex of law and regulation around climate change adaptation - interaction between public and private spheres - shifting of responsibilities and risk between public and private spheres.

Subjects: CLIMATE CHANGE
OUTSOURCING
POLITICS AND GOVERNMENT
PUBLIC SECTOR

COMMERCE

AGIS No: 20132586

Title: The flawed market power counterfactual.

Authors: VELJANOVSKI, Cento

Source: NEW ZEALAND LAW JOURNAL August 2013 : 247-248,252

Abstract: Test to determine if firms used or is taking advantage of market power - criticism of test by judiciary - comparison of counterfactual tests in Australia - flawed counterfactual in Clear case.

Legal Cases: Commerce Commission v Telecom Corporation of New Zealand Ltd (2011) 1 NZLR 577
Melway Publishing Pty Ltd v Robert Hicks Pty Ltd (2001) 205 CLR 1
Telecom Corporation of New Zealand Ltd v Clear Communications Ltd (1995) 1 NZLR 385

Legislation: Commerce Act 1986 (NZ)

Subjects: COMMERCE
COMPANY LAW

Jurisdictions: AUSTRALIA
NEW ZEALAND

COMMON LAW

AGIS No: 20132594

Title: Frustration and risk allocation.

Authors: WILSON, Jennifer
FONG, Nixon

Source: NEW ZEALAND LAW JOURNAL August 2013 : 273-276,280

Abstract: Doctrine of frustration - common law response to unforeseen contingencies occurring through no fault of either party - allocation of risk - case law - recent approach to frustration in New Zealand.

Legal Cases: Davis Contractors Ltd v Fareham Urban District Council (1956) AC 696
Planet Kids Ltd v Auckland Council (2013) 1 NZLR 485
Ridgecrest NZ Limited v IAG New Zealand Limited [2012] NZHC 2954

Subjects: COMMON LAW
CONTRACTS

Jurisdictions: NEW ZEALAND
UNITED KINGDOM

AGIS No: 20132601

Title: The statutory derivative action in Malaysia.

Authors: SALIM, Mohammad Rizal
GURDIAL KAUR, Deborah

Source: BOND LAW REVIEW 24 (2) December 2012 : 125-156

Abstract: Analysis of statutory action in Malaysia - comparison with United Kingdom, Australia and Singapore - removal of weakness of common law through statutory derivative action - potential in encouraging shareholder litigation.

Legal Cases: Foss v Harbottle (1843) 2 Hare 461

Legislation: Companies Act (SINGAPORE)
Companies Act 1965 (MALAYSIA)
Companies Act 2006 (UK)
Corporations Act 2001 (CTH)

Subjects: COMMON LAW
COMPANY LAW
SHARES AND SHAREHOLDERS

Jurisdictions: AUSTRALIA
MALAYSIA
SINGAPORE
UNITED KINGDOM

COMMUNITY LEGAL EDUCATION

AGIS No: 20132538

Title: The challenge of improving access to justice.

Authors: DREYFUS, Mark

Source: VICTORIAN BAR NEWS (153) Winter 2013 : 22-23

Abstract: Opinion piece by Commonwealth Attorney-General - access to justice as broad concept.

Subjects: COMMUNITY LEGAL EDUCATION
COMMUNITY LEGAL SERVICES
LEGAL AID
LEGAL NEED
LEGAL SYSTEM

Jurisdictions: AUSTRALIA

COMMUNITY LEGAL SERVICES

AGIS No: 20132519
Title: Access to justice : case studies of the role of community legal centres in Western Australia.
Authors: GEORGIU, Marina
Source: BRIEF 40 (6) July 2013 : 12-14
Abstract: Snapshots of three community legal centres - stolen wages scheme case study - tenancy case study - pro bono work.
Subjects: COMMUNITY LEGAL SERVICES
LEGAL PROFESSION
PRO BONO SERVICES
Jurisdictions: AUSTRALIA, Western Australia

AGIS No: 20132538
Title: The challenge of improving access to justice.
Authors: DREYFUS, Mark
Source: VICTORIAN BAR NEWS (153) Winter 2013 : 22-23
Abstract: Opinion piece by Commonwealth Attorney-General - access to justice as broad concept.
Subjects: COMMUNITY LEGAL EDUCATION
COMMUNITY LEGAL SERVICES
LEGAL AID
LEGAL NEED
LEGAL SYSTEM
Jurisdictions: AUSTRALIA

COMMUNITY ORGANISATIONS

AGIS No: 20132552
Title: Community housing sector thrives.
Authors: SAAD, Nazha
Source: PUBLIC ADMINISTRATION TODAY (35) July / September 2013 : 13-15
Abstract: Overview of not-for-profit community housing providers - growth in transfer of properties from government to community housing - benefits of government working with community housing providers.
Subjects: COMMUNITY ORGANISATIONS
HOUSING
PUBLIC ADMINISTRATION
Jurisdictions: AUSTRALIA, New South Wales

AGIS No: 20132554
Title: Compacts with the third sector : the politics and the pragmatism.
Authors: BUTCHER, John
Source: PUBLIC ADMINISTRATION TODAY (35) July / September 2013 : 19-22

Abstract: Compacts between government and the not-for-profit sector to place relationships on a principled and predictable footing - comparative analysis of different approaches - factors important to success.

Subjects: COMMUNITY ORGANISATIONS
GOVERNMENT PURCHASING
PUBLIC ADMINISTRATION
PUBLIC SECTOR

Jurisdictions: AUSTRALIA

AGIS No: 20132551
Title: CONTRACTING out ... to the community : implications for public administration.

Source: PUBLIC ADMINISTRATION TODAY (35) July / September 2013 : 7-9
Abstract: Extracts from oration by Peter Shergold - delivery of government through third parties - comment on issues raised for both community sector and government.

Subjects: COMMUNITY ORGANISATIONS
PUBLIC ADMINISTRATION
PUBLIC SECTOR

Jurisdictions: AUSTRALIA

AGIS No: 20132555
Title: Difficulty of reform in a federation : not-for-profit and government nexus.
Authors: GILCHRIST, David
Source: PUBLIC ADMINISTRATION TODAY (35) July / September 2013 : 23-25
Abstract: Regulation of not-for-profit organisations - regulatory reform - supervision by Australian Charities and Not-for-profits Commission - challenges of regulation at Commonwealth and state territory level.

Subjects: AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION
CHARITIES
COMMUNITY ORGANISATIONS
POLITICS AND GOVERNMENT
PUBLIC ADMINISTRATION

Jurisdictions: AUSTRALIA

AGIS No: 20132556
Title: Partnership preferred.
Authors: HALLIDAY, Illana
NEWMAN, Michelle
Source: PUBLIC ADMINISTRATION TODAY (35) July / September 2013 : 26-27
Abstract: Exploration of differences between auspice arrangement and partnership between non-government organisation and a government department.

Subjects: COMMUNITY ORGANISATIONS
MANAGEMENT
PUBLIC ADMINISTRATION
PUBLIC SECTOR

Jurisdictions: AUSTRALIA
AUSTRALIA, New South Wales

AGIS No: 20132553

Title: Third sector rise : and fall?

Authors: NUTE, Peter

Source: PUBLIC ADMINISTRATION TODAY (35) July / September 2013 : 16-18

Abstract: Challenges for small community organisations in government service provision - impact and issues with competitive tendering - compliance costs - differing impact on large religious based organisations and smaller community organisations.

Subjects: COMMUNITY ORGANISATIONS
GOVERNMENT PURCHASING
PUBLIC SECTOR

Jurisdictions: AUSTRALIA, Tasmania

AGIS No: 20132558

Title: When being caring isn't enough.

Authors: MOFFATT, Lindsey

Source: PUBLIC ADMINISTRATION TODAY (35) July / September 2013 : 39-41

Abstract: Challenges for Tasmania's community services sector - labour and skills shortages - overview of whole-of-sector workforce development plan.

Subjects: BUSINESS ADMINISTRATION
COMMUNITY ORGANISATIONS
MANAGEMENT
PUBLIC ADMINISTRATION

Jurisdictions: AUSTRALIA, Tasmania

COMPANY DIRECTORS

AGIS No: 20132518

Title: Weinstock v Beck : I got two turntables and a directorship.

Authors: CHANDLER, Dane

Source: BRIEF 40 (6) July 2013 : 10

Abstract: Bad but innocent exercise of corporate power - effect of s 1322 Corporations Act - purported exercise of power may be declared not invalid - case law - corporate governance.

Legal Cases: Weinstock v Beck [2013] HCA 14

Legislation: Corporations Act 2001 (CTH)

Subjects: COMPANY DIRECTORS
CORPORATE GOVERNANCE
CORPORATIONS LAW

Jurisdictions: AUSTRALIA

COMPANY LAW

AGIS No: 20132586
Title: The flawed market power counterfactual.
Authors: VELJANOVSKI, Cento
Source: NEW ZEALAND LAW JOURNAL August 2013 : 247-248,252
Abstract: Test to determine if firms used or is taking advantage of market power - criticism of test by judiciary - comparison of counterfactual tests in Australia - flawed counterfactual in Clear case.
Legal Cases: Commerce Commission v Telecom Corporation of New Zealand Ltd (2011) 1 NZLR 577
Melway Publishing Pty Ltd v Robert Hicks Pty Ltd (2001) 205 CLR 1
Telecom Corporation of New Zealand Ltd v Clear Communications Ltd (1995) 1 NZLR 385
Legislation: Commerce Act 1986 (NZ)
Subjects: COMMERCE
COMPANY LAW
Jurisdictions: AUSTRALIA
NEW ZEALAND

AGIS No: 20132601
Title: The statutory derivative action in Malaysia.
Authors: SALIM, Mohammad Rizal
GURDIAL KAUR, Deborah
Source: BOND LAW REVIEW 24 (2) December 2012 : 125-156
Abstract: Analysis of statutory action in Malaysia - comparison with United Kingdom, Australia and Singapore - removal of weakness of common law through statutory derivative action - potential in encouraging shareholder litigation.
Legal Cases: Foss v Harbottle (1843) 2 Hare 461
Legislation: Companies Act (SINGAPORE)
Companies Act 1965 (MALAYSIA)
Companies Act 2006 (UK)
Corporations Act 2001 (CTH)
Subjects: COMMON LAW
COMPANY LAW
SHARES AND SHAREHOLDERS
Jurisdictions: AUSTRALIA
MALAYSIA
SINGAPORE
UNITED KINGDOM

COMPUTER SECURITY

AGIS No: 20132526
Title: Every cloud edict from Attorney General.
Authors: BAJKOWSKI, Julian
Source: GOVERNMENT NEWS 33 (4) August/September 2013 : 4
Abstract: Release of Commonwealth Government cloud computing policy - Protective Security Policy Framework.

Subjects: COMPUTER SECURITY
NATIONAL SECURITY
Jurisdictions: AUSTRALIA

CONFIDENTIAL COMMUNICATIONS

AGIS No: 20132486
Title: Obligation to maintain confidentiality of court documents.
Authors: DOSHI, Nisha
Source: BRIEF 40 (5) June 2013 : 32-33
Abstract: Use of subpoenaed court documents as evidence - alteration of duty of confidentiality - Federal Court Rules - implied undertaking - case law - moving forward with care.

Legal Cases: British American Tobacco Australia Services Ltd v Cowell [2003] VSCA 43
Buswell v Carles (No 2) [2013] WASC 54
Subjects: CONFIDENTIAL COMMUNICATIONS
COURT RULES AND PROCEDURE

CONFLICT MANAGEMENT

AGIS No: 20132510
Title: Conflict coaching : a tool for conflict resolution in schools.
Authors: SAHA, Priyanka
Source: JAMES COOK UNIVERSITY LAW REVIEW (19) 2012 : 113-126
Abstract: Examination of the application of conflict coaching to deal with bullying in schools - obstacles and solutions when dealing with children - conflict management.

Subjects: BULLYING
CONFLICT MANAGEMENT
Jurisdictions: AUSTRALIA

CONSTITUTIONAL HISTORY

AGIS No: 20132580
Title: A Western Australian Constitution? Documents, difficulties and dramatis personae.

Authors: MURRAY, Sarah
THOMSON, James A
Source: UNIVERSITY OF WESTERN AUSTRALIA LAW REVIEW 36 (2) April 2013 : 1-48

Abstract: Examination of the constitutional history of Western Australia - key players - constitutional documents - constitutional legitimacy.
Legislation: Australian Constitutions Act 1850 (UK)
Constitution Act 1889 (WA)
Constitution Acts Amendment Act 1899 (WA)

Subjects: CONSTITUTIONAL HISTORY
CONSTITUTIONAL LAW
CONSTITUTIONS
Jurisdictions: AUSTRALIA, Western Australia

AGIS No: 20132592
Title: Aspects of state executive powers.
Authors: DONALDSON, Grant
Source: UNIVERSITY OF WESTERN AUSTRALIA LAW REVIEW 36 (2) April 2013 : 145-167

Abstract: Examination of political and constitutional aspects of the foundation and exercise of state executive powers - nature of executive power - appointment of Ministers during the term of government.

Legal Cases: Williams v Commonwealth of Australia (2012) 86 ALJR 713

Legislation: Constitution (CTH)
Constitution Act 1889 (WA)
Constitution Acts Amendment Act 1899 (WA)

Subjects: CONSTITUTIONAL HISTORY
CONSTITUTIONAL LAW
CONSTITUTIONS
SEPARATION OF POWERS
Jurisdictions: AUSTRALIA, Western Australia

AGIS No: 20132582
Title: 'The free utterance of its character' : constitutional celebrations in Western Australia.
Authors: BLACK, David
Source: UNIVERSITY OF WESTERN AUSTRALIA LAW REVIEW 36 (2) April 2013 : 69-82

Abstract: Analysis of public significance of major constitution developments in Western Australia - Proclamation Day - evolution of public holidays to mark constitutional events - Foundation Day - Western Australia Day.

Subjects: CONSTITUTIONAL HISTORY
CONSTITUTIONS
Jurisdictions: AUSTRALIA, Western Australia

AGIS No: 20132584
Title: The history, scope and prospects of section 73 of the Constitution Act 1889 (WA).
Authors: CONGDON, Peter
Source: UNIVERSITY OF WESTERN AUSTRALIA LAW REVIEW 36 (2) April 2013 : 83-113

Abstract: Manner and form provision in Western Australian Constitution - analysis of scope and efficacy of provision by reference to impact on prospect areas of constitutional change - entrenching statutory provisions - limiting the Executive's power to dissolve the Legislative Assembly - altering the franchise for state elections - case law.

Legal Cases: Attorney-General (NSW) v Trethowan (1931) 44 CLR 394
Attorney-General (WA) v Marquet (2003) 217 CLR 545
Attorney-General (WA); Ex rel Burke v Western Australia [1982] WAR 241

Clydesdale v Hughes (1934) 51 CLR 518
Marquet, Clerk of the Parliaments (WA) v Attorney-General (WA) (2002) 26 WAR 201
McGinty v Western Australia (1996) 186 CLR 140
Roach v Electoral Commissioner (2007) 233 CLR 162
Western Australia v Wilsmore (1982) 149 CLR 79
Yougarla v Western Australia (2001) 207 CLR 344

Legislation: Constitution Act 1889 (WA)

Subjects: CONSTITUTIONAL HISTORY
CONSTITUTIONAL LAW
CONSTITUTIONAL REFORM
CONSTITUTIONS

Jurisdictions: AUSTRALIA, Western Australia

AGIS No: 20132581

Title: Western Australia's constitutional documents : a drafting history.

Authors: HARVEY, Lee

Source: UNIVERSITY OF WESTERN AUSTRALIA LAW REVIEW 36 (2) April 2013 : 49-68

Abstract: Examination of the drafting history of the Constitution Act 1889 (WA) Constitution Acts Amendment Act 1899 (WA) and electoral laws.

Legislation: Constitution Act 1889 (WA)
Constitution Acts Amendment Act 1899 (WA)
Electoral Act 1907 (WA)

Subjects: CONSTITUTIONAL HISTORY
CONSTITUTIONS
LEGISLATIVE DRAFTING

Jurisdictions: AUSTRALIA, Western Australia

CONSTITUTIONAL LAW

AGIS No: 20132580

Title: A Western Australian Constitution? Documents, difficulties and dramatis personae.

Authors: MURRAY, Sarah
THOMSON, James A

Source: UNIVERSITY OF WESTERN AUSTRALIA LAW REVIEW 36 (2) April 2013 : 1-48

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Constitution Acts Amendment Act 1899 (WA)

Subjects: CONSTITUTIONAL HISTORY
CONSTITUTIONAL LAW
CONSTITUTIONS

Jurisdictions: AUSTRALIA, Western Australia

AGIS No: 20132592
Title: Aspects of state executive powers.
Authors: DONALDSON, Grant
Source: UNIVERSITY OF WESTERN AUSTRALIA LAW REVIEW 36 (2) April 2013 : 145-167

Abstract: Examination of political and constitutional aspects of the foundation and exercise of state executive powers - nature of executive power - appointment of Ministers during the term of government.

Legal Cases: Williams v Commonwealth of Australia (2012) 86 ALJR 713

Legislation: Constitution (CTH)
Constitution Act 1889 (WA)
Constitution Acts Amendment Act 1899 (WA)

Subjects: CONSTITUTIONAL HISTORY
CONSTITUTIONAL LAW
CONSTITUTIONS
SEPARATION OF POWERS

Jurisdictions: AUSTRALIA, Western Australia

AGIS No: 20132634
Title: Australian statutory labour law and the near death experience of the doctrine of managerial prerogatives.

Authors: CARRIGAN, Frank

Source: UNIVERSITY OF WESTERN SYDNEY LAW REVIEW (16) 2012 : 79-99

Abstract: Discussion of how the supervisory role of the High Court has shaped Australian labour law - jurisdictional scope of 'industrial matters' under the Constitution - move towards reliance on corporations power in statutory labour law.

Legal Cases: Australian Tramway Employees Assoc v Prahran & Malvern Tramways Trust (1918) 25 CLR 394

Clancy v Butchers Shop Employees Union (1904) 1 CLR 181

Federated Clerks Union of Australia v Victorian Employers Federation (1984) 154 CLR 472

Federated Clothing Trades of the Commonwealth v Archer (1919) 27 CLR 207

R v Commonwealth Conciliation and Arbitration Commission; ex parte Melbourne & Metropolitan Tramways Board (1966) 115 CLR 443

R v Holmes; Ex parte Public Service Association (NSW) (1977) 140 CLR 63

R v Kelly; ex parte State of Victoria (1950) 81 CLR 64

Re Cram; Ex parte NSW Colliery Proprietors Assoc Ltd (1987) 163 CLR 117

Legislation: Conciliation and Arbitration Act 1904 (CTH)
Constitution (CTH)

Subjects: CONSTITUTIONAL LAW
CORPORATIONS LAW
INDUSTRIAL RELATIONS
JURISPRUDENCE
SOCIOLOGY OF LAW

Jurisdictions: AUSTRALIA

AGIS No: 20132604

Title: Key judicial decisions on the Constitution Act 1889 (WA) and the Constitution Acts Amendment Act 1899 (WA).

Authors: MCLURE, CJ

Source: UNIVERSITY OF WESTERN AUSTRALIA LAW REVIEW 36 (2) April 2013 : 234-251

Abstract: Detailed analysis of key Western Australian constitutional decisions - difference with approach to Commonwealth Constitution interpretation - entrenchment provisions - electoral boundaries.

Legal Cases: Attorney-General (WA) v Marquet (2003) 217 CLR 545
Burke v Western Australia [1982] WAR 248
Clydesdale v Hughes (1934) 51 CLR 518
McGinty v Western Australia (1996) 186 CLR 140
Stephens v West Australian Newspapers Ltd (1994) 182 CLR 211
Western Australia v Wilsmore (1982) 149 CLR 79

Legislation: Constitution Act 1889 (WA)
Constitution Acts Amendment Act 1899 (WA)
Electoral Districts Act 1947 (WA)

Subjects: CONSTITUTIONAL LAW
CONSTITUTIONS
STATUTORY INTERPRETATION

Jurisdictions: AUSTRALIA, Western Australia

AGIS No: 20132563

Title: MAKING a federal case out of it : accountability in a joined-up world.

Source: PUBLIC ADMINISTRATION TODAY (35) July / September 2013 : 44-46

Abstract: Speech given by Mary Anne O'Loughlin - accountability arrangements for funding between the Commonwealth and states - constitutional challenges of the Australian federation - vertical fiscal imbalance - National Agreements - National Partnership Agreements.

Subjects: CONSTITUTIONAL LAW
FEDERALISM
INTERGOVERNMENTAL RELATIONS
PUBLIC ADMINISTRATION

Jurisdictions: AUSTRALIA

AGIS No: 20132654

Title: 'Officers of the Commonwealth' in the private sector : can the High Court review outsourced exercises of power?

Authors: BOUGHEY, Janina
WEEKS, Greg
Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 36 (1) 2013 : 316-357
Abstract: Examination of the extent to which the original review jurisdiction of the High Court is able to deal with outsourced exercises of power - lack of High Court definition of 'officer of the Commonwealth' - public function test - control test.
Legal Cases: R v Panel on Take-Overs and Mergers; Ex parte Datafin Plc (1987) 1 QB 815
Legislation: Constitution (CTH)
Subjects: CONSTITUTIONAL LAW
HIGH COURT
JURISDICTION
OUTSOURCING
Jurisdictions: AUSTRALIA

AGIS No: 20132605
Title: State immunity from Commonwealth legislation : assessing its development and the roles of sections 106 and 107 of the Commonwealth Constitution.

Authors: SHARPE, Adam
Source: UNIVERSITY OF WESTERN AUSTRALIA LAW REVIEW 36 (2) April 2013 : 252-272

Abstract: Doctrine of State immunity from Commonwealth legislation - historical review of origins and development.

Legal Cases: Amalgamated Society of Engineers v Adelaide Steamship Co Ltd (1920) 28 CLR 129
Austin v Commonwealth of Australia (2003) 215 CLR 185
Clarke v Commissioner of Taxation (2009) 240 CLR 272
Melbourne Corporation v Commonwealth (1947) 74 CLR 31
Port MacDonnell Professional Fishermen's Association Inc v South Australia (1989) 168 CLR 340
Queensland Electricity Commission v Commonwealth (1985) 159 CLR 192
Re Australian Education Union: Ex parte Victoria (1995) 184 CLR 188
Re Tracey; Ex parte Ryan (1989) 166 CLR 518

Legislation: Constitution (CTH)
Subjects: CONSTITUTIONAL LAW
CONSTITUTIONS
SOVEREIGN IMMUNITY
Jurisdictions: AUSTRALIA

AGIS No: 20132607
Title: Stirring the hornet's nest : further constitutional conundrums and unintended consequences arising from the application of manner and form provisions in the Western Australian Constitution to financial legislation.
Authors: CONGDON, Peter
JOHNSTON, Peter
Source: UNIVERSITY OF WESTERN AUSTRALIA LAW REVIEW 36 (2) April 2013 : 297-330

Abstract: Entrenching of statutory provisions in State Constitution - analysis of some of the consequences of entrenching statutory provisions in constitutional laws - particular issues arising in respect of key financial provisions in the State Constitution.

Legal Cases: Attorney-General (WA) v Marquet (2003) 217 CLR 545
Western Australia v Wilsmore (1982) 149 CLR 79

Legislation: Constitution Act 1889 (WA)
Constitution Acts Amendment Act 1899 (WA)

Subjects: CONSTITUTIONAL LAW
CONSTITUTIONAL REFORM
CONSTITUTIONS

Jurisdictions: AUSTRALIA, Western Australia

AGIS No: 20132590

Title: The Constitution of Western Australia : controversial aspects of money and financial arrangements, parliamentary control of revenue, relations between the houses and funding disputes.

Authors: JOHNSTON, Peter

Source: UNIVERSITY OF WESTERN AUSTRALIA LAW REVIEW 36 (2) April 2013 : 114-144

Abstract: Extent to which the Western Australian Parliament is able to adequately supervise government expenditure - comparison with Commonwealth - power of the Legislative Council to repeatedly return Bills to the Assembly - procedure for supply legislation.

Legal Cases: Combet v Commonwealth of Australia (2005) 224 CLR 494
Pape v Commissioner of Taxation (2009) 238 CLR 1
Williams v Commonwealth of Australia (2012) 86 ALJR 713

Legislation: Constitution (CTH)
Constitution Act 1889 (WA)
Constitution Acts Amendment Act 1899 (WA)

Subjects: CONSTITUTIONAL LAW
CONSTITUTIONAL REFORM
CONSTITUTIONS
SEPARATION OF POWERS

Jurisdictions: AUSTRALIA, Western Australia

AGIS No: 20132606

Title: The effect of the Australia Acts on the Western Australian Constitution.

Authors: TWOMEY, Anne

Source: UNIVERSITY OF WESTERN AUSTRALIA LAW REVIEW 36 (2) April 2013 : 273-296

Abstract: Inter-relationship between the state constitutions and the Australia Acts - issues with the application of the Australia Acts to the States - manner and form constraints on state legislative powers - letters patent and reserve powers - method of appointing Lieutenant-Governor - method of changing rules of succession to throne.

Legislation: Australia Act 1986 (CTH)
Australia Act 1986 (UK)
Constitution Act 1889 (WA)

Subjects: CONSTITUTIONAL LAW
CONSTITUTIONAL MONARCHY
CONSTITUTIONS
FEDERALISM

Jurisdictions: AUSTRALIA, Western Australia

AGIS No: 20132584

Title: The history, scope and prospects of section 73 of the Constitution Act 1889 (WA).

Authors: CONGDON, Peter

Source: UNIVERSITY OF WESTERN AUSTRALIA LAW REVIEW 36 (2) April 2013 : 83-113

Abstract: Manner and form provision in Western Australian Constitution - analysis of scope and efficacy of provision by reference to impact on prospect areas of constitutional change - entrenching statutory provisions - limiting the Executive's power to dissolve the Legislative Assembly - altering the franchise for state elections - case law.

Legal Cases: Attorney-General (NSW) v Trethowan (1931) 44 CLR 394
Attorney-General (WA) v Marquet (2003) 217 CLR 545
Attorney-General (WA); Ex rel Burke v Western Australia [1982] WAR 241

Clydesdale v Hughes (1934) 51 CLR 518

Marquet, Clerk of the Parliaments (WA) v Attorney-General (WA) (2002) 26 WAR 201

McGinty v Western Australia (1996) 186 CLR 140

Roach v Electoral Commissioner (2007) 233 CLR 162

Western Australia v Wilsmore (1982) 149 CLR 79

Yougarla v Western Australia (2001) 207 CLR 344

Legislation: Constitution Act 1889 (WA)

Subjects: CONSTITUTIONAL HISTORY
CONSTITUTIONAL LAW
CONSTITUTIONAL REFORM
CONSTITUTIONS

Jurisdictions: AUSTRALIA, Western Australia

AGIS No: 20132597

Title: The third branch of government : the constitutional position of the courts of Western Australia.

Authors: MARTIN, Wayne

Source: UNIVERSITY OF WESTERN AUSTRALIA LAW REVIEW 36 (2) April 2013 : 184-211

Abstract: Position of Western Australian (WA) courts under WA Constitution - effect of Chapter III of the Commonwealth Constitution in impliedly restricting the ability of the State Parliament to abolish or interfere with the Supreme Court.

Legal Cases: Australian Building Construction Employees and Builders Labourers Federation v Commonwealth (1986) 161 CLR 88
Building & Construction Employees & Builders Labourers' Federation (NSW) v Minister for Industrial Relations (BLF case) (1986) 7 NSWLR 372
Chu Kheng Lim v Minister for Immigration, Local Government and Ethnic Affairs (1992) 176 CLR 1
HA Bachrach Pty Ltd v State of Queensland (1998) 195 CLR 547
Kable v Director of Public Prosecutions (NSW) (1996) 189 CLR 51
Liyanage v The Queen (1967) 1 AC 259
Nelungaloo Pty Ltd v Commonwealth (1948) 75 CLR 495
Nicholas v R (1998) 193 CLR 173
Nicholas v Western Australia [1972] WAR 168
R v Humby; Ex parte Rooney (1973) 129 CLR 231

Legislation: Constitution (CTH)
Constitution Act 1889 (WA)
Constitution Acts Amendment Act 1899 (WA)

Subjects: CONSTITUTIONAL LAW
CONSTITUTIONS
COURTS
SEPARATION OF POWERS

Jurisdictions: AUSTRALIA, Western Australia

AGIS No: 20132595
Title: What is the relevance of Williams and Plaintiff M61 for the exercise of state executive power?
Authors: FOLEY, Kathleen E
Source: UNIVERSITY OF WESTERN AUSTRALIA LAW REVIEW 36 (2) April 2013 : 168-183

Abstract: Analysis of the application of the reasoning of the High Court in Williams and Plaintiff M61 to state executive power - analogy of executive power with power of a natural person - trend in the High Court's approach to exercise of non-statutory executive power.

Legal Cases: Plaintiff M61/2010E v Commonwealth of Australia; Plaintiff M69 of 2010 v Commonwealth of Australia (2010) 243 CLR 319
Williams v Commonwealth of Australia (2012) 86 ALJR 713

Legislation: Constitution (CTH)

Subjects: CONSTITUTIONAL LAW
CONSTITUTIONS
SEPARATION OF POWERS

Jurisdictions: AUSTRALIA

AGIS No: 20132603
Title: When should history get in the way of a good idea? A comparison of approaches to interpreting the Commonwealth and Western Australian Constitutions.
Authors: MITCHELL, RM
Source: UNIVERSITY OF WESTERN AUSTRALIA LAW REVIEW 36 (2) April 2013 : 212-233

Abstract: Analysis of different approaches of the High Court to interpreting similar State and Commonwealth constitutional provisions - greater emphasis on historical context in interpreting State constitutional provisions.

Legal Cases: Attorney-General (WA) v Marquet (2003) 217 CLR 545
McGinty v Western Australia (1996) 186 CLR 140
Roach v Electoral Commissioner (2007) 233 CLR 162
Rowe v Electoral Commissioner (2010) 243 CLR 1
Stephens v West Australian Newspapers Ltd (1994) 182 CLR 211
Western Australia v Wilsmore (1982) 149 CLR 79

Legislation: Constitution (CTH)
Constitution Act 1889 (WA)
Constitution Acts Amendment Act 1899 (WA)

Subjects: CONSTITUTIONAL LAW
CONSTITUTIONS
STATUTORY INTERPRETATION

Jurisdictions: AUSTRALIA, Western Australia

CONSTITUTIONAL MONARCHY

AGIS No: 20132606

Title: The effect of the Australia Acts on the Western Australian Constitution.

Authors: TWOMEY, Anne

Source: UNIVERSITY OF WESTERN AUSTRALIA LAW REVIEW 36 (2) April 2013 : 273-296

Abstract: Inter-relationship between the state constitutions and the Australia Acts - issues with the application of the Australia Acts to the States - manner and form constraints on state legislative powers - letters patent and reserve powers - method of appointing Lieutenant-Governor - method of changing rules of succession to throne.

Legislation: Australia Act 1986 (CTH)
Australia Act 1986 (UK)
Constitution Act 1889 (WA)

Subjects: CONSTITUTIONAL LAW
CONSTITUTIONAL MONARCHY
CONSTITUTIONS
FEDERALISM

Jurisdictions: AUSTRALIA, Western Australia

CONSTITUTIONAL REFORM

AGIS No: 20132505

Title: Constitutional recognition of Aboriginal and Torres Strait Islanders : are we ready as a nation?

Authors: FERGUSON, Glenn

Source: JAMES COOK UNIVERSITY LAW REVIEW (19) 2012 : 6-17

Abstract: Mayo lecture 2012 - School of Law James Cook University - speech by member of the Expert Panel on Constitutional Recognition of Aboriginal and Torres Strait Islander People - comment on proposals of the Expert Panel.

Legislation: Constitution (CTH)
Subjects: ABORIGINES
CONSTITUTIONAL REFORM
REFERENDUMS
Jurisdictions: AUSTRALIA

AGIS No: 20132607
Title: Stirring the hornet's nest : further constitutional conundrums and unintended consequences arising from the application of manner and form provisions in the Western Australian Constitution to financial legislation.
Authors: CONGDON, Peter
JOHNSTON, Peter
Source: UNIVERSITY OF WESTERN AUSTRALIA LAW REVIEW 36 (2) April 2013 : 297-330
Abstract: Entrenching of statutory provisions in State Constitution - analysis of some of the consequences of entrenching statutory provisions in constitutional laws - particular issues arising in respect of key financial provisions in the State Constitution.

Legal Cases: Attorney-General (WA) v Marquet (2003) 217 CLR 545
Western Australia v Wilsmore (1982) 149 CLR 79

Legislation: Constitution Act 1889 (WA)
Constitution Acts Amendment Act 1899 (WA)

Subjects: CONSTITUTIONAL LAW
CONSTITUTIONAL REFORM
CONSTITUTIONS

Jurisdictions: AUSTRALIA, Western Australia

AGIS No: 20132590
Title: The Constitution of Western Australia : controversial aspects of money and financial arrangements, parliamentary control of revenue, relations between the houses and funding disputes.
Authors: JOHNSTON, Peter
Source: UNIVERSITY OF WESTERN AUSTRALIA LAW REVIEW 36 (2) April 2013 : 114-144
Abstract: Extent to which the Western Australian Parliament is able to adequately supervise government expenditure - comparison with Commonwealth - power of the Legislative Council to repeatedly return Bills to the Assembly - procedure for supply legislation.

Legal Cases: Combet v Commonwealth of Australia (2005) 224 CLR 494
Pape v Commissioner of Taxation (2009) 238 CLR 1
Williams v Commonwealth of Australia (2012) 86 ALJR 713

Legislation: Constitution (CTH)
Constitution Act 1889 (WA)
Constitution Acts Amendment Act 1899 (WA)

Subjects: CONSTITUTIONAL LAW
CONSTITUTIONAL REFORM
CONSTITUTIONS
SEPARATION OF POWERS

Jurisdictions: AUSTRALIA, Western Australia

AGIS No: 20132584

Title: The history, scope and prospects of section 73 of the Constitution Act 1889 (WA).

Authors: CONGDON, Peter

Source: UNIVERSITY OF WESTERN AUSTRALIA LAW REVIEW 36 (2) April 2013 : 83-113

Abstract: Manner and form provision in Western Australian Constitution - analysis of scope and efficacy of provision by reference to impact on prospect areas of constitutional change - entrenching statutory provisions - limiting the Executive's power to dissolve the Legislative Assembly - altering the franchise for state elections - case law.

Legal Cases: Attorney-General (NSW) v Trethowan (1931) 44 CLR 394

Attorney-General (WA) v Marquet (2003) 217 CLR 545

Attorney-General (WA); Ex rel Burke v Western Australia [1982] WAR 241

Clydesdale v Hughes (1934) 51 CLR 518

Marquet, Clerk of the Parliaments (WA) v Attorney-General (WA) (2002) 26 WAR 201

McGinty v Western Australia (1996) 186 CLR 140

Roach v Electoral Commissioner (2007) 233 CLR 162

Western Australia v Wilsmore (1982) 149 CLR 79

Yougarla v Western Australia (2001) 207 CLR 344

Legislation: Constitution Act 1889 (WA)

Subjects: CONSTITUTIONAL HISTORY

CONSTITUTIONAL LAW

CONSTITUTIONAL REFORM

CONSTITUTIONS

Jurisdictions: AUSTRALIA, Western Australia

CONSTITUTIONS

AGIS No: 20132580

Title: A Western Australian Constitution? Documents, difficulties and dramatis personae.

Authors: MURRAY, Sarah

THOMSON, James A

Source: UNIVERSITY OF WESTERN AUSTRALIA LAW REVIEW 36 (2) April 2013 : 1-48

Abstract: Examination of the constitutional history of Western Australia - key players - constitutional documents - constitutional legitimacy.

Legislation: Australian Constitutions Act 1850 (UK)

Constitution Act 1889 (WA)

Constitution Acts Amendment Act 1899 (WA)

Subjects: CONSTITUTIONAL HISTORY
CONSTITUTIONAL LAW
CONSTITUTIONS
Jurisdictions: AUSTRALIA, Western Australia

AGIS No: 20132592
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Authors: DONALDSON, Grant
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Abstract: Examination of political and constitutional aspects of the foundation and exercise of state executive powers - nature of executive power - appointment of Ministers during the term of government.

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Legislation: Constitution (CTH)
Constitution Act 1889 (WA)
Constitution Acts Amendment Act 1899 (WA)

Subjects: CONSTITUTIONAL HISTORY
CONSTITUTIONAL LAW
CONSTITUTIONS
SEPARATION OF POWERS

Jurisdictions: AUSTRALIA, Western Australia

AGIS No: 20132604
Title: Key judicial decisions on the Constitution Act 1889 (WA) and the Constitution Acts Amendment Act 1899 (WA).
Authors: MCLURE, CJ
Source: UNIVERSITY OF WESTERN AUSTRALIA LAW REVIEW 36 (2) April 2013 : 234-251

Abstract: Detailed analysis of key Western Australian constitutional decisions - difference with approach to Commonwealth Constitution interpretation - entrenchment provisions - electoral boundaries.

Legal Cases: Attorney-General (WA) v Marquet (2003) 217 CLR 545
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Legislation: Constitution Act 1889 (WA)
Constitution Acts Amendment Act 1899 (WA)
Electoral Districts Act 1947 (WA)

Subjects: CONSTITUTIONAL LAW
CONSTITUTIONS
STATUTORY INTERPRETATION

Jurisdictions: AUSTRALIA, Western Australia

AGIS No: 20132605
Title: State immunity from Commonwealth legislation : assessing its development and the roles of sections 106 and 107 of the Commonwealth Constitution.
Authors: SHARPE, Adam
Source: UNIVERSITY OF WESTERN AUSTRALIA LAW REVIEW 36 (2) April 2013 : 252-272
Abstract: Doctrine of State immunity from Commonwealth legislation - historical review of origins and development.
Legal Cases: Amalgamated Society of Engineers v Adelaide Steamship Co Ltd (1920) 28 CLR 129
Austin v Commonwealth of Australia (2003) 215 CLR 185
Clarke v Commissioner of Taxation (2009) 240 CLR 272
Melbourne Corporation v Commonwealth (1947) 74 CLR 31
Port MacDonnell Professional Fishermen's Association Inc v South Australia (1989) 168 CLR 340
Queensland Electricity Commission v Commonwealth (1985) 159 CLR 192
Re Australian Education Union: Ex parte Victoria (1995) 184 CLR 188
Re Tracey; Ex parte Ryan (1989) 166 CLR 518
Legislation: Constitution (CTH)
Subjects: CONSTITUTIONAL LAW
CONSTITUTIONS
SOVEREIGN IMMUNITY
Jurisdictions: AUSTRALIA

AGIS No: 20132607
Title: Stirring the hornet's nest : further constitutional conundrums and unintended consequences arising from the application of manner and form provisions in the Western Australian Constitution to financial legislation.
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JOHNSTON, Peter
Source: UNIVERSITY OF WESTERN AUSTRALIA LAW REVIEW 36 (2) April 2013 : 297-330
Abstract: Entrenching of statutory provisions in State Constitution - analysis of some of the consequences of entrenching statutory provisions in constitutional laws - particular issues arising in respect of key financial provisions in the State Constitution.
Legal Cases: Attorney-General (WA) v Marquet (2003) 217 CLR 545
Western Australia v Wilsmore (1982) 149 CLR 79
Legislation: Constitution Act 1889 (WA)
Constitution Acts Amendment Act 1899 (WA)
Subjects: CONSTITUTIONAL LAW
CONSTITUTIONAL REFORM
CONSTITUTIONS
Jurisdictions: AUSTRALIA, Western Australia

AGIS No: 20132590
Title: The Constitution of Western Australia : controversial aspects of money and financial arrangements, parliamentary control of revenue, relations between the houses and funding disputes.

Authors: JOHNSTON, Peter
Source: UNIVERSITY OF WESTERN AUSTRALIA LAW REVIEW 36 (2) April 2013 : 114-144

Abstract: Extent to which the Western Australian Parliament is able to adequately supervise government expenditure - comparison with Commonwealth - power of the Legislative Council to repeatedly return Bills to the Assembly - procedure for supply legislation.

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Williams v Commonwealth of Australia (2012) 86 ALJR 713

Legislation: Constitution (CTH)
Constitution Act 1889 (WA)
Constitution Acts Amendment Act 1899 (WA)

Subjects: CONSTITUTIONAL LAW
CONSTITUTIONAL REFORM
CONSTITUTIONS
SEPARATION OF POWERS

Jurisdictions: AUSTRALIA, Western Australia

AGIS No: 20132606

Title: The effect of the Australia Acts on the Western Australian Constitution.

Authors: TWOMEY, Anne

Source: UNIVERSITY OF WESTERN AUSTRALIA LAW REVIEW 36 (2) April 2013 : 273-296

Abstract: Inter-relationship between the state constitutions and the Australia Acts - issues with the application of the Australia Acts to the States - manner and form constraints on state legislative powers - letters patent and reserve powers - method of appointing Lieutenant-Governor - method of changing rules of succession to throne.

Legislation: Australia Act 1986 (CTH)
Australia Act 1986 (UK)
Constitution Act 1889 (WA)

Subjects: CONSTITUTIONAL LAW
CONSTITUTIONAL MONARCHY
CONSTITUTIONS
FEDERALISM

Jurisdictions: AUSTRALIA, Western Australia

AGIS No: 20132582

Title: 'The free utterance of its character' : constitutional celebrations in Western Australia.

Authors: BLACK, David

Source: UNIVERSITY OF WESTERN AUSTRALIA LAW REVIEW 36 (2) April 2013 : 69-82

Abstract: Analysis of public significance of major constitution developments in Western Australia - Proclamation Day - evolution of public holidays to mark constitutional events - Foundation Day - Western Australia Day.

Subjects: CONSTITUTIONAL HISTORY
CONSTITUTIONS
Jurisdictions: AUSTRALIA, Western Australia

AGIS No: 20132584
Title: The history, scope and prospects of section 73 of the Constitution Act 1889 (WA).

Authors: CONGDON, Peter
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Clydesdale v Hughes (1934) 51 CLR 518
Marquet, Clerk of the Parliaments (WA) v Attorney-General (WA) (2002) 26 WAR 201
McGinty v Western Australia (1996) 186 CLR 140
Roach v Electoral Commissioner (2007) 233 CLR 162
Western Australia v Wilsmore (1982) 149 CLR 79
Yougarla v Western Australia (2001) 207 CLR 344

Legislation: Constitution Act 1889 (WA)
Subjects: CONSTITUTIONAL HISTORY
CONSTITUTIONAL LAW
CONSTITUTIONAL REFORM
CONSTITUTIONS
Jurisdictions: AUSTRALIA, Western Australia

AGIS No: 20132597
Title: The third branch of government : the constitutional position of the courts of Western Australia.
Authors: MARTIN, Wayne
Source: UNIVERSITY OF WESTERN AUSTRALIA LAW REVIEW 36 (2) April 2013 : 184-211

Abstract: Position of Western Australian (WA) courts under WA Constitution - effect of Chapter III of the Commonwealth Constitution in impliedly restricting the ability of the State Parliament to abolish or interfere with the Supreme Court.

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HA Bachrach Pty Ltd v State of Queensland (1998) 195 CLR 547
Kable v Director of Public Prosecutions (NSW) (1996) 189 CLR 51
Liyanage v The Queen (1967) 1 AC 259
Nelungaloo Pty Ltd v Commonwealth (1948) 75 CLR 495
Nicholas v R (1998) 193 CLR 173
Nicholas v Western Australia [1972] WAR 168
R v Humby; Ex parte Rooney (1973) 129 CLR 231

Legislation: Constitution (CTH)
Constitution Act 1889 (WA)
Constitution Acts Amendment Act 1899 (WA)

Subjects: CONSTITUTIONAL LAW
CONSTITUTIONS
COURTS
SEPARATION OF POWERS

Jurisdictions: AUSTRALIA, Western Australia

AGIS No: 20132581
Title: Western Australia's constitutional documents : a drafting history.
Authors: HARVEY, Lee
Source: UNIVERSITY OF WESTERN AUSTRALIA LAW REVIEW 36 (2) April 2013 : 49-68

Abstract: Examination of the drafting history of the Constitution Act 1889 (WA) Constitution Acts Amendment Act 1899 (WA) and electoral laws.

Legislation: Constitution Act 1889 (WA)
Constitution Acts Amendment Act 1899 (WA)
Electoral Act 1907 (WA)

Subjects: CONSTITUTIONAL HISTORY
CONSTITUTIONS
LEGISLATIVE DRAFTING

Jurisdictions: AUSTRALIA, Western Australia

AGIS No: 20132595
Title: What is the relevance of Williams and Plaintiff M61 for the exercise of state executive power?
Authors: FOLEY, Kathleen E
Source: UNIVERSITY OF WESTERN AUSTRALIA LAW REVIEW 36 (2) April 2013 : 168-183

Abstract: Analysis of the application of the reasoning of the High Court in Williams and Plaintiff M61 to state executive power - analogy of executive power with power of a natural person - trend in the High Court's approach to exercise of non-statutory executive power.

Legal Cases: Plaintiff M61/2010E v Commonwealth of Australia; Plaintiff M69 of 2010 v Commonwealth of Australia (2010) 243 CLR 319
Williams v Commonwealth of Australia (2012) 86 ALJR 713

Legislation: Constitution (CTH)

Subjects: CONSTITUTIONAL LAW
CONSTITUTIONS
SEPARATION OF POWERS

Jurisdictions: AUSTRALIA

AGIS No: 20132603

Title: When should history get in the way of a good idea? A comparison of approaches to interpreting the Commonwealth and Western Australian Constitutions.

Authors: MITCHELL, RM

Source: UNIVERSITY OF WESTERN AUSTRALIA LAW REVIEW 36 (2) April 2013 : 212-233

Abstract: Analysis of different approaches of the High Court to interpreting similar State and Commonwealth constitutional provisions - greater emphasis on historical context in interpreting State constitutional provisions.

Legal Cases: Attorney-General (WA) v Marquet (2003) 217 CLR 545
McGinty v Western Australia (1996) 186 CLR 140
Roach v Electoral Commissioner (2007) 233 CLR 162
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Stephens v West Australian Newspapers Ltd (1994) 182 CLR 211
Western Australia v Wilsmore (1982) 149 CLR 79

Legislation: Constitution (CTH)
Constitution Act 1889 (WA)
Constitution Acts Amendment Act 1899 (WA)

Subjects: CONSTITUTIONAL LAW
CONSTITUTIONS
STATUTORY INTERPRETATION

Jurisdictions: AUSTRALIA, Western Australia

CONSTRUCTION INDUSTRY

AGIS No: 20132536

Title: Case note : Adelaide Interior Linings Pty Ltd v Romaldi Constructions Pty Ltd.

Authors: WATSON, Juniper
SCHINCKEL, Tom

Source: AUSTRALIAN CONSTRUCTION LAW BULLETIN 25 (5) August 2013 : 91-92

Abstract: Attempt to circumvent building and construction industry security of payment scheme - injunction sought in local court - intention of legislation to establish a "pay now argue later" system upheld - case law.

Legal Cases: Adelaide Interior Linings Pty Ltd v Romaldi Constructions Pty Ltd [2013] SASC 110

Legislation: Building and Construction Industry Security of Payment Act 2009 (SA)

Subjects: BUILDING LAW
CONSTRUCTION INDUSTRY
Jurisdictions: AUSTRALIA, South Australia

AGIS No: 20132496
Title: Court takes new view of BCIPA adjudication : BM Alliance Coal Operations Pty Ltd v BGC Contracting Pty Ltd & Ors [2013] QSC 67.
Authors: WALLS, Stewart
Source: PROCTOR 33 (5) June 2013 : 22-23
Abstract: Case note - approach of court to Building and Construction Industry Payments Act adjudication - impact of jurisdictional error on adjudication decision - case law.

Legal Cases: BM Alliance Coal Operations Pty Ltd v BGC Contracting Pty Ltd (No 2) [2013] QSC 067
Legislation: Building and Construction Industry Payments Act 2004 (QLD)
Subjects: CONSTRUCTION INDUSTRY
Jurisdictions: AUSTRALIA, Queensland

AGIS No: 20132537
Title: No contract : no worries! Except if there is an "arrangement" under the Building and Construction Industry Payments Act 2004 (Qld).
Authors: MCVEIGH, Jennifer
PRICE, Melanie
Source: AUSTRALIAN CONSTRUCTION LAW BULLETIN 25 (5) August 2013 : 93-94
Abstract: Definition of "construction contract" - meaning of other "arrangement" - circumstances that are likely to give rise to an arrangement.
Legal Cases: Okaroo Pty Ltd v Vos Construction & Joinery Pty Ltd [2005] NSWSC 45
Legislation: Building and Construction Industry Payments Act 2004 (QLD)
Subjects: BUILDING LAW
CONSTRUCTION INDUSTRY
CONTRACTS
Jurisdictions: AUSTRALIA, Queensland

CONSUMER PROTECTION

AGIS No: 20132533
Title: Can a professional limit liability under the Australian consumer law?
Authors: TURNER, Clare
MACLEOD, Laura
Source: AUSTRALIAN CONSTRUCTION LAW BULLETIN 25 (5) August 2013 : 82-84
Abstract: Distinction between procedural conditions on claims made under Australian consumer law and excluding Australian consumer law - contracting out - limitation clauses - case law.
Legal Cases: Firstmac Fiduciary Services Pty Ltd v HSBC Bank of Australia Ltd [2012] NSWSC 1122
Lane Cove Council v Michael Davies Associates Pty Ltd [2012] NSWSC 727
Owners Strata Plan 62930 v Kell & Rigby Holdings Pty Ltd [2010] NSWSC 612

Legislation: Competition and Consumer Act 2010 (CTH)
Subjects: CONSUMER PROTECTION
CONTRACTS
Jurisdictions: AUSTRALIA

AGIS No: 20132647
Title: Collective bargaining by business : economic and legal implications.
Authors: KING, Stephen P
Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 36 (1) 2013 : 107-138

Abstract: Analysis of economic costs and benefits of collective bargaining by businesses - overview of Australian law on collective bargaining authorisation and negotiation under Competition and Consumer Act - analysis of ACCC approach to economic costs.

Legislation: Competition and Consumer Act 2010 (CTH)
Subjects: AUSTRALIAN COMPETITION AND CONSUMER COMMISSION
CARTELS
CONSUMER PROTECTION
Jurisdictions: AUSTRALIA

AGIS No: 20132572
Title: Indigenous people, telecommunications and consumer protection.
Authors: LOBAN, Heron
Source: INDIGENOUS LAW BULLETIN 8 (6) May / June 2013 : 6-8
Abstract: Issues faced by Indigenous people in dealing with telecommunications companies - mobile phones - coverage - knowledge and use of complaints mechanisms - misleading and deceptive conduct - case law.
Legal Cases: Australian Competition and Consumer Commission (ACCC) v Excite Mobile Pty Ltd [2013] FCA 350

Australian Competition and Consumer Commission (ACCC) v EDirect Pty Ltd (in liq) [2012] FCA 976

Australian Competition and Consumer Commission (ACCC) v EDirect Pty Ltd [2008] FCA 65

Legislation: Competition and Consumer Act 2010 (CTH)
Trade Practices Act 1974 (CTH)
Subjects: AUSTRALIAN COMPETITION AND CONSUMER COMMISSION
CONSUMER PROTECTION
INDIGENOUS PEOPLE
MOBILE DEVICES
TELECOMMUNICATIONS
Jurisdictions: AUSTRALIA

CONTRACTS

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Owners Strata Plan 62930 v Kell & Rigby Holdings Pty Ltd [2010] NSWSC 612
Legislation: Competition and Consumer Act 2010 (CTH)
Subjects: CONSUMER PROTECTION
CONTRACTS
Jurisdictions: AUSTRALIA

AGIS No: 20132638
Title: Fees? Not so simple : Andrews and Ors v Australia New Zealand Banking Group Ltd [2012] HCA 30 (6 September 2012)
Authors: ROBINSON, Ludmilla K
Source: UNIVERSITY OF WESTERN SYDNEY LAW REVIEW (16) 2012 : 161-173
Abstract: Clarification of the principles relating to the application and scope of the penalty doctrine on the status of 'fees' charged by bank - circumstances in which the penalty doctrine may be invoked - characterisation of a fee as a penalty - implications beyond banking and finance agreements - case law.
Legal Cases: Andrews v Australia and New Zealand Banking Group Ltd [2012] HCA 30
Subjects: BANKING
CONTRACTS
FINANCIAL SERVICES
Jurisdictions: AUSTRALIA

AGIS No: 20132594
Title: Frustration and risk allocation.
Authors: WILSON, Jennifer
FONG, Nixon
Source: NEW ZEALAND LAW JOURNAL August 2013 : 273-276,280
Abstract: Doctrine of frustration - common law response to unforeseen contingencies occurring through no fault of either party - allocation of risk - case law - recent approach to frustration in New Zealand.
Legal Cases: Davis Contractors Ltd v Fareham Urban District Council (1956) AC 696
Planet Kids Ltd v Auckland Council (2013) 1 NZLR 485
Ridgecrest NZ Limited v IAG New Zealand Limited [2012] NZHC 2954
Subjects: COMMON LAW
CONTRACTS

Jurisdictions: NEW ZEALAND
UNITED KINGDOM

AGIS No: 20132534

Title: No certainty : agreeing to agree when we disagree.

Authors: MULCAHY, Jos
WILKINSON, Jacqui

Source: AUSTRALIAN CONSTRUCTION LAW BULLETIN 25 (5) August 2013 : 85-87

Abstract: Dispute resolution clause in contract - enforceability of a requirement that the parties to a contract confer prior to commencing litigation or arbitration - uncertainty in clause - case law.

Legal Cases: WTE Co-Generation v RCR Energy Pty Ltd [2013] VSC 314

Subjects: CONTRACTS
DISPUTE RESOLUTION

Jurisdictions: AUSTRALIA, Victoria

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Legislation: Building and Construction Industry Payments Act 2004 (QLD)

Subjects: BUILDING LAW
CONSTRUCTION INDUSTRY
CONTRACTS

Jurisdictions: AUSTRALIA, Queensland

AGIS No: 20132523

Title: Unintentional contracting out of proportionate liability.

Authors: LAWSON, Frank
DODD, Mark

Source: BRIEF 40 (6) July 2013 : 37-38

Abstract: Whether language of rights and liabilities of parties to a contract may amount to an exclusion of the statutory proportionate liability scheme - case law.

Legal Cases: Aquagenics Pty Ltd v Break O'Day Council [2010] TASFC 3
Perpetual Trustee Co Ltd v CTC Group Pty Ltd (No 2) [2013] NSWCA 58

Legislation: Civil Liability Act 2002 (WA)

Subjects: CONTRACTS
DAMAGES

Jurisdictions: AUSTRALIA, New South Wales
AUSTRALIA, Tasmania
AUSTRALIA, Western Australia

COPYRIGHT

AGIS No: 20132514
Title: Copyright in patent specifications and prior art documents : addressing legitimate rights of user.
Authors: MCENIERY, Ben
Source: INTELLECTUAL PROPERTY FORUM : JOURNAL OF THE INTELLECTUAL PROPERTY SOCIETY OF AUSTRALIA AND NEW ZEALAND (93) June 2013 : 49-57
Abstract: Comment on amendments to s 226 of Copyright Act 1968 (Cth) to allow use of published patent specifications without breaching copyright - argument that non-patent prior art documents should also be covered.
Legal Cases: Copyright Agency Ltd v New South Wales (2008) 233 CLR 279
Legislation: Copyright Act 1968 (CTH)
Intellectual Property Laws Amendment (Raising the Bar) Act 2012 (CTH)
Patents Act 1990 (CTH)
Subjects: COPYRIGHT
INTELLECTUAL PROPERTY
PATENTS
Jurisdictions: AUSTRALIA

AGIS No: 20132512
Title: High stakes on the digital high seas : copyright and piracy in the 21st century.
Authors: HUTHWAITE, Thomas
Source: INTELLECTUAL PROPERTY FORUM : JOURNAL OF THE INTELLECTUAL PROPERTY SOCIETY OF AUSTRALIA AND NEW ZEALAND (93) June 2013 : 9-28
Abstract: History of copyright and piracy - responses by publishers - overview of case law - potential future of digital media.
Subjects: COPYRIGHT
INTELLECTUAL PROPERTY
MUSIC
PERFORMERS RIGHTS

AGIS No: 20132513
Title: New Zealand copyright law and transformative works.
Authors: MENARY, Karli
Source: INTELLECTUAL PROPERTY FORUM : JOURNAL OF THE INTELLECTUAL PROPERTY SOCIETY OF AUSTRALIA AND NEW ZEALAND (93) June 2013 : 29-47
Abstract: Examination of the application of New Zealand copyright law to transformative works - music sampling - moral rights - performer's rights - disincentive to creation and dissemination of transformative works.

Legislation: Copyright Act 1994 (NZ)
Subjects: COPYRIGHT
INTELLECTUAL PROPERTY
MUSIC
PERFORMERS RIGHTS
Jurisdictions: NEW ZEALAND

AGIS No: 20132562
Title: The future of copyright : can we do away with monopoly? Indicators from libre licensing.
Authors: LING, Clarence
Source: eLaw journal : Murdoch University Electronic Journal of Law 18 (1) 2011 : 47-60
Abstract: Monopoly under intellectual property regimes - libre licensing and its use - advantages of libre licensing over proprietary copyright - future directions of copyright regimes.

Legislation: Consumer Protection and Competition Act 1992 (USA)
Copyright Act 1968 (CTH)
Trade Marks Act 1995 (CTH)
Subjects: COPYRIGHT
LICENSING
MONOPOLIES
Treaties: Agreement on Trade Related Aspects of Intellectual Property Rights
Australia-United States Free Trade Agreement
Berne Convention for the Protection of Literary and Artistic Works
Jurisdictions: AUSTRALIA

CORPORATE GOVERNANCE

AGIS No: 20132598
Title: The Allconnex water debacle : lessons in devising better governance mechanisms for government business enterprises.
Authors: SCHNURE BAUMFIELD, Victoria
Source: BOND LAW REVIEW 24 (2) December 2012 : 1-63
Abstract: Water reforms in Queensland - forced transfer of water retail and wastewater services to Allconnex Water - legal status of Allconnex - corporate governance and accountability regimes - applicability of regimes to Allconnex - pricing issues.
Legislation: Corporations Act 2001 (CTH)
Financial Accountability Act 2009 (Qld)
South-East Queensland Water (Distribution and Retail Restructuring) Act 2009 (Qld)
Subjects: CORPORATE GOVERNANCE
GOVERNMENT BUSINESS ENTERPRISES
WATER RESOURCES
Jurisdictions: AUSTRALIA, Queensland

AGIS No: 20132518
Title: Weinstock v Beck : I got two turntables and a directorship.
Authors: CHANDLER, Dane
Source: BRIEF 40 (6) July 2013 : 10
Abstract: Bad but innocent exercise of corporate power - effect of s 1322 Corporations Act - purported exercise of power may be declared not invalid - case law - corporate governance.
Legal Cases: Weinstock v Beck [2013] HCA 14
Legislation: Corporations Act 2001 (CTH)
Subjects: COMPANY DIRECTORS
CORPORATE GOVERNANCE
CORPORATIONS LAW
Jurisdictions: AUSTRALIA

CORPORATIONS LAW

AGIS No: 20132634
Title: Australian statutory labour law and the near death experience of the doctrine of managerial prerogatives.
Authors: CARRIGAN, Frank
Source: UNIVERSITY OF WESTERN SYDNEY LAW REVIEW (16) 2012 : 79-99
Abstract: Discussion of how the supervisory role of the High Court has shaped Australian labour law - jurisdictional scope of 'industrial matters' under the Constitution - move towards reliance on corporations power in statutory labour law.
Legal Cases: Australian Tramway Employees Assoc v Prahran & Malvern Tramways Trust (1918) 25 CLR 394
Clancy v Butchers Shop Employees Union (1904) 1 CLR 181
Federated Clerks Union of Australia v Victorian Employers Federation (1984) 154 CLR 472
Federated Clothing Trades of the Commonwealth v Archer (1919) 27 CLR 207
R v Commonwealth Conciliation and Arbitration Commission; ex parte Melbourne & Metropolitan Tramways Board (1966) 115 CLR 443
R v Holmes; Ex parte Public Service Association (NSW) (1977) 140 CLR 63
R v Kelly; ex parte State of Victoria (1950) 81 CLR 64
Re Cram; Ex parte NSW Colliery Proprietors Assoc Ltd (1987) 163 CLR 117
Legislation: Conciliation and Arbitration Act 1904 (CTH)
Constitution (CTH)
Subjects: CONSTITUTIONAL LAW
CORPORATIONS LAW
INDUSTRIAL RELATIONS
JURISPRUDENCE
SOCIOLOGY OF LAW
Jurisdictions: AUSTRALIA

AGIS No: 20132500
Title: Surviving due diligence : tips to tackle the task at hand.
Authors: OLIVER, Greer

Source: PROCTOR 33 (5) June 2013 : 36-37
Abstract: Tips for early career lawyers on undertaking due diligence inquiries.
Subjects: CORPORATIONS LAW
LEGAL EDUCATION
LEGAL PROFESSION
MERGERS
Jurisdictions: AUSTRALIA

AGIS No: 20132518
Title: Weinstock v Beck : I got two turntables and a directorship.
Authors: CHANDLER, Dane
Source: BRIEF 40 (6) July 2013 : 10
Abstract: Bad but innocent exercise of corporate power - effect of s 1322 Corporations Act - purported exercise of power may be declared not invalid - case law - corporate governance.
Legal Cases: Weinstock v Beck [2013] HCA 14
Legislation: Corporations Act 2001 (CTH)
Subjects: COMPANY DIRECTORS
CORPORATE GOVERNANCE
CORPORATIONS LAW
Jurisdictions: AUSTRALIA

CORRUPTION

AGIS No: 20132541
Title: A sheep in wolf's clothing?
Authors: CHARLES, Stephen
Source: VICTORIAN BAR NEWS (153) Winter 2013 : 28-32
Abstract: Overview of the Independent Broad-based Anti-corruption Commission (IBAC) - circumstances in which IBAC can commence an investigation - comparison with NSW Independent Commission Against Corruption.
Legislation: Independent Broad-based Anti-corruption Commission Act 2011 (VIC)
Independent Commission Against Corruption Act 1988 (NSW)
Subjects: CORRUPTION
INDEPENDENT COMMISSION AGAINST CORRUPTION
PUBLIC INQUIRIES
Jurisdictions: AUSTRALIA, Victoria

COSTS

AGIS No: 20132611
Title: How to manage your e-Discovery.
Authors: CAVALLARO, Caterina
Source: INHOUSE COUNSEL 16 (9) August 2013 : 169-175
Abstract: Discovery costs - risks associated with managing large volumes of relevant documents - judicial criticism of rising discovery costs - control and management of discovery.

Subjects: COSTS
LEGAL RESEARCH
Jurisdictions: AUSTRALIA

COURT RULES AND PROCEDURE

AGIS No: 20132486
Title: Obligation to maintain confidentiality of court documents.
Authors: DOSHI, Nisha
Source: BRIEF 40 (5) June 2013 : 32-33
Abstract: Use of subpoenaed court documents as evidence - alteration of duty of confidentiality - Federal Court Rules - implied undertaking - case law - moving forward with care.

Legal Cases: British American Tobacco Australia Services Ltd v Cowell [2003] VSCA 43
Buswell v Carles (No 2) [2013] WASC 54

Subjects: CONFIDENTIAL COMMUNICATIONS
COURT RULES AND PROCEDURE

AGIS No: 20132491
Title: Overview of the State Administrative Tribunal of Western Australia.
Authors: PARRY, David
Source: AIAL FORUM (73) July 2013 : 30-39
Abstract: Creation of the State Administrative Tribunal (SAT) - replaced around 50 courts, tribunals, boards, ministers and other adjudicators - statutory objectives, powers and procedures.

Legislation: State Administrative Tribunal Act 2004 (WA)
Subjects: COURT RULES AND PROCEDURE
TRIBUNALS

Jurisdictions: AUSTRALIA, Western Australia

COURTS

AGIS No: 20132597
Title: The third branch of government : the constitutional position of the courts of Western Australia.
Authors: MARTIN, Wayne
Source: UNIVERSITY OF WESTERN AUSTRALIA LAW REVIEW 36 (2) April 2013 : 184-211

Abstract: Position of Western Australian (WA) courts under WA Constitution - effect of Chapter III of the Commonwealth Constitution in impliedly restricting the ability of the State Parliament to abolish or interfere with the Supreme Court.

Legal Cases: Australian Building Construction Employees and Builders Labourers Federation v Commonwealth (1986) 161 CLR 88
Building & Construction Employees & Builders Labourers' Federation (NSW) v Minister for Industrial Relations (BLF case) (1986) 7 NSWLR 372
Chu Kheng Lim v Minister for Immigration, Local Government and Ethnic Affairs (1992) 176 CLR 1
HA Bachrach Pty Ltd v State of Queensland (1998) 195 CLR 547
Kable v Director of Public Prosecutions (NSW) (1996) 189 CLR 51
Liyanage v The Queen (1967) 1 AC 259
Nelungaloo Pty Ltd v Commonwealth (1948) 75 CLR 495
Nicholas v R (1998) 193 CLR 173
Nicholas v Western Australia [1972] WAR 168
R v Humby; Ex parte Rooney (1973) 129 CLR 231

Legislation: Constitution (CTH)
Constitution Act 1889 (WA)
Constitution Acts Amendment Act 1899 (WA)

Subjects: CONSTITUTIONAL LAW
CONSTITUTIONS
COURTS
SEPARATION OF POWERS

Jurisdictions: AUSTRALIA, Western Australia

CRIMINAL LAW

AGIS No: 20132509

Title: A critical analysis of the transitional justice measures incorporated by Rwandan gacaca and their effectiveness.

Authors: HERRMANN, Judith

Source: JAMES COOK UNIVERSITY LAW REVIEW (19) 2012 : 90-112

Abstract: Concept of transitional justice - objectives of transitional justice as recognition of victims and the promotion of peace democracy and reconciliation - 'five pillars' of holistic approach to transitional justice - accountability - truth recovery - reconciliation - reparations - institutional reform - extent to which Rwanda's Gacaca courts achieved these purposes.

Subjects: CRIMINAL LAW
INTERNATIONAL COURTS
INTERNATIONAL CRIMINAL LAW
RESTORATIVE JUSTICE
WAR CRIMES
WAR CRIMES TRIALS

Jurisdictions: RWANDA

CRIMINAL LIABILITY

AGIS No: 20132659

Title: An introduction to the criminal law aspect of product liability in Spain.

Authors: SANCHEZ, Ignacio

Source: AUSTRALIAN PRODUCT LIABILITY REPORTER 24 (1) September 2013 : 5-8

Abstract: Overview of criminal liability arising from product liability laws related to pharmaceuticals and food.

Subjects: CRIMINAL LIABILITY
PRODUCTS LIABILITY

Jurisdictions: SPAIN

CRIMINAL OFFENDERS

AGIS No: 20132482

Title: Restorative justice : the Sycamore Tree Project.

Authors: COCKRAM, Michael

Source: BRIEF 40 (5) June 2013 : 12-14

Abstract: Sycamore Tree Project in Western Australia - meetings between victims of crime and unrelated offenders in effort to help both parties - level playing field for victims and offenders - personal growth in confidence for victims - understanding of trauma caused by offenders - improvement in offender empathy measures.

Subjects: CRIMINAL OFFENDERS
RESTORATIVE JUSTICE
VICTIMS OF CRIME

Jurisdictions: AUSTRALIA, Western Australia

CRIMINAL OFFENDERS REHABILITATION

AGIS No: 20132559

Title: A cautionary note on therapeutic jurisprudence for Aboriginal offenders.

Authors: LARSEN, Ann-Claire
MILNES, Peter

Source: eLaw journal : Murdoch University Electronic Journal of Law 18 (1) 2011 : 1-27

Abstract: Therapeutic jurisprudence - promotion of wellbeing of offender to improve rehabilitation prospects - shortcomings of the adversarial system - practical issues in the implementation of therapeutic jurisprudence - challenges for the adversarial system.

Subjects: CRIMINAL OFFENDERS REHABILITATION
JURISPRUDENCE

Jurisdictions: AUSTRALIA

AGIS No: 20132483

Title: Outcare services to ex-offenders and their families.

Authors: EATON, Elizabeth

Source: BRIEF 40 (5) June 2013 : 16-17

Abstract: Services provided to ex-offenders - LiveWorks programme - construction certificate - apprenticeships - prison-based services - life skills and family support - re-entry services - employment services.

Subjects: CRIMINAL OFFENDERS REHABILITATION

Jurisdictions: AUSTRALIA, Western Australia

CRIMINAL PROCEDURE

AGIS No: 20132628
Title: Courts and social media : opportunities and challenges?
Authors: WALLACE, Anne
KEYZER, Patrick
JOHNSTON, Jane
AND, others
Source: BRIEF 40 (7) August 2013 : 36-39
Abstract: Impact of social media on the administration of justice - jury trials - research in Australia on concerns among justice system stakeholders - challenges and opportunities of social media.
Subjects: CRIMINAL PROCEDURE
JURIES
SOCIAL MEDIA
Jurisdictions: AUSTRALIA

AGIS No: 20132539
Title: New jury directions.
Authors: ROZENES
Source: VICTORIAN BAR NEWS (153) Winter 2013 : 24
Abstract: Overview of Jury Directions Act 2013 (VIC).
Legislation: Jury Directions Act 2013 (VIC)
Subjects: CRIMINAL PROCEDURE
Jurisdictions: AUSTRALIA, Victoria

AGIS No: 20132495
Title: On the defence : case management in complex criminal trials.
Authors: CRANNY, Glen
Source: PROCTOR 33 (5) June 2013 : 18-21
Abstract: Comment on Queensland Supreme Court Practice Direction No 6 of 2013 - criminal trials - mandated exchange of detailed pre-trial memoranda between prosecution and defence.
Subjects: CRIMINAL PROCEDURE
PRE TRIAL PROCEDURE
Jurisdictions: AUSTRALIA, Queensland

CRIMINOLOGY

AGIS No: 20132573
Title: The Fernando principles and genetic vulnerabilities to the criminogenic effects of social environments.
Authors: MCCAY, Allan

Source: INDIGENOUS LAW BULLETIN 8 (6) May / June 2013 : 9-13
Abstract: Factors relevant to sentencing of Aboriginal offenders - socio-economic circumstances - genetic vulnerability and mitigation - ethical issues.
Legal Cases: R v Fernando (1992) 76 A Crim R 58
Subjects: ABORIGINES
CRIMINOLOGY
INDIGENOUS PEOPLE
SENTENCING
Jurisdictions: AUSTRALIA

DAMAGES

AGIS No: 20132523
Title: Unintentional contracting out of proportionate liability.
Authors: LAWSON, Frank
DODD, Mark
Source: BRIEF 40 (6) July 2013 : 37-38
Abstract: Whether language of rights and liabilities of parties to a contract may amount to an exclusion of the statutory proportionate liability scheme - case law.
Legal Cases: Aquagenics Pty Ltd v Break O'Day Council [2010] TASFC 3
Perpetual Trustee Co Ltd v CTC Group Pty Ltd (No 2) [2013] NSWCA 58
Legislation: Civil Liability Act 2002 (WA)
Subjects: CONTRACTS
DAMAGES
Jurisdictions: AUSTRALIA, New South Wales
AUSTRALIA, Tasmania
AUSTRALIA, Western Australia

DATA PROTECTION

AGIS No: 20132652
Title: Police photography and privacy : identity, stigma and reasonable expectation.
Authors: GOLDENFEIN, Jake
Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 36 (1) 2013 : 256-279
Abstract: Right to privacy - police photography in a public sphere - division between private and public sphere - aggregation of public information into a systemic profile can expose a private picture - relevance of European decisions in recent Australian case law.
Legal Cases: Caripis v Victoria Police (Health and Privacy) [2012] VCAT 1472
Legislation: Charter of Human Rights and Responsibilities Act 2006 (VIC)
Information Privacy Act 2000 (VIC)
Subjects: DATA PROTECTION
POLICE
PRIVACY
Treaties: European Convention on Human Rights

Jurisdictions: AUSTRALIA, Victoria

DEFAMATION

AGIS No: 20132535

Title: Can a declarant be sued for defamation for giving a statutory declaration in an expert determination?

Authors: PRICE, Melanie
MONCZKO, Travis

Source: AUSTRALIAN CONSTRUCTION LAW BULLETIN 25 (5) August 2013 : 88-90

Abstract: Protection of statements made for the purposes of expert determination or adjudication - limitation on absolute privilege - potential defence of qualified privilege - triviality - need to take care in drafting statutory declarations.

Legislation: Civil Law (Wrongs) Act 2002 (ACT)
Defamation Act 2005 (NSW)
Defamation Act 2005 (QLD)
Defamation Act 2005 (SA)
Defamation Act 2005 (VIC)
Defamation Act 2005 (WA)
Defamation Act 2006 (NT)

Subjects: ALTERNATIVE DISPUTE RESOLUTION
DEFAMATION

Jurisdictions: AUSTRALIA

DISABILITY

AGIS No: 20132618

Title: Living with disability : care, rights and relational personhood.

Authors: MACLEAN, Neil

Source: AUSTRALIAN JOURNAL OF HUMAN RIGHTS 19 (1) August 2013 : 133-153

Abstract: Argument that rights-based claims deriving from the experience of disability need to be understood from the perspective of relational forms of personhood - implications of the relationship between rights and personhood for an understanding of agency.

Subjects: DISABILITY
HUMAN RIGHTS
PEOPLE WITH DISABILITIES

DISCRIMINATION

AGIS No: 20132585

Title: Body weight and bias.

Authors: KILLEEN, Anita

Source: NEW ZEALAND LAW JOURNAL August 2013 : 245-246

Abstract: Weight-based discrimination in legal settings - perception of overweight or obese defendants - importance of understanding weight bias when acting for obese clients.

Subjects: DISCRIMINATION

DISPUTE RESOLUTION

AGIS No: 20132569

Title: Good practices with culturally diverse families in family dispute resolution.

Authors: ARMSTRONG, Susan

Source: FAMILY MATTERS (92) 2013 : 48-60

Abstract: Family dispute resolution and clients from culturally and linguistically diverse (CALD) backgrounds - guidance for enhancing responsiveness and effectiveness of services to CALD communities - culturally responsive family dispute resolution practices.

Legislation: Family Law Act 1975 (CTH)

Subjects: DISPUTE RESOLUTION

DIVERSITY

FAMILY LAW

Jurisdictions: AUSTRALIA

AGIS No: 20132665

Title: Issues and barriers to the provision of FDR in prisons.

Authors: HENRY, Pamela

HAMILTON, Karine

Source: AUSTRALASIAN DISPUTE RESOLUTION JOURNAL 24 (3) August 2013 : 195-200

Abstract: Family dispute resolution (FDR) services to prisoners through a family relationships centre - importance of FDR in prisons - outcomes - challenges to providing FDR in prison - family violence.

Subjects: DISPUTE RESOLUTION

FAMILIES

PRISONERS

Jurisdictions: AUSTRALIA, Western Australia

AGIS No: 20132534

Title: No certainty : agreeing to agree when we disagree.

Authors: MULCAHY, Jos

WILKINSON, Jacqui

Source: AUSTRALIAN CONSTRUCTION LAW BULLETIN 25 (5) August 2013 : 85-87

Abstract: Dispute resolution clause in contract - enforceability of a requirement that the parties to a contract confer prior to commencing litigation or arbitration - uncertainty in clause - case law.

Legal Cases: WTE Co-Generation v RCR Energy Pty Ltd [2013] VSC 314

Subjects: CONTRACTS

DISPUTE RESOLUTION

Jurisdictions: AUSTRALIA, Victoria

DIVERSITY

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Legislation: Family Law Act 1975 (CTH)

Subjects: DISPUTE RESOLUTION

DIVERSITY

FAMILY LAW

Jurisdictions: AUSTRALIA

DOMESTIC VIOLENCE

AGIS No: 20132645

Title: Legal processes and gendered violence : cross-applications for domestic violence protection orders.

Authors: DOUGLAS, Heather

FITZGERALD, Robin

Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 36 (1) 2013 : 56-87

Abstract: Empirical study of cross-applications and resulting orders in domestic violence protection orders - possible explanations for rise in cross-applications.

Subjects: DOMESTIC VIOLENCE

FAMILY LAW

FEMINISM

Jurisdictions: AUSTRALIA, Queensland

AGIS No: 20132565

Title: Violence, abuse and the limits of shared parental responsibility.

Authors: PARKINSON, Patrick

Source: FAMILY MATTERS (92) 2013 : 7-17

Abstract: Dissolubility of parenthood - enduring family - custody law - comparative perspective of Australian family law reforms - when parenthood should be dissoluble - family violence - safety concerns - parents who have never been a family.

Legislation: Children's Act 1989 (UK)

Family Law Act 1975 (CTH)

Family Law Amendment (Shared Parental Responsibility) Act 2006 (CTH)

Subjects: DOMESTIC VIOLENCE
PARENTAL RIGHTS AND DUTIES
SHARED PARENTING
Jurisdictions: AUSTRALIA
BELGIUM
FRANCE
UNITED KINGDOM

DRUG CONTROL

AGIS No: 20132549
Title: Boxing with policy shadows.
Authors: BAILEY, Simone
Source: VICTORIAN BAR NEWS (153) Winter 2013 : 58-59
Abstract: A barrister and boxer discusses the obligations of boxers under Boxing Australia's Anti-Doping Policy.
Subjects: DRUG CONTROL
SPORT
Jurisdictions: AUSTRALIA

AGIS No: 20132548
Title: Sport, drugs and doping control.
Authors: IHLE, Ben
BRIMER, Elizabeth
Source: VICTORIAN BAR NEWS (153) Winter 2013 : 56-57
Abstract: Comment on contractual basis for participation in sport - compliance with World Anti-Doping Code.
Subjects: DRUG CONTROL
DRUGS AND CRIME
SPORT
Jurisdictions: AUSTRALIA, Victoria

DRUGS AND CRIME

AGIS No: 20132548
Title: Sport, drugs and doping control.
Authors: IHLE, Ben
BRIMER, Elizabeth
Source: VICTORIAN BAR NEWS (153) Winter 2013 : 56-57
Abstract: Comment on contractual basis for participation in sport - compliance with World Anti-Doping Code.
Subjects: DRUG CONTROL
DRUGS AND CRIME
SPORT
Jurisdictions: AUSTRALIA, Victoria

EASEMENTS

AGIS No: 20132655
Title: The continued relevance of servitude.
Authors: VAN DER WALT, AJ
Source: PROPERTY LAW REVIEW 3 (1) August 2013 : 3-35
Abstract: Control over the creation and continued exercise of real rights in or real burdens on land - easements - exploration of narratives explaining the effects of the abolition of feudalism in modern servitude law - unitary notion of ownership - promotion of efficient land use.
Subjects: EASEMENTS
LEGAL HISTORY
LEGAL THEORY
PROPERTY LAW
REAL PROPERTY

ELECTRONIC COMMERCE

AGIS No: 20132627
Title: Paperless practice : risky or not?
Authors: NORTH, Ronwyn
Source: BRIEF 40 (7) August 2013 : 32-34
Abstract: Electronic record keeping for law firms - issues to consider - obligations to preserve original paper - technology - professional obligations to clients - good record keeping practice.
Subjects: ELECTRONIC COMMERCE
INFORMATION TECHNOLOGY
LAWYER CLIENT RELATIONSHIP
LEGAL PROFESSION
TECHNOLOGICAL INNOVATIONS
Jurisdictions: AUSTRALIA

EMPLOYERS LIABILITY

AGIS No: 20132504
Title: Tread carefully with injured workers : applicable laws require cautious navigation.
Authors: SMITH, Matthew
ROSS, Andrew
Source: PROCTOR 33 (5) June 2013 : 47
Abstract: Management of injured workers is a risk for all employers including law firms - considerations for law firms in dealing with employees and advising clients.
Legislation: Fair Work Act 2009 (CTH)
Workers' Compensation and Rehabilitation Act 2003 (QLD)

Subjects: EMPLOYERS LIABILITY
EMPLOYMENT LAW
Jurisdictions: AUSTRALIA, Queensland

EMPLOYMENT

AGIS No: 20132599
Title: Free agency and the Australian Football League.
Authors: COOK, Justin
DAVIES, Chris
Source: BOND LAW REVIEW 24 (2) December 2012 : 64-100
Abstract: Labour market controls in the Australian Football League (AFL) - salary caps - player drafts - introduction of player free agency in the AFL - free agency in the National Football League (NFL) - anti-trust laws and the NFL - effect of free agency on AFL's equalisation strategy - balance between competitive equality and player right to freedom of employment.
Subjects: EMPLOYMENT
SPORT
Jurisdictions: AUSTRALIA
UNITED STATES

EMPLOYMENT DISCRIMINATION

AGIS No: 20132637
Title: Board of Bendigo Regional Institute of Technical and Further Education v Barclay.
Authors: MARSHALL, Shane
CAVANOUGH, Amanda
Source: UNIVERSITY OF WESTERN SYDNEY LAW REVIEW (16) 2012 : 155-160
Abstract: Prohibition on employer from taking adverse action against an employee because of the employee's union role or activities - clarification of the subjective intention of the decision-maker in determining whether the adverse action was prohibited - case law.
Legal Cases: Board of Bendigo Regional Institute of Technical and Further Education v Barclay [2012] HCA 32
Legislation: Fair Work Act 2009 (CTH)
Subjects: EMPLOYMENT DISCRIMINATION
EMPLOYMENT LAW
UNFAIR DISMISSAL
Jurisdictions: AUSTRALIA

EMPLOYMENT LAW

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Abstract: Prohibition on employer from taking adverse action against an employee because of the employee's union role or activities - clarification of the subjective intention of the decision-maker in determining whether the adverse action was prohibited - case law.
Legal Cases: Board of Bendigo Regional Institute of Technical and Further Education v Barclay [2012] HCA 32
Legislation: Fair Work Act 2009 (CTH)
Subjects: EMPLOYMENT DISCRIMINATION
EMPLOYMENT LAW
UNFAIR DISMISSAL
Jurisdictions: AUSTRALIA

AGIS No: 20132643
Title: Restraints of trade : the legal practice.
Authors: ARUP, Christopher
DENT, Chris
HOWE, John
AND, others
Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 36 (1) 2013 : 1-29
Abstract: Uncertainty in common law on restraint of trade - empirical research into the effect of uncertainty in the law on how restraint of trade matters proceed in legal practice - uncertainty weighs more heavily on the employee.
Subjects: CIVIL PROCEDURE
EMPLOYMENT LAW
Jurisdictions: AUSTRALIA

AGIS No: 20132504
Title: Tread carefully with injured workers : applicable laws require cautious navigation.
Authors: SMITH, Matthew
ROSS, Andrew
Source: PROCTOR 33 (5) June 2013 : 47
Abstract: Management of injured workers is a risk for all employers including law firms - considerations for law firms in dealing with employees and advising clients.
Legislation: Fair Work Act 2009 (CTH)
Workers' Compensation and Rehabilitation Act 2003 (QLD)
Subjects: EMPLOYERS LIABILITY
EMPLOYMENT LAW
Jurisdictions: AUSTRALIA, Queensland

ENERGY RESOURCES

AGIS No: 20132640

Title: Shale gas resources in Western Australia : an assessment of the legal framework for the extraction of onshore shale gas.

Authors: HUNTER, Tina

Source: eLaw journal : Murdoch University Electronic Journal of Law 18 (2) 2011 : 29-52

Abstract: Examination of the impact of hydraulic fracturing (fracking) to extract shale gas - issues with fracking process - capacity of regulatory framework to regulate the fracking process - regulatory gaps.

Legislation: Petroleum and Geothermal Energy Resources Act 1967 (WA)

Subjects: ENERGY RESOURCES
ENVIRONMENTAL PROTECTION
MINING LAW
OIL AND GAS
WATER POLLUTION

Jurisdictions: AUSTRALIA, Western Australia

ENVIRONMENTAL PROTECTION

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Abstract: Examination of the impact of hydraulic fracturing (fracking) to extract shale gas - issues with fracking process - capacity of regulatory framework to regulate the fracking process - regulatory gaps.

Legislation: Petroleum and Geothermal Energy Resources Act 1967 (WA)

Subjects: ENERGY RESOURCES
ENVIRONMENTAL PROTECTION
MINING LAW
OIL AND GAS
WATER POLLUTION

Jurisdictions: AUSTRALIA, Western Australia

EQUITY

AGIS No: 20132524

Title: Understanding the 'self-dealing' rule in equity.

Authors: EDELMAN, James

Source: BRIEF 40 (6) July 2013 : 40-44

Abstract: Critical examination of the so-called principle against fiduciary self-dealing - fair dealing.

Legal Cases: Clay v Clay (2001) 202 CLR 410
JJ Harrison (Properties) Ltd v Harrison [2001] EWCA Civ 1467
Rolled Steel Products (Holdings) Ltd v British Steel Corp Ltd (1986) Ch 246
Tito v Waddell (No 2) (1977) Ch 106

Subjects: EQUITY
FIDUCIARY
TRUSTS AND TRUSTEES
Jurisdictions: AUSTRALIA
ENGLAND

ETHICS

AGIS No: 20132508
Title: Applying the inclusive model of ethical decision making to mediation.
Authors: HARDY, Samantha
RUNDLE, Olivia
Source: JAMES COOK UNIVERSITY LAW REVIEW (19) 2012 : 70-89
Abstract: Examination of current mediator codes and standards as a guide to mediators' ethical practice - proposal for use of the Inclusive Model of Ethical Decision-Making in mediation practice - examination of Inclusive Model and how it could be applied to a mediation ethical dilemma.
Subjects: ETHICS
MEDIATION
Jurisdictions: AUSTRALIA

AGIS No: 20132664
Title: Confidentiality, public interest and the mediator's ethical dilemma.
Authors: LEIMGRUBER, Dominic
Source: AUSTRALASIAN DISPUTE RESOLUTION JOURNAL 24 (3) August 2013 : 187-194
Abstract: Rules of confidentiality in mediation - meaning of public interest - confidentiality and public interest - recommendation of uniform ethical standard development for mediators and establishment of an ethics advisory committee.
Subjects: ETHICS
MEDIATION

AGIS No: 20132507
Title: Mediation ethics in Australia : a case for rethinking the foundational paradigm.
Authors: FIELD, Rachael
Source: JAMES COOK UNIVERSITY LAW REVIEW (19) 2012 : 41-69
Abstract: Examination of neutrality as a key mediation ethic - arguments for rethinking the paradigm of mediator neutrality - neutrality as aspirational concept - development of mediation practice in Australia - confidence in conflict resolution profession - power imbalances.
Subjects: ALTERNATIVE DISPUTE RESOLUTION
ETHICS
MEDIATION
Jurisdictions: AUSTRALIA

AGIS No: 20132506
Title: Neutrality, self-determination, fairness and differing models of mediation.
Authors: DOUGLAS, Susan
Source: JAMES COOK UNIVERSITY LAW REVIEW (19) 2012 : 19-40
Abstract: Examination of problem-solving models employed in mediation - comparison of the role of the mediator across the models in relation to principles of neutrality self-determination and fairness - critique of mediator's limited role in ensuring substantive fairness - argument for critical examination and development of the principle of party self-determination.

Subjects: ALTERNATIVE DISPUTE RESOLUTION
ETHICS
MEDIATION

Jurisdictions: AUSTRALIA

AGIS No: 20132511
Title: The 'new' limitations of Fisher and Ury's model of interest-based negotiation : not necessarily the ethical alternative.
Authors: WOLSKI, Bobette
Source: JAMES COOK UNIVERSITY LAW REVIEW (19) 2012 : 127-155
Abstract: Use of interest-based negotiation in mediation - examination of assumptions about dichotomy between interest-based negotiation and positional negotiation - ethical assumptions - interest-based process bias in mediation and collaborative law - limitations of interest-based negotiation - implications for legal representatives.

Subjects: ALTERNATIVE DISPUTE RESOLUTION
ETHICS
MEDIATION
NEGOTIATION

Jurisdictions: AUSTRALIA

ETHNIC GROUPS

AGIS No: 20132613
Title: An anthropologist among human rights experts in Haiti and the Dominican Republic : para-ethnographic perspectives on culture and rights.
Authors: MARTINEZ, Samuel
Source: AUSTRALIAN JOURNAL OF HUMAN RIGHTS 19 (1) August 2013 : 11-29
Abstract: Examination of the aims and methods that set human rights apart from other subjects of anthropological research - Haitian-ancestry minority in Dominican Republic as case study for the use of para-ethnography as a theoretical/methodological asset by anthropologists of human rights.

Subjects: ETHNIC GROUPS
HUMAN RIGHTS

Jurisdictions: HAITI

FAMILIES

AGIS No: 20132579
Title: Families working together : getting the balance right.
Authors: BAXTER, Jennifer
Source: FAMILY MATTERS (92) 2013 : 77-83
Abstract: Difficulty in achieving life balance - work-life balance - family management of competing time commitments - sharing child care and housework - community engagement.
Subjects: FAMILIES
Jurisdictions: AUSTRALIA

AGIS No: 20132665
Title: Issues and barriers to the provision of FDR in prisons.
Authors: HENRY, Pamela
HAMILTON, Karine
Source: AUSTRALASIAN DISPUTE RESOLUTION JOURNAL 24 (3) August 2013 : 195-200
Abstract: Family dispute resolution (FDR) services to prisoners through a family relationships centre - importance of FDR in prisons - outcomes - challenges to providing FDR in prison - family violence.
Subjects: DISPUTE RESOLUTION
FAMILIES
PRISONERS
Jurisdictions: AUSTRALIA, Western Australia

AGIS No: 20132567
Title: The effects of co-parenting relationships with ex-spouses on couples in step-families.
Authors: CARTWRIGHT, Claire
GIBSON, Kerry
Source: FAMILY MATTERS (92) 2013 : 18-28
Abstract: Study of couples in repartnered families - processes associated with repartnering and establishing step-families - co-parenting issues with former partners source of stress in new relationship - children's residence and financial matters - ex-spouse demands or lack of contribution - lack of cooperation - ex-spouse negativity to new relationship.
Subjects: FAMILIES
PARENTAL RIGHTS AND DUTIES
SHARED PARENTING
Jurisdictions: NEW ZEALAND

FAMILY COURT

AGIS No: 20132570
Title: Children's direct participation and the views of Australian judges.
Authors: FERNADO, Michelle
Source: FAMILY MATTERS (92) 2013 : 41-47

Abstract: Children's direct participation in family law matters - judges hearing directly from children
- judicial views on meeting with children - recommendations to ensure children are heard
- children's views on their level of participation.

Subjects: CHILDREN
CHILDRENS EVIDENCE
FAMILY COURT
JUDICIARY

Jurisdictions: AUSTRALIA

FAMILY LAW

AGIS No: 20132646

Title: Express recognition of the UN Convention on the Rights of the Child in the Family Law Act : what impact for children's participation?

Authors: FERNANDO, Michelle

Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 36 (1) 2013 : 88-106

Abstract: Examination of the effectiveness of amendments to the Family Law Act to include as an object giving effect to the United Nations Convention on the Rights of the Child - Convention as an aid to interpretation.

Legislation: Family Law Act 1975 (CTH)
Family Law Legislation Amendment (Family Violence and Other Measures) Act 2011 (CTH)

Subjects: CHILD WELFARE
CHILDREN IN CARE PROCEEDINGS
CHILDRENS RIGHTS
FAMILY LAW

Treaties: Convention on the Rights of the Child

Jurisdictions: AUSTRALIA

AGIS No: 20132569

Title: Good practices with culturally diverse families in family dispute resolution.

Authors: ARMSTRONG, Susan

Source: FAMILY MATTERS (92) 2013 : 48-60

Abstract: Family dispute resolution and clients from culturally and linguistically diverse (CALD) backgrounds - guidance for enhancing responsiveness and effectiveness of services to CALD communities - culturally responsive family dispute resolution practices.

Legislation: Family Law Act 1975 (CTH)

Subjects: DISPUTE RESOLUTION
DIVERSITY
FAMILY LAW

Jurisdictions: AUSTRALIA

AGIS No: 20132645

Title: Legal processes and gendered violence : cross-applications for domestic violence protection orders.

Authors: DOUGLAS, Heather
FITZGERALD, Robin

Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 36 (1) 2013 : 56-87

Abstract: Empirical study of cross-applications and resulting orders in domestic violence protection orders - possible explanations for rise in cross-applications.

Subjects: DOMESTIC VIOLENCE
FAMILY LAW
FEMINISM

Jurisdictions: AUSTRALIA, Queensland

FEDERALISM

AGIS No: 20132563

Title: MAKING a federal case out of it : accountability in a joined-up world.

Source: PUBLIC ADMINISTRATION TODAY (35) July / September 2013 : 44-46

Abstract: Speech given by Mary Anne O'Loughlin - accountability arrangements for funding between the Commonwealth and states - constitutional challenges of the Australian federation - vertical fiscal imbalance - National Agreements - National Partnership Agreements.

Subjects: CONSTITUTIONAL LAW
FEDERALISM
INTERGOVERNMENTAL RELATIONS
PUBLIC ADMINISTRATION

Jurisdictions: AUSTRALIA

AGIS No: 20132606

Title: The effect of the Australia Acts on the Western Australian Constitution.

Authors: TWOMEY, Anne

Source: UNIVERSITY OF WESTERN AUSTRALIA LAW REVIEW 36 (2) April 2013 : 273-296

Abstract: Inter-relationship between the state constitutions and the Australia Acts - issues with the application of the Australia Acts to the States - manner and form constraints on state legislative powers - letters patent and reserve powers - method of appointing Lieutenant-Governor - method of changing rules of succession to throne.

Legislation: Australia Act 1986 (CTH)
Australia Act 1986 (UK)
Constitution Act 1889 (WA)

Subjects: CONSTITUTIONAL LAW
CONSTITUTIONAL MONARCHY
CONSTITUTIONS
FEDERALISM

Jurisdictions: AUSTRALIA, Western Australia

FEMINISM

AGIS No: 20132615
Title: And justice for all? International anti-trafficking agendas and local consequences in a Philippines sex tourism town.
Authors: WISS, Rosemary
Source: AUSTRALIAN JOURNAL OF HUMAN RIGHTS 19 (1) August 2013 : 55-82
Abstract: Examination of the criminalisation of human trafficking - how international and regional discourse has been infused by moral agendas against prostitution - religious feminist and government campaigns to correlate trafficking with sex trafficking.
Subjects: FEMINISM
HUMAN RIGHTS
PEOPLE TRAFFICKING
PROSTITUTION
RELIGION
Treaties: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children
United Nations Convention Against Transnational Organised Crime
Jurisdictions: PHILIPPINES

AGIS No: 20132645
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FITZGERALD, Robin
Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 36 (1) 2013 : 56-87
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Subjects: DOMESTIC VIOLENCE
FAMILY LAW
FEMINISM
Jurisdictions: AUSTRALIA, Queensland

AGIS No: 20132614
Title: Under western eyes again? Rights vernacular and the gender culture 'clash'.
Authors: PARDY, Maree
Source: AUSTRALIAN JOURNAL OF HUMAN RIGHTS 19 (1) August 2013 : 31-53
Abstract: Human rights - 'culture' as an obstacle to realisation of women's rights - cultural relativism - anthropological approach to demonstrate how women's human rights are remade in the vernacular.
Subjects: FEMINISM
HUMAN RIGHTS
LANGUAGE
Jurisdictions: AUSTRALIA

FIDUCIARY

AGIS No: 20132524
Title: Understanding the 'self-dealing' rule in equity.
Authors: EDELMAN, James
Source: BRIEF 40 (6) July 2013 : 40-44
Abstract: Critical examination of the so-called principle against fiduciary self-dealing - fair dealing.

Legal Cases: Clay v Clay (2001) 202 CLR 410
JJ Harrison (Properties) Ltd v Harrison [2001] EWCA Civ 1467
Rolled Steel Products (Holdings) Ltd v British Steel Corp Ltd (1986) Ch 246
Tito v Waddell (No 2) (1977) Ch 106

Subjects: EQUITY
FIDUCIARY
TRUSTS AND TRUSTEES

Jurisdictions: AUSTRALIA
ENGLAND

FINANCIAL SERVICES

AGIS No: 20132638
Title: Fees? Not so simple : Andrews and Ors v Australia New Zealand Banking Group Ltd [2012] HCA 30 (6 September 2012)
Authors: ROBINSON, Ludmilla K
Source: UNIVERSITY OF WESTERN SYDNEY LAW REVIEW (16) 2012 : 161-173
Abstract: Clarification of the principles relating to the application and scope of the penalty doctrine on the status of 'fees' charged by bank - circumstances in which the penalty doctrine may be invoked - characterisation of a fee as a penalty - implications beyond banking and finance agreements - case law.

Legal Cases: Andrews v Australia and New Zealand Banking Group Ltd [2012] HCA 30

Subjects: BANKING
CONTRACTS
FINANCIAL SERVICES

Jurisdictions: AUSTRALIA

FOOD LAWS

AGIS No: 20132641
Title: Assessment of the efficacy of Victorian GM crop control legislation.
Authors: PELEKANAKIS, Ian
Source: eLaw journal : Murdoch University Electronic Journal of Law 18 (2) 2011 : 22-28

Abstract: Extent to which the Control of Genetically Modified Food Act 2004 (Vic) has achieved objectives - prevention of prospective adverse impact on export markets resulting from the release of genetically modified crops in Victoria - consideration of life-cycle of legislation.

Legislation: Control of Genetically Modified Crops Act 2004 (VIC)

Subjects: AGRICULTURE
FOOD LAWS
GENETIC ENGINEERING
Jurisdictions: AUSTRALIA, Victoria

GENETIC ENGINEERING

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Title: Assessment of the efficacy of Victorian GM crop control legislation.
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Legislation: Control of Genetically Modified Crops Act 2004 (VIC)

Subjects: AGRICULTURE
FOOD LAWS
GENETIC ENGINEERING

Jurisdictions: AUSTRALIA, Victoria

GOVERNMENT BUSINESS ENTERPRISES

AGIS No: 20132598
Title: The Allconnex water debacle : lessons in devising better governance mechanisms for government business enterprises.
Authors: SCHNURE BAUMFIELD, Victoria
Source: BOND LAW REVIEW 24 (2) December 2012 : 1-63

Abstract: Water reforms in Queensland - forced transfer of water retail and wastewater services to Allconnex Water - legal status of Allconnex - corporate governance and accountability regimes - applicability of regimes to Allconnex - pricing issues.

Legislation: Corporations Act 2001 (CTH)
Financial Accountability Act 2009 (Qld)
South-East Queensland Water (Distribution and Retail Restructuring) Act 2009 (Qld)

Subjects: CORPORATE GOVERNANCE
GOVERNMENT BUSINESS ENTERPRISES
WATER RESOURCES

Jurisdictions: AUSTRALIA, Queensland

GOVERNMENT PURCHASING

AGIS No: 20132554
Title: Compacts with the third sector : the politics and the pragmatism.
Authors: BUTCHER, John
Source: PUBLIC ADMINISTRATION TODAY (35) July / September 2013 : 19-22

Abstract: Compacts between government and the not-for-profit sector to place relationships on a principled and predictable footing - comparative analysis of different approaches - factors important to success.

Subjects: COMMUNITY ORGANISATIONS
GOVERNMENT PURCHASING
PUBLIC ADMINISTRATION
PUBLIC SECTOR

Jurisdictions: AUSTRALIA

AGIS No: 20132553

Title: Third sector rise : and fall?

Authors: NUTE, Peter

Source: PUBLIC ADMINISTRATION TODAY (35) July / September 2013 : 16-18

Abstract: Challenges for small community organisations in government service provision - impact and issues with competitive tendering - compliance costs - differing impact on large religious based organisations and smaller community organisations.

Subjects: COMMUNITY ORGANISATIONS
GOVERNMENT PURCHASING
PUBLIC SECTOR

Jurisdictions: AUSTRALIA, Tasmania

GUARDIAN AND WARD

AGIS No: 20132474

Title: Examining the role of the Guardianship Board.

Authors: MOORE, Jeremy

Source: BULLETIN (LAW SOCIETY OF S.A.) 35 (5) June 2013 : 10,12-13

Abstract: Mental health review tribunal - decisions about people with impaired decision making capacity - mental illness - dementia - appointing guardians - appointing administrators for people with mental illness - recent changes and enhancements - fast-tracking matters - mediation - volunteering - accessibility for remote Aboriginal people.

Subjects: GUARDIAN AND WARD
MENTAL ILLNESS
TRIBUNALS

Jurisdictions: AUSTRALIA, South Australia

AGIS No: 20132649

Title: Public and private bricolage : challenges balancing law, services and civil society in advancing CRPD supported decision-making.

Authors: CARNEY, Terry
BEAUPERT, Fleur

Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 36 (1) 2013 : 175-201

Abstract: United Nations Convention on the Rights of Persons with Disabilities (CRPD) - issues in implementing supported decision-making to relieve or replace traditional forms of adult guardianship - 'contracting out' - administrative and policy machinery required to underpin supported decision-making.

Subjects: GUARDIAN AND WARD
OUTSOURCING
PEOPLE WITH DISABILITIES

Treaties: Convention on the Rights of Persons with Disabilities

Jurisdictions: AUSTRALIA

HEALTH CARE

AGIS No: 20132476

Title: Caring for ageing parents : some practical advice.

Authors: BARNFIELD, David

Source: BULLETIN (LAW SOCIETY OF S.A.) 35 (5) June 2013 : 20-21

Abstract: Moving an ageing parent from their own home into care - aged care at home - community care services - aged care homes - costs - tips and traps.

Subjects: AGED
HEALTH CARE

HIGH COURT

AGIS No: 20132654

Title: 'Officers of the Commonwealth' in the private sector : can the High Court review outsourced exercises of power?

Authors: BOUGHEY, Janina
WEEKS, Greg

Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 36 (1) 2013 : 316-357

Abstract: Examination of the extent to which the original review jurisdiction of the High Court is able to deal with outsourced exercises of power - lack of High Court definition of 'officer of the Commonwealth' - public function test - control test.

Legal Cases: R v Panel on Take-Overs and Mergers; Ex parte Datafin Plc (1987) 1 QB 815

Legislation: Constitution (CTH)

Subjects: CONSTITUTIONAL LAW
HIGH COURT
JURISDICTION
OUTSOURCING

Jurisdictions: AUSTRALIA

AGIS No: 20132545

Title: That's Sir Hayden Starke.

Authors: MERRALLS, J D

Source: VICTORIAN BAR NEWS (153) Winter 2013 : 42-47

Abstract: Biographical essay on Sir Hayden Starke.
Subjects: BIOGRAPHY
HIGH COURT
Jurisdictions: AUSTRALIA

HOMICIDE

AGIS No: 20132596
Title: Corporate homicide.
Authors: TAYLOR, Genevieve
Source: NEW ZEALAND LAW JOURNAL August 2013 : 277-280
Abstract: Pike River coal mine disaster - current laws relating to corporate homicide in New Zealand - Independent Taskforce on Work Health and Safety recommendation on workplace fatalities - current laws in England - future directions.

Legislation: Corporate Manslaughter and Corporate Homicide Act 2007 (UK)
Crimes Act 1961 (NZ)

Subjects: HOMICIDE
LIABILITY

Jurisdictions: ENGLAND
NEW ZEALAND

HOUSING

AGIS No: 20132552
Title: Community housing sector thrives.
Authors: SAAD, Nazha
Source: PUBLIC ADMINISTRATION TODAY (35) July / September 2013 : 13-15
Abstract: Overview of not-for-profit community housing providers - growth in transfer of properties from government to community housing - benefits of government working with community housing providers.

Subjects: COMMUNITY ORGANISATIONS
HOUSING
PUBLIC ADMINISTRATION

Jurisdictions: AUSTRALIA, New South Wales

HUMAN RIGHTS

AGIS No: 20132613
Title: An anthropologist among human rights experts in Haiti and the Dominican Republic : para-ethnographic perspectives on culture and rights.
Authors: MARTINEZ, Samuel
Source: AUSTRALIAN JOURNAL OF HUMAN RIGHTS 19 (1) August 2013 : 11-29
Abstract: Examination of the aims and methods that set human rights apart from other subjects of anthropological research - Haitian-ancestry minority in Dominican Republic as case study for the use of para-ethnography as a theoretical/methodological asset by anthropologists of human rights.

Subjects: ETHNIC GROUPS
HUMAN RIGHTS
Jurisdictions: HAITI

AGIS No: 20132615
Title: And justice for all? International anti-trafficking agendas and local consequences in a Philippines sex tourism town.
Authors: WISS, Rosemary
Source: AUSTRALIAN JOURNAL OF HUMAN RIGHTS 19 (1) August 2013 : 55-82
Abstract: Examination of the criminalisation of human trafficking - how international and regional discourse has been infused by moral agendas against prostitution - religious feminist and government campaigns to correlate trafficking with sex trafficking.

Subjects: FEMINISM
HUMAN RIGHTS
PEOPLE TRAFFICKING
PROSTITUTION
RELIGION
Treaties: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children
United Nations Convention Against Transnational Organised Crime
Jurisdictions: PHILIPPINES

AGIS No: 20132620
Title: Exercising rights into existence : new human rights strategies by third world peoples.
Authors: LAMCHEK, Jayson S
Source: AUSTRALIAN JOURNAL OF HUMAN RIGHTS 19 (1) August 2013 : 175-196

Abstract: The rights exercised by ordinary people may be looked upon as real rights with legal consequences even if not recognised by the state - case study of strategies adopted by indigenous peoples in Mexico and undocumented migrant workers in Tennessee and in the Netherlands.

Subjects: HUMAN RIGHTS
LEGAL THEORY
Jurisdictions: MEXICO
NETHERLANDS
UNITED STATES

AGIS No: 20132618
Title: Living with disability : care, rights and relational personhood.
Authors: MACLEAN, Neil
Source: AUSTRALIAN JOURNAL OF HUMAN RIGHTS 19 (1) August 2013 : 133-153

Abstract: Argument that rights-based claims deriving from the experience of disability need to be understood from the perspective of relational forms of personhood - implications of the relationship between rights and personhood for an understanding of agency.

Subjects: DISABILITY
HUMAN RIGHTS
PEOPLE WITH DISABILITIES

AGIS No: 20132619

Title: 'Sticking up for the land' : Aboriginality, mining and the lived effects of native title.

Authors: VINCENT, Eve

Source: AUSTRALIAN JOURNAL OF HUMAN RIGHTS 19 (1) August 2013 : 155-174

Abstract: Critique of native title as a process that can destroy Aboriginal self-understandings and local social relations - mineral exploration and mining - native title and the reorganisation of local Aboriginal identities.

Subjects: ABORIGINES
HUMAN RIGHTS
NATIVE TITLE

Jurisdictions: AUSTRALIA, South Australia

AGIS No: 20132614

Title: Under western eyes again? Rights vernacular and the gender culture 'clash'.

Authors: PARDY, Maree

Source: AUSTRALIAN JOURNAL OF HUMAN RIGHTS 19 (1) August 2013 : 31-53

Abstract: Human rights - 'culture' as an obstacle to realisation of women's rights - cultural relativism - anthropological approach to demonstrate how women's human rights are remade in the vernacular.

Subjects: FEMINISM
HUMAN RIGHTS
LANGUAGE

Jurisdictions: AUSTRALIA

AGIS No: 20132616

Title: Where does human rights consciousness come from? Counterinsurgency, traumatisation and political subjectivity in Argentina.

Authors: HUMPHREY, Michael

Source: AUSTRALIAN JOURNAL OF HUMAN RIGHTS 19 (1) August 2013 : 83-106

Abstract: Examination of the role of traumatisation through repression as an impetus for individuals to link into communities of shared suffering to demand their human rights - unifying national narrative of victim and survivor resistance.

Subjects: HUMAN RIGHTS

Jurisdictions: ARGENTINA

AGIS No: 20132617

Title: Who is the 'human' in 'human rights'?

Authors: MACDONALD, Gaynor

Source: AUSTRALIAN JOURNAL OF HUMAN RIGHTS 19 (1) August 2013 : 107-131

Abstract: Only people rendered as humans can hold rights - denial of human rights to Aboriginal Australians through racialisation - examination of racialisation by Australia both historically and currently.

Subjects: ABORIGINES
HUMAN RIGHTS
RACE RELATIONS
RACIAL DISCRIMINATION

Jurisdictions: AUSTRALIA

IMMIGRATION

AGIS No: 20132583

Title: Immigration and the unborn child.

Authors: YEE, Tina

Source: NEW ZEALAND LAW JOURNAL August 2013 : 243-244

Abstract: Children born to illegal parents facing deportation - rights attributed to unborn children to allow parent to escape deportation - international obligations - humanitarian circumstances - best interests of the child.

Legal Cases: Dhindsa v Secretary of Labour [2012] NZCA 282

Subjects: CHILDRENS RIGHTS
IMMIGRATION
UNBORN CHILD

Treaties: Convention on the Rights of the Child
International Covenant on Civil and Political Rights

Jurisdictions: NEW ZEALAND

INCOME TAX

AGIS No: 20132528

Title: Changes for SMSF pensions.

Authors: FIGOT, Bryce
LYNCH, Jared

Source: AUSTRALIAN SUPERANNUATION LAW BULLETIN 24 (10) July 2013 : 213-215

Abstract: Implications of announced changes to self managed superannuation fund (SMSF) pension rules - \$100 000 pension tax exemption limit - SMSF realising assets - death of a spouse.

Subjects: INCOME TAX
SUPERANNUATION
TAXATION

Jurisdictions: AUSTRALIA

AGIS No: 20132525

Title: Limiting the scope for executive discretion : relevant considerations in exercising the discretion to not collect tax.

Authors: FISHER, Rodney
Source: AIAL FORUM (73) July 2013 : 71-79
Abstract: Powers of the Federal Commissioner of Taxation for collecting income tax - discretionary power to not collect tax where it would cause hardship - establishing serious hardship threshold - scope of executive discretion - dispensing discretion.
Legislation: Financial Management and Accountability Act 1997 (CTH)
Tax Administration Act 1953 (CTH)
Subjects: INCOME TAX
TAXATION
Jurisdictions: AUSTRALIA

INDEPENDENT COMMISSION AGAINST CORRUPTION

AGIS No: 20132541
Title: A sheep in wolf's clothing?
Authors: CHARLES, Stephen
Source: VICTORIAN BAR NEWS (153) Winter 2013 : 28-32
Abstract: Overview of the Independent Broad-based Anti-corruption Commission (IBAC) - circumstances in which IBAC can commence an investigation - comparison with NSW Independent Commission Against Corruption.
Legislation: Independent Broad-based Anti-corruption Commission Act 2011 (VIC)
Independent Commission Against Corruption Act 1988 (NSW)
Subjects: CORRUPTION
INDEPENDENT COMMISSION AGAINST CORRUPTION
PUBLIC INQUIRIES
Jurisdictions: AUSTRALIA, Victoria

INDIGENOUS PEOPLE

AGIS No: 20132575
Title: Community economic development in patenting traditional knowledge : a case study of the Mudjala TK project in the Kimberley region of Western Australia.
Authors: MARSHALL, Virginia
JANKE, Terri
WATSON, Anthony
Source: INDIGENOUS LAW BULLETIN 8 (6) May / June 2013 : 17-21
Abstract: Case study in opportunities for commercialisation of Indigenous traditional knowledge - particular issues with patents and traditional knowledge.
Legislation: Patents Act 1990 (CTH)
Subjects: ABORIGINES
INDIGENOUS PEOPLE
INTELLECTUAL PROPERTY
PATENTS
Treaties: UN Declaration on the Rights of Indigenous Peoples
Jurisdictions: AUSTRALIA, Western Australia

AGIS No: 20132572
Title: Indigenous people, telecommunications and consumer protection.
Authors: LOBAN, Heron
Source: INDIGENOUS LAW BULLETIN 8 (6) May / June 2013 : 6-8
Abstract: Issues faced by Indigenous people in dealing with telecommunications companies - mobile phones - coverage - knowledge and use of complaints mechanisms - misleading and deceptive conduct - case law.
Legal Cases: Australian Competition and Consumer Commission (ACCC) v Excite Mobile Pty Ltd [2013] FCA 350

Australian Competition and Consumer Commission (ACCC) v EDirect Pty Ltd (in liq) [2012] FCA 976
Australian Competition and Consumer Commission (ACCC) v EDirect Pty Ltd [2008] FCA 65
Legislation: Competition and Consumer Act 2010 (CTH)
Trade Practices Act 1974 (CTH)
Subjects: AUSTRALIAN COMPETITION AND CONSUMER COMMISSION
CONSUMER PROTECTION
INDIGENOUS PEOPLE
MOBILE DEVICES
TELECOMMUNICATIONS
Jurisdictions: AUSTRALIA

AGIS No: 20132574
Title: Interview with Gemma McKinnon.
Authors: MCCREERY, Robert
Source: INDIGENOUS LAW BULLETIN 8 (6) May / June 2013 : 14-16
Abstract: Recipient of Churchill Fellowship - research into admissions programs and support mechanisms for Indigenous law students.
Subjects: INDIGENOUS PEOPLE
LEGAL EDUCATION
LEGAL PROFESSION
Jurisdictions: AUSTRALIA

AGIS No: 20132547
Title: Launch of the Victorian Bar reconciliation action plan : the Bar helps address inequalities faced by indigenous communities.
Authors: BODMAN, Sally
Source: VICTORIAN BAR NEWS (153) Winter 2013 : 54-55
Abstract: Report on the formal launch of the Victorian Bar's Reconciliation Action Plan - Victorian Bar's commitment to reconciliation.

Subjects: ABORIGINES
BAR ASSOCIATIONS
INDIGENOUS PEOPLE
Jurisdictions: AUSTRALIA, Victoria

AGIS No: 20132571
Title: Native title : a vehicle for change and empowerment? Workshop report.
Authors: HARTLEY, Jackie
LINO, Dylan
Source: INDIGENOUS LAW BULLETIN 8 (6) May / June 2013 : 3-5
Abstract: Report on workshop to mark the 20th anniversary of the Native Title Act 1993 - achievements and limitations of the native title system.
Legislation: Native Title Act 1993 (CTH)
Subjects: ABORIGINES
INDIGENOUS PEOPLE
NATIVE TITLE
Jurisdictions: AUSTRALIA

AGIS No: 20132573
Title: The Fernando principles and genetic vulnerabilities to the criminogenic effects of social environments.
Authors: MCCAY, Allan
Source: INDIGENOUS LAW BULLETIN 8 (6) May / June 2013 : 9-13
Abstract: Factors relevant to sentencing of Aboriginal offenders - socio-economic circumstances - genetic vulnerability and mitigation - ethical issues.
Legal Cases: R v Fernando (1992) 76 A Crim R 58
Subjects: ABORIGINES
CRIMINOLOGY
INDIGENOUS PEOPLE
SENTENCING
Jurisdictions: AUSTRALIA

AGIS No: 20132642
Title: The protection of American Indian : intangible cultural heritage.
Authors: ALZHRANI, Damna A
Source: eLaw journal : Murdoch University Electronic Journal of Law 18 (2) 2011 : 53-63
Abstract: Analysis of historical and contemporary legal protections afforded to Native Americans to protect their intangible heritage - reservation system - casinos.
Subjects: AMERICAN INDIANS
INDIGENOUS PEOPLE
INDIGENOUS RIGHTS
Treaties: UN Declaration on the Rights of Indigenous Peoples
Jurisdictions: UNITED STATES

AGIS No: 20132576
Title: The Tanami Gold NL mining agreement with Tjurabalan : an example of how a small native title group invests its mining funds.
Authors: MARTIN, Fiona
Source: INDIGENOUS LAW BULLETIN 8 (6) May / June 2013 : 22-26
Abstract: Case study of how a native title group in Western Australia is managing mining payments made to the group - use of a larger regional trust structure to maximise returns.
Subjects: ABORIGINES
CHARITABLE TRUSTS
INDIGENOUS PEOPLE
NATIVE TITLE
TRUSTS AND TRUSTEES
Jurisdictions: AUSTRALIA, Western Australia

INDIGENOUS RIGHTS

AGIS No: 20132642
Title: The protection of American Indian : intangible cultural heritage.
Authors: ALZHRANI, Damna A
Source: eLaw journal : Murdoch University Electronic Journal of Law 18 (2) 2011 : 53-63
Abstract: Analysis of historical and contemporary legal protections afforded to Native Americans to protect their intangible heritage - reservation system - casinos.
Subjects: AMERICAN INDIANS
INDIGENOUS PEOPLE
INDIGENOUS RIGHTS
Treaties: UN Declaration on the Rights of Indigenous Peoples
Jurisdictions: UNITED STATES

INDUSTRIAL RELATIONS

AGIS No: 20132634
Title: Australian statutory labour law and the near death experience of the doctrine of managerial prerogatives.
Authors: CARRIGAN, Frank
Source: UNIVERSITY OF WESTERN SYDNEY LAW REVIEW (16) 2012 : 79-99
Abstract: Discussion of how the supervisory role of the High Court has shaped Australian labour law - jurisdictional scope of 'industrial matters' under the Constitution - move towards reliance on corporations power in statutory labour law.

Legal Cases: Australian Tramway Employees Assoc v Prahran & Malvern Tramways Trust (1918) 25 CLR 394
Clancy v Butchers Shop Employees Union (1904) 1 CLR 181
Federated Clerks Union of Australia v Victorian Employers Federation (1984) 154 CLR 472
Federated Clothing Trades of the Commonwealth v Archer (1919) 27 CLR 207
R v Commonwealth Conciliation and Arbitration Commission; ex parte Melbourne & Metropolitan Tramways Board (1966) 115 CLR 443
R v Holmes; Ex parte Public Service Association (NSW) (1977) 140 CLR 63
R v Kelly; ex parte State of Victoria (1950) 81 CLR 64
Re Cram; Ex parte NSW Colliery Proprietors Assoc Ltd (1987) 163 CLR 117

Legislation: Conciliation and Arbitration Act 1904 (CTH)
Constitution (CTH)

Subjects: CONSTITUTIONAL LAW
CORPORATIONS LAW
INDUSTRIAL RELATIONS
JURISPRUDENCE
SOCIOLOGY OF LAW

Jurisdictions: AUSTRALIA

INFORMATION TECHNOLOGY

AGIS No: 20132624
Title: Cyber bullying.
Authors: CASSIDY-VERNON, Cheryl
Source: BRIEF 40 (7) August 2013 : 20-22
Abstract: Young people and cyber bullying - legal implications - victims of bullying at school likely to become online aggressors - sexting - suggested ways to address cyber bullying.

Subjects: BULLYING
INFORMATION TECHNOLOGY
MOBILE DEVICES
SOCIAL MEDIA

Jurisdictions: AUSTRALIA

AGIS No: 20132627
Title: Paperless practice : risky or not?
Authors: NORTH, Ronwyn
Source: BRIEF 40 (7) August 2013 : 32-34
Abstract: Electronic record keeping for law firms - issues to consider - obligations to preserve original paper - technology - professional obligations to clients - good record keeping practice.

Subjects: ELECTRONIC COMMERCE
INFORMATION TECHNOLOGY
LAWYER CLIENT RELATIONSHIP
LEGAL PROFESSION
TECHNOLOGICAL INNOVATIONS

Jurisdictions: AUSTRALIA

INSOLVENCY

AGIS No: 20132609

Title: A practical guide for landlords dealing with insolvent tenants.

Authors: VIZOR, Daniel

Source: INHOUSE COUNSEL 16 (9) August 2013 : 161-164

Abstract: Insolvent tenants - protection of landlords interests - obtain maximum security at start of lease - act early if insolvency suspected - consequences of insolvency - administration - receivership - liquidation.

Legislation: Corporations Act 2001 (CTH)

Personal Property Securities Act 2009 (CTH)

Subjects: INSOLVENCY

LANDLORD AND TENANT

AGIS No: 20132610

Title: It's not over yet : the impact of insolvency on landlords.

Authors: FLAX, Vanessa

BENNETT, Meredith

Source: INHOUSE COUNSEL 16 (9) August 2013 : 165-168

Abstract: Summary of common insolvency regimes - impacts of each regime on commercial leases from a landlord's perspective - practical tips for landlords when dealing with an insolvent tenant.

Legislation: Corporations Act 2001 (CTH)

Subjects: INSOLVENCY

LANDLORD AND TENANT

INSURANCE

AGIS No: 20132532

Title: Denial of TPD claim not unreasonable : Chapman v United Super Pty Ltd.

Authors: LEE, Newton

DRUMMOND, Stanley

Source: AUSTRALIAN SUPERANNUATION LAW BULLETIN 24 (10) July 2013 : 226-227

Abstract: Medical evidence that claimant not totally and permanently disabled - capacity to resume work in an occupation for which the claimant was reasonably suited by education training or experience - duty of insurer and duty of trustee - case law.

Legal Cases: Chapman v United Super Pty Ltd [2013] NSWSC 592

Subjects: INSURANCE

SUPERANNUATION

WORKERS COMPENSATION

Jurisdictions: AUSTRALIA, New South Wales

INTELLECTUAL PROPERTY

AGIS No: 20132575
Title: Community economic development in patenting traditional knowledge : a case study of the Mudjala TK project in the Kimberley region of Western Australia.
Authors: MARSHALL, Virginia
JANKE, Terri
WATSON, Anthony
Source: INDIGENOUS LAW BULLETIN 8 (6) May / June 2013 : 17-21
Abstract: Case study in opportunities for commercialisation of Indigenous traditional knowledge - particular issues with patents and traditional knowledge.
Legislation: Patents Act 1990 (CTH)
Subjects: ABORIGINES
INDIGENOUS PEOPLE
INTELLECTUAL PROPERTY
PATENTS
Treaties: UN Declaration on the Rights of Indigenous Peoples
Jurisdictions: AUSTRALIA, Western Australia

AGIS No: 20132514
Title: Copyright in patent specifications and prior art documents : addressing legitimate rights of user.
Authors: MCENIERY, Ben
Source: INTELLECTUAL PROPERTY FORUM : JOURNAL OF THE INTELLECTUAL PROPERTY SOCIETY OF AUSTRALIA AND NEW ZEALAND (93) June 2013 : 49-57
Abstract: Comment on amendments to s 226 of Copyright Act 1968 (Cth) to allow use of published patent specifications without breaching copyright - argument that non-patent prior art documents should also be covered.
Legal Cases: Copyright Agency Ltd v New South Wales (2008) 233 CLR 279
Legislation: Copyright Act 1968 (CTH)
Intellectual Property Laws Amendment (Raising the Bar) Act 2012 (CTH)
Patents Act 1990 (CTH)
Subjects: COPYRIGHT
INTELLECTUAL PROPERTY
PATENTS
Jurisdictions: AUSTRALIA

AGIS No: 20132512
Title: High stakes on the digital high seas : copyright and piracy in the 21st century.
Authors: HUTHWAITE, Thomas
Source: INTELLECTUAL PROPERTY FORUM : JOURNAL OF THE INTELLECTUAL PROPERTY SOCIETY OF AUSTRALIA AND NEW ZEALAND (93) June 2013 : 9-28
Abstract: History of copyright and piracy - responses by publishers - overview of case law - potential future of digital media.

Subjects: COPYRIGHT
INTELLECTUAL PROPERTY
MUSIC
PERFORMERS RIGHTS

AGIS No: 20132513

Title: New Zealand copyright law and transformative works.

Authors: MENARY, Karli

Source: INTELLECTUAL PROPERTY FORUM : JOURNAL OF THE INTELLECTUAL
PROPERTY SOCIETY OF AUSTRALIA AND NEW ZEALAND (93) June 2013 : 29-47

Abstract: Examination of the application of New Zealand copyright law to transformative works -
music sampling - moral rights - performer's rights - disincentive to creation and
dissemination of transformative works.

Legislation: Copyright Act 1994 (NZ)

Subjects: COPYRIGHT
INTELLECTUAL PROPERTY
MUSIC
PERFORMERS RIGHTS

Jurisdictions: NEW ZEALAND

AGIS No: 20132516

Title: Sharing the benefits of commercialisation of traditional knowledge : what are the key
success factors?

Authors: JOSHI, Rajul G
CHELLIAH, John

Source: INTELLECTUAL PROPERTY FORUM : JOURNAL OF THE INTELLECTUAL
PROPERTY SOCIETY OF AUSTRALIA AND NEW ZEALAND (93) June 2013 : 60-66

Abstract: Protection of intellectual property rights in traditional knowledge and resources - fair and
equitable benefit-sharing.

Subjects: INTELLECTUAL PROPERTY

Treaties: Convention on Biological Diversity
UN Declaration on the Rights of Indigenous Peoples

INTEREST RATES

AGIS No: 20132499

Title: Interest matters : what you should know about interest awards in the courts.

Authors: LEE, Stephen

Source: PROCTOR 33 (5) June 2013 : 30-33

Abstract: Overview of the four main bases of jurisdiction to award interest - practical tips for
practitioners.

Legislation: Civil Proceedings Act 2011 (QLD)

Subjects: CIVIL PROCEDURE
INTEREST RATES

Jurisdictions: AUSTRALIA, Queensland

INTERGOVERNMENTAL RELATIONS

AGIS No: 20132563

Title: MAKING a federal case out of it : accountability in a joined-up world.

Source: PUBLIC ADMINISTRATION TODAY (35) July / September 2013 : 44-46

Abstract: Speech given by Mary Anne O'Loughlin - accountability arrangements for funding between the Commonwealth and states - constitutional challenges of the Australian federation - vertical fiscal imbalance - National Agreements - National Partnership Agreements.

Subjects: CONSTITUTIONAL LAW
FEDERALISM
INTERGOVERNMENTAL RELATIONS
PUBLIC ADMINISTRATION

Jurisdictions: AUSTRALIA

INTERNATIONAL COURTS

AGIS No: 20132509

Title: A critical analysis of the transitional justice measures incorporated by Rwandan gacaca and their effectiveness.

Authors: HERRMANN, Judith

Source: JAMES COOK UNIVERSITY LAW REVIEW (19) 2012 : 90-112

Abstract: Concept of transitional justice - objectives of transitional justice as recognition of victims and the promotion of peace democracy and reconciliation - 'five pillars' of holistic approach to transitional justice - accountability - truth recovery - reconciliation - reparations - institutional reform - extent to which Rwanda's Gacaca courts achieved these purposes.

Subjects: CRIMINAL LAW
INTERNATIONAL COURTS
INTERNATIONAL CRIMINAL LAW
RESTORATIVE JUSTICE
WAR CRIMES
WAR CRIMES TRIALS

Jurisdictions: RWANDA

INTERNATIONAL CRIMINAL LAW

AGIS No: 20132509

Title: A critical analysis of the transitional justice measures incorporated by Rwandan gacaca and their effectiveness.

Authors: HERRMANN, Judith

Source: JAMES COOK UNIVERSITY LAW REVIEW (19) 2012 : 90-112

Abstract: Concept of transitional justice - objectives of transitional justice as recognition of victims and the promotion of peace democracy and reconciliation - 'five pillars' of holistic approach to transitional justice - accountability - truth recovery - reconciliation - reparations - institutional reform - extent to which Rwanda's Gacaca courts achieved these purposes.

Subjects: CRIMINAL LAW
INTERNATIONAL COURTS
INTERNATIONAL CRIMINAL LAW
RESTORATIVE JUSTICE
WAR CRIMES
WAR CRIMES TRIALS

Jurisdictions: RWANDA

INTERNATIONAL FINANCE

AGIS No: 20132639
Title: UCP 500 to 600 : a forward movement.
Authors: RODRIGO, Thanuja
Source: eLaw journal : Murdoch University Electronic Journal of Law 18 (2) 2011 : 1-21

Abstract: Uniform Customs and Practice for Documentary Credits 6th revision (UCP 600) - International Chamber of Commerce - examination of key changes made in UCP 600 - letters of credit in international trade - clarification of roles - rules for documentary credit disputes.

Subjects: INTERNATIONAL FINANCE

INTERNATIONAL TRADE

AGIS No: 20132661
Title: Jurisdiction of US courts over foreign product manufacturers after J McIntyre Machinery, Ltd v Nicastro.
Authors: LINDSAY, Alvin F
Source: AUSTRALIAN PRODUCT LIABILITY REPORTER 24 (1) September 2013 : 11-14

Abstract: Circumstances in which United States courts can assert jurisdiction to force non-resident manufacturers to defend lawsuits brought in US courts - stream-of-commerce doctrine - case law.

Legal Cases: Asahi Metal Industry Co v Superior Court of California (1987) 480 US 102
J McIntyre Machinery Ltd v Nicastro (2011) 180 L Ed 2d 765

Subjects: INTERNATIONAL TRADE
JURISDICTION
PRODUCTS LIABILITY

Jurisdictions: UNITED STATES

INTERNET

AGIS No: 20132591
Title: Apple's privacy policy.

Authors: MANDERY, Maya
Source: NEW ZEALAND LAW JOURNAL August 2013 : 265-266
Abstract: Sharing of personal information by companies - recent German decision on Apple's privacy policy - "global consent" too general and vague - users unsure of purpose and scope of data collection - Apple's privacy policy in New Zealand.
Subjects: INTERNET
PRIVACY
Jurisdictions: GERMANY
NEW ZEALAND

AGIS No: 20132578
Title: Parental involvement in preventing and responding to cyberbullying.
Authors: ROBINSON, Eily
Source: FAMILY MATTERS (92) 2013 : 68-76
Abstract: Characteristics of cyberbullying - prevalence - level of harm - parental prevention and responses to cyberbullying - internet monitoring - disclosure - identification - parents and schools working together.
Subjects: BULLYING
CHILDREN
INTERNET
MOBILE DEVICES
SOCIAL MEDIA
YOUNG PERSONS
Jurisdictions: AUSTRALIA

JOINT VENTURES

AGIS No: 20132612
Title: Joint venture or cartel arrangement?
Authors: ZAURRINI, Ross
PHILLIPS, Alyssa
Source: INHOUSE COUNSEL 16 (9) August 2013 : 176-179
Abstract: Competition law and joint ventures - fine line between collaborative conduct and cartel conduct - anti-competition prohibitions - Australian Consumer and Competition Commission - joint venture exception - managing risk - practical tips on joint ventures.
Legislation: Competition and Consumer Act 2010 (CTH)
Subjects: CARTELS
JOINT VENTURES
RISK MANAGEMENT
Jurisdictions: AUSTRALIA

JUDICIAL REVIEW

AGIS No: 20132602

Title: Critical appraisal of 'patent illegality' as a ground for setting aside an arbitral award in India.

Authors: ARYA, Garima Budhiraja
SEBASTIAN, Tania

Source: BOND LAW REVIEW 24 (2) December 2012 : 157-177

Abstract: Legislative history of arbitration in India - public policy and judicial decisions - judicial review of arbitral awards - use of 'patent illegality' to set aside arbitral awards - case law.

Legal Cases: ONGC v Saw Pipes Ltd (2003) 5 SCC 705
Renusagar Power Co Ltd v General Electric Co (1994) 1 SCC Supl 644

Legislation: Arbitration and Conciliation Act 1996 (INDIA)
Foreign Awards (Recognition and Enforcement) Act 1961 (INDIA)

Subjects: ARBITRATION
JUDICIAL REVIEW

Jurisdictions: INDIA

AGIS No: 20132636

Title: Judicial review for the convicted felon in Australia : a consideration of statutory context and the doctrine of attainder.

Authors: DONNELLY, Jason

Source: UNIVERSITY OF WESTERN SYDNEY LAW REVIEW (16) 2012 : 137-154

Abstract: Statutory prohibition on persons in custody for a serious indictable offence from commencing civil proceedings - meaning of 'civil proceedings' - examination of common law doctrine of attainder - civil rights of prisoners - statutory interpretation - case law.

Legal Cases: Patsalis v State of New South Wales [2012] NSWCA 307

Legislation: Felons (Civil Proceedings) Act 1981 (NSW)

Subjects: CIVIL PROCEDURE
JUDICIAL REVIEW
PENOLOGY
PRISONERS

Jurisdictions: AUSTRALIA, New South Wales

AGIS No: 20132493

Title: The concept of 'deference' in judicial review of administrative decisions in Australia : part 1.

Authors: FRECKELTON, Alan

Source: AIAL FORUM (73) July 2013 : 52-70

Abstract: Rejection of the deference approach in Enfield - reasons for rejection - examination of concept of 'judicial power in the Commonwealth'.

Legal Cases: Enfield City Corporation v Development Assessment Commission (2000) 199 CLR 135

Subjects: ADMINISTRATIVE LAW
JUDICIAL REVIEW

Jurisdictions: AUSTRALIA

JUDICIARY

AGIS No: 20132475
Title: A view from the top.
Authors: STINSON, Jayne
Source: BULLETIN (LAW SOCIETY OF S.A.) 35 (5) June 2013 : 14-15
Abstract: Profile of retiring Chief Judge Terry Worthington - early life - committee work - concerns about high case load.
Subjects: JUDICIARY
Jurisdictions: AUSTRALIA, South Australia

AGIS No: 20132570
Title: Children's direct participation and the views of Australian judges.
Authors: FERNADO, Michelle
Source: FAMILY MATTERS (92) 2013 : 41-47
Abstract: Children's direct participation in family law matters - judges hearing directly from children - judicial views on meeting with children - recommendations to ensure children are heard - children's views on their level of participation.
Subjects: CHILDREN
CHILDRENS EVIDENCE
FAMILY COURT
JUDICIARY
Jurisdictions: AUSTRALIA

JURIES

AGIS No: 20132628
Title: Courts and social media : opportunities and challenges?
Authors: WALLACE, Anne
KEYZER, Patrick
JOHNSTON, Jane
AND, others
Source: BRIEF 40 (7) August 2013 : 36-39
Abstract: Impact of social media on the administration of justice - jury trials - research in Australia on concerns among justice system stakeholders - challenges and opportunities of social media.
Subjects: CRIMINAL PROCEDURE
JURIES
SOCIAL MEDIA
Jurisdictions: AUSTRALIA

JURISDICTION

AGIS No: 20132661
Title: Jurisdiction of US courts over foreign product manufacturers after J McIntyre Machinery, Ltd v Nicastro.

Authors: LINDSAY, Alvin F
Source: AUSTRALIAN PRODUCT LIABILITY REPORTER 24 (1) September 2013 : 11-14
Abstract: Circumstances in which United States courts can assert jurisdiction to force non-resident manufacturers to defend lawsuits brought in US courts - stream-of-commerce doctrine - case law.
Legal Cases: Asahi Metal Industry Co v Superior Court of California (1987) 480 US 102
J McIntyre Machinery Ltd v Nicastro (2011) 180 L Ed 2d 765
Subjects: INTERNATIONAL TRADE
JURISDICTION
PRODUCTS LIABILITY
Jurisdictions: UNITED STATES

AGIS No: 20132654
Title: 'Officers of the Commonwealth' in the private sector : can the High Court review outsourced exercises of power?
Authors: BOUGHEY, Janina
WEEKS, Greg
Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 36 (1) 2013 : 316-357
Abstract: Examination of the extent to which the original review jurisdiction of the High Court is able to deal with outsourced exercises of power - lack of High Court definition of 'officer of the Commonwealth' - public function test - control test.
Legal Cases: R v Panel on Take-Overs and Mergers; Ex parte Datafin Plc (1987) 1 QB 815
Legislation: Constitution (CTH)
Subjects: CONSTITUTIONAL LAW
HIGH COURT
JURISDICTION
OUTSOURCING
Jurisdictions: AUSTRALIA

JURISPRUDENCE

AGIS No: 20132559
Title: A cautionary note on therapeutic jurisprudence for Aboriginal offenders.
Authors: LARSEN, Ann-Claire
MILNES, Peter
Source: eLaw journal : Murdoch University Electronic Journal of Law 18 (1) 2011 : 1-27
Abstract: Therapeutic jurisprudence - promotion of wellbeing of offender to improve rehabilitation prospects - shortcomings of the adversarial system - practical issues in the implementation of therapeutic jurisprudence - challenges for the adversarial system.
Subjects: CRIMINAL OFFENDERS REHABILITATION
JURISPRUDENCE
Jurisdictions: AUSTRALIA

AGIS No: 20132634
Title: Australian statutory labour law and the near death experience of the doctrine of managerial prerogatives.
Authors: CARRIGAN, Frank
Source: UNIVERSITY OF WESTERN SYDNEY LAW REVIEW (16) 2012 : 79-99
Abstract: Discussion of how the supervisory role of the High Court has shaped Australian labour law - jurisdictional scope of 'industrial matters' under the Constitution - move towards reliance on corporations power in statutory labour law.

Legal Cases: Australian Tramway Employees Assoc v Prahran & Malvern Tramways Trust (1918) 25 CLR 394
Clancy v Butchers Shop Employees Union (1904) 1 CLR 181
Federated Clerks Union of Australia v Victorian Employers Federation (1984) 154 CLR 472
Federated Clothing Trades of the Commonwealth v Archer (1919) 27 CLR 207
R v Commonwealth Conciliation and Arbitration Commission; ex parte Melbourne & Metropolitan Tramways Board (1966) 115 CLR 443
R v Holmes; Ex parte Public Service Association (NSW) (1977) 140 CLR 63
R v Kelly; ex parte State of Victoria (1950) 81 CLR 64
Re Cram; Ex parte NSW Colliery Proprietors Assoc Ltd (1987) 163 CLR 117

Legislation: Conciliation and Arbitration Act 1904 (CTH)
Constitution (CTH)

Subjects: CONSTITUTIONAL LAW
CORPORATIONS LAW
INDUSTRIAL RELATIONS
JURISPRUDENCE
SOCIOLOGY OF LAW

Jurisdictions: AUSTRALIA

AGIS No: 20132633
Title: The 'day fine' : improving equality before the law in Australian sentencing.
Authors: BARTL, Benedict
Source: UNIVERSITY OF WESTERN SYDNEY LAW REVIEW (16) 2012 : 48-78
Abstract: Legislative prescription of minimum fines - unequal impact on less wealthy - European income-based fining system known as the 'day fine' - potential to reduce Australian reliance on imprisonment - equality before the law.

Subjects: JURISPRUDENCE
PENALTIES
PENOLOGY
PUNISHMENT
SENTENCING
SOCIOLOGY OF LAW

Jurisdictions: AUSTRALIA
GERMANY

LAND TITLES

AGIS No: 20132588
Title: Maori claims and private law.
Authors: CARPENTER, Samuel
Source: NEW ZEALAND LAW JOURNAL August 2013 : 253-256
Abstract: Maori legal claims against the Crown - breaches of trust and fiduciary duties - relationship between Crown and hapu/iwi - land ownership - customary title - case law.

Legal Cases: Paki v Attorney-General (2009) 1 NZLR 72
Paki v Attorney-General (2011) 1 NZLR 125
Paki v Attorney-General (2012) 3 NZLR 277
Proprietors of Wakatu Incorporated v Attorney-General [2012] NZHC 1461

Legislation: Resource Management Act 1991 (NZ)
Subjects: LAND TITLES
MAORIS
Jurisdictions: NEW ZEALAND

LANDLORD AND TENANT

AGIS No: 20132609
Title: A practical guide for landlords dealing with insolvent tenants.
Authors: VIZOR, Daniel
Source: INHOUSE COUNSEL 16 (9) August 2013 : 161-164
Abstract: Insolvent tenants - protection of landlords interests - obtain maximum security at start of lease - act early if insolvency suspected - consequences of insolvency - administration - receivership - liquidation.

Legislation: Corporations Act 2001 (CTH)
Personal Property Securities Act 2009 (CTH)
Subjects: INSOLVENCY
LANDLORD AND TENANT

AGIS No: 20132610
Title: It's not over yet : the impact of insolvency on landlords.
Authors: FLAX, Vanessa
BENNETT, Meredith
Source: INHOUSE COUNSEL 16 (9) August 2013 : 165-168
Abstract: Summary of common insolvency regimes - impacts of each regime on commercial leases from a landlord's perspective - practical tips for landlords when dealing with an insolvent tenant.

Legislation: Corporations Act 2001 (CTH)
Subjects: INSOLVENCY
LANDLORD AND TENANT

AGIS No: 20132608
Title: Retail tenancies legislation applies to more than just "shops".

Authors: CAMERON, Max
MCCONVILL, Jennifer

Source: INHOUSE COUNSEL 16 (9) August 2013 : 155-160

Abstract: Effect of retail tenancy legislation on premises leased by company - protections provided to tenants - obligations of landlords - legislation also applies to premises from which services are provided - overview of retail tenancy legislation in each state and territory.

Legislation: Business Tenancies (Fair Dealings) Act 2003 (NT)
Commercial Tenancy (Retail Shops) Agreements Act 1985 (WA)
Leases (Commercial and Retail) Act 2001 (ACT)
Retail Leases Act 1986 (VIC)
Retail Leases Act 1994 (NSW)
Retail Shop Leases Act 1994 (QLD)

Subjects: LANDLORD AND TENANT

Jurisdictions: AUSTRALIA

LANGUAGE

AGIS No: 20132550

Title: A bit about words : cutting through.

Authors: BURNSIDE, Julian

Source: VICTORIAN BAR NEWS (153) Winter 2013 : 86-87

Abstract: Essay on the absence of "philtrum" from the Oxford English Dictionary.

Subjects: LANGUAGE
PLAIN ENGLISH

Jurisdictions: AUSTRALIA

AGIS No: 20132614

Title: Under western eyes again? Rights vernacular and the gender culture 'clash'.

Authors: PARDY, Maree

Source: AUSTRALIAN JOURNAL OF HUMAN RIGHTS 19 (1) August 2013 : 31-53

Abstract: Human rights - 'culture' as an obstacle to realisation of women's rights - cultural relativism - anthropological approach to demonstrate how women's human rights are remade in the vernacular.

Subjects: FEMINISM
HUMAN RIGHTS
LANGUAGE

Jurisdictions: AUSTRALIA

LAW FIRMS

AGIS No: 20132487

Title: Business development 101 : a basic introduction to BD in law firms.

Authors: CREEK, Simon
GRENNELL, Michael

Source: BRIEF 40 (5) June 2013 : 34-36
Abstract: Role of business development (BD) teams in a law firm - facilitating relationships - tenders and proposals - emarketing - innovation - communicating with partners and directors.
Subjects: BUSINESS ADMINISTRATION
LAW FIRMS
MARKETING

LAW REFORM

AGIS No: 20132492
Title: Amendments to the Commonwealth Acts Interpretation Act.
Authors: LEHANE, Anna
ORR, Robert
Source: AIAL FORUM (73) July 2013 : 40-51
Abstract: Interpreting legislation under the Acts Interpretation Act - background to recent reforms - outline of amendments - purpose and effect of amendments.
Legislation: Acts Interpretation Act 1901 (CTH)
Acts Interpretation Amendment Act 2011 (CTH)
Subjects: LAW REFORM
STATUTORY INTERPRETATION
Jurisdictions: AUSTRALIA

AGIS No: 20132632
Title: Developing national civil commitment laws for the mentally ill.
Authors: BARNETT, Michael
Source: UNIVERSITY OF WESTERN SYDNEY LAW REVIEW (16) 2012 : 18-47
Abstract: Examination of current mental health and civil commitment laws across Australian jurisdictions - lack of consistency - resourcing and cross-jurisdictional issues - human rights - mental health tribunals - case for national laws or nationally consistent laws.
Subjects: LAW REFORM
MENTAL HEALTH
MENTAL ILLNESS
Treaties: Convention on the Rights of Persons with Disabilities
United Nations Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care
Jurisdictions: AUSTRALIA

AGIS No: 20132648
Title: Rehabilitating totality in sentencing : from obscurity to principle.
Authors: BAGARIC, Mirko
ALEXANDER, Theo
Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 36 (1) 2013 : 139-167

Abstract: Examination of the application of the totality principle in cases of multiple offending - issues with uncertainty about the scope and impact of doctrine of totality on the overall sentence - rationale and justification - proposals for reform.

Subjects: LAW REFORM
SENTENCING

Jurisdictions: AUSTRALIA

LAWYER CLIENT RELATIONSHIP

AGIS No: 20132488

Title: Lawyers as 'beauty contest' participants.

Authors: DAL PONT, Gino

Source: BRIEF 40 (5) June 2013 : 42

Abstract: Acting against a former client - misuse of confidential information - disqualification - 'beauty contest' scenario where clients consult multiple lawyers or firms.

Subjects: LAWYER CLIENT RELATIONSHIP

AGIS No: 20132627

Title: Paperless practice : risky or not?

Authors: NORTH, Ronwyn

Source: BRIEF 40 (7) August 2013 : 32-34

Abstract: Electronic record keeping for law firms - issues to consider - obligations to preserve original paper - technology - professional obligations to clients - good record keeping practice.

Subjects: ELECTRONIC COMMERCE
INFORMATION TECHNOLOGY
LAWYER CLIENT RELATIONSHIP
LEGAL PROFESSION
TECHNOLOGICAL INNOVATIONS

Jurisdictions: AUSTRALIA

LEADERSHIP

AGIS No: 20132564

Title: Leadership : not an 'option'.

Authors: ACHTERSTRAAT, Peter

Source: PUBLIC ADMINISTRATION TODAY (35) July / September 2013 : 47-48

Abstract: Analysis of what makes an effective leader for the public sector.

Subjects: LEADERSHIP
MANAGEMENT
PUBLIC SECTOR

Jurisdictions: AUSTRALIA, New South Wales

LEGAL AID

AGIS No: 20132546
Title: A word, or two, to the wise.
Authors: DANOS, Tom
Source: VICTORIAN BAR NEWS (153) Winter 2013 : 52
Abstract: Report on the address by Attorney-General Mark Dreyfus to the 2013 Victorian Bar conference - pro bono work and the legal profession - Commonwealth review of legal aid.
Subjects: LEGAL AID
PRO BONO SERVICES
Jurisdictions: AUSTRALIA

AGIS No: 20132540
Title: Legal aid in chronic decline.
Authors: MOGLIA, Simon
Source: VICTORIAN BAR NEWS (153) Winter 2013 : 25-27
Abstract: Implications of decline in legal aid funding - access to justice - impact on Victorian Bar.

Legal Cases: R v Chaouk [2013] VSC 48
R v Chaouk [2013] VSCA 99
Subjects: LEGAL AID
LEGAL AID FUNDING
Jurisdictions: AUSTRALIA, Victoria

AGIS No: 20132538
Title: The challenge of improving access to justice.
Authors: DREYFUS, Mark
Source: VICTORIAN BAR NEWS (153) Winter 2013 : 22-23
Abstract: Opinion piece by Commonwealth Attorney-General - access to justice as broad concept.
Subjects: COMMUNITY LEGAL EDUCATION
COMMUNITY LEGAL SERVICES
LEGAL AID
LEGAL NEED
LEGAL SYSTEM
Jurisdictions: AUSTRALIA

LEGAL AID FUNDING

AGIS No: 20132540
Title: Legal aid in chronic decline.
Authors: MOGLIA, Simon
Source: VICTORIAN BAR NEWS (153) Winter 2013 : 25-27
Abstract: Implications of decline in legal aid funding - access to justice - impact on Victorian Bar.

Legal Cases: R v Chaouk [2013] VSC 48
R v Chaouk [2013] VSCA 99
Subjects: LEGAL AID
LEGAL AID FUNDING
Jurisdictions: AUSTRALIA, Victoria

LEGAL EDUCATION

AGIS No: 20132644
Title: Class participation as a learning and assessment strategy in law : facilitating students' engagement, skills development and deep learning.
Authors: STEEL, Alex
LAURENS, Julian
HUGGINS, Anna
Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 36 (1) 2013 : 30-55
Abstract: Role and benefits of assessable class participation (ACP) in law students education - barriers to ACP for students and methods for reducing barriers.
Subjects: LEGAL EDUCATION
LEGAL PROFESSION
Jurisdictions: AUSTRALIA

AGIS No: 20132635
Title: Educating culturally sensible lawyers : a study of student attitudes about the role culture plays in the lawyering process.
Authors: CURCIO, Andrea C
WARD, Teresa M
DOGRA, Nisha
Source: UNIVERSITY OF WESTERN SYDNEY LAW REVIEW (16) 2012 : 100-128
Abstract: Inclusion of cultural competence education in legal education - need for awareness of cultural perspectives and how this may affect aspects of lawyering process - survey results on cultural competence and implications for law schools.
Subjects: LEGAL EDUCATION
LEGAL PROFESSION
MULTICULTURALISM
Jurisdictions: UNITED STATES

AGIS No: 20132574
Title: Interview with Gemma McKinnon.
Authors: MCCREERY, Robert
Source: INDIGENOUS LAW BULLETIN 8 (6) May / June 2013 : 14-16
Abstract: Recipient of Churchill Fellowship - research into admissions programs and support mechanisms for Indigenous law students.

Subjects: INDIGENOUS PEOPLE
LEGAL EDUCATION
LEGAL PROFESSION
Jurisdictions: AUSTRALIA

AGIS No: 20132500
Title: Surviving due diligence : tips to tackle the task at hand.
Authors: OLIVER, Greer
Source: PROCTOR 33 (5) June 2013 : 36-37
Abstract: Tips for early career lawyers on undertaking due diligence inquiries.
Subjects: CORPORATIONS LAW
LEGAL EDUCATION
LEGAL PROFESSION
MERGERS
Jurisdictions: AUSTRALIA

LEGAL ETHICS

AGIS No: 20132630
Title: Advice when it's needed.
Authors: DAL PONT, Gino
Source: BRIEF 40 (7) August 2013 : 45
Abstract: Obligation of lawyer to advise client of financial implications of transaction as well as legal implications - negligence.
Legal Cases: O'Brien v Hooker Homes Pty Ltd (1993) 6 BPR 13,182
Provident Capital Ltd v Papa [2013] NSWCA 36
Riz v Perpetual Trustee Australia (2008) NSW ConvR 56-198
Subjects: LEGAL ETHICS
LEGAL PROFESSION
NEGLIGENCE
Jurisdictions: AUSTRALIA, New South Wales

LEGAL HISTORY

AGIS No: 20132655
Title: The continued relevance of servitude.
Authors: VAN DER WALT, AJ
Source: PROPERTY LAW REVIEW 3 (1) August 2013 : 3-35
Abstract: Control over the creation and continued exercise of real rights in or real burdens on land - easements - exploration of narratives explaining the effects of the abolition of feudalism in modern servitude law - unitary notion of ownership - promotion of efficient land use.

Subjects: EASEMENTS
LEGAL HISTORY
LEGAL THEORY
PROPERTY LAW
REAL PROPERTY

LEGAL NEED

AGIS No: 20132538
Title: The challenge of improving access to justice.
Authors: DREYFUS, Mark
Source: VICTORIAN BAR NEWS (153) Winter 2013 : 22-23
Abstract: Opinion piece by Commonwealth Attorney-General - access to justice as broad concept.
Subjects: COMMUNITY LEGAL EDUCATION
COMMUNITY LEGAL SERVICES
LEGAL AID
LEGAL NEED
LEGAL SYSTEM
Jurisdictions: AUSTRALIA

LEGAL PROFESSION

AGIS No: 20132543
Title: A study in contradictions : Le Stage International du Barreau de Paris.
Authors: BRENNAN, Amy
Source: VICTORIAN BAR NEWS (153) Winter 2013 : 37-39
Abstract: Perspective on French legal system and profession from an Australian lawyer undertaking a "traineeship" for international lawyers in Paris.
Subjects: BARRISTERS
CIVIL LAW
LEGAL PROFESSION
LEGAL SYSTEM
Jurisdictions: FRANCE

AGIS No: 20132519
Title: Access to justice : case studies of the role of community legal centres in Western Australia.
Authors: GEORGIU, Marina
Source: BRIEF 40 (6) July 2013 : 12-14
Abstract: Snapshots of three community legal centres - stolen wages scheme case study - tenancy case study - pro bono work.
Subjects: COMMUNITY LEGAL SERVICES
LEGAL PROFESSION
PRO BONO SERVICES
Jurisdictions: AUSTRALIA, Western Australia

AGIS No: 20132625
Title: Admission requirements for overseas lawyers.
Authors: SCHLINK, Sabina
Source: BRIEF 40 (7) August 2013 : 23
Abstract: Overview of admission requirements for overseas lawyers seeking admission as lawyers in Western Australia.
Subjects: LEGAL PROFESSION
Jurisdictions: AUSTRALIA, Western Australia

AGIS No: 20132630
Title: Advice when it's needed.
Authors: DAL PONT, Gino
Source: BRIEF 40 (7) August 2013 : 45
Abstract: Obligation of lawyer to advise client of financial implications of transaction as well as legal implications - negligence.
Legal Cases: O'Brien v Hooker Homes Pty Ltd (1993) 6 BPR 13,182
Provident Capital Ltd v Papa [2013] NSWCA 36
Riz v Perpetual Trustee Australia (2008) NSW ConvR 56-198
Subjects: LEGAL ETHICS
LEGAL PROFESSION
NEGLIGENCE
Jurisdictions: AUSTRALIA, New South Wales

AGIS No: 20132626
Title: An interview with Christian Porter.
Authors: CREEK, Simon
VERSTEEGEN, James
Source: BRIEF 40 (7) August 2013 : 28-31
Abstract: Interview with former Western Australian Attorney-General - lawyers and politics - role of State Attorney-General.
Subjects: ATTORNEY-GENERAL
LEGAL PROFESSION
POLITICS AND GOVERNMENT
Jurisdictions: AUSTRALIA, Western Australia

AGIS No: 20132644
Title: Class participation as a learning and assessment strategy in law : facilitating students' engagement, skills development and deep learning.
Authors: STEEL, Alex
LAURENS, Julian
HUGGINS, Anna
Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 36 (1) 2013 : 30-55

Abstract: Role and benefits of assessable class participation (ACP) in law students education - barriers to ACP for students and methods for reducing barriers.
Subjects: LEGAL EDUCATION
LEGAL PROFESSION
Jurisdictions: AUSTRALIA

AGIS No: 20132635
Title: Educating culturally sensible lawyers : a study of student attitudes about the role culture plays in the lawyering process.
Authors: CURCIO, Andrea C
WARD, Teresa M
DOGRA, Nisha
Source: UNIVERSITY OF WESTERN SYDNEY LAW REVIEW (16) 2012 : 100-128
Abstract: Inclusion of cultural competence education in legal education - need for awareness of cultural perspectives and how this may affect aspects of lawyering process - survey results on cultural competence and implications for law schools.

Subjects: LEGAL EDUCATION
LEGAL PROFESSION
MULTICULTURALISM
Jurisdictions: UNITED STATES

AGIS No: 20132574
Title: Interview with Gemma McKinnon.
Authors: MCCREERY, Robert
Source: INDIGENOUS LAW BULLETIN 8 (6) May / June 2013 : 14-16
Abstract: Recipient of Churchill Fellowship - research into admissions programs and support mechanisms for Indigenous law students.
Subjects: INDIGENOUS PEOPLE
LEGAL EDUCATION
LEGAL PROFESSION
Jurisdictions: AUSTRALIA

AGIS No: 20132479
Title: Judgment error : the tragic case of Legal Practitioners Conduct Board v Rowe.
Authors: THOMAS, Steven
Source: BULLETIN (LAW SOCIETY OF S.A.) 35 (5) June 2013 : 36-37
Abstract: Signing of affidavit before it is printed - attempt to minimise inconvenience to client - no financial gain - affidavit filed in accordance with client instructions - importance of ensuring affidavits executed properly.
Legal Cases: Legal Practitioners Conduct Board v Rowe [2012] SASFC 144
Subjects: LEGAL PROFESSION
Jurisdictions: AUSTRALIA, South Australia

AGIS No: 20132520
Title: Law access pro bono referral service.
Authors: HANSEN, Dominique
Source: BRIEF 40 (6) July 2013 : 16-17
Abstract: Overview of the Law Society's Law Access Pro Bono Referral Scheme - case study of pro bono service provided.
Subjects: LEGAL PROFESSION
PRO BONO SERVICES
Jurisdictions: AUSTRALIA, Western Australia

AGIS No: 20132494
Title: Long hours and promotion : is there a link? Research exposes worrying trend.
Authors: HETTERICH, Elisabeth
Source: PROCTOR 33 (5) June 2013 : 16-17
Abstract: Research finding that promotion decisions in law firms reward long hours - particular implications for female practitioners - practice management - strategies to ensure best candidates are promoted.
Subjects: LEGAL PROFESSION
WOMEN WORKERS
Jurisdictions: AUSTRALIA

AGIS No: 20132627
Title: Paperless practice : risky or not?
Authors: NORTH, Ronwyn
Source: BRIEF 40 (7) August 2013 : 32-34
Abstract: Electronic record keeping for law firms - issues to consider - obligations to preserve original paper - technology - professional obligations to clients - good record keeping practice.
Subjects: ELECTRONIC COMMERCE
INFORMATION TECHNOLOGY
LAWYER CLIENT RELATIONSHIP
LEGAL PROFESSION
TECHNOLOGICAL INNOVATIONS
Jurisdictions: AUSTRALIA

AGIS No: 20132623
Title: Pro bono : it's the vibe of the thing.
Authors: JENAWAY, David
Source: BRIEF 40 (7) August 2013 : 14-15
Abstract: Profile of pro bono work undertaken by Herbert Smith Freehills - reasons for undertaking pro bono work.
Subjects: LEGAL PROFESSION
PRO BONO SERVICES
Jurisdictions: AUSTRALIA, Western Australia

AGIS No: 20132542
Title: QC or not QC?
Authors: HAMPEL
WYLES, Michael D
Source: VICTORIAN BAR NEWS (153) Winter 2013 : 33-36
Abstract: Two viewpoints on the question of retaining "Senior Counsel" or returning to "Queen's Counsel".
Legislation: Supreme Court (Miscellaneous Civil Proceedings) Rules 2008 (VIC)
Subjects: BARRISTERS
LEGAL PROFESSION
Jurisdictions: AUSTRALIA, Victoria

AGIS No: 20132517
Title: Sea change to the red centre.
Authors: WATKINS, Alan
Source: BRIEF 40 (6) July 2013 : 8-9
Abstract: Profile of young lawyer undertaking internship with Central Land Council - Native Title Representative Body.
Subjects: LEGAL PROFESSION
NATIVE TITLE
Jurisdictions: AUSTRALIA

AGIS No: 20132621
Title: So you want to be a partner?
Authors: POLLOCK, Mark
Source: BRIEF 40 (7) August 2013 : 10-11
Abstract: Practical issues for lawyers considering entering as a partner in a legal practice - practice structure - goodwill - remuneration - financial exposure.
Subjects: LEGAL PROFESSION
Jurisdictions: AUSTRALIA

AGIS No: 20132500
Title: Surviving due diligence : tips to tackle the task at hand.
Authors: OLIVER, Greer
Source: PROCTOR 33 (5) June 2013 : 36-37
Abstract: Tips for early career lawyers on undertaking due diligence inquiries.
Subjects: CORPORATIONS LAW
LEGAL EDUCATION
LEGAL PROFESSION
MERGERS
Jurisdictions: AUSTRALIA

AGIS No: 20132663

Title: The "new advocacy" and the emergence of lawyer representatives in ADR.
Authors: COOPER, Donna
Source: AUSTRALASIAN DISPUTE RESOLUTION JOURNAL 24 (3) August 2013 : 178-186

Abstract: Emergence of "dispute resolution advocacy" role for lawyers - representation of clients in negotiation, mediation and conciliation processes - professional obligations as dispute resolution advocates - advocacy as non-adversarial practice.

Subjects: ADVOCACY
ALTERNATIVE DISPUTE RESOLUTION
LEGAL PROFESSION

AGIS No: 20132631
Title: The keys to opportunity : education, persistence and hard work.
Authors: COLEMAN, Ian Roy
Source: UNIVERSITY OF WESTERN SYDNEY LAW REVIEW (16) 2012 : 8-17
Abstract: Speech given by the Hon Justice Ian Roy Coleman to the University of Western Sydney Law Alumni November 2012 - reflections on a legal career.

Subjects: BIOGRAPHY
LEGAL PROFESSION

Jurisdictions: AUSTRALIA

AGIS No: 20132498
Title: There's no place like HPLC : a 'legal menu' serves help for the homeless.
Authors: GARLICK, Sue
Source: PROCTOR 33 (5) June 2013 : 26-28
Abstract: Profile of pro-bono partnership between Herbert Smith Freehills and the Homeless Persons' Legal Clinic - innovative ways to address legal needs of those suffering disadvantage.

Subjects: LEGAL PROFESSION
PRO BONO SERVICES

Jurisdictions: AUSTRALIA, Queensland

AGIS No: 20132544
Title: Why say yes?
Authors: COSTELLO, Georgina
Source: VICTORIAN BAR NEWS (153) Winter 2013 : 40-41
Abstract: Profile of three legal professionals who have accepted appointments to non-judicial office.

Subjects: LEGAL PROFESSION
PUBLIC ADMINISTRATION

Jurisdictions: AUSTRALIA

LEGAL RESEARCH

AGIS No: 20132611
Title: How to manage your e-Discovery.
Authors: CAVALLARO, Caterina
Source: INHOUSE COUNSEL 16 (9) August 2013 : 169-175
Abstract: Discovery costs - risks associated with managing large volumes of relevant documents - judicial criticism of rising discovery costs - control and management of discovery.

Subjects: COSTS
LEGAL RESEARCH
Jurisdictions: AUSTRALIA

LEGAL SYSTEM

AGIS No: 20132543
Title: A study in contradictions : Le Stage International du Barreau de Paris.
Authors: BRENNAN, Amy
Source: VICTORIAN BAR NEWS (153) Winter 2013 : 37-39
Abstract: Perspective on French legal system and profession from an Australian lawyer undertaking a "traineeship" for international lawyers in Paris.

Subjects: BARRISTERS
CIVIL LAW
LEGAL PROFESSION
LEGAL SYSTEM
Jurisdictions: FRANCE

AGIS No: 20132538
Title: The challenge of improving access to justice.
Authors: DREYFUS, Mark
Source: VICTORIAN BAR NEWS (153) Winter 2013 : 22-23
Abstract: Opinion piece by Commonwealth Attorney-General - access to justice as broad concept.

Subjects: COMMUNITY LEGAL EDUCATION
COMMUNITY LEGAL SERVICES
LEGAL AID
LEGAL NEED
LEGAL SYSTEM
Jurisdictions: AUSTRALIA

LEGAL THEORY

AGIS No: 20132620
Title: Exercising rights into existence : new human rights strategies by third world peoples.

Authors: LAMCHEK, Jayson S

Source: AUSTRALIAN JOURNAL OF HUMAN RIGHTS 19 (1) August 2013 : 175-196

Abstract: The rights exercised by ordinary people may be looked upon as real rights with legal consequences even if not recognised by the state - case study of strategies adopted by indigenous peoples in Mexico and undocumented migrant workers in Tennessee and in the Netherlands.

Subjects: HUMAN RIGHTS
LEGAL THEORY

Jurisdictions: MEXICO
NETHERLANDS
UNITED STATES

AGIS No: 20132656

Title: Lockean natural rights and the stewardship model of property.

Authors: HOWE, Helena

Source: PROPERTY LAW REVIEW 3 (1) August 2013 : 36-50

Abstract: Stewardship model of property as a concept to tackle social and environmental challenges - potential conflict with Lockean natural rights theory justifying an extensive rights model of property - argument that stewardship model does not involve denial of Lockean natural rights to property.

Subjects: LEGAL THEORY
PROPERTY LAW
REAL PROPERTY

AGIS No: 20132655

Title: The continued relevance of servitude.

Authors: VAN DER WALT, AJ

Source: PROPERTY LAW REVIEW 3 (1) August 2013 : 3-35

Abstract: Control over the creation and continued exercise of real rights in or real burdens on land - easements - exploration of narratives explaining the effects of the abolition of feudalism in modern servitude law - unitary notion of ownership - promotion of efficient land use.

Subjects: EASEMENTS
LEGAL HISTORY
LEGAL THEORY
PROPERTY LAW
REAL PROPERTY

LEGISLATION

AGIS No: 20132560

Title: Defending Singapore's Internal Security Act : balancing the need for national security with the rule of law.

Authors: ZEE, Josiah

Source: eLaw journal : Murdoch University Electronic Journal of Law 18 (1) 2011 : 28-46

Abstract: Development of the Internal Security Act (ISA) - amendments to the Act and Constitution - balance between the need for national security and the rule of law - arbitrary exercise of discretionary power by the executive - judicial review over executive discretion under the ISA contrary to the rule of law.

Legislation: Constitution (SINGAPORE)
Internal Security Act 1985 (SINGAPORE)

Subjects: LEGISLATION
NATIONAL SECURITY
RULE OF LAW

Jurisdictions: SINGAPORE

LEGISLATIVE DRAFTING

AGIS No: 20132522

Title: Law : complexity and moral clarity.

Authors: FRENCH, Robert

Source: BRIEF 40 (6) July 2013 : 24,25,28-30

Abstract: Keynote speech by the Chief Justice of the High Court the Hon Robert French AC - 2013 Law Week Luncheon - statutory complexity.

Legal Cases: Commissioner of Taxation v McNeil (2005) 144 FCR 514

Subjects: LEGISLATIVE DRAFTING
STATUTE LAW
STATUTORY INTERPRETATION

Jurisdictions: AUSTRALIA

AGIS No: 20132581

Title: Western Australia's constitutional documents : a drafting history.

Authors: HARVEY, Lee

Source: UNIVERSITY OF WESTERN AUSTRALIA LAW REVIEW 36 (2) April 2013 : 49-68

Abstract: Examination of the drafting history of the Constitution Act 1889 (WA) Constitution Acts Amendment Act 1899 (WA) and electoral laws.

Legislation: Constitution Act 1889 (WA)
Constitution Acts Amendment Act 1899 (WA)
Electoral Act 1907 (WA)

Subjects: CONSTITUTIONAL HISTORY
CONSTITUTIONS
LEGISLATIVE DRAFTING

Jurisdictions: AUSTRALIA, Western Australia

LIABILITY

AGIS No: 20132596

Title: Corporate homicide.

Authors: TAYLOR, Genevieve

Source: NEW ZEALAND LAW JOURNAL August 2013 : 277-280

Abstract: Pike River coal mine disaster - current laws relating to corporate homicide in New Zealand - Independent Taskforce on Work Health and Safety recommendation on workplace fatalities - current laws in England - future directions.

Legislation: Corporate Manslaughter and Corporate Homicide Act 2007 (UK)
Crimes Act 1961 (NZ)

Subjects: HOMICIDE
LIABILITY

Jurisdictions: ENGLAND
NEW ZEALAND

LICENSING

AGIS No: 20132562

Title: The future of copyright : can we do away with monopoly? Indicators from libre licensing.

Authors: LING, Clarence

Source: eLaw journal : Murdoch University Electronic Journal of Law 18 (1) 2011 : 47-60

Abstract: Monopoly under intellectual property regimes - libre licensing and its use - advantages of libre licensing over proprietary copyright - future directions of copyright regimes.

Legislation: Consumer Protection and Competition Act 1992 (USA)
Copyright Act 1968 (CTH)
Trade Marks Act 1995 (CTH)

Subjects: COPYRIGHT
LICENSING
MONOPOLIES

Treaties: Agreement on Trade Related Aspects of Intellectual Property Rights
Australia-United States Free Trade Agreement
Berne Convention for the Protection of Literary and Artistic Works

Jurisdictions: AUSTRALIA

MANAGEMENT

AGIS No: 20132564

Title: Leadership : not an 'option'.

Authors: ACHTERSTRAAT, Peter

Source: PUBLIC ADMINISTRATION TODAY (35) July / September 2013 : 47-48

Abstract: Analysis of what makes an effective leader for the public sector.

Subjects: LEADERSHIP
MANAGEMENT
PUBLIC SECTOR

Jurisdictions: AUSTRALIA, New South Wales

AGIS No: 20132556

Title: Partnership preferred.

Authors: HALLIDAY, Illana
NEWMAN, Michelle
Source: PUBLIC ADMINISTRATION TODAY (35) July / September 2013 : 26-27
Abstract: Exploration of differences between auspice arrangement and partnership between non-government organisation and a government department.
Subjects: COMMUNITY ORGANISATIONS
MANAGEMENT
PUBLIC ADMINISTRATION
PUBLIC SECTOR
Jurisdictions: AUSTRALIA
AUSTRALIA, New South Wales

AGIS No: 20132566
Title: Public sector professional capabilities : a standards framework for public sector professions.
Authors: FLYNN, Christine
TURNER, Alison
Source: PUBLIC ADMINISTRATION TODAY (35) July / September 2013 : 49-50
Abstract: Update on Institute of Public Administration Australia's (IPAA's) Professional Capabilities Project - improving public sector performance - benefits of standards framework - current progress.
Subjects: MANAGEMENT
PUBLIC ADMINISTRATION
PUBLIC SECTOR
Jurisdictions: AUSTRALIA

AGIS No: 20132558
Title: When being caring isn't enough.
Authors: MOFFATT, Lindsey
Source: PUBLIC ADMINISTRATION TODAY (35) July / September 2013 : 39-41
Abstract: Challenges for Tasmania's community services sector - labour and skills shortages - overview of whole-of-sector workforce development plan.
Subjects: BUSINESS ADMINISTRATION
COMMUNITY ORGANISATIONS
MANAGEMENT
PUBLIC ADMINISTRATION
Jurisdictions: AUSTRALIA, Tasmania

MAORIS

AGIS No: 20132588
Title: Maori claims and private law.
Authors: CARPENTER, Samuel
Source: NEW ZEALAND LAW JOURNAL August 2013 : 253-256

Abstract: Maori legal claims against the Crown - breaches of trust and fiduciary duties - relationship between Crown and hapu/iwi - land ownership - customary title - case law.

Legal Cases: Paki v Attorney-General (2009) 1 NZLR 72
Paki v Attorney-General (2011) 1 NZLR 125
Paki v Attorney-General (2012) 3 NZLR 277
Proprietors of Wakatu Incorporated v Attorney-General [2012] NZHC 1461

Legislation: Resource Management Act 1991 (NZ)

Subjects: LAND TITLES
MAORIS

Jurisdictions: NEW ZEALAND

MARKETING

AGIS No: 20132487

Title: Business development 101 : a basic introduction to BD in law firms.

Authors: CREEK, Simon
GRENNELL, Michael

Source: BRIEF 40 (5) June 2013 : 34-36

Abstract: Role of business development (BD) teams in a law firm - facilitating relationships - tenders and proposals - emarketing - innovation - communicating with partners and directors.

Subjects: BUSINESS ADMINISTRATION
LAW FIRMS
MARKETING

MEDIATION

AGIS No: 20132589

Title: Alternative dispute resolution.

Authors: POWELL, Carol

Source: NEW ZEALAND LAW JOURNAL August 2013 : 261-264

Abstract: Preliminary mediation meetings - level of conflict - special needs in mediation - preparation for negotiation - international consistency - mediator toolkit - family mediation.

Legal Cases: Zurich Australian Insurance Limited t/a Zurich New Zealand v Cognition Education Limited [2013] NZCA 180

Subjects: ALTERNATIVE DISPUTE RESOLUTION
MEDIATION

Jurisdictions: NEW ZEALAND
PORTUGAL

AGIS No: 20132508

Title: Applying the inclusive model of ethical decision making to mediation.

Authors: HARDY, Samantha
RUNDLE, Olivia

Source: JAMES COOK UNIVERSITY LAW REVIEW (19) 2012 : 70-89

Abstract: Examination of current mediator codes and standards as a guide to mediators' ethical practice - proposal for use of the Inclusive Model of Ethical Decision-Making in mediation practice - examination of Inclusive Model and how it could be applied to a mediation ethical dilemma.

Subjects: ETHICS
MEDIATION

Jurisdictions: AUSTRALIA

AGIS No: 20132664

Title: Confidentiality, public interest and the mediator's ethical dilemma.

Authors: LEIMGRUBER, Dominic

Source: AUSTRALASIAN DISPUTE RESOLUTION JOURNAL 24 (3) August 2013 : 187-194

Abstract: Rules of confidentiality in mediation - meaning of public interest - confidentiality and public interest - recommendation of uniform ethical standard development for mediators and establishment of an ethics advisory committee.

Subjects: ETHICS
MEDIATION

AGIS No: 20132503

Title: Mediation : don't miss out on the 'hidden' benefits : more than an opportunity to settle.

Authors: CAMPBELL, John

Source: PROCTOR 33 (5) June 2013 : 44-46

Abstract: Advantages to mediation in addition to negotiated settlements - greater insight into opposing case - trial preparation - reputation building - client relationships.

Subjects: MEDIATION

Jurisdictions: AUSTRALIA

AGIS No: 20132507

Title: Mediation ethics in Australia : a case for rethinking the foundational paradigm.

Authors: FIELD, Rachael

Source: JAMES COOK UNIVERSITY LAW REVIEW (19) 2012 : 41-69

Abstract: Examination of neutrality as a key mediation ethic - arguments for rethinking the paradigm of mediator neutrality - neutrality as aspirational concept - development of mediation practice in Australia - confidence in conflict resolution profession - power imbalances.

Subjects: ALTERNATIVE DISPUTE RESOLUTION
ETHICS
MEDIATION

Jurisdictions: AUSTRALIA

AGIS No: 20132506

Title: Neutrality, self-determination, fairness and differing models of mediation.

Authors: DOUGLAS, Susan
Source: JAMES COOK UNIVERSITY LAW REVIEW (19) 2012 : 19-40
Abstract: Examination of problem-solving models employed in mediation - comparison of the role of the mediator across the models in relation to principles of neutrality self-determination and fairness - critique of mediator's limited role in ensuring substantive fairness - argument for critical examination and development of the principle of party self-determination.
Subjects: ALTERNATIVE DISPUTE RESOLUTION
ETHICS
MEDIATION
Jurisdictions: AUSTRALIA

AGIS No: 20132511
Title: The 'new' limitations of Fisher and Ury's model of interest-based negotiation : not necessarily the ethical alternative.
Authors: WOLSKI, Bobette
Source: JAMES COOK UNIVERSITY LAW REVIEW (19) 2012 : 127-155
Abstract: Use of interest-based negotiation in mediation - examination of assumptions about dichotomy between interest-based negotiation and positional negotiation - ethical assumptions - interest-based process bias in mediation and collaborative law - limitations of interest-based negotiation - implications for legal representatives.
Subjects: ALTERNATIVE DISPUTE RESOLUTION
ETHICS
MEDIATION
NEGOTIATION
Jurisdictions: AUSTRALIA

MENTAL HEALTH

AGIS No: 20132632
Title: Developing national civil commitment laws for the mentally ill.
Authors: BARNETT, Michael
Source: UNIVERSITY OF WESTERN SYDNEY LAW REVIEW (16) 2012 : 18-47
Abstract: Examination of current mental health and civil commitment laws across Australian jurisdictions - lack of consistency - resourcing and cross-jurisdictional issues - human rights - mental health tribunals - case for national laws or nationally consistent laws.
Subjects: LAW REFORM
MENTAL HEALTH
MENTAL ILLNESS
Treaties: Convention on the Rights of Persons with Disabilities
United Nations Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care
Jurisdictions: AUSTRALIA

AGIS No: 20132478

Title: It's time to talk.
Authors: COCCIOLONE, Phillipa
Source: BULLETIN (LAW SOCIETY OF S.A.) 35 (5) June 2013 : 32
Abstract: Anxiety and depression within the legal profession - high levels of mental illness - mental health and well-being training - importance of support.
Subjects: MENTAL HEALTH

MENTAL ILLNESS

AGIS No: 20132632
Title: Developing national civil commitment laws for the mentally ill.
Authors: BARNETT, Michael
Source: UNIVERSITY OF WESTERN SYDNEY LAW REVIEW (16) 2012 : 18-47
Abstract: Examination of current mental health and civil commitment laws across Australian jurisdictions - lack of consistency - resourcing and cross-jurisdictional issues - human rights - mental health tribunals - case for national laws or nationally consistent laws.
Subjects: LAW REFORM
MENTAL HEALTH
MENTAL ILLNESS
Treaties: Convention on the Rights of Persons with Disabilities
United Nations Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care
Jurisdictions: AUSTRALIA

AGIS No: 20132474
Title: Examining the role of the Guardianship Board.
Authors: MOORE, Jeremy
Source: BULLETIN (LAW SOCIETY OF S.A.) 35 (5) June 2013 : 10,12-13
Abstract: Mental health review tribunal - decisions about people with impaired decision making capacity - mental illness - dementia - appointing guardians - appointing administrators for people with mental illness - recent changes and enhancements - fast-tracking matters - mediation - volunteering - accessibility for remote Aboriginal people.
Subjects: GUARDIAN AND WARD
MENTAL ILLNESS
TRIBUNALS
Jurisdictions: AUSTRALIA, South Australia

MERGERS

AGIS No: 20132500
Title: Surviving due diligence : tips to tackle the task at hand.
Authors: OLIVER, Greer
Source: PROCTOR 33 (5) June 2013 : 36-37
Abstract: Tips for early career lawyers on undertaking due diligence inquiries.

Subjects: CORPORATIONS LAW
LEGAL EDUCATION
LEGAL PROFESSION
MERGERS
Jurisdictions: AUSTRALIA

MINING LAW

AGIS No: 20132640
Title: Shale gas resources in Western Australia : an assessment of the legal framework for the extraction of onshore shale gas.
Authors: HUNTER, Tina
Source: eLaw journal : Murdoch University Electronic Journal of Law 18 (2) 2011 : 29-52
Abstract: Examination of the impact of hydraulic fracturing (fracking) to extract shale gas - issues with fracking process - capacity of regulatory framework to regulate the fracking process - regulatory gaps.
Legislation: Petroleum and Geothermal Energy Resources Act 1967 (WA)
Subjects: ENERGY RESOURCES
ENVIRONMENTAL PROTECTION
MINING LAW
OIL AND GAS
WATER POLLUTION
Jurisdictions: AUSTRALIA, Western Australia

MISTAKE

AGIS No: 20132527
Title: Pitt v HMRC; Futter v HMRC : the UK Supreme Court on the "rule in Re Hastings-Bass" and mistake.
Authors: LATIMOUR, Mark
YEOH, Charmaine
Source: AUSTRALIAN SUPERANNUATION LAW BULLETIN 24 (10) July 2013 : 210-212
Abstract: Clarification of circumstances in which the court will interfere with the exercise of a discretion by a trustee - effect of the exercise of discretion is different from that intended by trustee - grounds for establishing mistake - case law.
Legal Cases: Pitt v Holt; Futter v Futter (2013) 3 All ER 429
Re Hastings-Bass (1975) Ch 25
Subjects: MISTAKE
SUPERANNUATION
TRUSTS AND TRUSTEES
Jurisdictions: UNITED KINGDOM

MOBILE DEVICES

AGIS No: 20132624
Title: Cyber bullying.
Authors: CASSIDY-VERNON, Cheryl
Source: BRIEF 40 (7) August 2013 : 20-22
Abstract: Young people and cyber bullying - legal implications - victims of bullying at school likely to become online aggressors - sexting - suggested ways to address cyber bullying.

Subjects: BULLYING
INFORMATION TECHNOLOGY
MOBILE DEVICES
SOCIAL MEDIA

Jurisdictions: AUSTRALIA

AGIS No: 20132572
Title: Indigenous people, telecommunications and consumer protection.
Authors: LOBAN, Heron
Source: INDIGENOUS LAW BULLETIN 8 (6) May / June 2013 : 6-8
Abstract: Issues faced by Indigenous people in dealing with telecommunications companies - mobile phones - coverage - knowledge and use of complaints mechanisms - misleading and deceptive conduct - case law.

Legal Cases: Australian Competition and Consumer Commission (ACCC) v Excite Mobile Pty Ltd [2013] FCA 350

Australian Competition and Consumer Commission (ACCC) v EDirect Pty Ltd (in liq) [2012] FCA 976
Australian Competition and Consumer Commission (ACCC) v EDirect Pty Ltd [2008] FCA 65

Legislation: Competition and Consumer Act 2010 (CTH)
Trade Practices Act 1974 (CTH)

Subjects: AUSTRALIAN COMPETITION AND CONSUMER COMMISSION
CONSUMER PROTECTION
INDIGENOUS PEOPLE
MOBILE DEVICES
TELECOMMUNICATIONS

Jurisdictions: AUSTRALIA

AGIS No: 20132578
Title: Parental involvement in preventing and responding to cyberbullying.
Authors: ROBINSON, Elly
Source: FAMILY MATTERS (92) 2013 : 68-76
Abstract: Characteristics of cyberbullying - prevalence - level of harm - parental prevention and responses to cyberbullying - internet monitoring - disclosure - identification - parents and schools working together.

Subjects: BULLYING
CHILDREN
INTERNET
MOBILE DEVICES
SOCIAL MEDIA
YOUNG PERSONS

Jurisdictions: AUSTRALIA

MONOPOLIES

AGIS No: 20132562

Title: The future of copyright : can we do away with monopoly? Indicators from libre licensing.

Authors: LING, Clarence

Source: eLaw journal : Murdoch University Electronic Journal of Law 18 (1) 2011 : 47-60

Abstract: Monopoly under intellectual property regimes - libre licensing and its use - advantages of libre licensing over proprietary copyright - future directions of copyright regimes.

Legislation: Consumer Protection and Competition Act 1992 (USA)
Copyright Act 1968 (CTH)
Trade Marks Act 1995 (CTH)

Subjects: COPYRIGHT
LICENSING
MONOPOLIES

Treaties: Agreement on Trade Related Aspects of Intellectual Property Rights
Australia-United States Free Trade Agreement
Berne Convention for the Protection of Literary and Artistic Works

Jurisdictions: AUSTRALIA

MULTICULTURALISM

AGIS No: 20132635

Title: Educating culturally sensible lawyers : a study of student attitudes about the role culture plays in the lawyering process.

Authors: CURCIO, Andrea C
WARD, Teresa M
DOGRA, Nisha

Source: UNIVERSITY OF WESTERN SYDNEY LAW REVIEW (16) 2012 : 100-128

Abstract: Inclusion of cultural competence education in legal education - need for awareness of cultural perspectives and how this may affect aspects of lawyering process - survey results on cultural competence and implications for law schools.

Subjects: LEGAL EDUCATION
LEGAL PROFESSION
MULTICULTURALISM

Jurisdictions: UNITED STATES

MUSIC

AGIS No: 20132512
Title: High stakes on the digital high seas : copyright and piracy in the 21st century.
Authors: HUTHWAITE, Thomas
Source: INTELLECTUAL PROPERTY FORUM : JOURNAL OF THE INTELLECTUAL PROPERTY SOCIETY OF AUSTRALIA AND NEW ZEALAND (93) June 2013 : 9-28
Abstract: History of copyright and piracy - responses by publishers - overview of case law - potential future of digital media.
Subjects: COPYRIGHT
INTELLECTUAL PROPERTY
MUSIC
PERFORMERS RIGHTS

AGIS No: 20132513
Title: New Zealand copyright law and transformative works.
Authors: MENARY, Karli
Source: INTELLECTUAL PROPERTY FORUM : JOURNAL OF THE INTELLECTUAL PROPERTY SOCIETY OF AUSTRALIA AND NEW ZEALAND (93) June 2013 : 29-47
Abstract: Examination of the application of New Zealand copyright law to transformative works - music sampling - moral rights - performer's rights - disincentive to creation and dissemination of transformative works.
Legislation: Copyright Act 1994 (NZ)
Subjects: COPYRIGHT
INTELLECTUAL PROPERTY
MUSIC
PERFORMERS RIGHTS
Jurisdictions: NEW ZEALAND

NATIONAL SECURITY

AGIS No: 20132560
Title: Defending Singapore's Internal Security Act : balancing the need for national security with the rule of law.
Authors: ZEE, Josiah
Source: eLaw journal : Murdoch University Electronic Journal of Law 18 (1) 2011 : 28-46
Abstract: Development of the Internal Security Act (ISA) - amendments to the Act and Constitution - balance between the need for national security and the rule of law - arbitrary exercise of discretionary power by the executive - judicial review over executive discretion under the ISA contrary to the rule of law.
Legislation: Constitution (SINGAPORE)
Internal Security Act 1985 (SINGAPORE)

Subjects: LEGISLATION
NATIONAL SECURITY
RULE OF LAW
Jurisdictions: SINGAPORE

AGIS No: 20132526
Title: Every cloud edict from Attorney General.
Authors: BAJKOWSKI, Julian
Source: GOVERNMENT NEWS 33 (4) August/September 2013 : 4
Abstract: Release of Commonwealth Government cloud computing policy - Protective Security Policy Framework.
Subjects: COMPUTER SECURITY
NATIONAL SECURITY
Jurisdictions: AUSTRALIA

NATIVE TITLE

AGIS No: 20132571
Title: Native title : a vehicle for change and empowerment? Workshop report.
Authors: HARTLEY, Jackie
LINO, Dylan
Source: INDIGENOUS LAW BULLETIN 8 (6) May / June 2013 : 3-5
Abstract: Report on workshop to mark the 20th anniversary of the Native Title Act 1993 - achievements and limitations of the native title system.
Legislation: Native Title Act 1993 (CTH)
Subjects: ABORIGINES
INDIGENOUS PEOPLE
NATIVE TITLE
Jurisdictions: AUSTRALIA

AGIS No: 20132517
Title: Sea change to the red centre.
Authors: WATKINS, Alan
Source: BRIEF 40 (6) July 2013 : 8-9
Abstract: Profile of young lawyer undertaking internship with Central Land Council - Native Title Representative Body.
Subjects: LEGAL PROFESSION
NATIVE TITLE
Jurisdictions: AUSTRALIA

AGIS No: 20132619
Title: 'Sticking up for the land' : Aboriginality, mining and the lived effects of native title.
Authors: VINCENT, Eve

Source: AUSTRALIAN JOURNAL OF HUMAN RIGHTS 19 (1) August 2013 : 155-174

Abstract: Critique of native title as a process that can destroy Aboriginal self-understandings and local social relations - mineral exploration and mining - native title and the reorganisation of local Aboriginal identities.

Subjects: ABORIGINES
HUMAN RIGHTS
NATIVE TITLE

Jurisdictions: AUSTRALIA, South Australia

AGIS No: 20132576

Title: The Tanami Gold NL mining agreement with Tjurabalan : an example of how a small native title group invests its mining funds.

Authors: MARTIN, Fiona

Source: INDIGENOUS LAW BULLETIN 8 (6) May / June 2013 : 22-26

Abstract: Case study of how a native title group in Western Australia is managing mining payments made to the group - use of a larger regional trust structure to maximise returns.

Subjects: ABORIGINES
CHARITABLE TRUSTS
INDIGENOUS PEOPLE
NATIVE TITLE
TRUSTS AND TRUSTEES

Jurisdictions: AUSTRALIA, Western Australia

NEGLIGENCE

AGIS No: 20132658

Title: A delicate balance : High Court finds in favour of claimant on retrial of catastrophic injury case.

Authors: THOMSON, Siobhan
WALLER, Dennis

Source: AUSTRALIAN PRODUCT LIABILITY REPORTER 24 (1) September 2013 : 2-4

Abstract: 'Commonsense' approach to negligence claims arising from leisure activities - need for risk assessment of activity - in particular circumstances the threshold for taking preventative action may be lower than normal - case law.

Legal Cases: Tomlinson v Congleton Borough Council (2003) All ER (D) 554 (Jul)
Uren v Corporate Leisure (UK) Ltd [2010] EWHC 46 (QB)
Uren v Corporate Leisure (UK) Ltd [2011] EWCA Civ 66
Uren v Corporate Leisure (UK) Ltd [2013] EWHC 353 (QB)

Subjects: NEGLIGENCE
RISK MANAGEMENT
TORTS

Jurisdictions: UNITED KINGDOM

AGIS No: 20132630
Title: Advice when it's needed.
Authors: DAL PONT, Gino
Source: BRIEF 40 (7) August 2013 : 45
Abstract: Obligation of lawyer to advise client of financial implications of transaction as well as legal implications - negligence.
Legal Cases: O'Brien v Hooker Homes Pty Ltd (1993) 6 BPR 13,182
Provident Capital Ltd v Papa [2013] NSWCA 36
Riz v Perpetual Trustee Australia (2008) NSW ConvR 56-198
Subjects: LEGAL ETHICS
LEGAL PROFESSION
NEGLIGENCE
Jurisdictions: AUSTRALIA, New South Wales

NEGOTIATION

AGIS No: 20132511
Title: The 'new' limitations of Fisher and Ury's model of interest-based negotiation : not necessarily the ethical alternative.
Authors: WOLSKI, Bobette
Source: JAMES COOK UNIVERSITY LAW REVIEW (19) 2012 : 127-155
Abstract: Use of interest-based negotiation in mediation - examination of assumptions about dichotomy between interest-based negotiation and positional negotiation - ethical assumptions - interest-based process bias in mediation and collaborative law - limitations of interest-based negotiation - implications for legal representatives.
Subjects: ALTERNATIVE DISPUTE RESOLUTION
ETHICS
MEDIATION
NEGOTIATION
Jurisdictions: AUSTRALIA

OIL AND GAS

AGIS No: 20132640
Title: Shale gas resources in Western Australia : an assessment of the legal framework for the extraction of onshore shale gas.
Authors: HUNTER, Tina
Source: eLaw journal : Murdoch University Electronic Journal of Law 18 (2) 2011 : 29-52
Abstract: Examination of the impact of hydraulic fracturing (fracking) to extract shale gas - issues with fracking process - capacity of regulatory framework to regulate the fracking process - regulatory gaps.
Legislation: Petroleum and Geothermal Energy Resources Act 1967 (WA)

Subjects: ENERGY RESOURCES
ENVIRONMENTAL PROTECTION
MINING LAW
OIL AND GAS
WATER POLLUTION
Jurisdictions: AUSTRALIA, Western Australia

OUTSOURCING

AGIS No: 20132651
Title: Law, governance and risk : deconstructing the public-private divide in climate change adaptation.
Authors: GODDEN, Lee
ROCHFORD, Francine
PEEL, Jacqueline
AND, others
Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 36 (1) 2013 : 224-255
Abstract: Examination of the complex of law and regulation around climate change adaptation - interaction between public and private spheres - shifting of responsibilities and risk between public and private spheres.
Subjects: CLIMATE CHANGE
OUTSOURCING
POLITICS AND GOVERNMENT
PUBLIC SECTOR

AGIS No: 20132654
Title: 'Officers of the Commonwealth' in the private sector : can the High Court review outsourced exercises of power?
Authors: BOUGHEY, Janina
WEEKS, Greg
Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 36 (1) 2013 : 316-357
Abstract: Examination of the extent to which the original review jurisdiction of the High Court is able to deal with outsourced exercises of power - lack of High Court definition of 'officer of the Commonwealth' - public function test - control test.
Legal Cases: R v Panel on Take-Overs and Mergers; Ex parte Datafin Plc (1987) 1 QB 815
Legislation: Constitution (CTH)
Subjects: CONSTITUTIONAL LAW
HIGH COURT
JURISDICTION
OUTSOURCING
Jurisdictions: AUSTRALIA

AGIS No: 20132649

Title: Public and private bricolage : challenges balancing law, services and civil society in advancing CRPD supported decision-making.

Authors: CARNEY, Terry
BEAUPERT, Fleur

Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 36 (1) 2013 : 175-201

Abstract: United Nations Convention on the Rights of Persons with Disabilities (CRPD) - issues in implementing supported decision-making to relieve or replace traditional forms of adult guardianship - 'contracting out' - administrative and policy machinery required to underpin supported decision-making.

Subjects: GUARDIAN AND WARD
OUTSOURCING
PEOPLE WITH DISABILITIES

Treaties: Convention on the Rights of Persons with Disabilities

Jurisdictions: AUSTRALIA

PARENTAL RIGHTS AND DUTIES

AGIS No: 20132577

Title: Bullying in schools and its relation to parenting and family life.

Authors: RIGBY, Ken

Source: FAMILY MATTERS (92) 2013 : 61-67

Abstract: Bullying - parental awareness of bullying - role of early childhood development - family functioning - parenting style and parent characteristics - parent beliefs about peer victimisation - education of parents.

Subjects: BULLYING
CHILDREN
PARENTAL RIGHTS AND DUTIES

AGIS No: 20132568

Title: Post-separation parenting and financial arrangements over time : recent qualitative findings.

Authors: FEHLBERG, Belinda
MILLWARD, Christine

Source: FAMILY MATTERS (92) 2013 : 29-40

Abstract: Study exploring links between parenting and financial arrangements - pathways to arrangements - post-separation parenting over time - "maternal drift" - key themes in parenting arrangements - financial arrangements - children's views.

Legislation: Family Law Act 1975 (CTH)

Subjects: PARENTAL RIGHTS AND DUTIES
SHARED PARENTING

Jurisdictions: AUSTRALIA, Victoria

AGIS No: 20132567

Title: The effects of co-parenting relationships with ex-spouses on couples in step-families.

Authors: CARTWRIGHT, Claire
GIBSON, Kerry

Source: FAMILY MATTERS (92) 2013 : 18-28

Abstract: Study of couples in repartnered families - processes associated with repartnering and establishing step-families - co-parenting issues with former partners source of stress in new relationship - children's residence and financial matters - ex-spouse demands or lack of contribution - lack of cooperation - ex-spouse negativity to new relationship.

Subjects: FAMILIES
PARENTAL RIGHTS AND DUTIES
SHARED PARENTING

Jurisdictions: NEW ZEALAND

AGIS No: 20132565

Title: Violence, abuse and the limits of shared parental responsibility.

Authors: PARKINSON, Patrick

Source: FAMILY MATTERS (92) 2013 : 7-17

Abstract: Dissolubility of parenthood - enduring family - custody law - comparative perspective of Australian family law reforms - when parenthood should be dissoluble - family violence - safety concerns - parents who have never been a family.

Legislation: Children's Act 1989 (UK)
Family Law Act 1975 (CTH)
Family Law Amendment (Shared Parental Responsibility) Act 2006 (CTH)

Subjects: DOMESTIC VIOLENCE
PARENTAL RIGHTS AND DUTIES
SHARED PARENTING

Jurisdictions: AUSTRALIA
BELGIUM
FRANCE
UNITED KINGDOM

PATENTS

AGIS No: 20132515

Title: Abolish patents?

Authors: JACOB, Robin

Source: INTELLECTUAL PROPERTY FORUM : JOURNAL OF THE INTELLECTUAL PROPERTY SOCIETY OF AUSTRALIA AND NEW ZEALAND (93) June 2013 : 59

Abstract: Opinion piece on whether patent laws should be maintained.

Subjects: PATENTS

AGIS No: 20132575

Title: Community economic development in patenting traditional knowledge : a case study of the Mudjala TK project in the Kimberley region of Western Australia.

Authors: MARSHALL, Virginia
JANKE, Terri
WATSON, Anthony

Source: INDIGENOUS LAW BULLETIN 8 (6) May / June 2013 : 17-21

Abstract: Case study in opportunities for commercialisation of Indigenous traditional knowledge - particular issues with patents and traditional knowledge.

Legislation: Patents Act 1990 (CTH)

Subjects: ABORIGINES
INDIGENOUS PEOPLE
INTELLECTUAL PROPERTY
PATENTS

Treaties: UN Declaration on the Rights of Indigenous Peoples

Jurisdictions: AUSTRALIA, Western Australia

AGIS No: 20132514

Title: Copyright in patent specifications and prior art documents : addressing legitimate rights of user.

Authors: MCENIERY, Ben

Source: INTELLECTUAL PROPERTY FORUM : JOURNAL OF THE INTELLECTUAL PROPERTY SOCIETY OF AUSTRALIA AND NEW ZEALAND (93) June 2013 : 49-57

Abstract: Comment on amendments to s 226 of Copyright Act 1968 (Cth) to allow use of published patent specifications without breaching copyright - argument that non-patent prior art documents should also be covered.

Legal Cases: Copyright Agency Ltd v New South Wales (2008) 233 CLR 279

Legislation: Copyright Act 1968 (CTH)
Intellectual Property Laws Amendment (Raising the Bar) Act 2012 (CTH)
Patents Act 1990 (CTH)

Subjects: COPYRIGHT
INTELLECTUAL PROPERTY
PATENTS

Jurisdictions: AUSTRALIA

PENALTIES

AGIS No: 20132622

Title: Civil penalty settlement agreements : a new approach : ASIC v Ingleby.

Authors: MACKNAY, Elizabeth
KEOGH, Matthew
BRIGHT, Emma

Source: BRIEF 40 (7) August 2013 : 12-13

Abstract: Negotiated settlements in civil penalty proceedings - Victorian Supreme Court approach - power of court not restrained by what has been agreed by parties - case law.

Legal Cases: Australian Securities and Investments Commission (ASIC) v Ingleby [2013] VSCA 49
NW Frozen Foods Pty Ltd v Australian Competition and Consumer Commission (1996)
71 FCR 285

Legislation: Corporations Act 2001 (CTH)

Subjects: AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION
PENALTIES
SENTENCING

Jurisdictions: AUSTRALIA, Victoria

AGIS No: 20132633

Title: The 'day fine' : improving equality before the law in Australian sentencing.

Authors: BARTL, Benedict

Source: UNIVERSITY OF WESTERN SYDNEY LAW REVIEW (16) 2012 : 48-78

Abstract: Legislative prescription of minimum fines - unequal impact on less wealthy - European income-based fining system known as the 'day fine' - potential to reduce Australian reliance on imprisonment - equality before the law.

Subjects: JURISPRUDENCE
PENALTIES
PENOLOGY
PUNISHMENT
SENTENCING
SOCIOLOGY OF LAW

Jurisdictions: AUSTRALIA
GERMANY

PENOLOGY

AGIS No: 20132636

Title: Judicial review for the convicted felon in Australia : a consideration of statutory context and the doctrine of attainder.

Authors: DONNELLY, Jason

Source: UNIVERSITY OF WESTERN SYDNEY LAW REVIEW (16) 2012 : 137-154

Abstract: Statutory prohibition on persons in custody for a serious indictable offence from commencing civil proceedings - meaning of 'civil proceedings' - examination of common law doctrine of attainder - civil rights of prisoners - statutory interpretation - case law.

Legal Cases: Patsalis v State of New South Wales [2012] NSWCA 307

Legislation: Felons (Civil Proceedings) Act 1981 (NSW)

Subjects: CIVIL PROCEDURE
JUDICIAL REVIEW
PENOLOGY
PRISONERS

Jurisdictions: AUSTRALIA, New South Wales

AGIS No: 20132633

Title: The 'day fine' : improving equality before the law in Australian sentencing.

Authors: BARTL, Benedict
Source: UNIVERSITY OF WESTERN SYDNEY LAW REVIEW (16) 2012 : 48-78
Abstract: Legislative prescription of minimum fines - unequal impact on less wealthy - European income-based fining system known as the 'day fine' - potential to reduce Australian reliance on imprisonment - equality before the law.
Subjects: JURISPRUDENCE
PENALTIES
PENOLOGY
PUNISHMENT
SENTENCING
SOCIOLOGY OF LAW
Jurisdictions: AUSTRALIA
GERMANY

PEOPLE TRAFFICKING

AGIS No: 20132615
Title: And justice for all? International anti-trafficking agendas and local consequences in a Philippines sex tourism town.
Authors: WISS, Rosemary
Source: AUSTRALIAN JOURNAL OF HUMAN RIGHTS 19 (1) August 2013 : 55-82
Abstract: Examination of the criminalisation of human trafficking - how international and regional discourse has been infused by moral agendas against prostitution - religious feminist and government campaigns to correlate trafficking with sex trafficking.
Subjects: FEMINISM
HUMAN RIGHTS
PEOPLE TRAFFICKING
PROSTITUTION
RELIGION
Treaties: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children
United Nations Convention Against Transnational Organised Crime
Jurisdictions: PHILIPPINES

AGIS No: 20132484
Title: Human trafficking and gender-based violence in Cambodia : an Australian NGO response.
Authors: MACK, Gary
Source: BRIEF 40 (5) June 2013 : 18-23
Abstract: South East Asian Investigations into Social and Humanitarian Activities - work with children trafficked in the sex industry - training of Cambodian police in investigative principles, planning and techniques - raising awareness and combating gender-based violence - Cambodian laws.
Subjects: CHILD SEXUAL ABUSE
PEOPLE TRAFFICKING
VIOLENCE
Jurisdictions: CAMBODIA

PEOPLE WITH DISABILITIES

AGIS No: 20132618
Title: Living with disability : care, rights and relational personhood.
Authors: MACLEAN, Neil
Source: AUSTRALIAN JOURNAL OF HUMAN RIGHTS 19 (1) August 2013 : 133-153

Abstract: Argument that rights-based claims deriving from the experience of disability need to be understood from the perspective of relational forms of personhood - implications of the relationship between rights and personhood for an understanding of agency.

Subjects: DISABILITY
HUMAN RIGHTS
PEOPLE WITH DISABILITIES

AGIS No: 20132649
Title: Public and private bricolage : challenges balancing law, services and civil society in advancing CRPD supported decision-making.
Authors: CARNEY, Terry
BEAUPERT, Fleur
Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 36 (1) 2013 : 175-201

Abstract: United Nations Convention on the Rights of Persons with Disabilities (CRPD) - issues in implementing supported decision-making to relieve or replace traditional forms of adult guardianship - 'contracting out' - administrative and policy machinery required to underpin supported decision-making.

Subjects: GUARDIAN AND WARD
OUTSOURCING
PEOPLE WITH DISABILITIES

Treaties: Convention on the Rights of Persons with Disabilities
Jurisdictions: AUSTRALIA

PERFORMERS RIGHTS

AGIS No: 20132512
Title: High stakes on the digital high seas : copyright and piracy in the 21st century.
Authors: HUTHWAITE, Thomas
Source: INTELLECTUAL PROPERTY FORUM : JOURNAL OF THE INTELLECTUAL PROPERTY SOCIETY OF AUSTRALIA AND NEW ZEALAND (93) June 2013 : 9-28

Abstract: History of copyright and piracy - responses by publishers - overview of case law - potential future of digital media.

Subjects: COPYRIGHT
INTELLECTUAL PROPERTY
MUSIC
PERFORMERS RIGHTS

AGIS No: 20132513
Title: New Zealand copyright law and transformative works.
Authors: MENARY, Karli
Source: INTELLECTUAL PROPERTY FORUM : JOURNAL OF THE INTELLECTUAL PROPERTY SOCIETY OF AUSTRALIA AND NEW ZEALAND (93) June 2013 : 29-47

Abstract: Examination of the application of New Zealand copyright law to transformative works - music sampling - moral rights - performer's rights - disincentive to creation and dissemination of transformative works.

Legislation: Copyright Act 1994 (NZ)
Subjects: COPYRIGHT
INTELLECTUAL PROPERTY
MUSIC
PERFORMERS RIGHTS
Jurisdictions: NEW ZEALAND

PLAIN ENGLISH

AGIS No: 20132550
Title: A bit about words : cutting through.
Authors: BURNSIDE, Julian
Source: VICTORIAN BAR NEWS (153) Winter 2013 : 86-87
Abstract: Essay on the absence of "philtrum" from the Oxford English Dictionary.
Subjects: LANGUAGE
PLAIN ENGLISH
Jurisdictions: AUSTRALIA

POLICE

AGIS No: 20132652
Title: Police photography and privacy : identity, stigma and reasonable expectation.

Authors: GOLDENFEIN, Jake
Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 36 (1) 2013 : 256-279

Abstract: Right to privacy - police photography in a public sphere - division between private and public sphere - aggregation of public information into a systemic profile can expose a private picture - relevance of European decisions in recent Australian case law.

Legal Cases: Caripis v Victoria Police (Health and Privacy) [2012] VCAT 1472
Legislation: Charter of Human Rights and Responsibilities Act 2006 (VIC)
Information Privacy Act 2000 (VIC)

Subjects: DATA PROTECTION
POLICE
PRIVACY
Treaties: European Convention on Human Rights
Jurisdictions: AUSTRALIA, Victoria

POLITICS AND GOVERNMENT

AGIS No: 20132626
Title: An interview with Christian Porter.
Authors: CREEK, Simon
VERSTEEGEN, James
Source: BRIEF 40 (7) August 2013 : 28-31
Abstract: Interview with former Western Australian Attorney-General - lawyers and politics - role of State Attorney-General.
Subjects: ATTORNEY-GENERAL
LEGAL PROFESSION
POLITICS AND GOVERNMENT
Jurisdictions: AUSTRALIA, Western Australia

AGIS No: 20132555
Title: Difficulty of reform in a federation : not-for-profit and government nexus.
Authors: GILCHRIST, David
Source: PUBLIC ADMINISTRATION TODAY (35) July / September 2013 : 23-25
Abstract: Regulation of not-for-profit organisations - regulatory reform - supervision by Australian Charities and Not-for-profits Commission - challenges of regulation at Commonwealth and state territory level.
Subjects: AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION
CHARITIES
COMMUNITY ORGANISATIONS
POLITICS AND GOVERNMENT
PUBLIC ADMINISTRATION
Jurisdictions: AUSTRALIA

AGIS No: 20132651
Title: Law, governance and risk : deconstructing the public-private divide in climate change adaptation.
Authors: GODDEN, Lee
ROCHFORD, Francine
PEEL, Jacqueline
AND, others
Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 36 (1) 2013 : 224-255
Abstract: Examination of the complex of law and regulation around climate change adaptation - interaction between public and private spheres - shifting of responsibilities and risk between public and private spheres.

Subjects: CLIMATE CHANGE
OUTSOURCING
POLITICS AND GOVERNMENT
PUBLIC SECTOR

PRE TRIAL PROCEDURE

AGIS No: 20132495
Title: On the defence : case management in complex criminal trials.
Authors: CRANNY, Glen
Source: PROCTOR 33 (5) June 2013 : 18-21
Abstract: Comment on Queensland Supreme Court Practice Direction No 6 of 2013 - criminal trials - mandated exchange of detailed pre-trial memoranda between prosecution and defence.
Subjects: CRIMINAL PROCEDURE
PRE TRIAL PROCEDURE
Jurisdictions: AUSTRALIA, Queensland

PRISONERS

AGIS No: 20132665
Title: Issues and barriers to the provision of FDR in prisons.
Authors: HENRY, Pamela
HAMILTON, Karine
Source: AUSTRALASIAN DISPUTE RESOLUTION JOURNAL 24 (3) August 2013 : 195-200
Abstract: Family dispute resolution (FDR) services to prisoners through a family relationships centre - importance of FDR in prisons - outcomes - challenges to providing FDR in prison - family violence.
Subjects: DISPUTE RESOLUTION
FAMILIES
PRISONERS
Jurisdictions: AUSTRALIA, Western Australia

AGIS No: 20132636
Title: Judicial review for the convicted felon in Australia : a consideration of statutory context and the doctrine of attainder.
Authors: DONNELLY, Jason
Source: UNIVERSITY OF WESTERN SYDNEY LAW REVIEW (16) 2012 : 137-154
Abstract: Statutory prohibition on persons in custody for a serious indictable offence from commencing civil proceedings - meaning of 'civil proceedings' - examination of common law doctrine of attainder - civil rights of prisoners - statutory interpretation - case law.
Legal Cases: Patsalis v State of New South Wales [2012] NSWCA 307
Legislation: Felons (Civil Proceedings) Act 1981 (NSW)

Subjects: CIVIL PROCEDURE
JUDICIAL REVIEW
PENOLOGY
PRISONERS
Jurisdictions: AUSTRALIA, New South Wales

PRIVACY

AGIS No: 20132591
Title: Apple's privacy policy.
Authors: MANDERY, Maya
Source: NEW ZEALAND LAW JOURNAL August 2013 : 265-266
Abstract: Sharing of personal information by companies - recent German decision on Apple's privacy policy - "global consent" too general and vague - users unsure of purpose and scope of data collection - Apple's privacy policy in New Zealand.

Subjects: INTERNET
PRIVACY
Jurisdictions: GERMANY
NEW ZEALAND

AGIS No: 20132652
Title: Police photography and privacy : identity, stigma and reasonable expectation.
Authors: GOLDENFEIN, Jake
Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 36 (1) 2013 : 256-279
Abstract: Right to privacy - police photography in a public sphere - division between private and public sphere - aggregation of public information into a systemic profile can expose a private picture - relevance of European decisions in recent Australian case law.

Legal Cases: Caripis v Victoria Police (Health and Privacy) [2012] VCAT 1472
Legislation: Charter of Human Rights and Responsibilities Act 2006 (VIC)
Information Privacy Act 2000 (VIC)
Subjects: DATA PROTECTION
POLICE
PRIVACY
Treaties: European Convention on Human Rights
Jurisdictions: AUSTRALIA, Victoria

PRO BONO SERVICES

AGIS No: 20132546
Title: A word, or two, to the wise.
Authors: DANOS, Tom
Source: VICTORIAN BAR NEWS (153) Winter 2013 : 52

Abstract: Report on the address by Attorney-General Mark Dreyfus to the 2013 Victorian Bar conference - pro bono work and the legal profession - Commonwealth review of legal aid.
Subjects: LEGAL AID
PRO BONO SERVICES
Jurisdictions: AUSTRALIA

AGIS No: 20132519
Title: Access to justice : case studies of the role of community legal centres in Western Australia.
Authors: GEORGIU, Marina
Source: BRIEF 40 (6) July 2013 : 12-14
Abstract: Snapshots of three community legal centres - stolen wages scheme case study - tenancy case study - pro bono work.
Subjects: COMMUNITY LEGAL SERVICES
LEGAL PROFESSION
PRO BONO SERVICES
Jurisdictions: AUSTRALIA, Western Australia

AGIS No: 20132520
Title: Law access pro bono referral service.
Authors: HANSEN, Dominique
Source: BRIEF 40 (6) July 2013 : 16-17
Abstract: Overview of the Law Society's Law Access Pro Bono Referral Scheme - case study of pro bono service provided.
Subjects: LEGAL PROFESSION
PRO BONO SERVICES
Jurisdictions: AUSTRALIA, Western Australia

AGIS No: 20132623
Title: Pro bono : it's the vibe of the thing.
Authors: JENAWAY, David
Source: BRIEF 40 (7) August 2013 : 14-15
Abstract: Profile of pro bono work undertaken by Herbert Smith Freehills - reasons for undertaking pro bono work.
Subjects: LEGAL PROFESSION
PRO BONO SERVICES
Jurisdictions: AUSTRALIA, Western Australia

AGIS No: 20132521
Title: Pro bono : where to next in Western Australia?
Authors: MARTELLOTTA, Maxina
Source: BRIEF 40 (6) July 2013 : 18

Abstract: Feasibility study to re-examine the current pro bono landscape in Western Australia - Law Society and Association of Community Legal Centres of WA - background to study and aims of study - how to get involved.
Subjects: PRO BONO SERVICES
Jurisdictions: AUSTRALIA, Western Australia

AGIS No: 20132498
Title: There's no place like HPLC : a 'legal menu' serves help for the homeless.
Authors: GARLICK, Sue
Source: PROCTOR 33 (5) June 2013 : 26-28
Abstract: Profile of pro-bono partnership between Herbert Smith Freehills and the Homeless Persons' Legal Clinic - innovative ways to address legal needs of those suffering disadvantage.
Subjects: LEGAL PROFESSION
PRO BONO SERVICES
Jurisdictions: AUSTRALIA, Queensland

PRODUCTS LIABILITY

AGIS No: 20132659
Title: An introduction to the criminal law aspect of product liability in Spain.
Authors: SANCHEZ, Ignacio
Source: AUSTRALIAN PRODUCT LIABILITY REPORTER 24 (1) September 2013 : 5-8
Abstract: Overview of criminal liability arising from product liability laws related to pharmaceuticals and food.
Subjects: CRIMINAL LIABILITY
PRODUCTS LIABILITY
Jurisdictions: SPAIN

AGIS No: 20132660
Title: Dutch Court of Appeal rules that leaking heart valve is not a defective product.
Authors: JELSMA, Karen
Source: AUSTRALIAN PRODUCT LIABILITY REPORTER 24 (1) September 2013 : 9-10
Abstract: All circumstances taken into account in deciding whether or not a product is defective - safety that a person is entitled to expect is an important issue - case law.
Subjects: PRODUCTS LIABILITY
Jurisdictions: NETHERLANDS

AGIS No: 20132661
Title: Jurisdiction of US courts over foreign product manufacturers after J McIntyre Machinery, Ltd v Nicastro.
Authors: LINDSAY, Alvin F

Source: AUSTRALIAN PRODUCT LIABILITY REPORTER 24 (1) September 2013 : 11-14

Abstract: Circumstances in which United States courts can assert jurisdiction to force non-resident manufacturers to defend lawsuits brought in US courts - stream-of-commerce doctrine - case law.

Legal Cases: Asahi Metal Industry Co v Superior Court of California (1987) 480 US 102
J McIntyre Machinery Ltd v Nicastro (2011) 180 L Ed 2d 765

Subjects: INTERNATIONAL TRADE
JURISDICTION
PRODUCTS LIABILITY

Jurisdictions: UNITED STATES

PROPERTY LAW

AGIS No: 20132653

Title: Lessons in personal freedom and functional land markets : what strata and community title can learn from traditional doctrines of property.

Authors: SHERRY, Cathy

Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 36 (1) 2013 : 280-315

Abstract: Private property law - examination of the morality of private property and its embodiment of public values - role of property entitlements in shaping public values - freehold covenant as the theoretical basis for strata and community title as straddling the public - ramifications of freehold covenant and the types of communities that have developed under strata and community title.

Subjects: PROPERTY LAW
REAL PROPERTY
STRATA TITLES

Jurisdictions: AUSTRALIA, New South Wales

AGIS No: 20132656

Title: Lockean natural rights and the stewardship model of property.

Authors: HOWE, Helena

Source: PROPERTY LAW REVIEW 3 (1) August 2013 : 36-50

Abstract: Stewardship model of property as a concept to tackle social and environmental challenges - potential conflict with Lockean natural rights theory justifying an extensive rights model of property - argument that stewardship model does not involve denial of Lockean natural rights to property.

Subjects: LEGAL THEORY
PROPERTY LAW
REAL PROPERTY

AGIS No: 20132655

Title: The continued relevance of servitude.

Authors: VAN DER WALT, AJ

Source: PROPERTY LAW REVIEW 3 (1) August 2013 : 3-35

Abstract: Control over the creation and continued exercise of real rights in or real burdens on land - easements - exploration of narratives explaining the effects of the abolition of feudalism in modern servitude law - unitary notion of ownership - promotion of efficient land use.

Subjects: EASEMENTS
LEGAL HISTORY
LEGAL THEORY
PROPERTY LAW
REAL PROPERTY

AGIS No: 20132657

Title: The pursuit of happiness : implementing utopia through the New South Wales community title legislation.

Authors: SHARMA, Kunal

Source: PROPERTY LAW REVIEW 3 (1) August 2013 : 51-63

Abstract: Explanation of intentional communities - evaluation of how effectively the New South Wales community title legislation can be used to implement intentional communities.

Legislation: Community Land Development Act 1989 (NSW)

Community Land Management Act 1989 (NSW)

Subjects: PROPERTY LAW
REAL PROPERTY
STRATA TITLES

Jurisdictions: AUSTRALIA, New South Wales

PROSTITUTION

AGIS No: 20132615

Title: And justice for all? International anti-trafficking agendas and local consequences in a Philippines sex tourism town.

Authors: WISS, Rosemary

Source: AUSTRALIAN JOURNAL OF HUMAN RIGHTS 19 (1) August 2013 : 55-82

Abstract: Examination of the criminalisation of human trafficking - how international and regional discourse has been infused by moral agendas against prostitution - religious feminist and government campaigns to correlate trafficking with sex trafficking.

Subjects: FEMINISM
HUMAN RIGHTS
PEOPLE TRAFFICKING
PROSTITUTION
RELIGION

Treaties: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children

United Nations Convention Against Transnational Organised Crime

Jurisdictions: PHILIPPINES

PUBLIC ADMINISTRATION

AGIS No: 20132561
Title: ALL volunteer force to be reckoned with.
Source: PUBLIC ADMINISTRATION TODAY (35) July / September 2013 : 42-43
Abstract: Profile of Northern Territory committee members of the Institute of Public Administration Australia.
Subjects: PUBLIC ADMINISTRATION
Jurisdictions: AUSTRALIA, Northern Territory

AGIS No: 20132552
Title: Community housing sector thrives.
Authors: SAAD, Nazha
Source: PUBLIC ADMINISTRATION TODAY (35) July / September 2013 : 13-15
Abstract: Overview of not-for-profit community housing providers - growth in transfer of properties from government to community housing - benefits of government working with community housing providers.
Subjects: COMMUNITY ORGANISATIONS
HOUSING
PUBLIC ADMINISTRATION
Jurisdictions: AUSTRALIA, New South Wales

AGIS No: 20132554
Title: Compacts with the third sector : the politics and the pragmatism.
Authors: BUTCHER, John
Source: PUBLIC ADMINISTRATION TODAY (35) July / September 2013 : 19-22
Abstract: Compacts between government and the not-for-profit sector to place relationships on a principled and predictable footing - comparative analysis of different approaches - factors important to success.
Subjects: COMMUNITY ORGANISATIONS
GOVERNMENT PURCHASING
PUBLIC ADMINISTRATION
PUBLIC SECTOR
Jurisdictions: AUSTRALIA

AGIS No: 20132551
Title: CONTRACTING out ... to the community : implications for public administration.
Source: PUBLIC ADMINISTRATION TODAY (35) July / September 2013 : 7-9
Abstract: Extracts from oration by Peter Shergold - delivery of government through third parties - comment on issues raised for both community sector and government.
Subjects: COMMUNITY ORGANISATIONS
PUBLIC ADMINISTRATION
PUBLIC SECTOR
Jurisdictions: AUSTRALIA

AGIS No: 20132555
Title: Difficulty of reform in a federation : not-for-profit and government nexus.
Authors: GILCHRIST, David
Source: PUBLIC ADMINISTRATION TODAY (35) July / September 2013 : 23-25
Abstract: Regulation of not-for-profit organisations - regulatory reform - supervision by Australian Charities and Not-for-profits Commission - challenges of regulation at Commonwealth and state territory level.
Subjects: AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION
CHARITIES
COMMUNITY ORGANISATIONS
POLITICS AND GOVERNMENT
PUBLIC ADMINISTRATION
Jurisdictions: AUSTRALIA

AGIS No: 20132563
Title: MAKING a federal case out of it : accountability in a joined-up world.
Source: PUBLIC ADMINISTRATION TODAY (35) July / September 2013 : 44-46
Abstract: Speech given by Mary Anne O'Loughlin - accountability arrangements for funding between the Commonwealth and states - constitutional challenges of the Australian federation - vertical fiscal imbalance - National Agreements - National Partnership Agreements.
Subjects: CONSTITUTIONAL LAW
FEDERALISM
INTERGOVERNMENTAL RELATIONS
PUBLIC ADMINISTRATION
Jurisdictions: AUSTRALIA

AGIS No: 20132556
Title: Partnership preferred.
Authors: HALLIDAY, Illana
NEWMAN, Michelle
Source: PUBLIC ADMINISTRATION TODAY (35) July / September 2013 : 26-27
Abstract: Exploration of differences between auspice arrangement and partnership between non-government organisation and a government department.
Subjects: COMMUNITY ORGANISATIONS
MANAGEMENT
PUBLIC ADMINISTRATION
PUBLIC SECTOR
Jurisdictions: AUSTRALIA
AUSTRALIA, New South Wales

AGIS No: 20132566
Title: Public sector professional capabilities : a standards framework for public sector professions.

Authors: FLYNN, Christine
TURNER, Alison
Source: PUBLIC ADMINISTRATION TODAY (35) July / September 2013 : 49-50
Abstract: Update on Institute of Public Administration Australia's (IPAA's) Professional Capabilities Project - improving public sector performance - benefits of standards framework - current progress.
Subjects: MANAGEMENT
PUBLIC ADMINISTRATION
PUBLIC SECTOR
Jurisdictions: AUSTRALIA

AGIS No: 20132558
Title: When being caring isn't enough.
Authors: MOFFATT, Lindsey
Source: PUBLIC ADMINISTRATION TODAY (35) July / September 2013 : 39-41
Abstract: Challenges for Tasmania's community services sector - labour and skills shortages - overview of whole-of-sector workforce development plan.
Subjects: BUSINESS ADMINISTRATION
COMMUNITY ORGANISATIONS
MANAGEMENT
PUBLIC ADMINISTRATION
Jurisdictions: AUSTRALIA, Tasmania

AGIS No: 20132544
Title: Why say yes?
Authors: COSTELLO, Georgina
Source: VICTORIAN BAR NEWS (153) Winter 2013 : 40-41
Abstract: Profile of three legal professionals who have accepted appointments to non-judicial office.
Subjects: LEGAL PROFESSION
PUBLIC ADMINISTRATION
Jurisdictions: AUSTRALIA

PUBLIC INQUIRIES

AGIS No: 20132541
Title: A sheep in wolf's clothing?
Authors: CHARLES, Stephen
Source: VICTORIAN BAR NEWS (153) Winter 2013 : 28-32
Abstract: Overview of the Independent Broad-based Anti-corruption Commission (IBAC) - circumstances in which IBAC can commence an investigation - comparison with NSW Independent Commission Against Corruption.
Legislation: Independent Broad-based Anti-corruption Commission Act 2011 (VIC)
Independent Commission Against Corruption Act 1988 (NSW)

Subjects: CORRUPTION
INDEPENDENT COMMISSION AGAINST CORRUPTION
PUBLIC INQUIRIES
Jurisdictions: AUSTRALIA, Victoria

PUBLIC SECTOR

AGIS No: 20132554
Title: Compacts with the third sector : the politics and the pragmatism.
Authors: BUTCHER, John
Source: PUBLIC ADMINISTRATION TODAY (35) July / September 2013 : 19-22
Abstract: Compacts between government and the not-for-profit sector to place relationships on a principled and predictable footing - comparative analysis of different approaches - factors important to success.
Subjects: COMMUNITY ORGANISATIONS
GOVERNMENT PURCHASING
PUBLIC ADMINISTRATION
PUBLIC SECTOR
Jurisdictions: AUSTRALIA

AGIS No: 20132551
Title: CONTRACTING out ... to the community : implications for public administration.
Source: PUBLIC ADMINISTRATION TODAY (35) July / September 2013 : 7-9
Abstract: Extracts from oration by Peter Shergold - delivery of government through third parties - comment on issues raised for both community sector and government.
Subjects: COMMUNITY ORGANISATIONS
PUBLIC ADMINISTRATION
PUBLIC SECTOR
Jurisdictions: AUSTRALIA

AGIS No: 20132557
Title: EMPLOYEES support third sector.
Source: PUBLIC ADMINISTRATION TODAY (35) July / September 2013 : 28-29
Abstract: Overview of New South Wales public sector workplace giving program.
Subjects: CHARITIES
PUBLIC SECTOR
Jurisdictions: AUSTRALIA, New South Wales

AGIS No: 20132651
Title: Law, governance and risk : deconstructing the public-private divide in climate change adaptation.

Authors: GODDEN, Lee
ROCHFORD, Francine
PEEL, Jacqueline
AND, others

Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 36 (1) 2013 : 224-255

Abstract: Examination of the complex of law and regulation around climate change adaptation - interaction between public and private spheres - shifting of responsibilities and risk between public and private spheres.

Subjects: CLIMATE CHANGE
OUTSOURCING
POLITICS AND GOVERNMENT
PUBLIC SECTOR

AGIS No: 20132564

Title: Leadership : not an 'option'.

Authors: ACHTERSTRAAT, Peter

Source: PUBLIC ADMINISTRATION TODAY (35) July / September 2013 : 47-48

Abstract: Analysis of what makes an effective leader for the public sector.

Subjects: LEADERSHIP
MANAGEMENT
PUBLIC SECTOR

Jurisdictions: AUSTRALIA, New South Wales

AGIS No: 20132556

Title: Partnership preferred.

Authors: HALLIDAY, Illana
NEWMAN, Michelle

Source: PUBLIC ADMINISTRATION TODAY (35) July / September 2013 : 26-27

Abstract: Exploration of differences between auspice arrangement and partnership between non-government organisation and a government department.

Subjects: COMMUNITY ORGANISATIONS
MANAGEMENT
PUBLIC ADMINISTRATION
PUBLIC SECTOR

Jurisdictions: AUSTRALIA
AUSTRALIA, New South Wales

AGIS No: 20132566

Title: Public sector professional capabilities : a standards framework for public sector professions.

Authors: FLYNN, Christine
TURNER, Alison

Source: PUBLIC ADMINISTRATION TODAY (35) July / September 2013 : 49-50

Abstract: Update on Institute of Public Administration Australia's (IPAA's) Professional Capabilities Project - improving public sector performance - benefits of standards framework - current progress.

Subjects: MANAGEMENT
PUBLIC ADMINISTRATION
PUBLIC SECTOR

Jurisdictions: AUSTRALIA

AGIS No: 20132553

Title: Third sector rise : and fall?

Authors: NUTE, Peter

Source: PUBLIC ADMINISTRATION TODAY (35) July / September 2013 : 16-18

Abstract: Challenges for small community organisations in government service provision - impact and issues with competitive tendering - compliance costs - differing impact on large religious based organisations and smaller community organisations.

Subjects: COMMUNITY ORGANISATIONS
GOVERNMENT PURCHASING
PUBLIC SECTOR

Jurisdictions: AUSTRALIA, Tasmania

PUNISHMENT

AGIS No: 20132633

Title: The 'day fine' : improving equality before the law in Australian sentencing.

Authors: BARTL, Benedict

Source: UNIVERSITY OF WESTERN SYDNEY LAW REVIEW (16) 2012 : 48-78

Abstract: Legislative prescription of minimum fines - unequal impact on less wealthy - European income-based fining system known as the 'day fine' - potential to reduce Australian reliance on imprisonment - equality before the law.

Subjects: JURISPRUDENCE
PENALTIES
PENOLOGY
PUNISHMENT
SENTENCING
SOCIOLOGY OF LAW

Jurisdictions: AUSTRALIA
GERMANY

RACE RELATIONS

AGIS No: 20132617

Title: Who is the 'human' in 'human rights'?

Authors: MACDONALD, Gaynor

Source: AUSTRALIAN JOURNAL OF HUMAN RIGHTS 19 (1) August 2013 : 107-131

Abstract: Only people rendered as humans can hold rights - denial of human rights to Aboriginal Australians through racialisation - examination of racialisation by Australia both historically and currently.

Subjects: ABORIGINES
HUMAN RIGHTS
RACE RELATIONS
RACIAL DISCRIMINATION

Jurisdictions: AUSTRALIA

RACIAL DISCRIMINATION

AGIS No: 20132617

Title: Who is the 'human' in 'human rights'?

Authors: MACDONALD, Gaynor

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Abstract: Only people rendered as humans can hold rights - denial of human rights to Aboriginal Australians through racialisation - examination of racialisation by Australia both historically and currently.

Subjects: ABORIGINES
HUMAN RIGHTS
RACE RELATIONS
RACIAL DISCRIMINATION

Jurisdictions: AUSTRALIA

REAL PROPERTY

AGIS No: 20132653

Title: Lessons in personal freedom and functional land markets : what strata and community title can learn from traditional doctrines of property.

Authors: SHERRY, Cathy

Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 36 (1) 2013 : 280-315

Abstract: Private property law - examination of the morality of private property and its embodiment of public values - role of property entitlements in shaping public values - freehold covenant as the theoretical basis for strata and community title as straddling the public - ramifications of freehold covenant and the types of communities that have developed under strata and community title.

Subjects: PROPERTY LAW
REAL PROPERTY
STRATA TITLES

Jurisdictions: AUSTRALIA, New South Wales

AGIS No: 20132656

Title: Lockean natural rights and the stewardship model of property.

Authors: HOWE, Helena

Source: PROPERTY LAW REVIEW 3 (1) August 2013 : 36-50

Abstract: Stewardship model of property as a concept to tackle social and environmental challenges - potential conflict with Lockean natural rights theory justifying an extensive rights model of property - argument that stewardship model does not involve denial of Lockean natural rights to property.

Subjects: LEGAL THEORY
PROPERTY LAW
REAL PROPERTY

AGIS No: 20132655

Title: The continued relevance of servitude.

Authors: VAN DER WALT, AJ

Source: PROPERTY LAW REVIEW 3 (1) August 2013 : 3-35

Abstract: Control over the creation and continued exercise of real rights in or real burdens on land - easements - exploration of narratives explaining the effects of the abolition of feudalism in modern servitude law - unitary notion of ownership - promotion of efficient land use.

Subjects: EASEMENTS
LEGAL HISTORY
LEGAL THEORY
PROPERTY LAW
REAL PROPERTY

AGIS No: 20132657

Title: The pursuit of happiness : implementing utopia through the New South Wales community title legislation.

Authors: SHARMA, Kunal

Source: PROPERTY LAW REVIEW 3 (1) August 2013 : 51-63

Abstract: Explanation of intentional communities - evaluation of how effectively the New South Wales community title legislation can be used to implement intentional communities.

Legislation: Community Land Development Act 1989 (NSW)
Community Land Management Act 1989 (NSW)

Subjects: PROPERTY LAW
REAL PROPERTY
STRATA TITLES

Jurisdictions: AUSTRALIA, New South Wales

REFERENDUMS

AGIS No: 20132505

Title: Constitutional recognition of Aboriginal and Torres Strait Islanders : are we ready as a nation?

Authors: FERGUSON, Glenn

Source: JAMES COOK UNIVERSITY LAW REVIEW (19) 2012 : 6-17

Abstract: Mayo lecture 2012 - School of Law James Cook University - speech by member of the Expert Panel on Constitutional Recognition of Aboriginal and Torres Strait Islander People - comment on proposals of the Expert Panel.

Legislation: Constitution (CTH)

Subjects: ABORIGINES
CONSTITUTIONAL REFORM
REFERENDUMS

Jurisdictions: AUSTRALIA

RELIGION

AGIS No: 20132615

Title: And justice for all? International anti-trafficking agendas and local consequences in a Philippines sex tourism town.

Authors: WISS, Rosemary

Source: AUSTRALIAN JOURNAL OF HUMAN RIGHTS 19 (1) August 2013 : 55-82

Abstract: Examination of the criminalisation of human trafficking - how international and regional discourse has been infused by moral agendas against prostitution - religious feminist and government campaigns to correlate trafficking with sex trafficking.

Subjects: FEMINISM
HUMAN RIGHTS
PEOPLE TRAFFICKING
PROSTITUTION
RELIGION

Treaties: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children
United Nations Convention Against Transnational Organised Crime

Jurisdictions: PHILIPPINES

REMEDIES

AGIS No: 20132600

Title: The valuation of minority shareholdings in an oppression context : a contemporary review.

Authors: BROCKETT, Richard

Source: BOND LAW REVIEW 24 (2) December 2012 : 101-124

Abstract: Remedies for minority shareholder oppression - compulsory buy-out order - court determination of the value of shares - principles determined in precedent cases - evolution or divergence from these principles - developments in the United Kingdom.

Legal Cases: Foss v Harbottle (1843) 2 Hare 461
Re London School of Electronics Ltd (1985) 3 WLR 474
Scottish Cooperative Wholesale Society v Meyer (1959) AC 324

Legislation: Companies Act 2006 (UK)
Corporations Act 2001 (CTH)

Subjects: REMEDIES
SHARES AND SHAREHOLDERS

Jurisdictions: AUSTRALIA
UNITED KINGDOM

RESTORATIVE JUSTICE

AGIS No: 20132509
Title: A critical analysis of the transitional justice measures incorporated by Rwandan gacaca and their effectiveness.
Authors: HERRMANN, Judith
Source: JAMES COOK UNIVERSITY LAW REVIEW (19) 2012 : 90-112
Abstract: Concept of transitional justice - objectives of transitional justice as recognition of victims and the promotion of peace democracy and reconciliation - 'five pillars' of holistic approach to transitional justice - accountability - truth recovery - reconciliation - reparations - institutional reform - extent to which Rwanda's Gacaca courts achieved these purposes.
Subjects: CRIMINAL LAW
INTERNATIONAL COURTS
INTERNATIONAL CRIMINAL LAW
RESTORATIVE JUSTICE
WAR CRIMES
WAR CRIMES TRIALS
Jurisdictions: RWANDA

AGIS No: 20132482
Title: Restorative justice : the Sycamore Tree Project.
Authors: COCKRAM, Michael
Source: BRIEF 40 (5) June 2013 : 12-14
Abstract: Sycamore Tree Project in Western Australia - meetings between victims of crime and unrelated offenders in effort to help both parties - level playing field for victims and offenders - personal growth in confidence for victims - understanding of trauma caused by offenders - improvement in offender empathy measures.
Subjects: CRIMINAL OFFENDERS
RESTORATIVE JUSTICE
VICTIMS OF CRIME
Jurisdictions: AUSTRALIA, Western Australia

RISK MANAGEMENT

AGIS No: 20132658
Title: A delicate balance : High Court finds in favour of claimant on retrial of catastrophic injury case.
Authors: THOMSON, Siobhan
WALLER, Dennis
Source: AUSTRALIAN PRODUCT LIABILITY REPORTER 24 (1) September 2013 : 2-4

Abstract: 'Commonsense' approach to negligence claims arising from leisure activities - need for risk assessment of activity - in particular circumstances the threshold for taking preventative action may be lower than normal - case law.

Legal Cases: Tomlinson v Congleton Borough Council (2003) All ER (D) 554 (Jul)
Uren v Corporate Leisure (UK) Ltd [2010] EWHC 46 (QB)
Uren v Corporate Leisure (UK) Ltd [2011] EWCA Civ 66
Uren v Corporate Leisure (UK) Ltd [2013] EWHC 353 (QB)

Subjects: NEGLIGENCE
RISK MANAGEMENT
TORTS

Jurisdictions: UNITED KINGDOM

AGIS No: 20132612

Title: Joint venture or cartel arrangement?

Authors: ZAURRINI, Ross
PHILLIPS, Alyssa

Source: INHOUSE COUNSEL 16 (9) August 2013 : 176-179

Abstract: Competition law and joint ventures - fine line between collaborative conduct and cartel conduct - anti-competition prohibitions - Australian Consumer and Competition Commission - joint venture exception - managing risk - practical tips on joint ventures.

Legislation: Competition and Consumer Act 2010 (CTH)

Subjects: CARTELS
JOINT VENTURES
RISK MANAGEMENT

Jurisdictions: AUSTRALIA

RULE OF LAW

AGIS No: 20132560

Title: Defending Singapore's Internal Security Act : balancing the need for national security with the rule of law.

Authors: ZEE, Josiah

Source: eLaw journal : Murdoch University Electronic Journal of Law 18 (1) 2011 : 28-46

Abstract: Development of the Internal Security Act (ISA) - amendments to the Act and Constitution - balance between the need for national security and the rule of law - arbitrary exercise of discretionary power by the executive - judicial review over executive discretion under the ISA contrary to the rule of law.

Legislation: Constitution (SINGAPORE)
Internal Security Act 1985 (SINGAPORE)

Subjects: LEGISLATION
NATIONAL SECURITY
RULE OF LAW

Jurisdictions: SINGAPORE

SENTENCING

AGIS No: 20132622
Title: Civil penalty settlement agreements : a new approach : ASIC v Ingleby.
Authors: MACKNAY, Elizabeth
KEOGH, Matthew
BRIGHT, Emma
Source: BRIEF 40 (7) August 2013 : 12-13
Abstract: Negotiated settlements in civil penalty proceedings - Victorian Supreme Court approach - power of court not restrained by what has been agreed by parties - case law.
Legal Cases: Australian Securities and Investments Commission (ASIC) v Ingleby [2013] VSCA 49
NW Frozen Foods Pty Ltd v Australian Competition and Consumer Commission (1996)
71 FCR 285
Legislation: Corporations Act 2001 (CTH)
Subjects: AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION
PENALTIES
SENTENCING
Jurisdictions: AUSTRALIA, Victoria

AGIS No: 20132593
Title: HSE sentencing : changing guidelines.
Authors: WOODFIELD, Alan
HICKSON, Stephen
MENCLOVA, Andrea
Source: NEW ZEALAND LAW JOURNAL August 2013 : 267-272
Abstract: Determinants in sentencing for health and safety in employment offences - total financial liability - division between fines and reparation awards - role of guideline judgements - other factors in fine decision - case law.
Legal Cases: Department of Labour v de Spa & Co Ltd (1994) 1 ERNZ 339
Dept of Labour v Hanham & Philp Contractors Ltd (2008) 6 NZELR 79
Legislation: Health and Safety in Employment Act 1992 (NZ)
Subjects: SENTENCING
WORKERS COMPENSATION
Jurisdictions: NEW ZEALAND

AGIS No: 20132648
Title: Rehabilitating totality in sentencing : from obscurity to principle.
Authors: BAGARIC, Mirko
ALEXANDER, Theo
Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 36 (1) 2013 : 139-167
Abstract: Examination of the application of the totality principle in cases of multiple offending - issues with uncertainty about the scope and impact of doctrine of totality on the overall sentence - rationale and justification - proposals for reform.

Subjects: LAW REFORM
SENTENCING
Jurisdictions: AUSTRALIA

AGIS No: 20132633
Title: The 'day fine' : improving equality before the law in Australian sentencing.
Authors: BARTL, Benedict
Source: UNIVERSITY OF WESTERN SYDNEY LAW REVIEW (16) 2012 : 48-78
Abstract: Legislative prescription of minimum fines - unequal impact on less wealthy - European income-based fining system known as the 'day fine' - potential to reduce Australian reliance on imprisonment - equality before the law.
Subjects: JURISPRUDENCE
PENALTIES
PENOLOGY
PUNISHMENT
SENTENCING
SOCIOLOGY OF LAW
Jurisdictions: AUSTRALIA
GERMANY

AGIS No: 20132573
Title: The Fernando principles and genetic vulnerabilities to the criminogenic effects of social environments.
Authors: MCCAY, Allan
Source: INDIGENOUS LAW BULLETIN 8 (6) May / June 2013 : 9-13
Abstract: Factors relevant to sentencing of Aboriginal offenders - socio-economic circumstances - genetic vulnerability and mitigation - ethical issues.
Legal Cases: R v Fernando (1992) 76 A Crim R 58
Subjects: ABORIGINES
CRIMINOLOGY
INDIGENOUS PEOPLE
SENTENCING
Jurisdictions: AUSTRALIA

SEPARATION OF POWERS

AGIS No: 20132592
Title: Aspects of state executive powers.
Authors: DONALDSON, Grant
Source: UNIVERSITY OF WESTERN AUSTRALIA LAW REVIEW 36 (2) April 2013 : 145-167
Abstract: Examination of political and constitutional aspects of the foundation and exercise of state executive powers - nature of executive power - appointment of Ministers during the term of government.
Legal Cases: Williams v Commonwealth of Australia (2012) 86 ALJR 713

Legislation: Constitution (CTH)
Constitution Act 1889 (WA)
Constitution Acts Amendment Act 1899 (WA)

Subjects: CONSTITUTIONAL HISTORY
CONSTITUTIONAL LAW
CONSTITUTIONS
SEPARATION OF POWERS

Jurisdictions: AUSTRALIA, Western Australia

AGIS No: 20132590

Title: The Constitution of Western Australia : controversial aspects of money and financial arrangements, parliamentary control of revenue, relations between the houses and funding disputes.

Authors: JOHNSTON, Peter

Source: UNIVERSITY OF WESTERN AUSTRALIA LAW REVIEW 36 (2) April 2013 : 114-144

Abstract: Extent to which the Western Australian Parliament is able to adequately supervise government expenditure - comparison with Commonwealth - power of the Legislative Council to repeatedly return Bills to the Assembly - procedure for supply legislation.

Legal Cases: Combet v Commonwealth of Australia (2005) 224 CLR 494
Pape v Commissioner of Taxation (2009) 238 CLR 1
Williams v Commonwealth of Australia (2012) 86 ALJR 713

Legislation: Constitution (CTH)
Constitution Act 1889 (WA)
Constitution Acts Amendment Act 1899 (WA)

Subjects: CONSTITUTIONAL LAW
CONSTITUTIONAL REFORM
CONSTITUTIONS
SEPARATION OF POWERS

Jurisdictions: AUSTRALIA, Western Australia

AGIS No: 20132597

Title: The third branch of government : the constitutional position of the courts of Western Australia.

Authors: MARTIN, Wayne

Source: UNIVERSITY OF WESTERN AUSTRALIA LAW REVIEW 36 (2) April 2013 : 184-211

Abstract: Position of Western Australian (WA) courts under WA Constitution - effect of Chapter III of the Commonwealth Constitution in impliedly restricting the ability of the State Parliament to abolish or interfere with the Supreme Court.

Legal Cases: Australian Building Construction Employees and Builders Labourers Federation v Commonwealth (1986) 161 CLR 88
Building & Construction Employees & Builders Labourers' Federation (NSW) v Minister for Industrial Relations (BLF case) (1986) 7 NSWLR 372
Chu Kheng Lim v Minister for Immigration, Local Government and Ethnic Affairs (1992) 176 CLR 1
HA Bachrach Pty Ltd v State of Queensland (1998) 195 CLR 547
Kable v Director of Public Prosecutions (NSW) (1996) 189 CLR 51
Liyanage v The Queen (1967) 1 AC 259
Nelungaloo Pty Ltd v Commonwealth (1948) 75 CLR 495
Nicholas v R (1998) 193 CLR 173
Nicholas v Western Australia [1972] WAR 168
R v Humby; Ex parte Rooney (1973) 129 CLR 231

Legislation: Constitution (CTH)
Constitution Act 1889 (WA)
Constitution Acts Amendment Act 1899 (WA)

Subjects: CONSTITUTIONAL LAW
CONSTITUTIONS
COURTS
SEPARATION OF POWERS

Jurisdictions: AUSTRALIA, Western Australia

AGIS No: 20132595

Title: What is the relevance of Williams and Plaintiff M61 for the exercise of state executive power?

Authors: FOLEY, Kathleen E

Source: UNIVERSITY OF WESTERN AUSTRALIA LAW REVIEW 36 (2) April 2013 : 168-183

Abstract: Analysis of the application of the reasoning of the High Court in Williams and Plaintiff M61 to state executive power - analogy of executive power with power of a natural person - trend in the High Court's approach to exercise of non-statutory executive power.

Legal Cases: Plaintiff M61/2010E v Commonwealth of Australia; Plaintiff M69 of 2010 v Commonwealth of Australia (2010) 243 CLR 319
Williams v Commonwealth of Australia (2012) 86 ALJR 713

Legislation: Constitution (CTH)

Subjects: CONSTITUTIONAL LAW
CONSTITUTIONS
SEPARATION OF POWERS

Jurisdictions: AUSTRALIA

SEXUAL HARASSMENT

AGIS No: 20132662

Title: Settling sexual harassment complaints : what benefits does ADR offer?

Authors: ALLEN, Dominique

Source: AUSTRALASIAN DISPUTE RESOLUTION JOURNAL 24 (3) August 2013 : 169-177

Abstract: Comparison of alternative dispute resolution (ADR) settlements in sexual harassment cases with tribunal orders - additional benefits of ADR - possible changes to process to enhance effectiveness of tribunal orders while maintaining ADR benefits.

Legislation: Anti-Discrimination Act 1991 (QLD)

Subjects: ALTERNATIVE DISPUTE RESOLUTION
SEXUAL HARASSMENT
TRIBUNALS

Jurisdictions: AUSTRALIA, Queensland

SHARED PARENTING

AGIS No: 20132568

Title: Post-separation parenting and financial arrangements over time : recent qualitative findings.

Authors: FEHLBERG, Belinda
MILLWARD, Christine

Source: FAMILY MATTERS (92) 2013 : 29-40

Abstract: Study exploring links between parenting and financial arrangements - pathways to arrangements - post-separation parenting over time - "maternal drift" - key themes in parenting arrangements - financial arrangements - children's views.

Legislation: Family Law Act 1975 (CTH)

Subjects: PARENTAL RIGHTS AND DUTIES
SHARED PARENTING

Jurisdictions: AUSTRALIA, Victoria

AGIS No: 20132567

Title: The effects of co-parenting relationships with ex-spouses on couples in step-families.

Authors: CARTWRIGHT, Claire
GIBSON, Kerry

Source: FAMILY MATTERS (92) 2013 : 18-28

Abstract: Study of couples in repartnered families - processes associated with repartnering and establishing step-families - co-parenting issues with former partners source of stress in new relationship - children's residence and financial matters - ex-spouse demands or lack of contribution - lack of cooperation - ex-spouse negativity to new relationship.

Subjects: FAMILIES
PARENTAL RIGHTS AND DUTIES
SHARED PARENTING

Jurisdictions: NEW ZEALAND

AGIS No: 20132565

Title: Violence, abuse and the limits of shared parental responsibility.

Authors: PARKINSON, Patrick

Source: FAMILY MATTERS (92) 2013 : 7-17

Abstract: Dissolubility of parenthood - enduring family - custody law - comparative perspective of Australian family law reforms - when parenthood should be dissoluble - family violence - safety concerns - parents who have never been a family.

Legislation: Children's Act 1989 (UK)
Family Law Act 1975 (CTH)
Family Law Amendment (Shared Parental Responsibility) Act 2006 (CTH)

Subjects: DOMESTIC VIOLENCE
PARENTAL RIGHTS AND DUTIES
SHARED PARENTING

Jurisdictions: AUSTRALIA
BELGIUM
FRANCE
UNITED KINGDOM

SHARES AND SHAREHOLDERS

AGIS No: 20132601

Title: The statutory derivative action in Malaysia.

Authors: SALIM, Mohammad Rizal
GURDIAL KAUR, Deborah

Source: BOND LAW REVIEW 24 (2) December 2012 : 125-156

Abstract: Analysis of statutory action in Malaysia - comparison with United Kingdom, Australia and Singapore - removal of weakness of common law through statutory derivative action - potential in encouraging shareholder litigation.

Legal Cases: Foss v Harbottle (1843) 2 Hare 461

Legislation: Companies Act (SINGAPORE)
Companies Act 1965 (MALAYSIA)
Companies Act 2006 (UK)
Corporations Act 2001 (CTH)

Subjects: COMMON LAW
COMPANY LAW
SHARES AND SHAREHOLDERS

Jurisdictions: AUSTRALIA
MALAYSIA
SINGAPORE
UNITED KINGDOM

AGIS No: 20132600

Title: The valuation of minority shareholdings in an oppression context : a contemporary review.

Authors: BROCKETT, Richard

Source: BOND LAW REVIEW 24 (2) December 2012 : 101-124

Abstract: Remedies for minority shareholder oppression - compulsory buy-out order - court determination of the value of shares - principles determined in precedent cases - evolution or divergence from these principles - developments in the United Kingdom.

Legal Cases: Foss v Harbottle (1843) 2 Hare 461
Re London School of Electronics Ltd (1985) 3 WLR 474
Scottish Cooperative Wholesale Society v Meyer (1959) AC 324

Legislation: Companies Act 2006 (UK)
Corporations Act 2001 (CTH)

Subjects: REMEDIES
SHARES AND SHAREHOLDERS

Jurisdictions: AUSTRALIA
UNITED KINGDOM

SOCIAL MEDIA

AGIS No: 20132628

Title: Courts and social media : opportunities and challenges?

Authors: WALLACE, Anne
KEYZER, Patrick
JOHNSTON, Jane
AND, others

Source: BRIEF 40 (7) August 2013 : 36-39

Abstract: Impact of social media on the administration of justice - jury trials - research in Australia on concerns among justice system stakeholders - challenges and opportunities of social media.

Subjects: CRIMINAL PROCEDURE
JURIES
SOCIAL MEDIA

Jurisdictions: AUSTRALIA

AGIS No: 20132624

Title: Cyber bullying.

Authors: CASSIDY-VERNON, Cheryl

Source: BRIEF 40 (7) August 2013 : 20-22

Abstract: Young people and cyber bullying - legal implications - victims of bullying at school likely to become online aggressors - sexting - suggested ways to address cyber bullying.

Subjects: BULLYING
INFORMATION TECHNOLOGY
MOBILE DEVICES
SOCIAL MEDIA

Jurisdictions: AUSTRALIA

AGIS No: 20132578

Title: Parental involvement in preventing and responding to cyberbullying.

Authors: ROBINSON, Elly

Source: FAMILY MATTERS (92) 2013 : 68-76

Abstract: Characteristics of cyberbullying - prevalence - level of harm - parental prevention and responses to cyberbullying - internet monitoring - disclosure - identification - parents and schools working together.

Subjects: BULLYING
CHILDREN
INTERNET
MOBILE DEVICES
SOCIAL MEDIA
YOUNG PERSONS

Jurisdictions: AUSTRALIA

SOCIOLOGY OF LAW

AGIS No: 20132634

Title: Australian statutory labour law and the near death experience of the doctrine of managerial prerogatives.

Authors: CARRIGAN, Frank

Source: UNIVERSITY OF WESTERN SYDNEY LAW REVIEW (16) 2012 : 79-99

Abstract: Discussion of how the supervisory role of the High Court has shaped Australian labour law - jurisdictional scope of 'industrial matters' under the Constitution - move towards reliance on corporations power in statutory labour law.

Legal Cases: Australian Tramway Employees Assoc v Prahran & Malvern Tramways Trust (1918) 25 CLR 394
Clancy v Butchers Shop Employees Union (1904) 1 CLR 181
Federated Clerks Union of Australia v Victorian Employers Federation (1984) 154 CLR 472
Federated Clothing Trades of the Commonwealth v Archer (1919) 27 CLR 207
R v Commonwealth Conciliation and Arbitration Commission; ex parte Melbourne & Metropolitan Tramways Board (1966) 115 CLR 443
R v Holmes; Ex parte Public Service Association (NSW) (1977) 140 CLR 63
R v Kelly; ex parte State of Victoria (1950) 81 CLR 64
Re Cram; Ex parte NSW Colliery Proprietors Assoc Ltd (1987) 163 CLR 117

Legislation: Conciliation and Arbitration Act 1904 (CTH)
Constitution (CTH)

Subjects: CONSTITUTIONAL LAW
CORPORATIONS LAW
INDUSTRIAL RELATIONS
JURISPRUDENCE
SOCIOLOGY OF LAW

Jurisdictions: AUSTRALIA

AGIS No: 20132633

Title: The 'day fine' : improving equality before the law in Australian sentencing.

Authors: BARTL, Benedict

Source: UNIVERSITY OF WESTERN SYDNEY LAW REVIEW (16) 2012 : 48-78

Abstract: Legislative prescription of minimum fines - unequal impact on less wealthy - European income-based fining system known as the 'day fine' - potential to reduce Australian reliance on imprisonment - equality before the law.

Subjects: JURISPRUDENCE
PENALTIES
PENOLOGY
PUNISHMENT
SENTENCING
SOCIOLOGY OF LAW

Jurisdictions: AUSTRALIA
GERMANY

SOVEREIGN IMMUNITY

AGIS No: 20132605

Title: State immunity from Commonwealth legislation : assessing its development and the roles of sections 106 and 107 of the Commonwealth Constitution.

Authors: SHARPE, Adam

Source: UNIVERSITY OF WESTERN AUSTRALIA LAW REVIEW 36 (2) April 2013 : 252-272

Abstract: Doctrine of State immunity from Commonwealth legislation - historical review of origins and development.

Legal Cases: Amalgamated Society of Engineers v Adelaide Steamship Co Ltd (1920) 28 CLR 129
Austin v Commonwealth of Australia (2003) 215 CLR 185
Clarke v Commissioner of Taxation (2009) 240 CLR 272
Melbourne Corporation v Commonwealth (1947) 74 CLR 31
Port MacDonnell Professional Fishermen's Association Inc v South Australia (1989) 168 CLR 340
Queensland Electricity Commission v Commonwealth (1985) 159 CLR 192
Re Australian Education Union: Ex parte Victoria (1995) 184 CLR 188
Re Tracey; Ex parte Ryan (1989) 166 CLR 518

Legislation: Constitution (CTH)

Subjects: CONSTITUTIONAL LAW
CONSTITUTIONS
SOVEREIGN IMMUNITY

Jurisdictions: AUSTRALIA

SPORT

AGIS No: 20132549

Title: Boxing with policy shadows.

Authors: BAILEY, Simone

Source: VICTORIAN BAR NEWS (153) Winter 2013 : 58-59

Abstract: A barrister and boxer discusses the obligations of boxers under Boxing Australia's Anti-Doping Policy.

Subjects: DRUG CONTROL
SPORT

Jurisdictions: AUSTRALIA

AGIS No: 20132599

Title: Free agency and the Australian Football League.

Authors: COOK, Justin
DAVIES, Chris

Source: BOND LAW REVIEW 24 (2) December 2012 : 64-100

Abstract: Labour market controls in the Australian Football League (AFL) - salary caps - player drafts - introduction of player free agency in the AFL - free agency in the National Football League (NFL) - anti-trust laws and the NFL - effect of free agency on AFL's equalisation strategy - balance between competitive equality and player right to freedom of employment.

Subjects: EMPLOYMENT
SPORT

Jurisdictions: AUSTRALIA
UNITED STATES

AGIS No: 20132548

Title: Sport, drugs and doping control.

Authors: IHLE, Ben
BRIMER, Elizabeth

Source: VICTORIAN BAR NEWS (153) Winter 2013 : 56-57

Abstract: Comment on contractual basis for participation in sport - compliance with World Anti-Doping Code.

Subjects: DRUG CONTROL
DRUGS AND CRIME
SPORT

Jurisdictions: AUSTRALIA, Victoria

STATUTE LAW

AGIS No: 20132522

Title: Law : complexity and moral clarity.

Authors: FRENCH, Robert

Source: BRIEF 40 (6) July 2013 : 24,25,28-30

Abstract: Keynote speech by the Chief Justice of the High Court the Hon Robert French AC - 2013 Law Week Luncheon - statutory complexity.

Legal Cases: Commissioner of Taxation v McNeil (2005) 144 FCR 514

Subjects: LEGISLATIVE DRAFTING
STATUTE LAW
STATUTORY INTERPRETATION

Jurisdictions: AUSTRALIA

STATUTORY INTERPRETATION

AGIS No: 20132492
Title: Amendments to the Commonwealth Acts Interpretation Act.
Authors: LEHANE, Anna
ORR, Robert
Source: AIAL FORUM (73) July 2013 : 40-51
Abstract: Interpreting legislation under the Acts Interpretation Act - background to recent reforms - outline of amendments - purpose and effect of amendments.
Legislation: Acts Interpretation Act 1901 (CTH)
Acts Interpretation Amendment Act 2011 (CTH)
Subjects: LAW REFORM
STATUTORY INTERPRETATION
Jurisdictions: AUSTRALIA

AGIS No: 20132604
Title: Key judicial decisions on the Constitution Act 1889 (WA) and the Constitution Acts Amendment Act 1899 (WA).
Authors: MCLURE, CJ
Source: UNIVERSITY OF WESTERN AUSTRALIA LAW REVIEW 36 (2) April 2013 : 234-251
Abstract: Detailed analysis of key Western Australian constitutional decisions - difference with approach to Commonwealth Constitution interpretation - entrenchment provisions - electoral boundaries.
Legal Cases: Attorney-General (WA) v Marquet (2003) 217 CLR 545
Burke v Western Australia [1982] WAR 248
Clydesdale v Hughes (1934) 51 CLR 518
McGinty v Western Australia (1996) 186 CLR 140
Stephens v West Australian Newspapers Ltd (1994) 182 CLR 211
Western Australia v Wilsmore (1982) 149 CLR 79
Legislation: Constitution Act 1889 (WA)
Constitution Acts Amendment Act 1899 (WA)
Electoral Districts Act 1947 (WA)
Subjects: CONSTITUTIONAL LAW
CONSTITUTIONS
STATUTORY INTERPRETATION
Jurisdictions: AUSTRALIA, Western Australia

AGIS No: 20132522
Title: Law : complexity and moral clarity.
Authors: FRENCH, Robert
Source: BRIEF 40 (6) July 2013 : 24,25,28-30
Abstract: Keynote speech by the Chief Justice of the High Court the Hon Robert French AC - 2013 Law Week Luncheon - statutory complexity.
Legal Cases: Commissioner of Taxation v McNeil (2005) 144 FCR 514

Subjects: LEGISLATIVE DRAFTING
STATUTE LAW
STATUTORY INTERPRETATION

Jurisdictions: AUSTRALIA

AGIS No: 20132603

Title: When should history get in the way of a good idea? A comparison of approaches to interpreting the Commonwealth and Western Australian Constitutions.

Authors: MITCHELL, RM

Source: UNIVERSITY OF WESTERN AUSTRALIA LAW REVIEW 36 (2) April 2013 : 212-233

Abstract: Analysis of different approaches of the High Court to interpreting similar State and Commonwealth constitutional provisions - greater emphasis on historical context in interpreting State constitutional provisions.

Legal Cases: Attorney-General (WA) v Marquet (2003) 217 CLR 545
McGinty v Western Australia (1996) 186 CLR 140
Roach v Electoral Commissioner (2007) 233 CLR 162
Rowe v Electoral Commissioner (2010) 243 CLR 1
Stephens v West Australian Newspapers Ltd (1994) 182 CLR 211
Western Australia v Wilsmore (1982) 149 CLR 79

Legislation: Constitution (CTH)
Constitution Act 1889 (WA)
Constitution Acts Amendment Act 1899 (WA)

Subjects: CONSTITUTIONAL LAW
CONSTITUTIONS
STATUTORY INTERPRETATION

Jurisdictions: AUSTRALIA, Western Australia

STRATA TITLES

AGIS No: 20132653

Title: Lessons in personal freedom and functional land markets : what strata and community title can learn from traditional doctrines of property.

Authors: SHERRY, Cathy

Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 36 (1) 2013 : 280-315

Abstract: Private property law - examination of the morality of private property and its embodiment of public values - role of property entitlements in shaping public values - freehold covenant as the theoretical basis for strata and community title as straddling the public - ramifications of freehold covenant and the types of communities that have developed under strata and community title.

Subjects: PROPERTY LAW
REAL PROPERTY
STRATA TITLES

Jurisdictions: AUSTRALIA, New South Wales

AGIS No: 20132657
Title: The pursuit of happiness : implementing utopia through the New South Wales community title legislation.
Authors: SHARMA, Kunal
Source: PROPERTY LAW REVIEW 3 (1) August 2013 : 51-63
Abstract: Explanation of intentional communities - evaluation of how effectively the New South Wales community title legislation can be used to implement intentional communities.

Legislation: Community Land Development Act 1989 (NSW)
Community Land Management Act 1989 (NSW)

Subjects: PROPERTY LAW
REAL PROPERTY
STRATA TITLES

Jurisdictions: AUSTRALIA, New South Wales

SUCCESSION

AGIS No: 20132502
Title: Solicitors' duty of care to executors.
Authors: SMYTH, Christine
Source: PROCTOR 33 (5) June 2013 : 43
Abstract: Duty of care to executor includes identifying for the executor the responsibilities and risks in executing a will - statutory wills - Google's digital will.

Legal Cases: Lederberger and Scheiner v Mediterranean Olives Financial Pty Ltd [2012] VSCA 262

Subjects: SUCCESSION

Jurisdictions: AUSTRALIA

SUPERANNUATION

AGIS No: 20132531
Title: Can the ATO access a taxpayer's superannuation when bankruptcy looms?

Authors: OON, David
FIGOT, Bryce

Source: AUSTRALIAN SUPERANNUATION LAW BULLETIN 24 (10) July 2013 : 224-225

Abstract: Special status of superannuation in bankruptcy law - whether tax commissioner can garnishee amounts held in superannuation - recovery of tax debts - case law.

Legal Cases: Denlay v Commissioner of Taxation [2013] FCA 307

Legislation: Bankruptcy Act 1966 (CTH)
Taxation Administration Act 1953 (CTH)

Subjects: BANKRUPTCY
SUPERANNUATION
TAXATION

Jurisdictions: AUSTRALIA

AGIS No: 20132528
Title: Changes for SMSF pensions.
Authors: FIGOT, Bryce
LYNCH, Jared
Source: AUSTRALIAN SUPERANNUATION LAW BULLETIN 24 (10) July 2013 : 213-215
Abstract: Implications of announced changes to self managed superannuation fund (SMSF) pension rules - \$100 000 pension tax exemption limit - SMSF realising assets - death of a spouse.
Subjects: INCOME TAX
SUPERANNUATION
TAXATION
Jurisdictions: AUSTRALIA

AGIS No: 20132532
Title: Denial of TPD claim not unreasonable : Chapman v United Super Pty Ltd.
Authors: LEE, Newton
DRUMMOND, Stanley
Source: AUSTRALIAN SUPERANNUATION LAW BULLETIN 24 (10) July 2013 : 226-227
Abstract: Medical evidence that claimant not totally and permanently disabled - capacity to resume work in an occupation for which the claimant was reasonably suited by education training or experience - duty of insurer and duty of trustee - case law.
Legal Cases: Chapman v United Super Pty Ltd [2013] NSWSC 592
Subjects: INSURANCE
SUPERANNUATION
WORKERS COMPENSATION
Jurisdictions: AUSTRALIA, New South Wales

AGIS No: 20132529
Title: Disclosure of indirect costs.
Authors: VRISAKIS, Michael
Source: AUSTRALIAN SUPERANNUATION LAW BULLETIN 24 (10) July 2013 : 217-219
Abstract: Definition of "management costs" - disclosure of costs indirectly incurred by a superannuation fund - indirect cost - indirect cost ratio.
Legislation: Corporations Act 2001 (CTH)
Corporations Regulations 2001 (CTH)
Subjects: SUPERANNUATION
Jurisdictions: AUSTRALIA

AGIS No: 20132530
Title: Failure to properly investigate TPD claim : Sharp v Maritime Super Pty Ltd.

Authors: LEE, Newton
Source: AUSTRALIAN SUPERANNUATION LAW BULLETIN 24 (10) July 2013 : 220-222
Abstract: Breach of duty by trustee - duty of trustees of superannuation fund to properly inform themselves - trustee on notice that information relied on to assess a claim is incomplete or incorrect - case law.
Legal Cases: Sharp v Maritime Super Pty Ltd [2013] NSWSC 389
Subjects: SUPERANNUATION
TRUSTS AND TRUSTEES
Jurisdictions: AUSTRALIA, New South Wales

AGIS No: 20132477
Title: Higher super contributions : studying the impact.
Authors: HOLMES, Peter
Source: BULLETIN (LAW SOCIETY OF S.A.) 35 (5) June 2013 : 24-26
Abstract: Increase in the compulsory super contribution rate - impact on claims for loss of super benefits - review of legislation - salary sacrifice arrangements - damages for loss of super benefits.
Legal Cases: Todorovic v Waller (1981) 150 CLR 402
Legislation: Superannuation Guarantee (Administration) Act 1992 (CTH)
Superannuation Guarantee (Administration) Act 2012 (CTH)
Subjects: SUPERANNUATION
Jurisdictions: AUSTRALIA

AGIS No: 20132527
Title: Pitt v HMRC; Futter v HMRC : the UK Supreme Court on the "rule in Re Hastings-Bass" and mistake.
Authors: LATIMOUR, Mark
YEOH, Charmaine
Source: AUSTRALIAN SUPERANNUATION LAW BULLETIN 24 (10) July 2013 : 210-212
Abstract: Clarification of circumstances in which the court will interfere with the exercise of a discretion by a trustee - effect of the exercise of discretion is different from that intended by trustee - grounds for establishing mistake - case law.
Legal Cases: Pitt v Holt; Futter v Futter (2013) 3 All ER 429
Re Hastings-Bass (1975) Ch 25
Subjects: MISTAKE
SUPERANNUATION
TRUSTS AND TRUSTEES
Jurisdictions: UNITED KINGDOM

TAXATION

AGIS No: 20132531
Title: Can the ATO access a taxpayer's superannuation when bankruptcy looms?

Authors: OON, David
FIGOT, Bryce

Source: AUSTRALIAN SUPERANNUATION LAW BULLETIN 24 (10) July 2013 : 224-225

Abstract: Special status of superannuation in bankruptcy law - whether tax commissioner can garnishee amounts held in superannuation - recovery of tax debts - case law.

Legal Cases: Denlay v Commissioner of Taxation [2013] FCA 307

Legislation: Bankruptcy Act 1966 (CTH)
Taxation Administration Act 1953 (CTH)

Subjects: BANKRUPTCY
SUPERANNUATION
TAXATION

Jurisdictions: AUSTRALIA

AGIS No: 20132528

Title: Changes for SMSF pensions.

Authors: FIGOT, Bryce
LYNCH, Jared

Source: AUSTRALIAN SUPERANNUATION LAW BULLETIN 24 (10) July 2013 : 213-215

Abstract: Implications of announced changes to self managed superannuation fund (SMSF) pension rules - \$100 000 pension tax exemption limit - SMSF realising assets - death of a spouse.

Subjects: INCOME TAX
SUPERANNUATION
TAXATION

Jurisdictions: AUSTRALIA

AGIS No: 20132525

Title: Limiting the scope for executive discretion : relevant considerations in exercising the discretion to not collect tax.

Authors: FISHER, Rodney

Source: AIAL FORUM (73) July 2013 : 71-79

Abstract: Powers of the Federal Commissioner of Taxation for collecting income tax - discretionary power to not collect tax where it would cause hardship - establishing serious hardship threshold - scope of executive discretion - dispensing discretion.

Legislation: Financial Management and Accountability Act 1997 (CTH)
Tax Administration Act 1953 (CTH)

Subjects: INCOME TAX
TAXATION

Jurisdictions: AUSTRALIA

TECHNOLOGICAL INNOVATIONS

AGIS No: 20132627

Title: Paperless practice : risky or not?
Authors: NORTH, Ronwyn
Source: BRIEF 40 (7) August 2013 : 32-34
Abstract: Electronic record keeping for law firms - issues to consider - obligations to preserve original paper - technology - professional obligations to clients - good record keeping practice.
Subjects: ELECTRONIC COMMERCE
INFORMATION TECHNOLOGY
LAWYER CLIENT RELATIONSHIP
LEGAL PROFESSION
TECHNOLOGICAL INNOVATIONS
Jurisdictions: AUSTRALIA

TELECOMMUNICATIONS

AGIS No: 20132572
Title: Indigenous people, telecommunications and consumer protection.
Authors: LOBAN, Heron
Source: INDIGENOUS LAW BULLETIN 8 (6) May / June 2013 : 6-8
Abstract: Issues faced by Indigenous people in dealing with telecommunications companies - mobile phones - coverage - knowledge and use of complaints mechanisms - misleading and deceptive conduct - case law.
Legal Cases: Australian Competition and Consumer Commission (ACCC) v Excite Mobile Pty Ltd [2013] FCA 350

Australian Competition and Consumer Commission (ACCC) v EDirect Pty Ltd (in liq) [2012] FCA 976

Australian Competition and Consumer Commission (ACCC) v EDirect Pty Ltd [2008] FCA 65

Legislation: Competition and Consumer Act 2010 (CTH)
Trade Practices Act 1974 (CTH)
Subjects: AUSTRALIAN COMPETITION AND CONSUMER COMMISSION
CONSUMER PROTECTION
INDIGENOUS PEOPLE
MOBILE DEVICES
TELECOMMUNICATIONS
Jurisdictions: AUSTRALIA

TORTS

AGIS No: 20132658
Title: A delicate balance : High Court finds in favour of claimant on retrial of catastrophic injury case.
Authors: THOMSON, Siobhan
WALLER, Dennis

Source: AUSTRALIAN PRODUCT LIABILITY REPORTER 24 (1) September 2013 : 2-4

Abstract: 'Commonsense' approach to negligence claims arising from leisure activities - need for risk assessment of activity - in particular circumstances the threshold for taking preventative action may be lower than normal - case law.

Legal Cases: Tomlinson v Congleton Borough Council (2003) All ER (D) 554 (Jul)
Uren v Corporate Leisure (UK) Ltd [2010] EWHC 46 (QB)
Uren v Corporate Leisure (UK) Ltd [2011] EWCA Civ 66
Uren v Corporate Leisure (UK) Ltd [2013] EWHC 353 (QB)

Subjects: NEGLIGENCE
RISK MANAGEMENT
TORTS

Jurisdictions: UNITED KINGDOM

TRIBUNALS

AGIS No: 20132474

Title: Examining the role of the Guardianship Board.

Authors: MOORE, Jeremy

Source: BULLETIN (LAW SOCIETY OF S.A.) 35 (5) June 2013 : 10,12-13

Abstract: Mental health review tribunal - decisions about people with impaired decision making capacity - mental illness - dementia - appointing guardians - appointing administrators for people with mental illness - recent changes and enhancements - fast-tracking matters - mediation - volunteering - accessibility for remote Aboriginal people.

Subjects: GUARDIAN AND WARD
MENTAL ILLNESS
TRIBUNALS

Jurisdictions: AUSTRALIA, South Australia

AGIS No: 20132491

Title: Overview of the State Administrative Tribunal of Western Australia.

Authors: PARRY, David

Source: AIAL FORUM (73) July 2013 : 30-39

Abstract: Creation of the State Administrative Tribunal (SAT) - replaced around 50 courts, tribunals, boards, ministers and other adjudicators - statutory objectives, powers and procedures.

Legislation: State Administrative Tribunal Act 2004 (WA)

Subjects: COURT RULES AND PROCEDURE
TRIBUNALS

Jurisdictions: AUSTRALIA, Western Australia

AGIS No: 20132490

Title: REFORM of the NSW Tribunal System.

Source: AIAL FORUM (73) July 2013 : 12-29

Abstract: Overview of papers presented at the 'Reform of the NSW Tribunal System' seminar, March 2012 - operation of the Queensland Civil and Administrative Tribunal - creation of the Western Australian State Administrative Tribunal - Land and Environment Court - perspective of practitioners in dealing with tribunals - merits appeals of government decisions.

Subjects: TRIBUNALS

Jurisdictions: AUSTRALIA

AGIS No: 20132662

Title: Settling sexual harassment complaints : what benefits does ADR offer?

Authors: ALLEN, Dominique

Source: AUSTRALASIAN DISPUTE RESOLUTION JOURNAL 24 (3) August 2013 : 169-177

Abstract: Comparison of alternative dispute resolution (ADR) settlements in sexual harassment cases with tribunal orders - additional benefits of ADR - possible changes to process to enhance effectiveness of tribunal orders while maintaining ADR benefits.

Legislation: Anti-Discrimination Act 1991 (QLD)

Subjects: ALTERNATIVE DISPUTE RESOLUTION
SEXUAL HARASSMENT
TRIBUNALS

Jurisdictions: AUSTRALIA, Queensland

TRUSTS AND TRUSTEES

AGIS No: 20132497

Title: Charities 'not second-class beneficiaries'.

Source: PROCTOR 33 (5) June 2013 : 24-25

Abstract: Open letter to Queensland practitioners who act for executors - duty of trustees to act in best interests of all beneficiaries including charities - practical advice.

Subjects: CHARITIES
TRUSTS AND TRUSTEES
WILLS

AGIS No: 20132530

Title: Failure to properly investigate TPD claim : Sharp v Maritime Super Pty Ltd.

Authors: LEE, Newton

Source: AUSTRALIAN SUPERANNUATION LAW BULLETIN 24 (10) July 2013 : 220-222

Abstract: Breach of duty by trustee - duty of trustees of superannuation fund to properly inform themselves - trustee on notice that information relied on to assess a claim is incomplete or incorrect - case law.

Legal Cases: Sharp v Maritime Super Pty Ltd [2013] NSWSC 389

Subjects: SUPERANNUATION
TRUSTS AND TRUSTEES

Jurisdictions: AUSTRALIA, New South Wales

AGIS No: 20132587
Title: Farewell to Hastings-Bass?
Authors: JOHNSON, Jeremy
Source: NEW ZEALAND LAW JOURNAL August 2013 : 249-252
Abstract: Applicability of the rule in Hasting-Bass - intervention by courts in trustee decision making - limited nature of jurisdiction - application of rule in cases with adverse tax consequences - liability for inheritance tax - consequences for New Zealand.

Legal Cases: Futter v Futter [2010] EWHC 449
Pitt v Holt (2010) 2 All ER 774
Re Hastings-Bass (1975) Ch 25

Subjects: TRUSTS AND TRUSTEES

Jurisdictions: NEW ZEALAND
UNITED KINGDOM

AGIS No: 20132527
Title: Pitt v HMRC; Futter v HMRC : the UK Supreme Court on the "rule in Re Hastings-Bass" and mistake.

Authors: LATIMOUR, Mark
YEOH, Charmaine

Source: AUSTRALIAN SUPERANNUATION LAW BULLETIN 24 (10) July 2013 : 210-212

Abstract: Clarification of circumstances in which the court will interfere with the exercise of a discretion by a trustee - effect of the exercise of discretion is different from that intended by trustee - grounds for establishing mistake - case law.

Legal Cases: Pitt v Holt; Futter v Futter (2013) 3 All ER 429
Re Hastings-Bass (1975) Ch 25

Subjects: MISTAKE
SUPERANNUATION
TRUSTS AND TRUSTEES

Jurisdictions: UNITED KINGDOM

AGIS No: 20132576
Title: The Tanami Gold NL mining agreement with Tjurabalan : an example of how a small native title group invests its mining funds.

Authors: MARTIN, Fiona

Source: INDIGENOUS LAW BULLETIN 8 (6) May / June 2013 : 22-26

Abstract: Case study of how a native title group in Western Australia is managing mining payments made to the group - use of a larger regional trust structure to maximise returns.

Subjects: ABORIGINES
CHARITABLE TRUSTS
INDIGENOUS PEOPLE
NATIVE TITLE
TRUSTS AND TRUSTEES

Jurisdictions: AUSTRALIA, Western Australia

AGIS No: 20132481

Title: Trust accounting requirements : best practice guidelines for legal practitioners and auditors.

Authors: BURKE, Rosalind

Source: BULLETIN (LAW SOCIETY OF S.A.) 35 (5) June 2013 : 27

Abstract: Recommendations by the Law Society of SA on establishment of new trust accounting requirements and guidelines - regulatory recommendations - best practice trust accounting processes.

Legislation: Legal Practitioners Act 1981 (SA)

Subjects: ACCOUNTING

TRUSTS AND TRUSTEES

Jurisdictions: AUSTRALIA, South Australia

AGIS No: 20132524

Title: Understanding the 'self-dealing' rule in equity.

Authors: EDELMAN, James

Source: BRIEF 40 (6) July 2013 : 40-44

Abstract: Critical examination of the so-called principle against fiduciary self-dealing - fair dealing.

Legal Cases: Clay v Clay (2001) 202 CLR 410

JJ Harrison (Properties) Ltd v Harrison [2001] EWCA Civ 1467

Rolled Steel Products (Holdings) Ltd v British Steel Corp Ltd (1986) Ch 246

Tito v Waddell (No 2) (1977) Ch 106

Subjects: EQUITY

FIDUCIARY

TRUSTS AND TRUSTEES

Jurisdictions: AUSTRALIA

ENGLAND

UNBORN CHILD

AGIS No: 20132583

Title: Immigration and the unborn child.

Authors: YEE, Tina

Source: NEW ZEALAND LAW JOURNAL August 2013 : 243-244

Abstract: Children born to illegal parents facing deportation - rights attributed to unborn children to allow parent to escape deportation - international obligations - humanitarian circumstances - best interests of the child.

Legal Cases: Dhindsa v Secretary of Labour [2012] NZCA 282

Subjects: CHILDRENS RIGHTS

IMMIGRATION

UNBORN CHILD

Treaties: Convention on the Rights of the Child

International Covenant on Civil and Political Rights

Jurisdictions: NEW ZEALAND

UNFAIR DISMISSAL

AGIS No: 20132637

Title: Board of Bendigo Regional Institute of Technical and Further Education v Barclay.

Authors: MARSHALL, Shane
CAVANOUGH, Amanda

Source: UNIVERSITY OF WESTERN SYDNEY LAW REVIEW (16) 2012 : 155-160

Abstract: Prohibition on employer from taking adverse action against an employee because of the employee's union role or activities - clarification of the subjective intention of the decision-maker in determining whether the adverse action was prohibited - case law.

Legal Cases: Board of Bendigo Regional Institute of Technical and Further Education v Barclay [2012] HCA 32

Legislation: Fair Work Act 2009 (CTH)

Subjects: EMPLOYMENT DISCRIMINATION
EMPLOYMENT LAW
UNFAIR DISMISSAL

Jurisdictions: AUSTRALIA

VICTIMS OF CRIME

AGIS No: 20132482

Title: Restorative justice : the Sycamore Tree Project.

Authors: COCKRAM, Michael

Source: BRIEF 40 (5) June 2013 : 12-14

Abstract: Sycamore Tree Project in Western Australia - meetings between victims of crime and unrelated offenders in effort to help both parties - level playing field for victims and offenders - personal growth in confidence for victims - understanding of trauma caused by offenders - improvement in offender empathy measures.

Subjects: CRIMINAL OFFENDERS
RESTORATIVE JUSTICE
VICTIMS OF CRIME

Jurisdictions: AUSTRALIA, Western Australia

VIOLENCE

AGIS No: 20132484

Title: Human trafficking and gender-based violence in Cambodia : an Australian NGO response.

Authors: MACK, Gary

Source: BRIEF 40 (5) June 2013 : 18-23

Abstract: South East Asian Investigations into Social and Humanitarian Activities - work with children trafficked in the sex industry - training of Cambodian police in investigative principles, planning and techniques - raising awareness and combating gender-based violence - Cambodian laws.

Subjects: CHILD SEXUAL ABUSE
PEOPLE TRAFFICKING
VIOLENCE
Jurisdictions: CAMBODIA

WAR CRIMES

AGIS No: 20132509
Title: A critical analysis of the transitional justice measures incorporated by Rwandan gacaca and their effectiveness.
Authors: HERRMANN, Judith
Source: JAMES COOK UNIVERSITY LAW REVIEW (19) 2012 : 90-112
Abstract: Concept of transitional justice - objectives of transitional justice as recognition of victims and the promotion of peace democracy and reconciliation - 'five pillars' of holistic approach to transitional justice - accountability - truth recovery - reconciliation - reparations - institutional reform - extent to which Rwanda's Gacaca courts achieved these purposes.

Subjects: CRIMINAL LAW
INTERNATIONAL COURTS
INTERNATIONAL CRIMINAL LAW
RESTORATIVE JUSTICE
WAR CRIMES
WAR CRIMES TRIALS
Jurisdictions: RWANDA

WAR CRIMES TRIALS

AGIS No: 20132509
Title: A critical analysis of the transitional justice measures incorporated by Rwandan gacaca and their effectiveness.
Authors: HERRMANN, Judith
Source: JAMES COOK UNIVERSITY LAW REVIEW (19) 2012 : 90-112
Abstract: Concept of transitional justice - objectives of transitional justice as recognition of victims and the promotion of peace democracy and reconciliation - 'five pillars' of holistic approach to transitional justice - accountability - truth recovery - reconciliation - reparations - institutional reform - extent to which Rwanda's Gacaca courts achieved these purposes.

Subjects: CRIMINAL LAW
INTERNATIONAL COURTS
INTERNATIONAL CRIMINAL LAW
RESTORATIVE JUSTICE
WAR CRIMES
WAR CRIMES TRIALS
Jurisdictions: RWANDA

WATER POLLUTION

AGIS No: 20132640
Title: Shale gas resources in Western Australia : an assessment of the legal framework for the extraction of onshore shale gas.
Authors: HUNTER, Tina
Source: eLaw journal : Murdoch University Electronic Journal of Law 18 (2) 2011 : 29-52
Abstract: Examination of the impact of hydraulic fracturing (fracking) to extract shale gas - issues with fracking process - capacity of regulatory framework to regulate the fracking process - regulatory gaps.
Legislation: Petroleum and Geothermal Energy Resources Act 1967 (WA)
Subjects: ENERGY RESOURCES
ENVIRONMENTAL PROTECTION
MINING LAW
OIL AND GAS
WATER POLLUTION
Jurisdictions: AUSTRALIA, Western Australia

WATER RESOURCES

AGIS No: 20132598
Title: The Allconnex water debacle : lessons in devising better governance mechanisms for government business enterprises.
Authors: SCHNURE BAUMFIELD, Victoria
Source: BOND LAW REVIEW 24 (2) December 2012 : 1-63
Abstract: Water reforms in Queensland - forced transfer of water retail and wastewater services to Allconnex Water - legal status of Allconnex - corporate governance and accountability regimes - applicability of regimes to Allconnex - pricing issues.
Legislation: Corporations Act 2001 (CTH)
Financial Accountability Act 2009 (Qld)
South-East Queensland Water (Distribution and Retail Restructuring) Act 2009 (Qld)
Subjects: CORPORATE GOVERNANCE
GOVERNMENT BUSINESS ENTERPRISES
WATER RESOURCES
Jurisdictions: AUSTRALIA, Queensland

WILLS

AGIS No: 20132497
Title: Charities 'not second-class beneficiaries'.
Source: PROCTOR 33 (5) June 2013 : 24-25
Abstract: Open letter to Queensland practitioners who act for executors - duty of trustees to act in best interests of all beneficiaries including charities - practical advice.
Subjects: CHARITIES
TRUSTS AND TRUSTEES
WILLS

WOMEN WORKERS

AGIS No: 20132494
Title: Long hours and promotion : is there a link? Research exposes worrying trend.
Authors: HETTERICH, Elisabeth
Source: PROCTOR 33 (5) June 2013 : 16-17
Abstract: Research finding that promotion decisions in law firms reward long hours - particular implications for female practitioners - practice management - strategies to ensure best candidates are promoted.
Subjects: LEGAL PROFESSION
WOMEN WORKERS
Jurisdictions: AUSTRALIA

WORKERS COMPENSATION

AGIS No: 20132532
Title: Denial of TPD claim not unreasonable : Chapman v United Super Pty Ltd.
Authors: LEE, Newton
DRUMMOND, Stanley
Source: AUSTRALIAN SUPERANNUATION LAW BULLETIN 24 (10) July 2013 : 226-227
Abstract: Medical evidence that claimant not totally and permanently disabled - capacity to resume work in an occupation for which the claimant was reasonably suited by education training or experience - duty of insurer and duty of trustee - case law.
Legal Cases: Chapman v United Super Pty Ltd [2013] NSWSC 592
Subjects: INSURANCE
SUPERANNUATION
WORKERS COMPENSATION
Jurisdictions: AUSTRALIA, New South Wales

AGIS No: 20132593
Title: HSE sentencing : changing guidelines.
Authors: WOODFIELD, Alan
HICKSON, Stephen
MENCLOVA, Andrea
Source: NEW ZEALAND LAW JOURNAL August 2013 : 267-272
Abstract: Determinants in sentencing for health and safety in employment offences - total financial liability - division between fines and reparation awards - role of guideline judgements - other factors in fine decision - case law.
Legal Cases: Department of Labour v de Spa & Co Ltd (1994) 1 ERNZ 339
Dept of Labour v Hanham & Philp Contractors Ltd (2008) 6 NZELR 79
Legislation: Health and Safety in Employment Act 1992 (NZ)
Subjects: SENTENCING
WORKERS COMPENSATION

Jurisdictions: NEW ZEALAND

WORKING CONDITIONS

AGIS No: 20132485
Title: Flexible work arrangements and utopia.
Authors: SIDDIQUE, Rabia
Source: BRIEF 40 (5) June 2013 : 28-29
Abstract: Flexible working arrangements - experience in the United Kingdom - difference to situation in Australia.
Subjects: WORKING CONDITIONS
Jurisdictions: AUSTRALIA, Western Australia
UNITED KINGDOM

YOUNG PERSONS

AGIS No: 20132578
Title: Parental involvement in preventing and responding to cyberbullying.
Authors: ROBINSON, Eily
Source: FAMILY MATTERS (92) 2013 : 68-76
Abstract: Characteristics of cyberbullying - prevalence - level of harm - parental prevention and responses to cyberbullying - internet monitoring - disclosure - identification - parents and schools working together.
Subjects: BULLYING
CHILDREN
INTERNET
MOBILE DEVICES
SOCIAL MEDIA
YOUNG PERSONS
Jurisdictions: AUSTRALIA