



AGIS - Articles

Australian Government
Attorney-General's Department

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Published Date From 15/10/2014 To 28/10/2014

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YOUNG OFFENDERS
YOUNG PERSONS

AGIS No: 20142333
Title: What is an "average consumer" in French consumer law?
Authors: FARON, Pauline
Source: AUSTRALIAN PRODUCT LIABILITY REPORTER 25 (6) July 2014 : 90-91
Abstract: Ruling that concept of 'average consumer' should be defined objectively - without taking into account actual knowledge of consumer who concluded the contract - purchase for personal purposes - case law.
Jurisdictions: FRANCE

ABORIGINAL LEGAL SERVICE

AGIS No: 20142393
Title: Working with Aboriginal clients : what makes a good lawyer?
Authors: BELLACH, Peter
Source: INDIGENOUS LAW BULLETIN 8 (11) March / April 2014 : 22-23
Abstract: Challenges of working as an Indigenous Legal Aid lawyer - communication difficulties - difficulties in understanding criminal law system from different cultural knowledge base - different world view - tips for effective communication.
Subjects: ABORIGINAL LEGAL SERVICE
INDIGENOUS PEOPLE
Jurisdictions: AUSTRALIA, Northern Territory

ABORIGINES

AGIS No: 20142419
Title: The impact of Bugmy and Munda on sentencing Aboriginal and other offenders.
Authors: ROTHMAN, Stephen
Source: JUDICIAL OFFICERS BULLETIN 26 (3) April 2014 : 17-22
Abstract: Practical implications of the decisions in Bugmy and Munda for the sentencing task - broad approach to equity before the law requires regard for evidence of unique circumstances of Aboriginal offenders - discrimination as a factor in sentencing - Baumeister tests - case law.
Legal Cases: Bugmy v R (2013) 302 ALR 192
Munda v Western Australia (2013) 302 ALR 207
R v Bugmy [2012] NSWCCA 223
Legislation: Crimes (Sentencing Procedure) Act 1999 (NSW)
Crimes Act 1900 (NSW)
Subjects: ABORIGINES
CRIMINAL OFFENDERS
DISCRIMINATION
SENTENCING
Jurisdictions: AUSTRALIA

AGIS No: 20142380
Title: Too much individualisation, not enough justice. : Bugmy v the Queen.
Authors: KRASNOSTEIN, Sarah
Source: ALTERNATIVE LAW JOURNAL 39 (1) 2014 : 12-14
Abstract: Effect of 'Aboriginality' on sentencing - overview of recent decision in High Court - decision taking into account fact that profound the effect childhood deprivation does not diminish over time - individualised justice - case law.
Legal Cases: Bugmy v R [2013] HCA 37
Legislation: Crimes (Sentencing Procedure) Act 1999 (NSW)
Criminal Appeal Act 1912 (NSW)
Subjects: ABORIGINES
CHILD ABUSE
CRIMINAL OFFENDERS
SENTENCING
Jurisdictions: AUSTRALIA

AIRCRAFT ACCIDENTS

AGIS No: 20142331
Title: A helicopter crash due to mechanical failure sparks questions on whether the maintenance instructions in the manufacturer's manual were "defective" under the TPA.
Authors: WHITE, Stephen
TUHTAN, Sarah
Source: AUSTRALIAN PRODUCT LIABILITY REPORTER 25 (6) July 2014 : 82-84
Abstract: Crash caused by inadequate inspection - claim that instruction manual for helicopter maintenance was "defective" - instruction defect for the purposes of ss 75AD and 75AE of Trade Practices Act - factual findings of case - regard given to overall effect of instructions in identifying injury risk rather than consideration of each instruction in isolation.
Legal Cases: McDermott v Robinson Helicopter Co [2014] QSC 034
Legislation: Trade Practices Act 1974 (CTH)
Subjects: AIRCRAFT ACCIDENTS
Jurisdictions: AUSTRALIA

ALCOHOL

AGIS No: 20142381
Title: History wars and stronger future laws : a stronger future or perpetuating past paternalism?
Authors: BIELEFELD, Shelley
Source: ALTERNATIVE LAW JOURNAL 39 (1) 2014 : 15-18
Abstract: Relationship between the history wars and Stronger Futures laws - Australian history and its interpretation - past and present income management - alcohol prohibition - impact of Stronger Futures law on Indigenous people in the Northern Territory.

Legislation: Racial Discrimination Act 1975 (CTH)
Social Security Legislation Amendment Act 2012 (CTH)
Stronger Futures in the Northern Territory
Act 2012 (CTH)

Subjects: ALCOHOL
INDIGENOUS PEOPLE
PROHIBITION
SOCIAL WELFARE

Jurisdictions: AUSTRALIA

ANIMALS

AGIS No: 20142339

Title: British colonialism, Australian nationalism and the law : hierarchies of wild animal protection.

Authors: WHITE, Steven

Source: MONASH UNIVERSITY LAW REVIEW 39 (2) 2013 : 452-472

Abstract: Overview of contemporary approach to regulation of wild animal protection - early European responses to Australian native animals - widespread killing of native animals supported by early colonial law - introduction of animals from Britain - move away from colonial preference for introduced wild animals over native wild animals - Australian nationalism and protection of wild animals.

Legislation: Animals Protection Act 1879 (NSW)
Birds Protection Act 1881 (NSW)
Environment Protection and Biodiversity Conservation Act 1999 (CTH)

Subjects: ANIMALS
CONSERVATION

Jurisdictions: AUSTRALIA

ASSAULT AND BATTERY

AGIS No: 20142389

Title: More law and order on the run.

Authors: QUILTER, Julia

Source: ALTERNATIVE LAW JOURNAL 39 (1) 2014 : 50-51

Abstract: NSW government's response to one-punch deaths - assault and death of Thomas Kelly - main changes to NSW's criminal law - three major problems with amendments - 'intentionally hitting' - intoxication - mandatory sentences and offence hierarchy.

Legislation: Crimes Act 1900 (NSW)
Crimes and Other Legislation Amendment (Assault and Intoxication) Act 2014

Subjects: ASSAULT AND BATTERY
CRIMINAL LAW REFORM

Jurisdictions: AUSTRALIA, New South Wales

BAIL

AGIS No: 20142394
Title: A complete overhaul of the bail system? The incoming New South Wales Bail Act 2013 and Aboriginal juvenile offenders.
Authors: WEATHERBY-FELL, Caitlin
Source: INDIGENOUS LAW BULLETIN 8 (11) March / April 2014 : 24-30
Abstract: Historical development of NSW bail laws - NSW Law Reform Commission review of bail - reforms to the bail system - examination of incoming Bail Act - possible effects of key aspects of reform on Aboriginal juvenile offenders and Indigenous communities - need to implement national justice targets to address increasing rates of Aboriginal juvenile offenders.
Legislation: Bail Act 1978 (NSW)
Bail Act 2013 (NSW)
Subjects: BAIL
INDIGENOUS PEOPLE
LAW REFORM
YOUNG OFFENDERS
Jurisdictions: AUSTRALIA, New South Wales

BANKING

AGIS No: 20142355
Title: Legal practice insights for banking lawyers : the competitive advantage.
Authors: WILLIS, Graeme
Source: AUSTRALIAN BANKING AND FINANCE LAW BULLETIN 30 (6) August 2014 : 100-101
Abstract: Key drivers of value necessary to provide competitive advantage - ability to extract and analyse data to provide insightful information - present insight information enabling decision-makers to act - collaborative working environments - impact of new technologies on business cycles.
Subjects: BANKING
LEGAL PROFESSION

BANKRUPTCY

AGIS No: 20142367
Title: Criminal prosecution for IP offences : the reality.
Authors: ELIADES, Dimitrios
Source: AUSTRALIAN INTELLECTUAL PROPERTY LAW BULLETIN 27 (6) July 2014 : 166-168
Abstract: Copyright infringement - failure of mediation - application of interlocutory injunctive relief - voluntary liquidation and voluntary bankruptcy of respondents - remedies and offences of relevant copyright provisions - case law.
Legislation: Copyright Act 1968 (CTH)
Subjects: BANKRUPTCY
COPYRIGHT
CRIMINAL LAW
REMEDIES

Jurisdictions: AUSTRALIA

BIOMETRICS

AGIS No: 20142397

Title: Facebook and face recognition : kinda cool, kinda creepy.

Authors: BUNN, Anna

Source: BOND LAW REVIEW 25 (1) June 2013 : 35-69

Abstract: Introduction of 'tag suggest' feature in Facebook - face recognition technology creating biometric template of users' faces - privacy implications of face recognition technology as used by Facebook - legal implications of Facebook's use of biometric templates and generation and use of biometric information - application of Australian privacy laws to overseas organisations with no presence in Australia - definitional issues of 'collect' and 'receive' as used in Privacy Act - possible compliance issues for Facebook relating to Australia's information privacy regime - efficacy of Australian information privacy laws in regulating creation and use of biometric face templates.

Legislation: Privacy Act 1988 (CTH)

Privacy Amendment (Enhancing Privacy Protection) Act 2012 (CTH)

Subjects: BIOMETRICS

PRIVACY

SOCIAL MEDIA

Jurisdictions: AUSTRALIA

BOYCOTTS

AGIS No: 20142374

Title: Secondary boycott actions under the Competition and Consumer Act 2010.

Authors: MCCLELLAND, Robert

Source: WORKPLACE REVIEW 5 (2) Winter 2014 : 46-51

Abstract: Boycott provisions of the Competition and Consumer Act - Australian Competition and Consumer Commission reactivating use of secondary boycott actions - damages and penalties imposed on trade unions engaged in secondary boycotts - complexity of boycott proceedings - evidentiary issues - case law.

Legal Cases: Australasian Meat Industry Employees' Union v Meat and Allied Trade Federation of Australia (1991) ATPR 41-151

Tillmanns Butcheries Pty Ltd v Australasian Meat Industry Employees' Union (1979) ATPR 40-138

Legislation: Competition and Consumer Act 2010 (CTH)

Trade Practices Act 1974 (CTH)

Subjects: BOYCOTTS

DAMAGES

PENALTIES

TRADE UNIONS

Jurisdictions: AUSTRALIA

BREACH OF CONTRACT

AGIS No: 20142414
Title: Issues of principle in assessing contract damages.
Authors: CARTER, J W
COURTNEY, Wayne
TOLHURST, G J
Source: JOURNAL OF CONTRACT LAW 31 (3) July 2014 : 171-205
Abstract: Overview of facts and decision in Clark v Macourt - features of facts and evidence making them unusual - application of rule in Robinson v Harman - assessment of damages raised by facts - majority applied damages by applying prima facie measure for breach of warranty of quality in contract - upholding assessment based on questionable evidence - explanation why dissenting judgment should be preferred - why majority came to different conclusions on issues of principle.
Legal Cases: Clark v Macourt (2013) 304 ALR 220
Commonwealth v Amann Aviation Pty Ltd (1991) 174 CLR 64
Robinson v Harman (1848) 1 Ex 850
Subjects: BREACH OF CONTRACT
CONTRACTS
DAMAGES
Jurisdictions: AUSTRALIA

BRIBERY

AGIS No: 20142368
Title: To investigate or not to investigate : that is the (ethical) question.
Authors: HILL, Jenni
Source: INHOUSE COUNSEL 18 (5) July 2014 : 59-61
Abstract: Evidence or allegations of bribery or corruption within a business - challenges faced by inhouse counsel - steps to protect business - requirement to investigate - type of investigation - steps to be taken in first 72 hours.
Subjects: BRIBERY
CORRUPTION
ETHICS
Jurisdictions: AUSTRALIA

BULLYING

AGIS No: 20142373
Title: Anti-bullying update : Fair Work Commission decisions.
Authors: WESCOTT, Shane
ANDERSON, Annika
NAPPER, Neil
Source: WORKPLACE REVIEW 5 (2) Winter 2014 : 43-45
Abstract: Overview of two recent decisions by the Fair Work Commission under new workplace anti-bullying jurisdiction - Commission adopting conservative and pragmatic approach to bullying complaints - reasonable management action - access to Fair Work Commission denied to state-covered worker.

Legislation: Fair Work Act 2009 (CTH)
Subjects: BULLYING
WORKING CONDITIONS
Jurisdictions: AUSTRALIA

BUSINESS ADMINISTRATION

AGIS No: 20142370
Title: Knock knock, who's there? What to do when the regulator come calling.
Authors: ZAURRINI, Ross
SAROFIN, Elizabeth
Source: INHOUSE COUNSEL 18 (5) July 2014 : 65-68
Abstract: Reasons for regulator to make contact - methods of contact - voluntary information requests - mandatory notices - surprises searches or raids of business and private premises - protecting legal professional privilege - preparing for a regulator visit.
Subjects: BUSINESS ADMINISTRATION

CHARITIES

AGIS No: 20142383
Title: Regulation of the not-for-profit sector : is another change really needed?
Authors: NEHME, Marina
Source: ALTERNATIVE LAW JOURNAL 39 (1) 2014 : 24-26
Abstract: Overview of legislation regulating the non-for-profit sector - regulatory approach of the Australian Charities and not-for-profits Commission - where approach adds unnecessary burden on not-for-profit sector - assessment of self-regulation as an alternative to enhance the performance of the sector.
Legislation: Australian Charities and Not-for-profits Commission Act 2012 (CTH)
Subjects: CHARITIES
LEGISLATION
Jurisdictions: AUSTRALIA

CHILD ABDUCTION

AGIS No: 20142382
Title: Getting Haged : the impact of international law on child abduction by protective mothers.
Authors: SALTER, Michael
Source: ALTERNATIVE LAW JOURNAL 39 (1) 2014 : 19-23
Abstract: Effect of the Hague Convention on domestic violence and child abuse - stereotype of protective mothers as mentally ill and malicious - misunderstanding of the gendered nature of international child abduction in the drafting of the Convention - impact of this misunderstanding on two Australian cases of international child abduction.

Legal Cases: Dept of Community Services v Hadzic [2007] FamCa 1703
Murray v Director of Family Services, ACT (1993) FLC 92-416
RCB as Litigation Guardian of EKV, CEV, CIV and LRV v Hon Justice Colin James Forrest (2012) 292 ALR 617

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

Subjects: CHILD ABDUCTION
CHILD ABUSE
DOMESTIC VIOLENCE

Treaties: Hague Convention on the Civil Aspects of International Child Abduction

Jurisdictions: AUSTRALIA

CHILD ABUSE

AGIS No: 20142382

Title: Getting Hugged : the impact of international law on child abduction by protective mothers.

Authors: SALTER, Michael

Source: ALTERNATIVE LAW JOURNAL 39 (1) 2014 : 19-23

Abstract: Effect of the Hague Convention on domestic violence and child abuse - stereotype of protective mothers as mentally ill and malicious - misunderstanding of the gendered nature of international child abduction in the drafting of the Convention - impact of this misunderstanding on two Australian cases of international child abduction.

Legal Cases: Dept of Community Services v Hadzic [2007] FamCa 1703
Murray v Director of Family Services, ACT (1993) FLC 92-416
RCB as Litigation Guardian of EKV, CEV, CIV and LRV v Hon Justice Colin James Forrest (2012) 292 ALR 617

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

Subjects: CHILD ABDUCTION
CHILD ABUSE
DOMESTIC VIOLENCE

Treaties: Hague Convention on the Civil Aspects of International Child Abduction

Jurisdictions: AUSTRALIA

AGIS No: 20142385

Title: 'Setting them up to fail' : system responses to dual order child protection and youth justice clients.

Authors: BAIDAWI, Susan
MENDES, Philip
SNOW, Pamela

Source: ALTERNATIVE LAW JOURNAL 39 (1) 2014 : 31-35

Abstract: Associations between childhood maltreatment and youth offending - study to understand pathways of young people from out of home care becoming involved in the youth justice system - view and experiences of professionals on the suitability of systemic responses to offending behaviour in the population.

Subjects: CHILD ABUSE
YOUNG OFFENDERS
YOUNG PERSONS
Jurisdictions: AUSTRALIA

AGIS No: 20142380
Title: Too much individualisation, not enough justice. : Bugmy v the Queen.
Authors: KRASNOSTEIN, Sarah
Source: ALTERNATIVE LAW JOURNAL 39 (1) 2014 : 12-14
Abstract: Effect of 'Aboriginality' on sentencing - overview of recent decision in High Court - decision taking into account fact that profound the effect childhood deprivation does not diminish over time - individualised justice - case law.
Legal Cases: Bugmy v R [2013] HCA 37
Legislation: Crimes (Sentencing Procedure) Act 1999 (NSW)
Criminal Appeal Act 1912 (NSW)
Subjects: ABORIGINES
CHILD ABUSE
CRIMINAL OFFENDERS
SENTENCING
Jurisdictions: AUSTRALIA

CHILDREN

AGIS No: 20142377
Title: Family group conferences : part two : putting the 'family' back into child protection.
Authors: BAN, Paul
SWAIN, Phillip
Source: CHILDREN AUSTRALIA 19 (4) 1994 : 11-14
Abstract: Overview of the evaluation of the Victorian Family Decision Making Project - practice issues from the project - is family decision making (FDM) good for children - future of FDM - part two of two part series - for part one see AGIS 19950414.
Subjects: CHILDREN
FAMILY LAW
MEDIATION
Jurisdictions: AUSTRALIA, Victoria

AGIS No: 20142384
Title: Out of the mouth of babes : enabling children to give evidence in the justice system.
Authors: WOODWARD, Mary N
HEPNER, Ilana J
STEWART, Jeanette
Source: ALTERNATIVE LAW JOURNAL 39 (1) 2014 : 27-30

Abstract: Children as victims of crime - obstacles faced by children involved as victims or witnesses in the criminal justice system - communication difficulties - measures that can be implemented to enable vulnerable witnesses to communicate - enhancing equitable access to justice.

Subjects: CHILDREN
VICTIMS OF CRIME
WITNESSES

Jurisdictions: AUSTRALIA

CITIZENSHIP

AGIS No: 20142343

Title: Non-immigrants, non-alien and people of the Commonwealth : Australian constitutional citizenship revisited.

Authors: PILLAI, Sangeetha

Source: MONASH UNIVERSITY LAW REVIEW 39 (2) 2013 : 568-609

Abstract: Constitutional dimension of Australian citizenship - constitutional provisions relevant to notions of citizenship - potential for implication of constitutional concept of citizenship - coherent development of concept inhibited by inability to point to precise conceptual basis and lack of certainty about interaction between Commonwealth powers over aliens and immigration - constitutional phrase "people of the Commonwealth".

Legal Cases: Hwang v Commonwealth; Fu v Commonwealth (2005) 87 ALD 256
Rowe v Electoral Commissioner (2010) 243 CLR 1

Legislation: Constitution (CTH)

Subjects: CITIZENSHIP
CONSTITUTIONAL LAW
IMMIGRATION

Jurisdictions: AUSTRALIA

CLASS ACTIONS

AGIS No: 20142332

Title: Recent trends in certification of consumer products class actions in Canada : part 2.

Authors: MCKEE, Gordon
DOUGAN, Laura

Source: AUSTRALIAN PRODUCT LIABILITY REPORTER 25 (6) July 2014 : 85-89

Abstract: Consideration of how typical causes of action related to alleged misrepresentations handed at class certification stage - negligent misrepresentation - breach of provincial consumer protection legislation - breach of Competition Act - part two of two part series - for part one see AGIS 20142147.

Legal Cases: Cannon v Funds for Canada Foundation [2012] ONSC 3009
Ramdath v George Brown College of Applied Arts and Technology [2010] ONSC 2019
Stanway v Wyeth Canada Inc [2012] BCCA 260

Legislation: Consumer Protection Act 2002 (ONTARIO)

Subjects: CLASS ACTIONS
CONSUMERS

Jurisdictions: CANADA

COMMERCIAL LAW

AGIS No: 20142392
Title: Quadrivum : so you want to be a lawyer?
Authors: FOLEY, Dennis
Source: INDIGENOUS LAW BULLETIN 8 (11) March / April 2014 : 19-21
Abstract: Choices available for Indigenous law students - areas where Aboriginal Australia needs Indigenous lawyers - help in achieving self-determination and financial independence - commercial law - growth of Indigenous businesses.
Subjects: COMMERCIAL LAW
INDIGENOUS PEOPLE
LEGAL EDUCATION
Jurisdictions: AUSTRALIA

COMMON LAW

AGIS No: 20142334
Title: Exclusion of the rules of natural justice.
Authors: GROVES, Matthew
Source: MONASH UNIVERSITY LAW REVIEW 39 (2) 2013 : 285-318
Abstract: Common law doctrine providing procedural rights in administrative decision-making - application to exercise of almost all statutory powers - exclusion by legislation - courts making it difficult for parliaments to exclude natural justice - principles that apply to legislative exclusion.
Legal Cases: Kioa v West (1985) 159 CLR 550
Momcilovic v R (2011) 245 CLR 1
Saeed v Minister for Immigration and Citizenship (2010) 241 CLR 252
Legislation: Constitution (CTH)
Subjects: COMMON LAW
NATURAL JUSTICE
STATUTORY INTERPRETATION
Jurisdictions: AUSTRALIA

AGIS No: 20142357
Title: Lavin v Toppi.
Authors: RICHARDSON, David
Source: AUSTRALIAN BANKING AND FINANCE LAW BULLETIN 30 (6) August 2014 : 105-107
Abstract: Decision giving consideration to issue of equitable contribution between co-sureties - challenge to established principles - examination of history of the law of contribution at common law and equity - case law.
Legal Cases: Carr v Thomas [2009] NSWCA 208
Lavin v Toppi (2014) 308 ALR 598
Legislation: Law Reform (Law and Equity) Act 1972 (NSW)

Subjects: COMMON LAW
EQUITY
Jurisdictions: AUSTRALIA, New South Wales

COMMUNITY INVOLVEMENT

AGIS No: 20142407
Title: Integrating disaster preparedness and resilience : a complex approach using System of Systems.
Authors: CAVALLO, Antonella
Source: AUSTRALIAN JOURNAL OF EMERGENCY MANAGEMENT 29 (3) July 2014 : 46-51
Abstract: Need for emergency management organisations and community to share vision and common approach to building resilience to unexpected disasters - new ways of thinking about community resilience - System of Systems thinking - disaster preparedness and disaster resilience - correspondence with communities - peer-reviewed.
Subjects: COMMUNITY INVOLVEMENT
NATURAL DISASTERS
Jurisdictions: AUSTRALIA

COMPANY DIRECTORS

AGIS No: 20142413
Title: Australian corporate CEOs are less powerful than they once were.
Authors: CARRIGAN, Amanda
Source: AUSTRALIAN JOURNAL OF CORPORATE LAW 29 (2) July 2014 : 212-224
Abstract: Role of the chief executive officer (CEO) - regulation and legal duties - relationship to board of directors - CEO and shareholders - chief financial officer.
Legal Cases: Australian Securities and Investments Commission v Healey (No 2) (2011) 196 FCR 430
Grimaldi v Chameleon Mining NL (No 2); Chameleon Mining NL v Murchison Metals Ltd (2012) 200 FCR 296
Legislation: Corporations Act 2001 (CTH)
Subjects: COMPANY DIRECTORS
CORPORATIONS LAW
Jurisdictions: AUSTRALIA

AGIS No: 20142410
Title: Exploring the rationale for board accountability in corporate governance.
Authors: KEAY, Andrew
Source: AUSTRALIAN JOURNAL OF CORPORATE LAW 29 (2) July 2014 : 115-146

Abstract: Identification of reasons for regarding board accountability as a significant element of corporate governance - assessment of reasons as sound rationales for demanding board accountability - agency problems - nature of the board and shareholder vulnerability - arguments against them being used as rationales for accountability - best rationale for requiring accountability of boards is need for power of boards to be legitimated.

Subjects: COMPANY DIRECTORS
CORPORATE GOVERNANCE

AGIS No: 20142371

Title: Risk and governance issues for company secretaries.

Authors: BUTT, Neroli

Source: INHOUSE COUNSEL 18 (5) July 2014 : 69-71

Abstract: Role of company secretary complex and multi-faceted - updated ASX Principles - overview of changes to company secretary responsibilities and accountabilities - executive termination payments - use of contractors.

Legislation: Corporations Act 2001 (CTH)

Subjects: COMPANY DIRECTORS
CORPORATE GOVERNANCE

Jurisdictions: AUSTRALIA

AGIS No: 20142372

Title: To disclose or not disclose? Some legal guidelines.

Authors: WALLER, Mark

ERFURT, Chris

Source: INHOUSE COUNSEL 18 (5) July 2014 : 72-74

Abstract: Risks to consider when deciding how or what to disclose litigation to market - management of risks before problems arise - risk of inadvertent waiver of legal professional privilege - guidance for directors and officers assessing their insurance and indemnity arrangements for failure to disclose litigation - case law.

Legal Cases: Osland v Secretary, Department of Justice (2008) 234 CLR 275

Switchcorp Pty Ltd v Multiimedia Ltd [2005] VSC 425

Subjects: COMPANY DIRECTORS
LEGAL PROFESSIONAL PRIVILEGE
LITIGATION
RISK MANAGEMENT

Jurisdictions: AUSTRALIA

COMPENSATION

AGIS No: 20142326

Title: Victims let down by the system.

Authors: BAILES, Morry

Source: BULLETIN (LAW SOCIETY OF S.A.) 36 (1) February 2014 : 28

Abstract: Need to reform victims of crime legislation - scale for compensation payments - no increase in the scale introduced 24 years ago - victims of crime fund.

Legal Cases: South Australia v Bole (1995) 64 SASR 379
Legislation: Victims of Crime Act 2001 (SA)
Subjects: COMPENSATION
VICTIMS OF CRIME
Jurisdictions: AUSTRALIA, South Australia

COMPUTERS

AGIS No: 20142366
Title: Determining patent eligibility for computer implemented inventions in 2014.
Authors: HINCHLIFFE, Sarah A
Source: AUSTRALIAN INTELLECTUAL PROPERTY LAW BULLETIN 27 (6) July 2014 : 160-164

Abstract: Current state of the law regarding determination of patentability of certain computer-implemented inventions and methods - provision to deem patentable computer-implemented inventions but courts reluctant - importance of being clear on how computer is used in invention - mathematical formula or algorithm for solving problem not patentable - lessons from recent cases in the United States.

Legal Cases: Association for Molecular Pathology v Myriad Genetics 569 US 12-398 (2013)
Cancer Voices Australia v Myriad Genetics Inc (2013) 99 IPR 567
National Research Development Corporation v Commissioner of Patents (1959) 102 CLR 252
RPL Central Pty Ltd v Commissioner of Patents [2013] FCA 871

Legislation: Patents Act 1990 (CTH)
Subjects: COMPUTERS
PATENTS
TECHNOLOGICAL INNOVATIONS
Jurisdictions: AUSTRALIA
UNITED STATES

CONFERENCES

AGIS No: 20142342
Title: Your story and theirs : the youth justice group conferencing program.
Authors: HOOPER, Christopher
Source: MONASH UNIVERSITY LAW REVIEW 39 (2) 2013 : 539-567
Abstract: Outline and history of the Youth Justice Group Conferencing Program in Victoria - conferencing process - small-scale empirical study examining the restorative justice dialogue.
Subjects: CONFERENCES
YOUNG OFFENDERS
Jurisdictions: AUSTRALIA, Victoria

CONSERVATION

AGIS No: 20142339

Title: British colonialism, Australian nationalism and the law : hierarchies of wild animal protection.

Authors: WHITE, Steven

Source: MONASH UNIVERSITY LAW REVIEW 39 (2) 2013 : 452-472

Abstract: Overview of contemporary approach to regulation of wild animal protection - early European responses to Australian native animals - widespread killing of native animals supported by early colonial law - introduction of animals from Britain - move away from colonial preference for introduced wild animals over native wild animals - Australian nationalism and protection of wild animals.

Legislation: Animals Protection Act 1879 (NSW)
Birds Protection Act 1881 (NSW)
Environment Protection and Biodiversity Conservation Act 1999 (CTH)

Subjects: ANIMALS
CONSERVATION

Jurisdictions: AUSTRALIA

CONSTITUTIONAL LAW

AGIS No: 20142335

Title: Meaning, theory and the interpretation of constitutional grants of power.

Authors: STOKES, Michael

Source: MONASH UNIVERSITY LAW REVIEW 39 (2) 2013 : 319-347

Abstract: Interpretation of grants of power by the High Court by determining essential meaning of terms in which grants formulated - advantage of certainty and objectivity - new approach to interpretation - theories of criterialism and semantic realism - limitations of theories.

Legal Cases: Grain Pool of Western Australia v Commonwealth of Australia (2000) 202 CLR 479
R v Brislan; ex parte Williams (1935) 54 CLR 262

Legislation: Constitution (CTH)

Subjects: CONSTITUTIONAL LAW
STATUTORY INTERPRETATION

Jurisdictions: AUSTRALIA

AGIS No: 20142343

Title: Non-immigrants, non-aliens and people of the Commonwealth : Australian constitutional citizenship revisited.

Authors: PILLAI, Sangeetha

Source: MONASH UNIVERSITY LAW REVIEW 39 (2) 2013 : 568-609

Abstract: Constitutional dimension of Australian citizenship - constitutional provisions relevant to notions of citizenship - potential for implication of constitutional concept of citizenship - coherent development of concept inhibited by inability to point to precise conceptual basis and lack of certainty about interaction between Commonwealth powers over aliens and immigration - constitutional phrase "people of the Commonwealth".

Legal Cases: Hwang v Commonwealth; Fu v Commonwealth (2005) 87 ALD 256
Rowe v Electoral Commissioner (2010) 243 CLR 1

Legislation: Constitution (CTH)

Subjects: CITIZENSHIP
CONSTITUTIONAL LAW
IMMIGRATION
Jurisdictions: AUSTRALIA

AGIS No: 20142336
Title: The changed landscape of the executive power of the Commonwealth after the Williams case.
Authors: LINDELL, Geoffrey
Source: MONASH UNIVERSITY LAW REVIEW 39 (2) 2013 : 348-387
Abstract: Analysis of High Court's reasoning in the Williams case - future implications for the scope of the executive power of the Commonwealth - ability of Commonwealth to spend money and enter into contracts - effectiveness of legislative response to decision - need for Parliament to examine new responsibilities in authorising Executive to enter into contracts and spend public money.

Legal Cases: New South Wales v Bardolph (1934) 52 CLR 455
Victoria v Commonwealth (AAP case)
(1975) 134 CLR 338
Williams v Commonwealth of Australia (2012) 288 ALR 410

Legislation: Constitution (CTH)
Subjects: CONSTITUTIONAL LAW
PARLIAMENT
Jurisdictions: AUSTRALIA

AGIS No: 20142346
Title: We of the Never Never? Constitutional misconceptions and political realities in pre-constituting the state of the Northern Territory.
Authors: CARNE, Greg
Source: SOUTHERN CROSS UNIVERSITY LAW REVIEW (16) 2013 : 41-86
Abstract: Removal of the Commonwealth executive power to override Northern Territory legislation - associated legislative process in the Commonwealth Parliament - constitutional misconceptions - analysis of collapse of bipartisan attitudes and policy in debates surrounding passage of Northern Territory legislation - Northern Territory statehood - equality of the Northern Territory with other states Indigenous communities de facto veto over statehood.

Legislation: Constitutional Convention (Election) Act 1997 (CTH)
Northern Territory (Self Government) Act 1978 (NT)
Territories Self-Government Legislation Amendment (Disallowance and Amendment of Laws) Act 2011
Subjects: CONSTITUTIONAL LAW
SELF GOVERNMENT
Jurisdictions: AUSTRALIA, Northern Territory

CONSUMERS

AGIS No: 20142332

Title: Recent trends in certification of consumer products class actions in Canada : part 2.

Authors: MCKEE, Gordon
DOUGAN, Laura

Source: AUSTRALIAN PRODUCT LIABILITY REPORTER 25 (6) July 2014 : 85-89

Abstract: Consideration of how typical causes of action related to alleged misrepresentations handed at class certification stage - negligent misrepresentation - breach of provincial consumer protection legislation - breach of Competition Act - part two of two part series - for part one see AGIS 20142147.

Legal Cases: Cannon v Funds for Canada Foundation [2012] ONSC 3009
Ramdath v George Brown College of Applied Arts and Technology [2010] ONSC 2019
Stanway v Wyeth Canada Inc [2012] BCCA 260

Legislation: Consumer Protection Act 2002 (ONTARIO)

Subjects: CLASS ACTIONS
CONSUMERS

Jurisdictions: CANADA

AGIS No: 20142396

Title: Regulation of complementary and alternative medicine : interplay of therapeutic goods legislation consumer law.

Authors: WEIR, Michael
WARDLE, Jon
MARSHALL, Brenda
ARCHER, Eloise

Source: BOND LAW REVIEW 25 (1) June 2013 : 13-34

Abstract: Critical evaluation of the regulatory regime applying to complementary and alternative medicine - level of evidence required to justify health claims for registration or listing of products - advertising of products - anomalies in the application of current regulatory structure - recommendations to improve present position.

Legislation: Competition and Consumer Act 2010 (CTH)
Therapeutic Goods Act 1989 (CTH)

Subjects: CONSUMERS
MEDICAL RESEARCH
PHARMACEUTICALS

Jurisdictions: AUSTRALIA

CONTRACTS

AGIS No: 20142414

Title: Issues of principle in assessing contract damages.

Authors: CARTER, J W
COURTNEY, Wayne
TOLHURST, G J

Source: JOURNAL OF CONTRACT LAW 31 (3) July 2014 : 171-205

Abstract: Overview of facts and decision in Clark v Macourt - features of facts and evidence making them unusual - application of rule in Robinson v Harman - assessment of damages raised by facts - majority applied damages by applying prima facie measure for breach of warranty of quality in contract - upholding assessment based on questionable evidence - explanation why dissenting judgment should be preferred - why majority came to different conclusions on issues of principle.

Legal Cases: Clark v Macourt (2013) 304 ALR 220
Commonwealth v Amann Aviation Pty Ltd (1991) 174 CLR 64
Robinson v Harman (1848) 1 Ex 850

Subjects: BREACH OF CONTRACT
CONTRACTS
DAMAGES

Jurisdictions: AUSTRALIA

AGIS No: 20142313

Title: Maxwell v Highway Hauliers Pty Ltd : High Court grants special leave.

Authors: KUPSCH, Suzanne

Source: AUSTRALIAN INSURANCE LAW BULLETIN 30 (5) June 2014 : 66-68

Abstract: Construction of s 54(1) of the Insurance Contracts Act - relief to insureds where acts or omissions would entitle insurers to refuse to pay claim - approaches to characterising failures - special leave application by insurer - requirement in a policy is a condition of cover - case law.

Legal Cases: Maxwell v Highway Hauliers Pty Ltd (2013) 45 WAR 297
Maxwell v Highway Hauliers Pty Ltd [2014] HCATrans 51

Legislation: Insurance Contracts Act 1984 (CTH)

Subjects: CONTRACTS
INSURANCE

Jurisdictions: AUSTRALIA

AGIS No: 20142349

Title: Necessity, coherence and mutual trust and confidence : Commonwealth Bank of Australia v Barker.

Authors: THAI, Pauline

Source: COMMERCIAL LAW QUARTERLY 27 (4) December 2013 / January 2014 : 11-17

Abstract: Examination of the majority and dissenting judgments in Barker - evaluation of the accuracy of the proposition that implied term of mutual trust and confidence satisfies the test of necessity for terms implied by law.

Legal Cases: Commonwealth Bank of Australia v Barker [2013] FCAFC 83

Subjects: CONTRACTS
EMPLOYMENT

Jurisdictions: AUSTRALIA

AGIS No: 20142415

Title: Restitution of mistaken enrichment under section 73 of Malaysia's Contracts Act 1950 : pouring new wine into an old bottle?

Authors: SEE, Alvin W-L

Source: JOURNAL OF CONTRACT LAW 31 (3) July 2014 : 206-233
Abstract: Suggestions for interpretation of s 73 of Malaysia's Contract Act - courts should have regard to historical background against which the section was enacted - content of s 73 needs to be developed to enable it to better address complex cases - common law method of analysing issues of unjust enrichment could be usefully incorporated into section's framework.
Legislation: Contracts Act 1950 (MALAYSIA)
Indian Contract Act 1872 (INDIA)
Subjects: CONTRACTS
DAMAGES
LEGISLATION
Jurisdictions: MALAYSIA

CONVEYANCING

AGIS No: 20142356
Title: A guide to verification of identity requirements for mortgages in Australia jurisdictions.
Authors: ANDREOU, Maria
LUKE, Peter
Source: AUSTRALIAN BANKING AND FINANCE LAW BULLETIN 30 (6) August 2014 : 102-104
Abstract: Verification of identity (VOI) - comparison and contrast of key aspects of VOI various Australia jurisdictions - individual mortgagors - corporate mortgagors - attorneys signing on behalf of mortgagor - offshore mortgagors - additional steps required in South Australia and Western Australia.
Legislation: Anti-Money Laundering and Counter-Terrorism Financing Act 2006 (CTH)
Subjects: CONVEYANCING
MORTGAGES
Jurisdictions: AUSTRALIA, New South Wales
AUSTRALIA, Queensland
AUSTRALIA, South Australia
AUSTRALIA, Western Australia

AGIS No: 20142328
Title: Stamp duty : when is the date of sale not the date of sale?
Authors: WALRUT, Bernie
Source: BULLETIN (LAW SOCIETY OF S.A.) 36 (1) February 2014 : 35-37
Abstract: Proposed amendments to s 60A(1) of the Stamp Duties Act 1923 - reference to 'date of sale' will be reference to the date the property was conveyed rather than date of contract or agreement - fundamental difficulties for practitioners and clients - alternative approaches - statutory provisions - use of retrospective legislation - RevNet system.
Legal Cases: Cyril Henschke Pty Ltd v Commissioner of State Taxation [2009] SASC 148
R v Bullfinch Pty (WA) Ltd (1912) 15 CLR 443
Legislation: Stamp Duties Act 1923 (SA)
Taxation Administration Act 1996 (SA)

Subjects: CONVEYANCING
PROPERTY LAW
Jurisdictions: AUSTRALIA, South Australia

COPYRIGHT

AGIS No: 20142367
Title: Criminal prosecution for IP offences : the reality.
Authors: ELIADES, Dimitrios
Source: AUSTRALIAN INTELLECTUAL PROPERTY LAW BULLETIN 27 (6) July 2014 : 166-168

Abstract: Copyright infringement - failure of mediation - application of interlocutory injunctive relief - voluntary liquidation and voluntary bankruptcy of respondents - remedies and offences of relevant copyright provisions - case law.

Legislation: Copyright Act 1968 (CTH)
Subjects: BANKRUPTCY
COPYRIGHT
CRIMINAL LAW
REMEDIES
Jurisdictions: AUSTRALIA

AGIS No: 20142399
Title: From vault to honesty box : Australian authors and the changing face of copyright.

Authors: CANTATORE, Francina
Source: BOND LAW REVIEW 25 (1) June 2013 : 98-143

Abstract: Challenges facing copyright in written work in the digital era - authors' perceptions of copyright - responses of authors to digital developments in the context of philosophical theories of copyright law - current Australian legislative and judicial considerations - impact of e-publishing on traditional perceptions of copyright protection - findings of research study on authors perceptions of value and meaning of copyright - affect on creative practice - ability to deal with digital copyright challenges and publishing opportunities.

Legislation: Copyright Act 1968 (CTH)
Copyright Amendment (Digital Agenda) Act 2000 (CTH)
Copyright Amendment (Moral Rights) Act 2000 (CTH)
Subjects: COPYRIGHT
INTERNET AND PUBLISHING
PUBLISHERS AND PUBLISHING
Jurisdictions: AUSTRALIA

CORPORATE GOVERNANCE

AGIS No: 20142412
Title: Enron and Hastie : what can we learn?
Authors: DE ZWART, Francesco

Source: AUSTRALIAN JOURNAL OF CORPORATE LAW 29 (2) July 2014 : 169-211

Abstract: Themes and tensions underlying the Enron and Hastie Group corporate collapses - comparison of pre- and post-global financial crisis (GFC) economic and governance climate - identify intervening variables of the organisations and their governance structures reducing effectiveness of tradition structures, mechanisms and processes in deterrence of management misconduct - variable central to examination of the GFC - how variables behaved during Enron and Hastie Group collapses.

Subjects: CORPORATE GOVERNANCE
CORPORATIONS LAW

Jurisdictions: AUSTRALIA
UNITED STATES

AGIS No: 20142410

Title: Exploring the rationale for board accountability in corporate governance.

Authors: KEAY, Andrew

Source: AUSTRALIAN JOURNAL OF CORPORATE LAW 29 (2) July 2014 : 115-146

Abstract: Identification of reasons for regarding board accountability as a significant element of corporate governance - assessment of reasons as sound rationales for demanding board accountability - agency problems - nature of the board and shareholder vulnerability - arguments against them being used as rationales for accountability - best rationale for requiring accountability of boards is need for power of boards to be legitimated.

Subjects: COMPANY DIRECTORS
CORPORATE GOVERNANCE

AGIS No: 20142371

Title: Risk and governance issues for company secretaries.

Authors: BUTT, Neroli

Source: INHOUSE COUNSEL 18 (5) July 2014 : 69-71

Abstract: Role of company secretary complex and multi-faceted - updated ASX Principles - overview of changes to company secretary responsibilities and accountabilities - executive termination payments - use of contractors.

Legislation: Corporations Act 2001 (CTH)

Subjects: COMPANY DIRECTORS
CORPORATE GOVERNANCE

Jurisdictions: AUSTRALIA

CORPORATIONS LAW

AGIS No: 20142413

Title: Australian corporate CEOs are less powerful than they once were.

Authors: CARRIGAN, Amanda

Source: AUSTRALIAN JOURNAL OF CORPORATE LAW 29 (2) July 2014 : 212-224

Abstract: Role of the chief executive officer (CEO) - regulation and legal duties - relationship to board of directors - CEO and shareholders - chief financial officer.

Legal Cases: Australian Securities and Investments Commission v Healey (No 2) (2011) 196 FCR 430
Grimaldi v Chameleon Mining NL (No 2); Chameleon Mining NL v Murchison Metals Ltd (2012) 200 FCR 296

Legislation: Corporations Act 2001 (CTH)

Subjects: COMPANY DIRECTORS
CORPORATIONS LAW

Jurisdictions: AUSTRALIA

AGIS No: 20142412

Title: Enron and Hastie : what can we learn?

Authors: DE ZWART, Francesco

Source: AUSTRALIAN JOURNAL OF CORPORATE LAW 29 (2) July 2014 : 169-211

Abstract: Themes and tensions underlying the Enron and Hastie Group corporate collapses - comparison of pre- and post-global financial crisis (GFC) economic and governance climate - identify intervening variables of the organisations and their governance structures reducing effectiveness of tradition structures, mechanisms and processes in deterrence of management misconduct - variable central to examination of the GFC - how variables behaved during Enron and Hastie Group collapses.

Subjects: CORPORATE GOVERNANCE
CORPORATIONS LAW

Jurisdictions: AUSTRALIA
UNITED STATES

AGIS No: 20142411

Title: The end of the 'end of history for corporate law'?

Authors: WELSH, Michelle
SPENDER, Peta
LYNCH FANNON, Irene
HALL, Kath

Source: AUSTRALIAN JOURNAL OF CORPORATE LAW 29 (2) July 2014 : 147-168

Abstract: Overview of Hansmann and Kraakman text "The end of the history for corporate law" - aspect of controversy it generated - continuing vitality and complexity of European corporate law - Hansmann and Kraakman theory would have categorised European corporate law as a failure - role of transnational law in framing of corporate law and convergence theories - public nature of corporate law in context of enforcement activity by ASIC.

Subjects: CORPORATIONS LAW
LEGAL THEORY

Jurisdictions: AUSTRALIA
EUROPE

CORRUPTION

AGIS No: 20142368
Title: To investigate or not to investigate : that is the (ethical) question.
Authors: HILL, Jenni
Source: INHOUSE COUNSEL 18 (5) July 2014 : 59-61
Abstract: Evidence or allegations of bribery or corruption within a business - challenges faced by inhouse counsel - steps to protect business - requirement to investigate - type of investigation - steps to be taken in first 72 hours.
Subjects: BRIBERY
CORRUPTION
ETHICS
Jurisdictions: AUSTRALIA

CREDITORS

AGIS No: 20142315
Title: Entitlement to reinsurance proceeds : Re HIH Underwriting Insurance (Aust) Pty Ltd (in liq and subject to a scheme of arrangement).
Authors: HAMILTON, Linda
Source: AUSTRALIAN INSURANCE LAW BULLETIN 30 (5) June 2014 : 71-73
Abstract: Displacement from normal rule of distribution of proceeds of winding up of insurer - equal ranking of all creditors - case law.
Legal Cases: Amaca Pty Ltd (under NSW administered winding up) v McGrath & Honey (as liquidators of HIH Group of Companies) (2012) 87 ACSR 625
Amaca Pty Ltd (under NSW administered winding up) v McGrath & Honey (as liquidators of HIH Group of Companies) (2012) 92 ACSR 105
Amaca Pty Ltd v McGrath as liquidators of HIH Underwriting & Insurance (Australia) Pty Ltd (2011) 82 ACSR 281
Re HIH Underwriting Insurance (Australia) Pty Ltd (in liq and subject to a scheme of arrangement) [2014] NSWSC 484
Legislation: James Hardie Former Subsidiaries (Winding up and Administration) Act 2005 (NSW)
Subjects: CREDITORS
INSURANCE
LIQUIDATION
Jurisdictions: AUSTRALIA

CRIMINAL LAW

AGIS No: 20142367
Title: Criminal prosecution for IP offences : the reality.
Authors: ELIADES, Dimitrios
Source: AUSTRALIAN INTELLECTUAL PROPERTY LAW BULLETIN 27 (6) July 2014 : 166-168
Abstract: Copyright infringement - failure of mediation - application of interlocutory injunctive relief - voluntary liquidation and voluntary bankruptcy of respondents - remedies and offences of relevant copyright provisions - case law.
Legislation: Copyright Act 1968 (CTH)

Subjects: BANKRUPTCY
COPYRIGHT
CRIMINAL LAW
REMEDIES
Jurisdictions: AUSTRALIA

CRIMINAL LAW REFORM

AGIS No: 20142389
Title: More law and order on the run.
Authors: QUILTER, Julia
Source: ALTERNATIVE LAW JOURNAL 39 (1) 2014 : 50-51
Abstract: NSW government's response to one-punch deaths - assault and death of Thomas Kelly - main changes to NSW's criminal law - three major problems with amendments - 'intentionally hitting' - intoxication - mandatory sentences and offence heirarchy.
Legislation: Crimes Act 1900 (NSW)
Crimes and Other Legislation Amendment (Assault and Intoxication) Act 2014
Subjects: ASSAULT AND BATTERY
CRIMINAL LAW REFORM
Jurisdictions: AUSTRALIA, New South Wales

CRIMINAL LIABILITY

AGIS No: 20142386
Title: Turning the spotlight on 'offensiveness' as a basis for criminal liability.
Authors: MCNAMARA, Luke
QUILTER, Julia
Source: ALTERNATIVE LAW JOURNAL 39 (1) 2014 : 36-39
Abstract: Debate in Australia regarding offensiveness as a basis for legal liability - release of the draft Human Rights and Anti-Discrimination Bill in 2012 - criminal offensiveness - problems with offensive conduct and language.
Legislation: Summary Offences Act 1988 (NSW)
Subjects: CRIMINAL LIABILITY
DISCRIMINATION
LANGUAGE
Jurisdictions: AUSTRALIA

CRIMINAL OFFENDERS

AGIS No: 20142418
Title: National research with jurors on sentences for sexual offenders.
Authors: BARTELS, Lorana
WARNER, Kate
ZDENKOWSKI, George
Source: JUDICIAL OFFICERS BULLETIN 26 (2) March 2014 : 9-11

Abstract: Overview of national study using jurors from criminal trials to explore public opinions about sentencing - judges sitting in trials for sex offences and serious violence offences will invite jurors to participate in study following return of guilty verdicts - methodology - timeline - involvement of judges.

Subjects: CRIMINAL OFFENDERS
RESEARCH
SENTENCING
SEXUAL OFFENCES

Jurisdictions: AUSTRALIA

AGIS No: 20142419
Title: The impact of Bugmy and Munda on sentencing Aboriginal and other offenders.

Authors: ROTHMAN, Stephen
Source: JUDICIAL OFFICERS BULLETIN 26 (3) April 2014 : 17-22
Abstract: Practical implications of the decisions in Bugmy and Munda for the sentencing task - broad approach to equity before the law requires regard for evidence of unique circumstances of Aboriginal offenders - discrimination as a factor in sentencing - Baumeister tests - case law.

Legal Cases: Bugmy v R (2013) 302 ALR 192
Munda v Western Australia (2013) 302 ALR 207
R v Bugmy [2012] NSWCCA 223

Legislation: Crimes (Sentencing Procedure) Act 1999 (NSW)
Crimes Act 1900 (NSW)

Subjects: ABORIGINES
CRIMINAL OFFENDERS
DISCRIMINATION
SENTENCING

Jurisdictions: AUSTRALIA

AGIS No: 20142380
Title: Too much individualisation, not enough justice. : Bugmy v the Queen.

Authors: KRASNOSTEIN, Sarah
Source: ALTERNATIVE LAW JOURNAL 39 (1) 2014 : 12-14
Abstract: Effect of 'Aboriginality' on sentencing - overview of recent decision in High Court - decision taking into account fact that profound the effect childhood deprivation does not diminish over time - individualised justice - case law.

Legal Cases: Bugmy v R [2013] HCA 37

Legislation: Crimes (Sentencing Procedure) Act 1999 (NSW)
Criminal Appeal Act 1912 (NSW)

Subjects: ABORIGINES
CHILD ABUSE
CRIMINAL OFFENDERS
SENTENCING

Jurisdictions: AUSTRALIA

DAMAGES

AGIS No: 20142414
Title: Issues of principle in assessing contract damages.
Authors: CARTER, J W
COURTNEY, Wayne
TOLHURST, G J
Source: JOURNAL OF CONTRACT LAW 31 (3) July 2014 : 171-205
Abstract: Overview of facts and decision in Clark v Macourt - features of facts and evidence making them unusual - application of rule in Robinson v Harman - assessment of damages raised by facts - majority applied damages by applying prima facie measure for breach of warranty of quality in contract - upholding assessment based on questionable evidence - explanation why dissenting judgment should be preferred - why majority came to different conclusions on issues of principle.
Legal Cases: Clark v Macourt (2013) 304 ALR 220
Commonwealth v Amann Aviation Pty Ltd (1991) 174 CLR 64
Robinson v Harman (1848) 1 Ex 850
Subjects: BREACH OF CONTRACT
CONTRACTS
DAMAGES
Jurisdictions: AUSTRALIA

AGIS No: 20142415
Title: Restitution of mistaken enrichment under section 73 of Malaysia's Contracts Act 1950 : pouring new wine into an old bottle?
Authors: SEE, Alvin W-L
Source: JOURNAL OF CONTRACT LAW 31 (3) July 2014 : 206-233
Abstract: Suggestions for interpretation of s 73 of Malaysia's Contract Act - courts should have regard to historical background against which the section was enacted - content of s 73 needs to be developed to enable it to better address complex cases - common law method of analysing issues of unjust enrichment could be usefully incorporated into section's framework.
Legislation: Contracts Act 1950 (MALAYSIA)
Indian Contract Act 1872 (INDIA)
Subjects: CONTRACTS
DAMAGES
LEGISLATION
Jurisdictions: MALAYSIA

AGIS No: 20142374
Title: Secondary boycott actions under the Competition and Consumer Act 2010.
Authors: MCCLELLAND, Robert
Source: WORKPLACE REVIEW 5 (2) Winter 2014 : 46-51
Abstract: Boycott provisions of the Competition and Consumer Act - Australian Competition and Consumer Commission reactivating use of secondary boycott actions - damages and penalties imposed on trade unions engaged in secondary boycotts - complexity of boycott proceedings - evidentiary issues - case law.

Legal Cases: Australasian Meat Industry Employees' Union v Meat and Allied Trade Federation of Australia (1991) ATPR 41-151
Tillmanns Butcheries Pty Ltd v Australasian Meat Industry Employees' Union (1979) ATPR 40-138

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

Subjects: BOYCOTTS
DAMAGES
PENALTIES
TRADE UNIONS

Jurisdictions: AUSTRALIA

DEEDS

AGIS No: 20142400

Title: Deed I do... if signed and delivered : 400 George Street (Qld) Pty Limited v BG International Limited.

Authors: ALLEN, Reece

Source: BOND LAW REVIEW 25 (1) June 2013 : 144-152

Abstract: Outline of key characteristics of deeds - how characteristics were considered in 400 George Street litigation - lessons for lawyers when drafting deeds and advising clients on proper user of deeds - case law.

Legal Cases: 400 George Street (Qld) Pty Ltd v BG International Ltd [2010] QCA 245
400 George Street (Qld) Pty Ltd v BG International Ltd [2010] QSC 066
400 George Street (Qld) Pty Ltd v BG International Ltd [2011] HCATrans 122

Legislation: Property Law Act 1974 (QLD)

Subjects: DEEDS
LITIGATION

Jurisdictions: AUSTRALIA

DEFENCES

AGIS No: 20142358

Title: Australian Financial Services and Leasing Pty Ltd v Hills Industries Ltd.

Authors: WILKS, Mark
LUCEK-ROWLEY, James
MCCARTHY, Michael

Source: AUSTRALIAN BANKING AND FINANCE LAW BULLETIN 30 (6) August 2014 : 108-111

Abstract: Analysis of change of position defence - application of defence - basis of restitutionary relief under defence in Australia - joint judgment reasons - unconscionable retention of money - equitable doctrine of detriment - individual judgment reasoning - implications for future use of change of position defence - case law.

Legal Cases: Australia and New Zealand Banking Group Ltd v Westpac Banking Corporation (1988) 164 CLR 662
Australian Financial Services and Leasing Pty Ltd v Hills Industries Ltd (2014) 307 ALR 512
Hills Industries Ltd v Australian Financial Services & Leasing Pty Ltd; Australian Financial Services & Leasing Pty Ltd v Bosch Security Systems Pty Ltd (2012) 295 ALR 147

Subjects: DEFENCES
FINANCIAL SERVICES

Jurisdictions: AUSTRALIA

AGIS No: 20142340
Title: Defensive homicide on trial in Victoria.
Authors: TOOLE, Kellie
Source: MONASH UNIVERSITY LAW REVIEW 39 (2) 2013 : 473-505
Abstract: Abolition of provocation defence and introduction of defensive homicide - analysis of 21 defensive homicide cases involving male offenders - finding that one of the cases is within scope and compatible with elements of defensive homicide - conviction of male offenders for defensive homicide undermines the purpose of offence - benefiting offender group that prompted need for law reform.

Legal Cases: Viro v The Queen (1978) 141 CLR 88
Zecevic v Director of Public Prosecutions (Vic) (1987) 162 CLR 645

Legislation: Crimes (Homicide) Act 2005 (VIC)
Crimes Act 1958 (VIC)

Subjects: DEFENCES
HOMICIDE

Jurisdictions: AUSTRALIA, Victoria

DETENTION

AGIS No: 20142341
Title: The state of personal liberty in Australia after M47 : a risk theory analysis of security rights.
Authors: ROBSON, Kellie
Source: MONASH UNIVERSITY LAW REVIEW 39 (2) 2013 : 506-538
Abstract: Examination of the power of the Minister for Immigration and Citizenship to detain refugees and their children with no evidence of past or planned criminal activity - adverse security assessments - application of risk theory to recent preventive, administrative detention of refugees - relationship between liberty rights and decision-makers responsible for assessing and managing national security - formal, values-based method of statutory interpretation by High Court as an effective accountability mechanism for protecting human rights.

Legal Cases: Plaintiff M47/2012 v Director-General of Security (2012) 292 ALR 243
Plaintiff M76/2013 v Minister for Immigration, Multicultural Affairs and Citizenship (2013) 304 ALR 135

Legislation: Migration Act 1958 (CTH)

Subjects: DETENTION
NATIONAL SECURITY
REFUGEES
Jurisdictions: AUSTRALIA

DISABILITY

AGIS No: 20142316
Title: The meaning of "prior to disablement" : Corby v AIA Australia.
Authors: LEE, Newton
Source: AUSTRALIAN INSURANCE LAW BULLETIN 30 (5) June 2014 : 74-75
Abstract: Meaning of the phrase "immediately prior to the last day the insured member was at work prior to disablement" - day prior to the onset of disabling condition rather than onset of total disablement - total and permanent disability benefit - case law.

Legal Cases: Corby v AIA Australia Ltd [2014] SADC 68
Subjects: DISABILITY
INSURANCE
Jurisdictions: AUSTRALIA

DISCRIMINATION

AGIS No: 20142419
Title: The impact of Bugmy and Munda on sentencing Aboriginal and other offenders.

Authors: ROTHMAN, Stephen
Source: JUDICIAL OFFICERS BULLETIN 26 (3) April 2014 : 17-22
Abstract: Practical implications of the decisions in Bugmy and Munda for the sentencing task - broad approach to equity before the law requires regard for evidence of unique circumstances of Aboriginal offenders - discrimination as a factor in sentencing - Baumeister tests - case law.

Legal Cases: Bugmy v R (2013) 302 ALR 192
Munda v Western Australia (2013) 302 ALR 207
R v Bugmy [2012] NSWCCA 223
Legislation: Crimes (Sentencing Procedure) Act 1999 (NSW)
Crimes Act 1900 (NSW)
Subjects: ABORIGINES
CRIMINAL OFFENDERS
DISCRIMINATION
SENTENCING
Jurisdictions: AUSTRALIA

AGIS No: 20142386
Title: Turning the spotlight on 'offensiveness' as a basis for criminal liability.
Authors: MCNAMARA, Luke
QUILTER, Julia
Source: ALTERNATIVE LAW JOURNAL 39 (1) 2014 : 36-39

Abstract: Debate in Australia regarding offensiveness as a basis for legal liability - release of the draft Human Rights and Anti-Discrimination Bill in 2012 - criminal offensiveness - problems with offensive conduct and language.

Legislation: Summary Offences Act 1988 (NSW)

Subjects: CRIMINAL LIABILITY
DISCRIMINATION
LANGUAGE

Jurisdictions: AUSTRALIA

DOMESTIC VIOLENCE

AGIS No: 20142382

Title: Getting Haged : the impact of international law on child abduction by protective mothers.

Authors: SALTER, Michael

Source: ALTERNATIVE LAW JOURNAL 39 (1) 2014 : 19-23

Abstract: Effect of the Hague Convention on domestic violence and child abuse - stereotype of protective mothers as mentally ill and malicious - misunderstanding of the gendered nature of international child abduction in the drafting of the Convention - impact of this misunderstanding on two Australian cases of international child abduction.

Legal Cases: Dept of Community Services v Hadzic [2007] FamCa 1703
Murray v Director of Family Services, ACT (1993) FLC 92-416
RCB as Litigation Guardian of EKV, CEV, CIV and LRV v Hon Justice Colin James Forrest (2012) 292 ALR 617

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

Subjects: CHILD ABDUCTION
CHILD ABUSE
DOMESTIC VIOLENCE

Treaties: Hague Convention on the Civil Aspects of International Child Abduction

Jurisdictions: AUSTRALIA

EMERGENCY PLANNING

AGIS No: 20142404

Title: Negotiating risk and responsibility through law, policy and planning.

Authors: MCLENNAN, Blythe
WEIR, Jessica K
EBURN, Michael
AND, others

Source: AUSTRALIAN JOURNAL OF EMERGENCY MANAGEMENT 29 (3) July 2014 : 22-28

Abstract: Development of public policy for natural hazard risk - three independent research projects identifying legal, policy and planning structures and processes that could enhance integration of emergency management imperatives across government and society - key conclusions from projects - political and social negotiation of risk and responsibility - issues raised require further exploration - peer-reviewed.

Subjects: EMERGENCY PLANNING
EMERGENCY SERVICES
NATURAL DISASTERS
SOCIAL POLICY
Jurisdictions: AUSTRALIA

EMERGENCY SERVICES

AGIS No: 20142404
Title: Negotiating risk and responsibility through law, policy and planning.
Authors: MCLENNAN, Blythe
WEIR, Jessica K
EBURN, Michael
AND, others
Source: AUSTRALIAN JOURNAL OF EMERGENCY MANAGEMENT 29 (3) July 2014 : 22-28
Abstract: Development of public policy for natural hazard risk - three independent research projects identifying legal, policy and planning structures and processes that could enhance integration of emergency management imperatives across government and society - key conclusions from projects - political and social negotiation of risk and responsibility - issues raised require further exploration - peer-reviewed.

Subjects: EMERGENCY PLANNING
EMERGENCY SERVICES
NATURAL DISASTERS
SOCIAL POLICY
Jurisdictions: AUSTRALIA

EMPLOYMENT

AGIS No: 20142317
Title: Medical evidence in adverse action proceedings.
Authors: JACKSON, Ross
O'CONNOR, Kate
Source: EMPLOYMENT LAW BULLETIN 20 (5) June 2014 : 75-78
Abstract: Importance of considering and acting on medical evidence when dealing with acts of misconduct - employer has implied contractual right to direct employee to provide reasonable medical information - more detail than basic medical certificate - reinstatement, compensation and penalties - disciplinary action - workplace right - case law.
Legal Cases: Australian and International Pilots Association v Qantas Airways Ltd [2014] FCA 32
Grant v State of Victoria (Office of Public Prosecutions) [2014] FCCA 17
Legislation: Fair Work Act 2009 (CTH)
Subjects: EMPLOYMENT
MEDICAL EVIDENCE
Jurisdictions: AUSTRALIA

AGIS No: 20142349
Title: Necessity, coherence and mutual trust and confidence : Commonwealth Bank of Australia v Barker.
Authors: THAI, Pauline
Source: COMMERCIAL LAW QUARTERLY 27 (4) December 2013 / January 2014 : 11-17
Abstract: Examination of the majority and dissenting judgments in Barker - evaluation of the accuracy of the proposition that implied term of mutual trust and confidence satisfies the test of necessity for terms implied by law.
Legal Cases: Commonwealth Bank of Australia v Barker [2013] FCAFC 83
Subjects: CONTRACTS
EMPLOYMENT
Jurisdictions: AUSTRALIA

EMPLOYMENT LAW

AGIS No: 20142376
Title: Research, reform and labour law : Professor Joellen Riley's journey from lawyer to leading academic.
Authors: KHALILIZADEH, Azadeh
Source: WORKPLACE REVIEW 5 (2) Winter 2014 : 55-57
Abstract: Career of Professor Joellen Riley - earlier law career - changes in Australian workplace legislation - difficulties achieving work-life balance in a law firm - move into teaching - current role as Dean of Sydney University Law School.
Subjects: EMPLOYMENT LAW
LEGAL RESEARCH
Jurisdictions: AUSTRALIA

EQUITY

AGIS No: 20142357
Title: Lavin v Toppi.
Authors: RICHARDSON, David
Source: AUSTRALIAN BANKING AND FINANCE LAW BULLETIN 30 (6) August 2014 : 105-107
Abstract: Decision giving consideration to issue of equitable contribution between co-sureties - challenge to established principles - examination of history of the law of contribution at common law and equity - case law.
Legal Cases: Carr v Thomas [2009] NSWCA 208
Lavin v Toppi (2014) 308 ALR 598
Legislation: Law Reform (Law and Equity) Act 1972 (NSW)
Subjects: COMMON LAW
EQUITY
Jurisdictions: AUSTRALIA, New South Wales

ESPIONAGE

AGIS No: 20142318
Title: Foreign surveillance : law and practice in a global digital environment.
Authors: BROWN, Ian
KORFF, Douwe
Source: EUROPEAN HUMAN RIGHTS LAW REVIEW (3) 2014 : 243-251
Abstract: Review of US and UK alleged practices relating to surveillance of foreign internet communications content and metadata - international human rights law issues - spying on citizens, politicians and companies of another country - obtaining data from foreign servers without target country consent violates sovereignty of target country.
Subjects: ESPIONAGE
HUMAN RIGHTS
INTERNATIONAL LAW
INTERNET
Jurisdictions: UNITED KINGDOM
UNITED STATES

ESTOPPEL

AGIS No: 20142416
Title: Proprietary estoppel : enforcing expectations (most of the time).
Authors: BARKEHALL THOMAS, Susan
Source: JOURNAL OF CONTRACT LAW 31 (3) July 2014 : 234-254
Abstract: Consideration of two issues suggested as justifying a decision to award a remedy that is less than the value of the promise - testamentary promise has been relied on - discretionary factors commonly labelled as 'vicissitudes' frequently raised as justification for reduction in quantum of award - range of circumstances warranting reduction due to 'vicissitudes' narrow in scope - case law.
Legal Cases: Giumelli v Giumelli (1999) 196 CLR 101
Sidhu v Van Dyke [2014] HCA 19
Waddell v Waddell (2012) 292 ALR 788
Subjects: ESTOPPEL
REMEDIES
Jurisdictions: AUSTRALIA

ETHICS

AGIS No: 20142368
Title: To investigate or not to investigate : that is the (ethical) question.
Authors: HILL, Jenni
Source: INHOUSE COUNSEL 18 (5) July 2014 : 59-61
Abstract: Evidence or allegations of bribery or corruption within a business - challenges faced by inhouse counsel - steps to protect business - requirement to investigate - type of investigation - steps to be taken in first 72 hours.

Subjects: BRIBERY
CORRUPTION
ETHICS
Jurisdictions: AUSTRALIA

FAMILY LAW

AGIS No: 20142377
Title: Family group conferences : part two : putting the 'family' back into child protection.
Authors: BAN, Paul
SWAIN, Phillip
Source: CHILDREN AUSTRALIA 19 (4) 1994 : 11-14
Abstract: Overview of the evaluation of the Victorian Family Decision Making Project - practice issues from the project - is family decision making (FDM) good for children - future of FDM - part two of two part series - for part one see AGIS 19950414.
Subjects: CHILDREN
FAMILY LAW
MEDIATION
Jurisdictions: AUSTRALIA, Victoria

FINANCIAL SERVICES

AGIS No: 20142358
Title: Australian Financial Services and Leasing Pty Ltd v Hills Industries Ltd.
Authors: WILKS, Mark
LUCEK-ROWLEY, James
MCCARTHY, Michael
Source: AUSTRALIAN BANKING AND FINANCE LAW BULLETIN 30 (6) August 2014 : 108-111
Abstract: Analysis of change of position defence - application of defence - basis of restitutionary relief under defence in Australia - joint judgment reasons - unconscionable retention of money - equitable doctrine of detriment - individual judgment reasoning - implications for future use of change of position defence - case law.
Legal Cases: Australia and New Zealand Banking Group Ltd v Westpac Banking Corporation (1988) 164 CLR 662
Australian Financial Services and Leasing Pty Ltd v Hills Industries Ltd (2014) 307 ALR 512
Hills Industries Ltd v Australian Financial Services & Leasing Pty Ltd; Australian Financial Services & Leasing Pty Ltd v Bosch Security Systems Pty Ltd (2012) 295 ALR 147
Subjects: DEFENCES
FINANCIAL SERVICES
Jurisdictions: AUSTRALIA

AGIS No: 20142359

Title: Can we trust the trust?
Authors: D'ANGELO, Nuncio
Source: AUSTRALIAN BANKING AND FINANCE LAW BULLETIN 30 (6) August 2014 : 112-117

Abstract: Overview of issues relating to trading trusts and managed investment schemes exposed following the global financial crisis - trust as commercial but not legal entity - comparison of company and trust law as regimes for regulating commercial relationships - consequences for financiers and other creditors - dealing with issues.

Legislation: Corporations Act 2001 (CTH)
Subjects: FINANCIAL SERVICES
TRUSTS AND TRUSTEES
Jurisdictions: AUSTRALIA

AGIS No: 20142350
Title: Future of financial advice (FOFA) : stocktake, commercial realities and why we're here.

Authors: YAZBECK, Cristean
Source: COMMERCIAL LAW QUARTERLY 27 (4) December 2013 / January 2014 : 18-32

Abstract: Overview of future of financial advice (FOFA) - understanding and navigating FOFA - 'adviser' duties - 'opt-in' and free disclosure - prohibited payments - asset-based - anti-avoidance - other matters.

Legislation: Corporations Act 2001 (CTH)
Subjects: FINANCIAL SERVICES
Jurisdictions: AUSTRALIA

FRANCHISING

AGIS No: 20142337
Title: Franchisor liability for franchisee conduct.
Authors: TERRY, Andrew L
HUAN, Joseph L
Source: MONASH UNIVERSITY LAW REVIEW 39 (2) 2013 : 388-410

Abstract: Review of law relating to franchisor liability for franchisee conduct in Australia - legal principle and commercial practice effective in insulating under vicarious liability and agency principles - potential consequences that might arise from franchisee conduct.

Legal Cases: New South Wales v Lepore (2003) 212 CLR 511
Sweeney v Boylan Nominees Pty Ltd (2006) 226 CLR 161

Legislation: Competition and Consumer Act 2010 (CTH)
Subjects: FRANCHISING
LIABILITY
Jurisdictions: AUSTRALIA

FREEDOM OF SPEECH

AGIS No: 20142398

Title: The cost of political donation reform : a burden on the implied freedom of political communication : Unions NSW and Others v State of New South Wales.

Authors: CUCINOTTA, Domenico

Source: BOND LAW REVIEW 25 (1) June 2013 : 70-97

Abstract: Challenge by Unions NSW on the validity of laws restricting political donations to persons on electoral roll - prohibition of donations from corporations and unions - issues raised when matter heard in High Court - whether political donations are a form of political communication - whether political communication made by corporations or other associations is protected by implied freedom of political communication - circumstances under which state laws can be invalidated - recent jurisprudence in the US Supreme Court relating to political donation regulation.

Legal Cases: Cunliffe v The Commonwealth (1994) 182 CLR 272
Lange v Australian Broadcasting Corporation (1997) 189 CLR 520
Wotton v State of Queensland (2012) 246 CLR 1

Legislation: Constitution (CTH)
Constitution Act 1902 (NSW)
Election Funding, Expenditure and Disclosures Act 1981 (NSW)

Subjects: FREEDOM OF SPEECH
POLITICS AND GOVERNMENT
TRADE UNIONS

Jurisdictions: AUSTRALIA

GAMBLING

AGIS No: 20142351

Title: Kakavas v Crown Melbourne Limited.

Authors: WALTON, Rhett

Source: COMMERCIAL LAW QUARTERLY 27 (4) December 2013 / January 2014 : 33-35

Abstract: Consideration of heavy losses by compulsive high roller conformed to Amadio principle of being unfair, unjust or unreasonable exploitation of the gambler's compulsion - high standard of proof required to substantiate allegation of unconscionable behaviour - principles that apply to relation between casinos and patrons.

Legal Cases: Commercial Bank of Australia Ltd v Amadio (1983) 151 CLR 447
Kakavas v Crown Melbourne Ltd [2013] HCA 25

Subjects: GAMBLING
UNCONSCIONABLE CONDUCT

Jurisdictions: AUSTRALIA

AGIS No: 20142417

Title: The unconscionable dealing doctrine : in retreat?

Authors: SWAIN, Warren

Source: JOURNAL OF CONTRACT LAW 31 (3) July 2014 : 255-266

Abstract: Application of unconscionable dealing doctrine in action by gambler against a casino - claim failed as plaintiff had acted voluntarily and defendant had not acted wrongfully - requirement of actual knowledge rather than constructive knowledge of special disadvantage - analysis of decision - future of unconscionable dealing doctrine - case law.

Legal Cases: Commercial Bank of Australia Ltd v Amadio (1983) 151 CLR 447
Kakavas v Crown Melbourne Ltd (2013) 298 ALR 35

Subjects: GAMBLING
UNCONSCIONABLE CONDUCT

Jurisdictions: AUSTRALIA

GOVERNMENT

AGIS No: 20142378

Title: Queensland : a return to the moonlight state?

Authors: GALLOWAY, Kate
ARDILL, Allan

Source: ALTERNATIVE LAW JOURNAL 39 (1) 2014 : 3-8

Abstract: Recent legislative changes in Queensland as part of government's tough on crime policy - 'war on crime' - legal concepts at risk in Queensland - rule of law - separation of powers - system of government - implications of 'war on crime' for all Australians - judicial independence.

Legal Cases: Dr Bonham's Case (1610) 77 ER 638
R v Brown [2013] QSC 299

Legislation: Vicious Lawless Association Disestablishment Act 2013 (QLD)

Subjects: GOVERNMENT
JUDICIAL INDEPENDENCE
RULE OF LAW
SEPARATION OF POWERS

Jurisdictions: AUSTRALIA, Queensland

HEALTH CARE

AGIS No: 20142354

Title: Telemedicine security governance : lessons from a recent OAIC audit report.

Authors: PHILLIPS, Bianca

Source: PRIVACY LAW BULLETIN 11 (6) July 2014 : 101-103

Abstract: Risks to health information security - findings of the Office of the Australian Information Commissioner audit of 'privacy aspects of the handling of healthcare identifiers' - audit aimed to assist entities storing health information and their advisers.

Legislation: Privacy Act 1988 (CTH)

Subjects: HEALTH CARE
PRIVACY

Jurisdictions: AUSTRALIA

HIGH COURT

AGIS No: 20142388
Title: The court hurts : a personal reflection on Commonwealth v ACT ('Same Sex Marriage Case).
Authors: JESSUP, Brad
Source: ALTERNATIVE LAW JOURNAL 39 (1) 2014 : 45-49
Abstract: Presentation of alternative view of the Same Sex Marriage Case and judgment as compared to traditional legal scholarships - analysis of statutory interpretation - competing perspectives on validity of Marriage Equality (Same Sex) Act - effect and affect of the conventional view of the law.

Legal Cases: Commonwealth of Australia v Australian Capital Territory (2013) 304 ALR 204
Legislation: Marriage Act 1961 (CTH)
Marriage Equality (Same Sex) Act 2013 (ACT)
Subjects: HIGH COURT
SAME SEX MARRIAGE
Jurisdictions: AUSTRALIA

AGIS No: 20142344
Title: The High Court of Australia : reflection on judges and judgments.
Authors: MASON, Anthony
Source: SOUTHERN CROSS UNIVERSITY LAW REVIEW (16) 2013 : 3-21
Abstract: Early history of the High Court - difference of opinion on constitutional interpretation - Sir Garfield Barwick's time as Chief Justice - Chief Justice Harry Gibbs - Sir Anthony Mason's time as Chief Justice - argument for and against joint judgments - personal dynamics of the High Court - achievements.

Subjects: HIGH COURT
JUDGMENTS
JUDICIARY
Jurisdictions: AUSTRALIA

HISTORY

AGIS No: 20142320
Title: Historypin : where history meets the present on a map.
Authors: MCLEAN, Michelle
Source: ONLINE CURRENTS 27 (6) December 2013 : 303-306
Abstract: Overview of Historypin social media website - who uses Historypin - why use Historypin - tips on use - future - alternative sites.
Subjects: HISTORY
SOCIAL MEDIA

HOMICIDE

AGIS No: 20142340
Title: Defensive homicide on trial in Victoria.

Authors: TOOLE, Kellie
Source: MONASH UNIVERSITY LAW REVIEW 39 (2) 2013 : 473-505
Abstract: Abolition of provocation defence and introduction of defensive homicide - analysis of 21 defensive homicide cases involving male offenders - finding that one of the cases is within scope and compatible with elements of defensive homicide - conviction of male offenders for defensive homicide undermines the purpose of offence - benefiting offender group that prompted need for law reform.

Legal Cases: Viro v The Queen (1978) 141 CLR 88
Zecevic v Director of Public Prosecutions (Vic) (1987) 162 CLR 645

Legislation: Crimes (Homicide) Act 2005 (VIC)
Crimes Act 1958 (VIC)

Subjects: DEFENCES
HOMICIDE

Jurisdictions: AUSTRALIA, Victoria

HUMAN RIGHTS

AGIS No: 20142318
Title: Foreign surveillance : law and practice in a global digital environment.
Authors: BROWN, Ian
KORFF, Douwe
Source: EUROPEAN HUMAN RIGHTS LAW REVIEW (3) 2014 : 243-251
Abstract: Review of US and UK alleged practices relating to surveillance of foreign internet communications content and metadata - international human rights law issues - spying on citizens, politicians and companies of another country - obtaining data from foreign servers without target country consent violates sovereignty of target country.

Subjects: ESPIONAGE
HUMAN RIGHTS
INTERNATIONAL LAW
INTERNET

Jurisdictions: UNITED KINGDOM
UNITED STATES

AGIS No: 20142395
Title: The idea of human rights.
Authors: ALLAN, James
Source: BOND LAW REVIEW 25 (1) June 2013 : 1-12
Abstract: General overview of human rights - what human rights are - where human rights came from - idea of human rights - differences in opinions relating to the concept of human rights.

Subjects: HUMAN RIGHTS

Treaties: International Covenant on Civil and Political Rights

IMMIGRATION

AGIS No: 20142343

Title: Non-immigrants, non-alien and people of the Commonwealth : Australian constitutional citizenship revisited.

Authors: PILLAI, Sangeetha

Source: MONASH UNIVERSITY LAW REVIEW 39 (2) 2013 : 568-609

Abstract: Constitutional dimension of Australian citizenship - constitutional provisions relevant to notions of citizenship - potential for implication of constitutional concept of citizenship - coherent development of concept inhibited by inability to point to precise conceptual basis and lack of certainty about interaction between Commonwealth powers over aliens and immigration - constitutional phrase "people of the Commonwealth".

Legal Cases: Hwang v Commonwealth; Fu v Commonwealth (2005) 87 ALD 256
Rowe v Electoral Commissioner (2010) 243 CLR 1

Legislation: Constitution (CTH)

Subjects: CITIZENSHIP
CONSTITUTIONAL LAW
IMMIGRATION

Jurisdictions: AUSTRALIA

INDIGENOUS PEOPLE

AGIS No: 20142394

Title: A complete overhaul of the bail system? The incoming New South Wales Bail Act 2013 and Aboriginal juvenile offenders.

Authors: WEATHERBY-FELL, Caitlin

Source: INDIGENOUS LAW BULLETIN 8 (11) March / April 2014 : 24-30

Abstract: Historical development of NSW bail laws - NSW Law Reform Commission review of bail - reforms to the bail system - examination of incoming Bail Act - possible effects of key aspects of reform on Aboriginal juvenile offenders and Indigenous communities - need to implement national justice targets to address increasing rates of Aboriginal juvenile offenders.

Legislation: Bail Act 1978 (NSW)
Bail Act 2013 (NSW)

Subjects: BAIL
INDIGENOUS PEOPLE
LAW REFORM
YOUNG OFFENDERS

Jurisdictions: AUSTRALIA, New South Wales

AGIS No: 20142381

Title: History wars and stronger future laws : a stronger future or perpetuating past paternalism?

Authors: BIELEFELD, Shelley

Source: ALTERNATIVE LAW JOURNAL 39 (1) 2014 : 15-18

Abstract: Relationship between the history wars and Stronger Futures laws - Australian history and its interpretation - past and present income management - alcohol prohibition - impact of Stronger Futures law on Indigenous people in the Northern Territory.

Legislation: Racial Discrimination Act 1975 (CTH)
Social Security Legislation Amendment Act 2012 (CTH)
Stronger Futures in the Northern Territory
Act 2012 (CTH)

Subjects: ALCOHOL
INDIGENOUS PEOPLE
PROHIBITION
SOCIAL WELFARE

Jurisdictions: AUSTRALIA

AGIS No: 20142391

Title: Internships in native title law : a student's experience as Aurora intern.

Authors: MCMANUS, Pearce

Source: INDIGENOUS LAW BULLETIN 8 (11) March / April 2014 : 6-7

Abstract: Aurora Native Title Internship Program - personal experience of internship - challenges.

Subjects: INDIGENOUS PEOPLE
LEGAL EDUCATION

Jurisdictions: AUSTRALIA

AGIS No: 20142392

Title: Quadrivum : so you want to be a lawyer?

Authors: FOLEY, Dennis

Source: INDIGENOUS LAW BULLETIN 8 (11) March / April 2014 : 19-21

Abstract: Choices available for Indigenous law students - areas where Aboriginal Australia needs Indigenous lawyers - help in achieving self-determination and financial independence - commercial law - growth of Indigenous businesses.

Subjects: COMMERCIAL LAW
INDIGENOUS PEOPLE
LEGAL EDUCATION

Jurisdictions: AUSTRALIA

AGIS No: 20142390

Title: Supporting the next generation of Indigenous law students.

Authors: MCKINNON, Gemma

Source: INDIGENOUS LAW BULLETIN 8 (11) March / April 2014 : 3-5

Abstract: Overview of lessons learnt from visits to Canada, USA and New Zealand in relation to programs available to Indigenous law students - academic support - cultural support - access to Indigenous teachers.

Subjects: INDIGENOUS PEOPLE
LEGAL EDUCATION

Jurisdictions: CANADA
NEW ZEALAND
UNITED STATES

AGIS No: 20142393
Title: Working with Aboriginal clients : what makes a good lawyer?
Authors: BELLACH, Peter
Source: INDIGENOUS LAW BULLETIN 8 (11) March / April 2014 : 22-23
Abstract: Challenges of working as an Indigenous Legal Aid lawyer - communication difficulties - difficulties in understanding criminal law system from different cultural knowledge base - different world view - tips for effective communication.

Subjects: ABORIGINAL LEGAL SERVICE
INDIGENOUS PEOPLE
Jurisdictions: AUSTRALIA, Northern Territory

INHOUSE COUNSEL

AGIS No: 20142369
Title: Role of lawyers in workplace investigations.
Authors: RUSKIN, Nick
Source: INHOUSE COUNSEL 18 (5) July 2014 : 62-64
Abstract: Employee misconduct - complaints from employees - importance of effective workplace investigations - principles of procedural fairness, natural justice and other legislative requirements - steps to take after complaint is made - assessing complaint - circumstances where investigation is warranted - legal professional privilege.

Legislation: Fair Work Act 2009 (CTH)
Subjects: INHOUSE COUNSEL
WORKING CONDITIONS
Jurisdictions: AUSTRALIA

INJURIES

AGIS No: 20142375
Title: ADCO Constructions Pty Ltd v Goudappel.
Authors: PARKER, Andrew
Source: WORKPLACE REVIEW 5 (2) Winter 2014 : 52-54
Abstract: Litigation history of decision in the High Court - decision confirmed only injured workers who make specific claim under "lump sum" provisions fell within provisions of amended legislation - procedural history - implications.
Legal Cases: ADCO Constructions Pty Ltd v Goudappel [2014] HCA 18
Goudappel v ADCO Constructions Pty Ltd [2013] NSWCA 94
Legislation: Workers Compensation Act 1987 (NSW)
Workers Compensation Legislation Amendment Act 2012 (NSW)
Workplace Injury Management and Workers Compensation Act 1998 (NSW)
Subjects: INJURIES
WORKERS COMPENSATION
Jurisdictions: AUSTRALIA

INSURANCE

AGIS No: 20142314
Title: Assessing interest in the real world : Folan v United Super.
Authors: DRUMMOND, Stanley
Source: AUSTRALIAN INSURANCE LAW BULLETIN 30 (5) June 2014 : 69-70
Abstract: Interest on total and permanent disability (TPD) benefit - interest payable on the period the insurer and trustee conducted slower further investigations - importance of proper evidentiary basis for rejecting TPD claim - assessment of injury in commonsense way - case law.
Legal Cases: Folan v United Super [2014] NSWSC 635
Folan v United Super Pty Ltd [2014] NSWSC 343
Subjects: INSURANCE
INTEREST RATES
Jurisdictions: AUSTRALIA

AGIS No: 20142315
Title: Entitlement to reinsurance proceeds : Re HIH Underwriting Insurance (Aust) Pty Ltd (in liq and subject to a scheme of arrangement).
Authors: HAMILTON, Linda
Source: AUSTRALIAN INSURANCE LAW BULLETIN 30 (5) June 2014 : 71-73
Abstract: Displacement from normal rule of distribution of proceeds of winding up of insurer - equal ranking of all creditors - case law.
Legal Cases: Amaca Pty Ltd (under NSW administered winding up) v McGrath & Honey (as liquidators of HIH Group of Companies) (2012) 87 ACSR 625
Amaca Pty Ltd (under NSW administered winding up) v McGrath & Honey (as liquidators of HIH Group of Companies) (2012) 92 ACSR 105
Amaca Pty Ltd v McGrath as liquidators of HIH Underwriting & Insurance (Australia) Pty Ltd (2011) 82 ACSR 281
Re HIH Underwriting Insurance (Australia) Pty Ltd (in liq and subject to a scheme of arrangement) [2014] NSWSC 484
Legislation: James Hardie Former Subsidiaries (Winding up and Administration) Act 2005 (NSW)
Subjects: CREDITORS
INSURANCE
LIQUIDATION
Jurisdictions: AUSTRALIA

AGIS No: 20142313
Title: Maxwell v Highway Hauliers Pty Ltd : High Court grants special leave.
Authors: KUPSCH, Suzanne
Source: AUSTRALIAN INSURANCE LAW BULLETIN 30 (5) June 2014 : 66-68
Abstract: Construction of s 54(1) of the Insurance Contracts Act - relief to insureds where acts or omissions would entitle insurers to refuse to pay claim - approaches to characterising failures - special leave application by insurer - requirement in a policy is a condition of cover - case law.
Legal Cases: Maxwell v Highway Hauliers Pty Ltd (2013) 45 WAR 297
Maxwell v Highway Hauliers Pty Ltd [2014] HCATrans 51
Legislation: Insurance Contracts Act 1984 (CTH)

Subjects: CONTRACTS
INSURANCE
Jurisdictions: AUSTRALIA

AGIS No: 20142316
Title: The meaning of "prior to disablement" : Corby v AIA Australia.
Authors: LEE, Newton
Source: AUSTRALIAN INSURANCE LAW BULLETIN 30 (5) June 2014 : 74-75
Abstract: Meaning of the phrase "immediately prior to the last day the insured member was at work prior to disablement" - day prior to the onset of disabling condition rather than onset of total disablement - total and permanent disability benefit - case law.

Legal Cases: Corby v AIA Australia Ltd [2014] SADC 68
Subjects: DISABILITY
INSURANCE
Jurisdictions: AUSTRALIA

INTELLECTUAL PROPERTY

AGIS No: 20142365
Title: An oily battle : Moroccanoil v Aldi's Miracle Oil.
Authors: HEINDL, Sabiene
Source: AUSTRALIAN INTELLECTUAL PROPERTY LAW BULLETIN 27 (6) July 2014 : 157-159

Abstract: Facts and outcomes of trade mark infringement case against Aldi Stores - similarities in packaging - emerging doctrine of "initial interest confusion" - Australian parallels - case law.

Legal Cases: Moroccanoil Israel Limited v Aldi Stores Limited [2014] EWHC 1686
Peter Bodum A/S v DKSH Australia Pty Ltd (2011) 280 ALR 639

Subjects: INTELLECTUAL PROPERTY
PASSING OFF

Jurisdictions: AUSTRALIA
UNITED KINGDOM

AGIS No: 20142347
Title: Intellectual property protection from a Sharia perspective.
Authors: MALKAWI, Bashar H
Source: SOUTHERN CROSS UNIVERSITY LAW REVIEW (16) 2013 : 87-121
Abstract: Extent to which Sharia law protects intellectual property - framework of law in Islam - intellectual property rights as cited in Sharia - role of Islamic state in protecting intellectual property - reasons for lack of sufficient protection in Arab countries.

Subjects: INTELLECTUAL PROPERTY
ISLAMIC LAW

AGIS No: 20142363

Title: Mascots are a protected species too : the Major Sporting Events (Indicia and Images) Protection Act 2014.

Authors: WEBB, Timothy
HAQ, Sophia

Source: AUSTRALIAN INTELLECTUAL PROPERTY LAW BULLETIN 27 (6) July 2014 : 149-151

Abstract: Overview of legislation to regulate the use for commercial purposes of indicia and images associated with certain major sporting events - prohibition on use - use for commercial purposes - register of authorised persons - importation and seizure of goods - remedies available to combat unauthorised use.

Legislation: Major Sporting Events (Indicia and Images) Protection Act 2014 (CTH)

Subjects: INTELLECTUAL PROPERTY
SPORT

Jurisdictions: AUSTRALIA

INTEREST RATES

AGIS No: 20142314

Title: Assessing interest in the real world : Folan v United Super.

Authors: DRUMMOND, Stanley

Source: AUSTRALIAN INSURANCE LAW BULLETIN 30 (5) June 2014 : 69-70

Abstract: Interest on total and permanent disability (TPD) benefit - interest payable on the period the insurer and trustee conducted slower further investigations - importance of proper evidentiary basis for rejecting TPD claim - assessment of injury in commonsense way - case law.

Legal Cases: Folan v United Super [2014] NSWSC 635
Folan v United Super Pty Ltd [2014] NSWSC 343

Subjects: INSURANCE
INTEREST RATES

Jurisdictions: AUSTRALIA

INTERNATIONAL LAW

AGIS No: 20142318

Title: Foreign surveillance : law and practice in a global digital environment.

Authors: BROWN, Ian
KORFF, Douwe

Source: EUROPEAN HUMAN RIGHTS LAW REVIEW (3) 2014 : 243-251

Abstract: Review of US and UK alleged practices relating to surveillance of foreign internet communications content and metadata - international human rights law issues - spying on citizens, politicians and companies of another country - obtaining data from foreign servers without target country consent violates sovereignty of target country.

Subjects: ESPIONAGE
HUMAN RIGHTS
INTERNATIONAL LAW
INTERNET

Jurisdictions: UNITED KINGDOM
UNITED STATES

INTERNET

AGIS No: 20142361
Title: Bitcoin deconstructed : part 2 : real and virtual worlds.
Authors: WONG, Terence
Source: AUSTRALIAN BANKING AND FINANCE LAW BULLETIN 30 (6) August 2014 : 122-127

Abstract: Legal issues relating to Bitcoin as a payment system - delivery-versus-payment clearing and settlement facility aspects of Bitcoin market - real and virtual worlds of currency transactions - part 2 of 2 part series - for part 1 see AGIS 20141812.

Legislation: Currency Act 1965 (CTH)
Payment Systems (Regulation) Act 1998 (CTH)
Reserve Bank Act 1959 (CTH)

Subjects: INTERNET
MONEY

Jurisdictions: AUSTRALIA

AGIS No: 20142321
Title: Crowdsourcing, collective intelligence and the wisdom of crowds.
Authors: DOUGLAS, Jane
Source: ONLINE CURRENTS 27 (6) December 2013 : 307-321
Abstract: Consideration of crowdsourcing - practice of sourcing work, creative solutions or funding from large groups - process of crowdsourcing - cultural structures - social and ethical issues - applications of crowdsourcing.

Subjects: INTERNET
SOCIAL MEDIA

AGIS No: 20142319
Title: Enterprise search.
Authors: MOORE, Matt
TALL, Kelly
Source: ONLINE CURRENTS 27 (6) December 2013 : 297-302
Abstract: Introduction to issues around enterprise search and information professionals - differences between public search and enterprise search - major players in enterprise search market - recommendations for enterprise search implementation - future of search.

Subjects: INTERNET
RESEARCH

AGIS No: 20142318
Title: Foreign surveillance : law and practice in a global digital environment.

Authors: BROWN, Ian
KORFF, Douwe

Source: EUROPEAN HUMAN RIGHTS LAW REVIEW (3) 2014 : 243-251

Abstract: Review of US and UK alleged practices relating to surveillance of foreign internet communications content and metadata - international human rights law issues - spying on citizens, politicians and companies of another country - obtaining data from foreign servers without target country consent violates sovereignty of target country.

Subjects: ESPIONAGE
HUMAN RIGHTS
INTERNATIONAL LAW
INTERNET

Jurisdictions: UNITED KINGDOM
UNITED STATES

AGIS No: 20142322

Title: Where have all the librarians gone? Future skills for librarianship and beyond.

Authors: STENT, Claire

Source: ONLINE CURRENTS 27 (6) December 2013 : 322-326

Abstract: Case studies showing the new world of work for librarians - library not a physical location - technology as an enabler - seamless integration between resources - information landscape - supporting e-research - policy work.

Subjects: INTERNET
LIBRARIES

INTERNET AND PUBLISHING

AGIS No: 20142399

Title: From vault to honesty box : Australian authors and the changing face of copyright.

Authors: CANTATORE, Francina

Source: BOND LAW REVIEW 25 (1) June 2013 : 98-143

Abstract: Challenges facing copyright in written work in the digital era - authors' perceptions of copyright - responses of authors to digital developments in the context of philosophical theories of copyright law - current Australian legislative and judicial considerations - impact of e-publishing on traditional perceptions of copyright protection - findings of research study on authors perceptions of value and meaning of copyright - affect on creative practice - ability to deal with digital copyright challenges and publishing opportunities.

Legislation: Copyright Act 1968 (CTH)
Copyright Amendment (Digital Agenda) Act 2000 (CTH)
Copyright Amendment (Moral Rights) Act 2000 (CTH)

Subjects: COPYRIGHT
INTERNET AND PUBLISHING
PUBLISHERS AND PUBLISHING

Jurisdictions: AUSTRALIA

AGIS No: 20142364
Title: Is Google replacing publishers?
Authors: HEINDL, Sabiene
Source: AUSTRALIAN INTELLECTUAL PROPERTY LAW BULLETIN 27 (6) July 2014 : 152-155
Abstract: Concerns of publishers that Google will takeover publishing - Google's "Library Project" - scanning of entire books without permission of copyright owners - author class action against Google - amicus curiae brief - Google algorithms replacing editors - public benefits.
Subjects: INTERNET AND PUBLISHING
Jurisdictions: UNITED STATES

ISLAMIC LAW

AGIS No: 20142347
Title: Intellectual property protection from a Sharia perspective.
Authors: MALKAWI, Bashar H
Source: SOUTHERN CROSS UNIVERSITY LAW REVIEW (16) 2013 : 87-121
Abstract: Extent to which Sharia law protects intellectual property - framework of law in Islam - intellectual property rights as cited in Sharia - role of Islamic state in protecting intellectual property - reasons for lack of sufficient protection in Arab countries.
Subjects: INTELLECTUAL PROPERTY
ISLAMIC LAW

JUDGMENTS

AGIS No: 20142344
Title: The High Court of Australia : reflection on judges and judgments.
Authors: MASON, Anthony
Source: SOUTHERN CROSS UNIVERSITY LAW REVIEW (16) 2013 : 3-21
Abstract: Early history of the High Court - difference of opinion on constitutional interpretation - Sir Garfield Barwick's time as Chief Justice - Chief Justice Harry Gibbs - Sir Anthony Mason's time as Chief Justice - argument for and against joint judgments - personal dynamics of the High Court - achievements.
Subjects: HIGH COURT
JUDGMENTS
JUDICIARY
Jurisdictions: AUSTRALIA

JUDICIAL INDEPENDENCE

AGIS No: 20142378
Title: Queensland : a return to the moonlight state?
Authors: GALLOWAY, Kate
ARDILL, Allan

Source: ALTERNATIVE LAW JOURNAL 39 (1) 2014 : 3-8
Abstract: Recent legislative changes in Queensland as part of government's tough on crime policy - 'war on crime' - legal concepts at risk in Queensland - rule of law - separation of powers - system of government - implications of 'war on crime' for all Australians - judicial independence.
Legal Cases: Dr Bonham's Case (1610) 77 ER 638
R v Brown [2013] QSC 299
Legislation: Vicious Lawless Association Disestablishment Act 2013 (QLD)
Subjects: GOVERNMENT
JUDICIAL INDEPENDENCE
RULE OF LAW
SEPARATION OF POWERS
Jurisdictions: AUSTRALIA, Queensland

JUDICIARY

AGIS No: 20142344
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Authors: MASON, Anthony
Source: SOUTHERN CROSS UNIVERSITY LAW REVIEW (16) 2013 : 3-21
Abstract: Early history of the High Court - difference of opinion on constitutional interpretation - Sir Garfield Barwick's time as Chief Justice - Chief Justice Harry Gibbs - Sir Anthony Mason's time as Chief Justice - argument for and against joint judgments - personal dynamics of the High Court - achievements.
Subjects: HIGH COURT
JUDGMENTS
JUDICIARY
Jurisdictions: AUSTRALIA

JUVENILE COURT

AGIS No: 20142345
Title: Is the Children's Court working?
Authors: WALL, CF
Source: SOUTHERN CROSS UNIVERSITY LAW REVIEW (16) 2013 : 23-39
Abstract: Public perceptions on the effectiveness of juvenile offending - reprimands and good behaviour orders as suitable sentencing options for certain types of juvenile offending - increased sentencing options for magistrates and judges in Children's Court - expanding categories of applicants for sentencing review - simplification of parental responsibility provisions.
Legislation: Victims of Crime Assistance Act 2009 (QLD)
Youth Justice Act 1992 (QLD)
Subjects: JUVENILE COURT
PARENTAL RIGHTS AND DUTIES
YOUNG OFFENDERS
Jurisdictions: AUSTRALIA

LANGUAGE

AGIS No: 20142386
Title: Turning the spotlight on 'offensiveness' as a basis for criminal liability.
Authors: MCNAMARA, Luke
QUILTER, Julia
Source: ALTERNATIVE LAW JOURNAL 39 (1) 2014 : 36-39
Abstract: Debate in Australia regarding offensiveness as a basis for legal liability - release of the draft Human Rights and Anti-Discrimination Bill in 2012 - criminal offensiveness - problems with offensive conduct and language.
Legislation: Summary Offences Act 1988 (NSW)
Subjects: CRIMINAL LIABILITY
DISCRIMINATION
LANGUAGE
Jurisdictions: AUSTRALIA

LAW REFORM

AGIS No: 20142394
Title: A complete overhaul of the bail system? The incoming New South Wales Bail Act 2013 and Aboriginal juvenile offenders.
Authors: WEATHERBY-FELL, Caitlin
Source: INDIGENOUS LAW BULLETIN 8 (11) March / April 2014 : 24-30
Abstract: Historical development of NSW bail laws - NSW Law Reform Commission review of bail - reforms to the bail system - examination of incoming Bail Act - possible effects of key aspects of reform on Aboriginal juvenile offenders and Indigenous communities - need to implement national justice targets to address increasing rates of Aboriginal juvenile offenders.
Legislation: Bail Act 1978 (NSW)
Bail Act 2013 (NSW)
Subjects: BAIL
INDIGENOUS PEOPLE
LAW REFORM
YOUNG OFFENDERS
Jurisdictions: AUSTRALIA, New South Wales

AGIS No: 20142325
Title: Are personal injury victims a vulnerable species?
Authors: RISCHBIETH, Hugh
Source: BULLETIN (LAW SOCIETY OF S.A.) 36 (1) February 2014 : 26-27
Abstract: Introduction of legislative changes to jurisdictional limits, compulsory third party claims and costs in the District and Magistrates Courts - how changes are likely to impact claimants - need for further reform to improve the significantly diminished access to justice under the changes.
Legislation: Motor Vehicle Accidents (Lifetime Support Scheme) Act 2013 (SA)
Statutes Amendment (Courts Efficiency Reforms) Act 2012 (SA)

Subjects: LAW REFORM
LEGAL NEED
PERSONAL INJURIES
Jurisdictions: AUSTRALIA, South Australia

AGIS No: 20142379
Title: Putting the 'Queen' back into Queensland.
Authors: HOBBS, Harry
Source: ALTERNATIVE LAW JOURNAL 39 (1) 2014 : 9-11
Abstract: Reintroduction of Queen's Counsel (QC) in Queensland - history of QC's - Royal succession laws - knights and dames of the Order of Australia.
Legislation: Succession to the Crown Act 2013 (QLD)
Subjects: LAW REFORM
MONARCHY
Jurisdictions: AUSTRALIA, Queensland

AGIS No: 20142329
Title: Retirement Villages Regulation : the select committee reports.
Authors: MYHILL, Peter
Source: BULLETIN (LAW SOCIETY OF S.A.) 36 (1) February 2014 : 38-39
Abstract: Select committee inquiry into provisions of the Retirement Villages Act - terms of reference - report recommendations - importance of balancing interests of operators of villages and residents - areas of interest to practitioners.
Legislation: Retirement Villages Act 1987 (SA)
Subjects: LAW REFORM
RETIREMENT VILLAGES
Jurisdictions: AUSTRALIA, South Australia

LEGAL AID

AGIS No: 20142387
Title: Legal aid crisis : lessons from Victoria's response.
Authors: NOONE, Mary Anne
Source: ALTERNATIVE LAW JOURNAL 39 (1) 2014 : 40-44
Abstract: Reduction in range of services provided by Victoria Legal Aid (VLA) - background to current VLA situation and priorities - increased demands on VLA services - changes to VLA eligibility guidelines - cuts to internal and operational expenditure - reaction to VLA approach by government and legal professionals - legal aid impact statements - criminal matters - family violence and child protection matters.
Subjects: LEGAL AID
LEGAL AID FUNDING
LEGAL SERVICE DELIVERY
Jurisdictions: AUSTRALIA, Victoria

LEGAL AID FUNDING

AGIS No: 20142387
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Subjects: LEGAL AID
LEGAL AID FUNDING
LEGAL SERVICE DELIVERY
Jurisdictions: AUSTRALIA, Victoria

LEGAL EDUCATION

AGIS No: 20142391
Title: Internships in native title law : a student's experience as Aurora intern.
Authors: MCMANUS, Pearce
Source: INDIGENOUS LAW BULLETIN 8 (11) March / April 2014 : 6-7
Abstract: Aurora Native Title Internship Program - personal experience of internship - challenges.

Subjects: INDIGENOUS PEOPLE
LEGAL EDUCATION
Jurisdictions: AUSTRALIA

AGIS No: 20142392
Title: Quadrivum : so you want to be a lawyer?
Authors: FOLEY, Dennis
Source: INDIGENOUS LAW BULLETIN 8 (11) March / April 2014 : 19-21
Abstract: Choices available for Indigenous law students - areas where Aboriginal Australia needs Indigenous lawyers - help in achieving self-determination and financial independence - commercial law - growth of Indigenous businesses.

Subjects: COMMERCIAL LAW
INDIGENOUS PEOPLE
LEGAL EDUCATION
Jurisdictions: AUSTRALIA

AGIS No: 20142390
Title: Supporting the next generation of Indigenous law students.
Authors: MCKINNON, Gemma
Source: INDIGENOUS LAW BULLETIN 8 (11) March / April 2014 : 3-5

Abstract: Overview of lessons learnt from visits to Canada, USA and New Zealand in relation to programs available to Indigenous law students - academic support - cultural support - access to Indigenous teachers.

Subjects: INDIGENOUS PEOPLE
LEGAL EDUCATION

Jurisdictions: CANADA
NEW ZEALAND
UNITED STATES

LEGAL NEED

AGIS No: 20142325

Title: Are personal injury victims a vulnerable species?

Authors: RISCHBIETH, Hugh

Source: BULLETIN (LAW SOCIETY OF S.A.) 36 (1) February 2014 : 26-27

Abstract: Introduction of legislative changes to jurisdictional limits, compulsory third party claims and costs in the District and Magistrates Courts - how changes are likely to impact claimants - need for further reform to improve the significantly diminished access to justice under the changes.

Legislation: Motor Vehicle Accidents (Lifetime Support Scheme) Act 2013 (SA)
Statutes Amendment (Courts Efficiency Reforms) Act 2012 (SA)

Subjects: LAW REFORM
LEGAL NEED
PERSONAL INJURIES

Jurisdictions: AUSTRALIA, South Australia

AGIS No: 20142324

Title: Legal need in South Australia : lessons for lawyers from the Law Survey.

Authors: ERRINGTON, Susan

Source: BULLETIN (LAW SOCIETY OF S.A.) 36 (1) February 2014 : 22-23

Abstract: Overview of findings of the Legal Australia-wide Survey on Legal Need in Australia - lessons for lawyers from the findings - types of legal problems in South Australia - substantial and multiple legal problems - groups that have legal problems - seeking legal advice.

Subjects: LEGAL NEED
LEGAL PROFESSION

Jurisdictions: AUSTRALIA

LEGAL PROFESSION

AGIS No: 20142323

Title: Dealing with vicarious trauma.

Authors: FLOURENTZOU, Christina

Source: BULLETIN (LAW SOCIETY OF S.A.) 36 (1) February 2014 : 20

Abstract: Dealing with traumatised clients - programs to support employees to manage vicarious trauma - studies show legal professional exhibit highest level of anxiety and depression.

Subjects: LEGAL PROFESSION
MENTAL HEALTH

AGIS No: 20142330

Title: Explaining the no-contact rule.

Authors: FRENCH, Jayne

Source: BULLETIN (LAW SOCIETY OF S.A.) 36 (1) February 2014 : 43

Abstract: Rule stating that legal practitioners must not deal with clients of another legal practitioner - exceptions to rule - unrelated matters - second opinions - practitioners should seek advice.

Subjects: LEGAL PROFESSION
PROFESSIONAL ETHICS

Jurisdictions: AUSTRALIA, South Australia

AGIS No: 20142324

Title: Legal need in South Australia : lessons for lawyers from the Law Survey.

Authors: ERRINGTON, Susan

Source: BULLETIN (LAW SOCIETY OF S.A.) 36 (1) February 2014 : 22-23

Abstract: Overview of findings of the Legal Australia-wide Survey on Legal Need in Australia - lessons for lawyers from the findings - types of legal problems in South Australia - substantial and multiple legal problems - groups that have legal problems - seeking legal advice.

Subjects: LEGAL NEED
LEGAL PROFESSION

Jurisdictions: AUSTRALIA

AGIS No: 20142355

Title: Legal practice insights for banking lawyers : the competitive advantage.

Authors: WILLIS, Graeme

Source: AUSTRALIAN BANKING AND FINANCE LAW BULLETIN 30 (6) August 2014 : 100-101

Abstract: Key drivers of value necessary to provide competitive advantage - ability to extract and analyse data to provide insightful information - present insight information enabling decision-makers to act - collaborative working environments - impact of new technologies on business cycles.

Subjects: BANKING
LEGAL PROFESSION

LEGAL PROFESSIONAL PRIVILEGE

AGIS No: 20142372

Title: To disclose or not disclose? Some legal guidelines.

Authors: WALLER, Mark

ERFURT, Chris

Source: INHOUSE COUNSEL 18 (5) July 2014 : 72-74

Abstract: Risks to consider when deciding how or what to disclose litigation to market - management of risks before problems arise - risk of inadvertent waiver of legal professional privilege - guidance for directors and officers assessing their insurance and indemnity arrangements for failure to disclose litigation - case law.

Legal Cases: Osland v Secretary, Department of Justice (2008) 234 CLR 275
Switchcorp Pty Ltd v Multiimedia Ltd [2005] VSC 425

Subjects: COMPANY DIRECTORS
LEGAL PROFESSIONAL PRIVILEGE
LITIGATION
RISK MANAGEMENT

Jurisdictions: AUSTRALIA

LEGAL RESEARCH

AGIS No: 20142376

Title: Research, reform and labour law : Professor Joellen Riley's journey from lawyer to leading academic.

Authors: KHALILIZADEH, Azadeh

Source: WORKPLACE REVIEW 5 (2) Winter 2014 : 55-57

Abstract: Career of Professor Joellen Riley - earlier law career - changes in Australian workplace legislation - difficulties achieving work-life balance in a law firm - move into teaching - current role as Dean of Sydney University Law School.

Subjects: EMPLOYMENT LAW
LEGAL RESEARCH

Jurisdictions: AUSTRALIA

LEGAL SERVICE DELIVERY

AGIS No: 20142387

Title: Legal aid crisis : lessons from Victoria's response.

Authors: NOONE, Mary Anne

Source: ALTERNATIVE LAW JOURNAL 39 (1) 2014 : 40-44

Abstract: Reduction in range of services provided by Victoria Legal Aid (VLA) - background to current VLA situation and priorities - increased demands on VLA services - changes to VLA eligibility guidelines - cuts to internal and operational expenditure - reaction to VLA approach by government and legal professionals - legal aid impact statements - criminal matters - family violence and child protection matters.

Subjects: LEGAL AID
LEGAL AID FUNDING
LEGAL SERVICE DELIVERY

Jurisdictions: AUSTRALIA, Victoria

LEGAL THEORY

AGIS No: 20142411

Title: The end of the 'end of history for corporate law'?

Authors: WELSH, Michelle
SPENDER, Peta
LYNCH FANNON, Irene
HALL, Kath

Source: AUSTRALIAN JOURNAL OF CORPORATE LAW 29 (2) July 2014 : 147-168

Abstract: Overview of Hansmann and Kraakman text "The end of the history for corporate law" - aspect of controversy it generated - continuing vitality and complexity of European corporate law - Hansmann and Kraakman theory would have categorised European corporate law as a failure - role of transnational law in framing of corporate law and convergence theories - public nature of corporate law in context of enforcement activity by ASIC.

Subjects: CORPORATIONS LAW
LEGAL THEORY

Jurisdictions: AUSTRALIA
EUROPE

LEGISLATION

AGIS No: 20142383

Title: Regulation of the not-for-profit sector : is another change really needed?

Authors: NEHME, Marina

Source: ALTERNATIVE LAW JOURNAL 39 (1) 2014 : 24-26

Abstract: Overview of legislation regulating the non-for-profit sector - regulatory approach of the Australian Charities and not-for-profits Commission - where approach adds unnecessary burden on not-for-profit sector - assessment of self-regulation as an alternative to enhance the performance of the sector.

Legislation: Australian Charities and Not-for-profits Commission Act 2012 (CTH)

Subjects: CHARITIES
LEGISLATION

Jurisdictions: AUSTRALIA

AGIS No: 20142415

Title: Restitution of mistaken enrichment under section 73 of Malaysia's Contracts Act 1950 : pouring new wine into an old bottle?

Authors: SEE, Alvin W-L

Source: JOURNAL OF CONTRACT LAW 31 (3) July 2014 : 206-233

Abstract: Suggestions for interpretation of s 73 of Malaysia's Contract Act - courts should have regard to historical background against which the section was enacted - content of s 73 needs to be developed to enable it to better address complex cases - common law method of analysing issues of unjust enrichment could be usefully incorporated into section's framework.

Legislation: Contracts Act 1950 (MALAYSIA)
Indian Contract Act 1872 (INDIA)

Subjects: CONTRACTS
DAMAGES
LEGISLATION

Jurisdictions: MALAYSIA

LIABILITY

AGIS No: 20142337
Title: Franchisor liability for franchisee conduct.
Authors: TERRY, Andrew L
HUAN, Joseph L
Source: MONASH UNIVERSITY LAW REVIEW 39 (2) 2013 : 388-410
Abstract: Review of law relating to franchisor liability for franchisee conduct in Australia - legal principle and commercial practice effective in insulating under vicarious liability and agency principles - potential consequences that might arise from franchisee conduct.

Legal Cases: New South Wales v Lepore (2003) 212 CLR 511
Sweeney v Boylan Nominees Pty Ltd (2006) 226 CLR 161
Legislation: Competition and Consumer Act 2010 (CTH)
Subjects: FRANCHISING
LIABILITY
Jurisdictions: AUSTRALIA

LIBRARIES

AGIS No: 20142322
Title: Where have all the librarians gone? Future skills for librarianship and beyond.

Authors: STENT, Claire
Source: ONLINE CURRENTS 27 (6) December 2013 : 322-326
Abstract: Case studies showing the new world of work for librarians - library not a physical location - technology as an enabler - seamless integration between resources - information landscape - supporting e-research - policy work.

Subjects: INTERNET
LIBRARIES

LIQUIDATION

AGIS No: 20142315
Title: Entitlement to reinsurance proceeds : Re HIH Underwriting Insurance (Aust) Pty Ltd (in liq and subject to a scheme of arrangement).
Authors: HAMILTON, Linda
Source: AUSTRALIAN INSURANCE LAW BULLETIN 30 (5) June 2014 : 71-73
Abstract: Displacement from normal rule of distribution of proceeds of winding up of insurer - equal ranking of all creditors - case law.

Legal Cases: Amaca Pty Ltd (under NSW administered winding up) v McGrath & Honey (as liquidators of HIH Group of Companies) (2012) 87 ACSR 625
Amaca Pty Ltd (under NSW administered winding up) v McGrath & Honey (as liquidators of HIH Group of Companies) (2012) 92 ACSR 105
Amaca Pty Ltd v McGrath as liquidators of HIH Underwriting & Insurance (Australia) Pty Ltd (2011) 82 ACSR 281
Re HIH Underwriting Insurance (Australia) Pty Ltd (in liq and subject to a scheme of arrangement) [2014] NSWSC 484

Legislation: James Hardie Former Subsidiaries (Winding up and Administration) Act 2005 (NSW)

Subjects: CREDITORS
INSURANCE
LIQUIDATION

Jurisdictions: AUSTRALIA

LITIGATION

AGIS No: 20142400

Title: Deed I do... if signed and delivered : 400 George Street (Qld) Pty Limited v BG International Limited.

Authors: ALLEN, Reece

Source: BOND LAW REVIEW 25 (1) June 2013 : 144-152

Abstract: Outline of key characteristics of deeds - how characteristics were considered in 400 George Street litigation - lessons for lawyers when drafting deeds and advising clients on proper user of deeds - case law.

Legal Cases: 400 George Street (Qld) Pty Ltd v BG International Ltd [2010] QCA 245
400 George Street (Qld) Pty Ltd v BG International Ltd [2010] QSC 066
400 George Street (Qld) Pty Ltd v BG International Ltd [2011] HCATrans 122

Legislation: Property Law Act 1974 (QLD)

Subjects: DEEDS
LITIGATION

Jurisdictions: AUSTRALIA

AGIS No: 20142372

Title: To disclose or not disclose? Some legal guidelines.

Authors: WALLER, Mark
ERFURT, Chris

Source: INHOUSE COUNSEL 18 (5) July 2014 : 72-74

Abstract: Risks to consider when deciding how or what to disclose litigation to market - management of risks before problems arise - risk of inadvertent waiver of legal professional privilege - guidance for directors and officers assessing their insurance and indemnity arrangements for failure to disclose litigation - case law.

Legal Cases: Osland v Secretary, Department of Justice (2008) 234 CLR 275
Switchcorp Pty Ltd v Multiimedia Ltd [2005] VSC 425

Subjects: COMPANY DIRECTORS
LEGAL PROFESSIONAL PRIVILEGE
LITIGATION
RISK MANAGEMENT

Jurisdictions: AUSTRALIA

LOANS

AGIS No: 20142338

Title: The politics of payday lending regulation in Australia.

Authors: ALI, Paul
MCRAE, Cosima
RAMSAY, Ian

Source: MONASH UNIVERSITY LAW REVIEW 39 (2) 2013 : 411-451

Abstract: Recent reform of payday lending legislation - context for the regulation of payday lending - key features of payday lending - findings of recent study shows significant levels of financial harm from repeated payday loan borrowing - legislative, committee and consultative history of the Enhancements Bill - key concerns with the Enhancements Act - replacement of prohibitions on multiple loans and refinancing with rebuttable presumptions - complexity of new requirements.

Legislation: Consumer Credit Legislation Amendment (Enhancements) Act 2012 (CTH)

National Consumer Credit Protection Act 2009 (CTH)

Subjects: LOANS
MONEYLENDERS

Jurisdictions: AUSTRALIA

MEDIATION

AGIS No: 20142377

Title: Family group conferences : part two : putting the 'family' back into child protection.

Authors: BAN, Paul
SWAIN, Phillip

Source: CHILDREN AUSTRALIA 19 (4) 1994 : 11-14

Abstract: Overview of the evaluation of the Victorian Family Decision Making Project - practice issues from the project - is family decision making (FDM) good for children - future of FDM - part two of two part series - for part one see AGIS 19950414.

Subjects: CHILDREN
FAMILY LAW
MEDIATION

Jurisdictions: AUSTRALIA, Victoria

AGIS No: 20142327

Title: The management of power in mediation.

Authors: SHAW, Alison

Source: BULLETIN (LAW SOCIETY OF S.A.) 36 (1) February 2014 : 30-31

Abstract: Criticism of mediation as unsuitable for vulnerable or weaker of disputing parties - mediation appropriate and effective problem-solving technique and resolution method - concerns about power imbalance - role and responsibility of mediator.

Subjects: MEDIATION

MEDICAL EVIDENCE

AGIS No: 20142317

Title: Medical evidence in adverse action proceedings.

Authors: JACKSON, Ross
O'CONNOR, Kate

Source: EMPLOYMENT LAW BULLETIN 20 (5) June 2014 : 75-78

Abstract: Importance of considering and acting on medical evidence when dealing with acts of misconduct - employer has implied contractual right to direct employee to provide reasonable medical information - more detail than basic medical certificate - reinstatement, compensation and penalties - disciplinary action - workplace right - case law.

Legal Cases: Australian and International Pilots Association v Qantas Airways Ltd [2014] FCA 32
Grant v State of Victoria (Office of Public Prosecutions) [2014] FCCA 17

Legislation: Fair Work Act 2009 (CTH)

Subjects: EMPLOYMENT
MEDICAL EVIDENCE

Jurisdictions: AUSTRALIA

MEDICAL RESEARCH

AGIS No: 20142396

Title: Regulation of complementary and alternative medicine : interplay of therapeutic goods legislation consumer law.

Authors: WEIR, Michael
WARDLE, Jon
MARSHALL, Brenda
ARCHER, Eloise

Source: BOND LAW REVIEW 25 (1) June 2013 : 13-34

Abstract: Critical evaluation of the regulatory regime applying to complementary and alternative medicine - level of evidence required to justify health claims for registration or listing of products - advertising of products - anomalies in the application of current regulatory structure - recommendations to improve present position.

Legislation: Competition and Consumer Act 2010 (CTH)
Therapeutic Goods Act 1989 (CTH)

Subjects: CONSUMERS
MEDICAL RESEARCH
PHARMACEUTICALS

Jurisdictions: AUSTRALIA

AGIS No: 20142402

Title: Why emergency management should be interested in emergence of antibiotic resistance.

Authors: DOMINEY-HOWES, Dale
MICHAEL, Carolyn
LABBATE, Maurizio

Source: AUSTRALIAN JOURNAL OF EMERGENCY MANAGEMENT 29 (3) July 2014 : 11-15

Abstract: Development of antibiotic resistance problem - capacity to manage infectious disease outbreaks compromised - addressing the antibiotic resistance problem - rebranding antibiotic resistance as a disaster risk management problem - suggested way forward.

Subjects: MEDICAL RESEARCH
PHARMACEUTICALS
RISK MANAGEMENT

MENTAL HEALTH

AGIS No: 20142323

Title: Dealing with vicarious trauma.

Authors: FLOURENTZOU, Christina

Source: BULLETIN (LAW SOCIETY OF S.A.) 36 (1) February 2014 : 20

Abstract: Dealing with traumatised clients - programs to support employees to manage vicarious trauma - studies show legal professional exhibit highest level of anxiety and depression.

Subjects: LEGAL PROFESSION
MENTAL HEALTH

MONARCHY

AGIS No: 20142379

Title: Putting the 'Queen' back into Queensland.

Authors: HOBBS, Harry

Source: ALTERNATIVE LAW JOURNAL 39 (1) 2014 : 9-11

Abstract: Reintroduction of Queen's Counsel (QC) in Queensland - history of QC's - Royal succession laws - knights and dames of the Order of Australia.

Legislation: Succession to the Crown Act 2013 (QLD)

Subjects: LAW REFORM
MONARCHY

Jurisdictions: AUSTRALIA, Queensland

MONEY

AGIS No: 20142361

Title: Bitcoin deconstructed : part 2 : real and virtual worlds.

Authors: WONG, Terence

Source: AUSTRALIAN BANKING AND FINANCE LAW BULLETIN 30 (6) August 2014 : 122-127

Abstract: Legal issues relating to Bitcoin as a payment system - delivery-versus-payment clearing and settlement facility aspects of Bitcoin market - real and virtual worlds of currency transactions - part 2 of 2 part series - for part 1 see AGIS 20141812.

Legislation: Currency Act 1965 (CTH)
Payment Systems (Regulation) Act 1998 (CTH)
Reserve Bank Act 1959 (CTH)

Subjects: INTERNET
MONEY

Jurisdictions: AUSTRALIA

MONEYLENDERS

AGIS No: 20142338

Title: The politics of payday lending regulation in Australia.

Authors: ALI, Paul
MCRAE, Cosima
RAMSAY, Ian

Source: MONASH UNIVERSITY LAW REVIEW 39 (2) 2013 : 411-451

Abstract: Recent reform of payday lending legislation - context for the regulation of payday lending - key features of payday lending - findings of recent study shows significant levels of financial harm from repeated payday loan borrowing - legislative, committee and consultative history of the Enhancements Bill - key concerns with the Enhancements Act - replacement of prohibitions on multiple loans and refinancing with rebuttable presumptions - complexity of new requirements.

Legislation: Consumer Credit Legislation Amendment (Enhancements) Act 2012 (CTH)
National Consumer Credit Protection Act 2009 (CTH)

Subjects: LOANS
MONEYLENDERS

Jurisdictions: AUSTRALIA

MORTGAGES

AGIS No: 20142356

Title: A guide to verification of identity requirements for mortgages in Australia jurisdictions.

Authors: ANDREOU, Maria
LUKE, Peter

Source: AUSTRALIAN BANKING AND FINANCE LAW BULLETIN 30 (6) August 2014 : 102-104

Abstract: Verification of identity (VOI) - comparison and contrast of key aspects of VOI various Australia jurisdictions - individual mortgagors - corporate mortgagors - attorneys signing on behalf of mortgagor - offshore mortgagors - additional steps required in South Australia and Western Australia.

Legislation: Anti-Money Laundering and Counter-Terrorism Financing Act 2006 (CTH)

Subjects: CONVEYANCING
MORTGAGES

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

AGIS No: 20142360

Title: Securitisation and residential mortgage lending in the spotlight : where should the focus be?

Authors: GOUMENIS, Sonia
JINKS, Andrew

Source: AUSTRALIAN BANKING AND FINANCE LAW BULLETIN 30 (6) August 2014 : 118-121

Abstract: Proposed changes to the Prudential Standard relating to securitisation and Prudential Practice Guide relating to residential mortgage lending by the Australian Prudential Regulation Authority - funding-only securitisation - risk retention and capital relief - master trusts - non-authorised deposit-taking institutions - asset origination.

Subjects: MORTGAGES
SECURITIES AND EXCHANGE

Jurisdictions: AUSTRALIA

NATIONAL SECURITY

AGIS No: 20142341

Title: The state of personal liberty in Australia after M47 : a risk theory analysis of security rights.

Authors: ROBSON, Kellie

Source: MONASH UNIVERSITY LAW REVIEW 39 (2) 2013 : 506-538

Abstract: Examination of the power of the Minister for Immigration and Citizenship to detain refugees and their children with no evidence of past or planned criminal activity - adverse security assessments - application of risk theory to recent preventive, administrative detention of refugees - relationship between liberty rights and decision-makers responsible for assessing and managing national security - formal, values-based method of statutory interpretation by High Court as an effective accountability mechanism for protecting human rights.

Legal Cases: Plaintiff M47/2012 v Director-General of Security (2012) 292 ALR 243
Plaintiff M76/2013 v Minister for Immigration, Multicultural Affairs and Citizenship (2013) 304 ALR 135

Legislation: Migration Act 1958 (CTH)

Subjects: DETENTION
NATIONAL SECURITY
REFUGEES

Jurisdictions: AUSTRALIA

NATURAL DISASTERS

AGIS No: 20142408

Title: Disaster resilience : can the homeless afford it?

Authors: EVERY, Danielle
THOMPSON, Kirrilly
Source: AUSTRALIAN JOURNAL OF EMERGENCY MANAGEMENT 29 (3) July 2014 : 52-56

Abstract: Homeless persons more at risk during natural disasters - limited access to economic, social and community resources needed for preparation, evacuation and full recovery - literature review of research on vulnerability of homeless people - issues to consider when planning responses to disasters - suggestions for offering greater disaster resilience support - identification of gap in knowledge about homelessness, vulnerability and resilience impeding effective disaster management - peer-reviewed.

Subjects: NATURAL DISASTERS
SOCIAL WELFARE

Jurisdictions: AUSTRALIA
UNITED STATES

AGIS No: 20142401

Title: Experience counts : research finds lessons from bushfires.

Authors: MADDOCK, Nathan

Source: AUSTRALIAN JOURNAL OF EMERGENCY MANAGEMENT 29 (3) July 2014 : 7-9

Abstract: Independent community-based research in the wake of severe bushfire events in NSW, Tasmania, South Australia and Western Australia - focus on preparation, decision-making and actions taken during fires - bushfire in tourist hotspot - record-breaking fire seasons in NSW - longer term benefits of research.

Subjects: NATURAL DISASTERS
RESEARCH

Jurisdictions: AUSTRALIA

AGIS No: 20142403

Title: How chief officers view success in fire policy and management.

Authors: EBURN, Michael

DOVERS, Stephen

Source: AUSTRALIAN JOURNAL OF EMERGENCY MANAGEMENT 29 (3) July 2014 : 16-21

Abstract: Research surveying how chief officers of fire and emergency services identify measures of success - methodology - measures reported under three themes - measure what is saved rather than lost - followed plan and met objectives - no responder deaths - no single measure of success when reviewing response to natural hazards - peer-reviewed.

Subjects: NATURAL DISASTERS
PERFORMANCE APPRAISAL

Jurisdictions: AUSTRALIA

AGIS No: 20142407

Title: Integrating disaster preparedness and resilience : a complex approach using System of Systems.

Authors: CAVALLO, Antonella

Source: AUSTRALIAN JOURNAL OF EMERGENCY MANAGEMENT 29 (3) July 2014 : 46-51

Abstract: Need for emergency management organisations and community to share vision and common approach to building resilience to unexpected disasters - new ways of thinking about community resilience - System of Systems thinking - disaster preparedness and disaster resilience - correspondence with communities - peer-reviewed.

Subjects: COMMUNITY INVOLVEMENT
NATURAL DISASTERS

Jurisdictions: AUSTRALIA

AGIS No: 20142406

Title: Investigating the hazard preparatory information-seeking habits of far north Queensland coastal communities.

Authors: ASTILL, Sandra
GRIGGS, Peter

Source: AUSTRALIAN JOURNAL OF EMERGENCY MANAGEMENT 29 (3) July 2014 : 37-45

Abstract: Research into hazard preparation information seeking habits of residents in areas with different cyclone and storm surge history - residents with five or more years occupancy more likely to seek information - businesses in areas with no previous cyclone impact unlikely to seek information - business owners stated insurance coverage would mitigate any losses - peer-reviewed.

Subjects: NATURAL DISASTERS

Jurisdictions: AUSTRALIA, Queensland

AGIS No: 20142404

Title: Negotiating risk and responsibility through law, policy and planning.

Authors: MCLENNAN, Blythe
WEIR, Jessica K
EBURN, Michael
AND, others

Source: AUSTRALIAN JOURNAL OF EMERGENCY MANAGEMENT 29 (3) July 2014 : 22-28

Abstract: Development of public policy for natural hazard risk - three independent research projects identifying legal, policy and planning structures and processes that could enhance integration of emergency management imperatives across government and society - key conclusions from projects - political and social negotiation of risk and responsibility - issues raised require further exploration - peer-reviewed.

Subjects: EMERGENCY PLANNING
EMERGENCY SERVICES
NATURAL DISASTERS
SOCIAL POLICY

Jurisdictions: AUSTRALIA

AGIS No: 20142405

Title: Nine design features for bushfire risk reduction via urban planning.

Authors: GONZALEZ-MATHIESEN, Constanza
MARCH, Alan

Source: AUSTRALIAN JOURNAL OF EMERGENCY MANAGEMENT 29 (3) July 2014 : 29-36

Abstract: Research into design and planning controls of nine international planning jurisdictions dealing with bushfire or wildfire threats - principles to guide design of settlements to improve land-use planning to ensure resilience outcomes - conclusion that there are nine fundamental principles guiding design of settlement at risk of bushfire - peer-reviewed.

Subjects: NATURAL DISASTERS
TOWN PLANNING

Jurisdictions: AUSTRALIA
FRANCE
SPAIN
UNITED STATES

AGIS No: 20142409

Title: Urban planning and disaster.

Authors: WILKIE, Linley

Source: AUSTRALIAN JOURNAL OF EMERGENCY MANAGEMENT 29 (3) July 2014 : 57-59

Abstract: Overview of work of Jorge Leon - importance of open access journals to students - research into land-use planning - design recommendations for cities - urban planning to address rights of individuals - disasters and risk management.

Subjects: NATURAL DISASTERS
RESEARCH
RISK MANAGEMENT
TOWN PLANNING

NATURAL JUSTICE

AGIS No: 20142334

Title: Exclusion of the rules of natural justice.

Authors: GROVES, Matthew

Source: MONASH UNIVERSITY LAW REVIEW 39 (2) 2013 : 285-318

Abstract: Common law doctrine providing procedural rights in administrative decision-making - application to exercise of almost all statutory powers - exclusion by legislation - courts making it difficult for parliaments to exclude natural justice - principles that apply to legislative exclusion.

Legal Cases: Kioa v West (1985) 159 CLR 550
Momcilovic v R (2011) 245 CLR 1
Saeed v Minister for Immigration and Citizenship (2010) 241 CLR 252

Legislation: Constitution (CTH)

Subjects: COMMON LAW
NATURAL JUSTICE
STATUTORY INTERPRETATION

Jurisdictions: AUSTRALIA

PARENTAL RIGHTS AND DUTIES

AGIS No: 20142345
Title: Is the Children's Court working?
Authors: WALL, CF
Source: SOUTHERN CROSS UNIVERSITY LAW REVIEW (16) 2013 : 23-39
Abstract: Public perceptions on the effectiveness of juvenile offending - reprimands and good behaviour orders as suitable sentencing options for certain types of juvenile offending - increased sentencing options for magistrates and judges in Children's Court - expanding categories of applicants for sentencing review - simplification of parental responsibility provisions.
Legislation: Victims of Crime Assistance Act 2009 (QLD)
Youth Justice Act 1992 (QLD)
Subjects: JUVENILE COURT
PARENTAL RIGHTS AND DUTIES
YOUNG OFFENDERS
Jurisdictions: AUSTRALIA

PARLIAMENT

AGIS No: 20142336
Title: The changed landscape of the executive power of the Commonwealth after the Williams case.
Authors: LINDELL, Geoffrey
Source: MONASH UNIVERSITY LAW REVIEW 39 (2) 2013 : 348-387
Abstract: Analysis of High Court's reasoning in the Williams case - future implications for the scope of the executive power of the Commonwealth - ability of Commonwealth to spend money and enter into contracts - effectiveness of legislative response to decision - need for Parliament to examine new responsibilities in authorising Executive to enter into contracts and spend public money.
Legal Cases: New South Wales v Bardolph (1934) 52 CLR 455
Victoria v Commonwealth (AAP case) (1975) 134 CLR 338
Williams v Commonwealth of Australia (2012) 288 ALR 410
Legislation: Constitution (CTH)
Subjects: CONSTITUTIONAL LAW
PARLIAMENT
Jurisdictions: AUSTRALIA

PASSING OFF

AGIS No: 20142365
Title: An oily battle : Moroccanoil v Aldi's Miracle Oil.
Authors: HEINDL, Sabiene
Source: AUSTRALIAN INTELLECTUAL PROPERTY LAW BULLETIN 27 (6) July 2014 : 157-159

Abstract: Facts and outcomes of trade mark infringement case against Aldi Stores - similarities in packaging - emerging doctrine of "initial interest confusion" - Australian parallels - case law.

Legal Cases: Moroccanoil Israel Limited v Aldi Stores Limited [2014] EWHC 1686
Peter Bodum A/S v DKSH Australia Pty Ltd (2011) 280 ALR 639

Subjects: INTELLECTUAL PROPERTY
PASSING OFF

Jurisdictions: AUSTRALIA
UNITED KINGDOM

AGIS No: 20142362

Title: Reputation trumps registration rights to NAPPYLAND trade mark dispute.

Authors: ATACADOR, Joy

Source: AUSTRALIAN INTELLECTUAL PROPERTY LAW BULLETIN 27 (6) July 2014 : 146-148

Abstract: Registered owner of trade mark has exclusive rights - can authorise others to use in relation to registered goods or services - person with reputation and good-will in a territory may be entitled to use name and enforce unregistered common law trade mark rights against rival trader - owner of registered trade mark may be prevented from using trade mark in misleading or deceptive way - marketplace searching may reveal trade mark being used by another trader in Australia - case law.

Legal Cases: CI JI Family Pty Ltd v National Australian Nappies (NAN) Pty Ltd [2014] FCA 79

Legislation: Trade Marks Act 1995 (CTH)

Subjects: PASSING OFF
TRADE MARKS

Jurisdictions: AUSTRALIA

PATENTS

AGIS No: 20142366

Title: Determining patent eligibility for computer implemented inventions in 2014.

Authors: HINCHLIFFE, Sarah A

Source: AUSTRALIAN INTELLECTUAL PROPERTY LAW BULLETIN 27 (6) July 2014 : 160-164

Abstract: Current state of the law regarding determination of patentability of certain computer-implemented inventions and methods - provision to deem patentable computer-implemented inventions but courts reluctant - importance of being clear on how computer is used in invention - mathematical formula or algorithm for solving problem not patentable - lessons from recent cases in the United States.

Legal Cases: Association for Molecular Pathology v Myriad Genetics 569 US 12-398 (2013)
Cancer Voices Australia v Myriad Genetics Inc (2013) 99 IPR 567
National Research Development Corporation v Commissioner of Patents (1959) 102 CLR 252

RPL Central Pty Ltd v Commissioner of Patents [2013] FCA 871

Legislation: Patents Act 1990 (CTH)

Subjects: COMPUTERS
PATENTS
TECHNOLOGICAL INNOVATIONS
Jurisdictions: AUSTRALIA
UNITED STATES

PENALTIES

AGIS No: 20142374
Title: Secondary boycott actions under the Competition and Consumer Act 2010.
Authors: MCCLELLAND, Robert
Source: WORKPLACE REVIEW 5 (2) Winter 2014 : 46-51
Abstract: Boycott provisions of the Competition and Consumer Act - Australian Competition and Consumer Commission reactivating use of secondary boycott actions - damages and penalties imposed on trade unions engaged in secondary boycotts - complexity of boycott proceedings - evidentiary issues - case law.

Legal Cases: Australasian Meat Industry Employees' Union v Meat and Allied Trade Federation of Australia (1991) ATPR 41-151
Tillmanns Butcheries Pty Ltd v Australasian Meat Industry Employees' Union (1979) ATPR 40-138

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

Subjects: BOYCOTTS
DAMAGES
PENALTIES
TRADE UNIONS

Jurisdictions: AUSTRALIA

PERFORMANCE APPRAISAL

AGIS No: 20142403
Title: How chief officers view success in fire policy and management.
Authors: EBURN, Michael
DOVERS, Stephen
Source: AUSTRALIAN JOURNAL OF EMERGENCY MANAGEMENT 29 (3) July 2014 : 16-21

Abstract: Research surveying how chief officers of fire and emergency services identify measures of success - methodology - measures reported under three themes - measure what is saved rather than lost - followed plan and met objectives - no responder deaths - no single measure of success when reviewing response to natural hazards - peer-reviewed.

Subjects: NATURAL DISASTERS
PERFORMANCE APPRAISAL

Jurisdictions: AUSTRALIA

PERSONAL INJURIES

AGIS No: 20142325
Title: Are personal injury victims a vulnerable species?
Authors: RISCHBIETH, Hugh
Source: BULLETIN (LAW SOCIETY OF S.A.) 36 (1) February 2014 : 26-27
Abstract: Introduction of legislative changes to jurisdictional limits, compulsory third party claims and costs in the District and Magistrates Courts - how changes are likely to impact claimants - need for further reform to improve the significantly diminished access to justice under the changes.
Legislation: Motor Vehicle Accidents (Lifetime Support Scheme) Act 2013 (SA)
Statutes Amendment (Courts Efficiency Reforms) Act 2012 (SA)
Subjects: LAW REFORM
LEGAL NEED
PERSONAL INJURIES
Jurisdictions: AUSTRALIA, South Australia

PERSONAL PROPERTY SECURITIES

AGIS No: 20142348
Title: Construing the Personal Property Securities Act 2009 (Cth) : interpretation or interpolation?
Authors: MCCRACKEN, Sheelagh
Source: COMMERCIAL LAW QUARTERLY 27 (4) December 2013 / January 2014 : 3-10
Abstract: Court's interpretation of s 19(5) of the Personal Property Securities Act (PPSA) - determining whether guarantor has sufficient 'rights in the collateral' to enable a security interest - how court proceeded on unexamined assumptions - going beyond statutory text to reach decision - reading the language of the PPSA without the interpretation being characterised as interpolation - overseas jurisprudence should not serve as definitive guide.
Legal Cases: Re Maiden Civil (P&E) Pty Ltd; Albarran v Queensland Excavation Services Pty Ltd [2013] NSWSC 852
Legislation: Personal Property Securities Act 2009 (CTH)
Subjects: PERSONAL PROPERTY SECURITIES
STATUTORY INTERPRETATION
Jurisdictions: AUSTRALIA

PHARMACEUTICALS

AGIS No: 20142396
Title: Regulation of complementary and alternative medicine : interplay of therapeutic goods legislation consumer law.
Authors: WEIR, Michael
WARDLE, Jon
MARSHALL, Brenda
ARCHER, Eloise
Source: BOND LAW REVIEW 25 (1) June 2013 : 13-34

Abstract: Critical evaluation of the regulatory regime applying to complementary and alternative medicine - level of evidence required to justify health claims for registration or listing of products - advertising of products - anomalies in the application of current regulatory structure - recommendations to improve present position.

Legislation: Competition and Consumer Act 2010 (CTH)
Therapeutic Goods Act 1989 (CTH)

Subjects: CONSUMERS
MEDICAL RESEARCH
PHARMACEUTICALS

Jurisdictions: AUSTRALIA

AGIS No: 20142402

Title: Why emergency management should be interested in emergence of antibiotic resistance.

Authors: DOMINEY-HOWES, Dale
MICHAEL, Carolyn
LABBATE, Maurizio

Source: AUSTRALIAN JOURNAL OF EMERGENCY MANAGEMENT 29 (3) July 2014 : 11-15

Abstract: Development of antibiotic resistance problem - capacity to manage infectious disease outbreaks compromised - addressing the antibiotic resistance problem - rebranding antibiotic resistance as a disaster risk management problem - suggested way forward.

Subjects: MEDICAL RESEARCH
PHARMACEUTICALS
RISK MANAGEMENT

POLITICS AND GOVERNMENT

AGIS No: 20142398

Title: The cost of political donation reform : a burden on the implied freedom of political communication : Unions NSW and Others v State of New South Wales.

Authors: CUCINOTTA, Domenico

Source: BOND LAW REVIEW 25 (1) June 2013 : 70-97

Abstract: Challenge by Unions NSW on the validity of laws restricting political donations to persons on electoral roll - prohibition of donations from corporations and unions - issues raised when matter heard in High Court - whether political donations are a form of political communication - whether political communication made by corporations or other associations is protected by implied freedom of political communication - circumstances under which state laws can be invalidated - recent jurisprudence in the US Supreme Court relating to political donation regulation.

Legal Cases: Cunliffe v The Commonwealth (1994) 182 CLR 272
Lange v Australian Broadcasting Corporation (1997) 189 CLR 520
Wotton v State of Queensland (2012) 246 CLR 1

Legislation: Constitution (CTH)
Constitution Act 1902 (NSW)
Election Funding, Expenditure and Disclosures Act 1981 (NSW)

Subjects: FREEDOM OF SPEECH
POLITICS AND GOVERNMENT
TRADE UNIONS
Jurisdictions: AUSTRALIA

PRIVACY

AGIS No: 20142397
Title: Facebook and face recognition : kinda cool, kinda creepy.
Authors: BUNN, Anna
Source: BOND LAW REVIEW 25 (1) June 2013 : 35-69
Abstract: Introduction of 'tag suggest' feature in Facebook - face recognition technology creating biometric template of users' faces - privacy implications of face recognition technology as used by Facebook - legal implications of Facebook's use of biometric templates and generation and use of biometric information - application of Australian privacy laws to overseas organisations with no presence in Australia - definitional issues of 'collect' and 'receive' as used in Privacy Act - possible compliance issues for Facebook relating to Australia's information privacy regime - efficacy of Australian information privacy laws in regulating creation and use of biometric face templates.

Legislation: Privacy Act 1988 (CTH)
Privacy Amendment (Enhancing Privacy Protection) Act 2012 (CTH)

Subjects: BIOMETRICS
PRIVACY
SOCIAL MEDIA

Jurisdictions: AUSTRALIA

AGIS No: 20142353
Title: Serious invasions of privacy in the digital era : Australian privacy reform gathers pace.

Authors: PARK, Michael
Source: PRIVACY LAW BULLETIN 11 (6) July 2014 : 98-99
Abstract: Australian Law Reform Commission discussion paper 'Serious invasions of privacy in the digital era' - significant changes to Australian privacy law - new cause of action for privacy - enhancing individual's rights - cost to business - communications, media and technology.

Legislation: Privacy Act 1988 (CTH)

Subjects: PRIVACY

Jurisdictions: AUSTRALIA

AGIS No: 20142354
Title: Telemedicine security governance : lessons from a recent OAIC audit report.

Authors: PHILLIPS, Bianca
Source: PRIVACY LAW BULLETIN 11 (6) July 2014 : 101-103

Abstract: Risks to health information security - findings of the Office of the Australian Information Commissioner audit of 'privacy aspects of the handling of healthcare identifiers' - audit aimed to assist entities storing health information and their advisers.

Legislation: Privacy Act 1988 (CTH)

Subjects: HEALTH CARE
PRIVACY

Jurisdictions: AUSTRALIA

AGIS No: 20142352

Title: The Australian Privacy (Persons Reported as Missing) Rule 2014.

Authors: ARNOLD, Bruce Baer

Source: PRIVACY LAW BULLETIN 11 (6) July 2014 : 94-97

Abstract: Overview of the Privacy (Persons Reported as Missing) Rule and accompanying guide - significance of the Rule - 'locating bodies' under the Rule as Australian Privacy Principles entities - collection of information by locating bodies - disclosure of information - structure of the guide - four step test in determining if collection of sensitive information permitted under the Rule.

Subjects: PRIVACY

Jurisdictions: AUSTRALIA

PROFESSIONAL ETHICS

AGIS No: 20142330

Title: Explaining the no-contact rule.

Authors: FRENCH, Jayne

Source: BULLETIN (LAW SOCIETY OF S.A.) 36 (1) February 2014 : 43

Abstract: Rule stating that legal practitioners must not deal with clients of another legal practitioner - exceptions to rule - unrelated matters - second opinions - practitioners should seek advice.

Subjects: LEGAL PROFESSION
PROFESSIONAL ETHICS

Jurisdictions: AUSTRALIA, South Australia

PROHIBITION

AGIS No: 20142381

Title: History wars and stronger future laws : a stronger future or perpetuating past paternalism?

Authors: BIELEFELD, Shelley

Source: ALTERNATIVE LAW JOURNAL 39 (1) 2014 : 15-18

Abstract: Relationship between the history wars and Stronger Futures laws - Australian history and its interpretation - past and present income management - alcohol prohibition - impact of Stronger Futures law on Indigenous people in the Northern Territory.

Legislation: Racial Discrimination Act 1975 (CTH)
Social Security Legislation Amendment Act 2012 (CTH)
Stronger Futures in the Northern Territory
Act 2012 (CTH)

Subjects: ALCOHOL
INDIGENOUS PEOPLE
PROHIBITION
SOCIAL WELFARE

Jurisdictions: AUSTRALIA

PROPERTY LAW

AGIS No: 20142328

Title: Stamp duty : when is the date of sale not the date of sale?

Authors: WALRUT, Bernie

Source: BULLETIN (LAW SOCIETY OF S.A.) 36 (1) February 2014 : 35-37

Abstract: Proposed amendments to s 60A(1) of the Stamp Duties Act 1923 - reference to 'date of sale' will be reference to the date the property was conveyed rather than date of contract or agreement - fundamental difficulties for practitioners and clients - alternative approaches - statutory provisions - use of retrospective legislation - RevNet system.

Legal Cases: Cyril Henschke Pty Ltd v Commissioner of State Taxation [2009] SASC 148
R v Bullfinch Pty (WA) Ltd (1912) 15 CLR 443

Legislation: Stamp Duties Act 1923 (SA)
Taxation Administration Act 1996 (SA)

Subjects: CONVEYANCING
PROPERTY LAW

Jurisdictions: AUSTRALIA, South Australia

PUBLISHERS AND PUBLISHING

AGIS No: 20142399

Title: From vault to honesty box : Australian authors and the changing face of copyright.

Authors: CANTATORE, Francina

Source: BOND LAW REVIEW 25 (1) June 2013 : 98-143

Abstract: Challenges facing copyright in written work in the digital era - authors' perceptions of copyright - responses of authors to digital developments in the context of philosophical theories of copyright law - current Australian legislative and judicial considerations - impact of e-publishing on traditional perceptions of copyright protection - findings of research study on authors perceptions of value and meaning of copyright - affect on creative practice - ability to deal with digital copyright challenges and publishing opportunities.

Legislation: Copyright Act 1968 (CTH)
Copyright Amendment (Digital Agenda) Act 2000 (CTH)
Copyright Amendment (Moral Rights) Act 2000 (CTH)

Subjects: COPYRIGHT
INTERNET AND PUBLISHING
PUBLISHERS AND PUBLISHING
Jurisdictions: AUSTRALIA

REFUGEES

AGIS No: 20142341
Title: The state of personal liberty in Australia after M47 : a risk theory analysis of security rights.
Authors: ROBSON, Kellie
Source: MONASH UNIVERSITY LAW REVIEW 39 (2) 2013 : 506-538
Abstract: Examination of the power of the Minister for Immigration and Citizenship to detain refugees and their children with no evidence of past or planned criminal activity - adverse security assessments - application of risk theory to recent preventive, administrative detention of refugees - relationship between liberty rights and decision-makers responsible for assessing and managing national security - formal, values-based method of statutory interpretation by High Court as an effective accountability mechanism for protecting human rights.
Legal Cases: Plaintiff M47/2012 v Director-General of Security (2012) 292 ALR 243
Plaintiff M76/2013 v Minister for Immigration, Multicultural Affairs and Citizenship (2013) 304 ALR 135
Legislation: Migration Act 1958 (CTH)
Subjects: DETENTION
NATIONAL SECURITY
REFUGEES
Jurisdictions: AUSTRALIA

REMEDIES

AGIS No: 20142367
Title: Criminal prosecution for IP offences : the reality.
Authors: ELIADES, Dimitrios
Source: AUSTRALIAN INTELLECTUAL PROPERTY LAW BULLETIN 27 (6) July 2014 : 166-168
Abstract: Copyright infringement - failure of mediation - application of interlocutory injunctive relief - voluntary liquidation and voluntary bankruptcy of respondents - remedies and offences of relevant copyright provisions - case law.
Legislation: Copyright Act 1968 (CTH)
Subjects: BANKRUPTCY
COPYRIGHT
CRIMINAL LAW
REMEDIES
Jurisdictions: AUSTRALIA

AGIS No: 20142416

Title: Proprietary estoppel : enforcing expectations (most of the time).
Authors: BARKEHALL THOMAS, Susan
Source: JOURNAL OF CONTRACT LAW 31 (3) July 2014 : 234-254
Abstract: Consideration of two issues suggested as justifying a decision to award a remedy that is less than the value of the promise - testamentary promise has been relied on - discretionary factors commonly labelled as 'vicissitudes' frequently raised as justification for reduction in quantum of award - range of circumstances warranting reduction due to 'vicissitudes' narrow in scope - case law.

Legal Cases: Giumelli v Giumelli (1999) 196 CLR 101
Sidhu v Van Dyke [2014] HCA 19
Waddell v Waddell (2012) 292 ALR 788
Subjects: ESTOPPEL
REMEDIES
Jurisdictions: AUSTRALIA

RESEARCH

AGIS No: 20142319
Title: Enterprise search.
Authors: MOORE, Matt
TALL, Kelly
Source: ONLINE CURRENTS 27 (6) December 2013 : 297-302
Abstract: Introduction to issues around enterprise search and information professionals - differences between public search and enterprise search - major players in enterprise search market - recommendations for enterprise search implementation - future of search.
Subjects: INTERNET
RESEARCH

AGIS No: 20142401
Title: Experience counts : research finds lessons from bushfires.
Authors: MADDOCK, Nathan
Source: AUSTRALIAN JOURNAL OF EMERGENCY MANAGEMENT 29 (3) July 2014 : 7-9
Abstract: Independent community-based research in the wake of severe bushfire events in NSW, Tasmania, South Australia and Western Australia - focus on preparation, decision-making and actions taken during fires - bushfire in tourist hotspot - record-breaking fire seasons in NSW - longer term benefits of research.
Subjects: NATURAL DISASTERS
RESEARCH
Jurisdictions: AUSTRALIA

AGIS No: 20142418
Title: National research with jurors on sentences for sexual offenders.

Authors: BARTELS, Lorana
WARNER, Kate
ZDENKOWSKI, George

Source: JUDICIAL OFFICERS BULLETIN 26 (2) March 2014 : 9-11

Abstract: Overview of national study using jurors from criminal trials to explore public opinions about sentencing - judges sitting in trials for sex offences and serious violence offences will invite jurors to participate in study following return of guilty verdicts - methodology - timeline - involvement of judges.

Subjects: CRIMINAL OFFENDERS
RESEARCH
SENTENCING
SEXUAL OFFENCES

Jurisdictions: AUSTRALIA

AGIS No: 20142409

Title: Urban planning and disaster.

Authors: WILKIE, Linley

Source: AUSTRALIAN JOURNAL OF EMERGENCY MANAGEMENT 29 (3) July 2014 : 57-59

Abstract: Overview of work of Jorge Leon - importance of open access journals to students - research into land-use planning - design recommendations for cities - urban planning to address rights of individuals - disasters and risk management.

Subjects: NATURAL DISASTERS
RESEARCH
RISK MANAGEMENT
TOWN PLANNING

RETIREMENT VILLAGES

AGIS No: 20142329

Title: Retirement Villages Regulation : the select committee reports.

Authors: MYHILL, Peter

Source: BULLETIN (LAW SOCIETY OF S.A.) 36 (1) February 2014 : 38-39

Abstract: Select committee inquiry into provisions of the Retirement Villages Act - terms of reference - report recommendations - importance of balancing interests of operators of villages and residents - areas of interest to practitioners.

Legislation: Retirement Villages Act 1987 (SA)

Subjects: LAW REFORM
RETIREMENT VILLAGES

Jurisdictions: AUSTRALIA, South Australia

RISK MANAGEMENT

AGIS No: 20142372

Title: To disclose or not disclose? Some legal guidelines.

Authors: WALLER, Mark
ERFURT, Chris

Source: INHOUSE COUNSEL 18 (5) July 2014 : 72-74

Abstract: Risks to consider when deciding how or what to disclose litigation to market - management of risks before problems arise - risk of inadvertent waiver of legal professional privilege - guidance for directors and officers assessing their insurance and indemnity arrangements for failure to disclose litigation - case law.

Legal Cases: Osland v Secretary, Department of Justice (2008) 234 CLR 275
Switchcorp Pty Ltd v Multiimedia Ltd [2005] VSC 425

Subjects: COMPANY DIRECTORS
LEGAL PROFESSIONAL PRIVILEGE
LITIGATION
RISK MANAGEMENT

Jurisdictions: AUSTRALIA

AGIS No: 20142409

Title: Urban planning and disaster.

Authors: WILKIE, Linley

Source: AUSTRALIAN JOURNAL OF EMERGENCY MANAGEMENT 29 (3) July 2014 : 57-59

Abstract: Overview of work of Jorge Leon - importance of open access journals to students - research into land-use planning - design recommendations for cities - urban planning to address rights of individuals - disasters and risk management.

Subjects: NATURAL DISASTERS
RESEARCH
RISK MANAGEMENT
TOWN PLANNING

AGIS No: 20142402

Title: Why emergency management should be interested in emergence of antibiotic resistance.

Authors: DOMINEY-HOWES, Dale
MICHAEL, Carolyn
LABBATE, Maurizio

Source: AUSTRALIAN JOURNAL OF EMERGENCY MANAGEMENT 29 (3) July 2014 : 11-15

Abstract: Development of antibiotic resistance problem - capacity to manage infectious disease outbreaks compromised - addressing the antibiotic resistance problem - rebranding antibiotic resistance as a disaster risk management problem - suggested way forward.

Subjects: MEDICAL RESEARCH
PHARMACEUTICALS
RISK MANAGEMENT

RULE OF LAW

AGIS No: 20142378
Title: Queensland : a return to the moonlight state?
Authors: GALLOWAY, Kate
ARDILL, Allan
Source: ALTERNATIVE LAW JOURNAL 39 (1) 2014 : 3-8
Abstract: Recent legislative changes in Queensland as part of government's tough on crime policy - 'war on crime' - legal concepts at risk in Queensland - rule of law - separation of powers - system of government - implications of 'war on crime' for all Australians - judicial independence.
Legal Cases: Dr Bonham's Case (1610) 77 ER 638
R v Brown [2013] QSC 299
Legislation: Vicious Lawless Association Disestablishment Act 2013 (QLD)
Subjects: GOVERNMENT
JUDICIAL INDEPENDENCE
RULE OF LAW
SEPARATION OF POWERS
Jurisdictions: AUSTRALIA, Queensland

SAME SEX MARRIAGE

AGIS No: 20142388
Title: The court hurts : a personal reflection on Commonwealth v ACT ('Same Sex Marriage Case').
Authors: JESSUP, Brad
Source: ALTERNATIVE LAW JOURNAL 39 (1) 2014 : 45-49
Abstract: Presentation of alternative view of the Same Sex Marriage Case and judgment as compared to traditional legal scholarships - analysis of statutory interpretation - competing perspectives on validity of Marriage Equality (Same Sex) Act - effect and affect of the conventional view of the law.
Legal Cases: Commonwealth of Australia v Australian Capital Territory (2013) 304 ALR 204
Legislation: Marriage Act 1961 (CTH)
Marriage Equality (Same Sex) Act 2013 (ACT)
Subjects: HIGH COURT
SAME SEX MARRIAGE
Jurisdictions: AUSTRALIA

SECURITIES AND EXCHANGE

AGIS No: 20142360
Title: Securitisation and residential mortgage lending in the spotlight : where should the focus be?
Authors: GOUMENIS, Sonia
JINKS, Andrew
Source: AUSTRALIAN BANKING AND FINANCE LAW BULLETIN 30 (6) August 2014 : 118-121

Abstract: Proposed changes to the Prudential Standard relating to securitisation and Prudential Practice Guide relating to residential mortgage lending by the Australian Prudential Regulation Authority - funding-only securitisation - risk retention and capital relief - master trusts - non-authorized deposit-taking institutions - asset origination.

Subjects: MORTGAGES
SECURITIES AND EXCHANGE

Jurisdictions: AUSTRALIA

SELF GOVERNMENT

AGIS No: 20142346

Title: We of the Never Never? Constitutional misconceptions and political realities in pre-constituting the state of the Northern Territory.

Authors: CARNE, Greg

Source: SOUTHERN CROSS UNIVERSITY LAW REVIEW (16) 2013 : 41-86

Abstract: Removal of the Commonwealth executive power to override Northern Territory legislation - associated legislative process in the Commonwealth Parliament - constitutional misconceptions - analysis of collapse of bipartisan attitudes and policy in debates surrounding passage of Northern Territory legislation - Northern Territory statehood - equality of the Northern Territory with other states Indigenous communities de facto veto over statehood.

Legislation: Constitutional Convention (Election) Act 1997 (CTH)
Northern Territory (Self Government) Act 1978 (NT)
Territories Self-Government Legislation Amendment (Disallowance and Amendment of Laws) Act 2011

Subjects: CONSTITUTIONAL LAW
SELF GOVERNMENT

Jurisdictions: AUSTRALIA, Northern Territory

SENTENCING

AGIS No: 20142418

Title: National research with jurors on sentences for sexual offenders.

Authors: BARTELS, Lorana
WARNER, Kate
ZDENKOWSKI, George

Source: JUDICIAL OFFICERS BULLETIN 26 (2) March 2014 : 9-11

Abstract: Overview of national study using jurors from criminal trials to explore public opinions about sentencing - judges sitting in trials for sex offences and serious violence offences will invite jurors to participate in study following return of guilty verdicts - methodology - timeline - involvement of judges.

Subjects: CRIMINAL OFFENDERS
RESEARCH
SENTENCING
SEXUAL OFFENCES

Jurisdictions: AUSTRALIA

AGIS No: 20142419
Title: The impact of Bugmy and Munda on sentencing Aboriginal and other offenders.
Authors: ROTHMAN, Stephen
Source: JUDICIAL OFFICERS BULLETIN 26 (3) April 2014 : 17-22
Abstract: Practical implications of the decisions in Bugmy and Munda for the sentencing task - broad approach to equity before the law requires regard for evidence of unique circumstances of Aboriginal offenders - discrimination as a factor in sentencing - Baumeister tests - case law.
Legal Cases: Bugmy v R (2013) 302 ALR 192
Munda v Western Australia (2013) 302 ALR 207
R v Bugmy [2012] NSWCCA 223
Legislation: Crimes (Sentencing Procedure) Act 1999 (NSW)
Crimes Act 1900 (NSW)
Subjects: ABORIGINES
CRIMINAL OFFENDERS
DISCRIMINATION
SENTENCING
Jurisdictions: AUSTRALIA

AGIS No: 20142380
Title: Too much individualisation, not enough justice. : Bugmy v the Queen.
Authors: KRASNOSTEIN, Sarah
Source: ALTERNATIVE LAW JOURNAL 39 (1) 2014 : 12-14
Abstract: Effect of 'Aboriginality' on sentencing - overview of recent decision in High Court - decision taking into account fact that profound the effect childhood deprivation does not diminish over time - individualised justice - case law.
Legal Cases: Bugmy v R [2013] HCA 37
Legislation: Crimes (Sentencing Procedure) Act 1999 (NSW)
Criminal Appeal Act 1912 (NSW)
Subjects: ABORIGINES
CHILD ABUSE
CRIMINAL OFFENDERS
SENTENCING
Jurisdictions: AUSTRALIA

SEPARATION OF POWERS

AGIS No: 20142378
Title: Queensland : a return to the moonlight state?
Authors: GALLOWAY, Kate
ARDILL, Allan
Source: ALTERNATIVE LAW JOURNAL 39 (1) 2014 : 3-8
Abstract: Recent legislative changes in Queensland as part of government's tough on crime policy - 'war on crime' - legal concepts at risk in Queensland - rule of law - separation of powers - system of government - implications of 'war on crime' for all Australians - judicial independence.

Legal Cases: Dr Bonham's Case (1610) 77 ER 638
R v Brown [2013] QSC 299

Legislation: Vicious Lawless Association Disestablishment Act 2013 (QLD)

Subjects: GOVERNMENT
JUDICIAL INDEPENDENCE
RULE OF LAW
SEPARATION OF POWERS

Jurisdictions: AUSTRALIA, Queensland

SEXUAL OFFENCES

AGIS No: 20142418

Title: National research with jurors on sentences for sexual offenders.

Authors: BARTELS, Lorana
WARNER, Kate
ZDENKOWSKI, George

Source: JUDICIAL OFFICERS BULLETIN 26 (2) March 2014 : 9-11

Abstract: Overview of national study using jurors from criminal trials to explore public opinions about sentencing - judges sitting in trials for sex offences and serious violence offences will invite jurors to participate in study following return of guilty verdicts - methodology - timeline - involvement of judges.

Subjects: CRIMINAL OFFENDERS
RESEARCH
SENTENCING
SEXUAL OFFENCES

Jurisdictions: AUSTRALIA

SOCIAL MEDIA

AGIS No: 20142321

Title: Crowdsourcing, collective intelligence and the wisdom of crowds.

Authors: DOUGLAS, Jane

Source: ONLINE CURRENTS 27 (6) December 2013 : 307-321

Abstract: Consideration of crowdsourcing - practice of sourcing work, creative solutions or funding from large groups - process of crowdsourcing - cultural structures - social and ethical issues - applications of crowdsourcing.

Subjects: INTERNET
SOCIAL MEDIA

AGIS No: 20142397

Title: Facebook and face recognition : kinda cool, kinda creepy.

Authors: BUNN, Anna

Source: BOND LAW REVIEW 25 (1) June 2013 : 35-69

Abstract: Introduction of 'tag suggest' feature in Facebook - face recognition technology creating biometric template of users' faces - privacy implications of face recognition technology as used by Facebook - legal implications of Facebook's use of biometric templates and generation and use of biometric information - application of Australian privacy laws to overseas organisations with no presence in Australia - definitional issues of 'collect' and 'receive' as used in Privacy Act - possible compliance issues for Facebook relating to Australia's information privacy regime - efficacy of Australian information privacy laws in regulating creation and use of biometric face templates.

Legislation: Privacy Act 1988 (CTH)
Privacy Amendment (Enhancing Privacy Protection) Act 2012 (CTH)

Subjects: BIOMETRICS
PRIVACY
SOCIAL MEDIA

Jurisdictions: AUSTRALIA

AGIS No: 20142320

Title: Historypin : where history meets the present on a map.

Authors: MCLEAN, Michelle

Source: ONLINE CURRENTS 27 (6) December 2013 : 303-306

Abstract: Overview of Historypin social media website - who uses Historypin - why use Historypin - tips on use - future - alternative sites.

Subjects: HISTORY
SOCIAL MEDIA

SOCIAL POLICY

AGIS No: 20142404

Title: Negotiating risk and responsibility through law, policy and planning.

Authors: MCLENNAN, Blythe
WEIR, Jessica K
EBURN, Michael
AND, others

Source: AUSTRALIAN JOURNAL OF EMERGENCY MANAGEMENT 29 (3) July 2014 : 22-28

Abstract: Development of public policy for natural hazard risk - three independent research projects identifying legal, policy and planning structures and processes that could enhance integration of emergency management imperatives across government and society - key conclusions from projects - political and social negotiation of risk and responsibility - issues raised require further exploration - peer-reviewed.

Subjects: EMERGENCY PLANNING
EMERGENCY SERVICES
NATURAL DISASTERS
SOCIAL POLICY

Jurisdictions: AUSTRALIA

SOCIAL WELFARE

AGIS No: 20142408
Title: Disaster resilience : can the homeless afford it?
Authors: EVERY, Danielle
THOMPSON, Kirrilly
Source: AUSTRALIAN JOURNAL OF EMERGENCY MANAGEMENT 29 (3) July 2014 : 52-56
Abstract: Homeless persons more at risk during natural disasters - limited access to economic, social and community resources needed for preparation, evacuation and full recovery - literature review of research on vulnerability of homeless people - issues to consider when planning responses to disasters - suggestions for offering greater disaster resilience support - identification of gap in knowledge about homelessness, vulnerability and resilience impeding effective disaster management - peer-reviewed.
Subjects: NATURAL DISASTERS
SOCIAL WELFARE
Jurisdictions: AUSTRALIA
UNITED STATES

AGIS No: 20142381
Title: History wars and stronger future laws : a stronger future or perpetuating past paternalism?
Authors: BIELEFELD, Shelley
Source: ALTERNATIVE LAW JOURNAL 39 (1) 2014 : 15-18
Abstract: Relationship between the history wars and Stronger Futures laws - Australian history and its interpretation - past and present income management - alcohol prohibition - impact of Stronger Futures law on Indigenous people in the Northern Territory.
Legislation: Racial Discrimination Act 1975 (CTH)
Social Security Legislation Amendment Act 2012 (CTH)
Stronger Futures in the Northern Territory Act 2012 (CTH)
Subjects: ALCOHOL
INDIGENOUS PEOPLE
PROHIBITION
SOCIAL WELFARE
Jurisdictions: AUSTRALIA

SPORT

AGIS No: 20142363
Title: Mascots are a protected species too : the Major Sporting Events (Indicia and Images) Protection Act 2014.
Authors: WEBB, Timothy
HAQ, Sophia
Source: AUSTRALIAN INTELLECTUAL PROPERTY LAW BULLETIN 27 (6) July 2014 : 149-151

Abstract: Overview of legislation to regulate the use for commercial purposes of indicia and images associated with certain major sporting events - prohibition on use - use for commercial purposes - register of authorised persons - importation and seizure of goods - remedies available to combat unauthorised use.

Legislation: Major Sporting Events (Indicia and Images) Protection Act 2014 (CTH)

Subjects: INTELLECTUAL PROPERTY
SPORT

Jurisdictions: AUSTRALIA

STATUTORY INTERPRETATION

AGIS No: 20142348

Title: Construing the Personal Property Securities Act 2009 (Cth) : interpretation or interpolation?

Authors: MCCRACKEN, Sheelagh

Source: COMMERCIAL LAW QUARTERLY 27 (4) December 2013 / January 2014 : 3-10

Abstract: Court's interpretation of s 19(5) of the Personal Property Securities Act (PPSA) - determining whether guarantor has sufficient 'rights in the collateral' to enable a security interest - how court proceeded on unexamined assumptions - going beyond statutory text to reach decision - reading the language of the PPSA without the interpretation being characterised as interpolation - overseas jurisprudence should not serve as definitive guide.

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

Legislation: Personal Property Securities Act 2009 (CTH)

Subjects: PERSONAL PROPERTY SECURITIES
STATUTORY INTERPRETATION

Jurisdictions: AUSTRALIA

AGIS No: 20142334

Title: Exclusion of the rules of natural justice.

Authors: GROVES, Matthew

Source: MONASH UNIVERSITY LAW REVIEW 39 (2) 2013 : 285-318

Abstract: Common law doctrine providing procedural rights in administrative decision-making - application to exercise of almost all statutory powers - exclusion by legislation - courts making it difficult for parliaments to exclude natural justice - principles that apply to legislative exclusion.

Legal Cases: Kioa v West (1985) 159 CLR 550
Momcilovic v R (2011) 245 CLR 1
Saeed v Minister for Immigration and Citizenship (2010) 241 CLR 252

Legislation: Constitution (CTH)

Subjects: COMMON LAW
NATURAL JUSTICE
STATUTORY INTERPRETATION

Jurisdictions: AUSTRALIA

AGIS No: 20142335
Title: Meaning, theory and the interpretation of constitutional grants of power.
Authors: STOKES, Michael
Source: MONASH UNIVERSITY LAW REVIEW 39 (2) 2013 : 319-347
Abstract: Interpretation of grants of power by the High Court by determining essential meaning of terms in which grants formulated - advantage of certainty and objectivity - new approach to interpretation - theories of criterialism and semantic realism - limitations of theories.

Legal Cases: Grain Pool of Western Australia v Commonwealth of Australia (2000) 202 CLR 479
R v Brislan; ex parte Williams (1935) 54 CLR 262

Legislation: Constitution (CTH)

Subjects: CONSTITUTIONAL LAW
STATUTORY INTERPRETATION

Jurisdictions: AUSTRALIA

TECHNOLOGICAL INNOVATIONS

AGIS No: 20142366
Title: Determining patent eligibility for computer implemented inventions in 2014.
Authors: HINCHLIFFE, Sarah A
Source: AUSTRALIAN INTELLECTUAL PROPERTY LAW BULLETIN 27 (6) July 2014 : 160-164

Abstract: Current state of the law regarding determination of patentability of certain computer-implemented inventions and methods - provision to deem patentable computer-implemented inventions but courts reluctant - importance of being clear on how computer is used in invention - mathematical formula or algorithm for solving problem not patentable - lessons from recent cases in the United States.

Legal Cases: Association for Molecular Pathology v Myriad Genetics 569 US 12-398 (2013)
Cancer Voices Australia v Myriad Genetics Inc (2013) 99 IPR 567
National Research Development Corporation v Commissioner of Patents (1959) 102 CLR 252
RPL Central Pty Ltd v Commissioner of Patents [2013] FCA 871

Legislation: Patents Act 1990 (CTH)

Subjects: COMPUTERS
PATENTS
TECHNOLOGICAL INNOVATIONS

Jurisdictions: AUSTRALIA
UNITED STATES

TOWN PLANNING

AGIS No: 20142405
Title: Nine design features for bushfire risk reduction via urban planning.
Authors: GONZALEZ-MATHIESEN, Constanza
MARCH, Alan
Source: AUSTRALIAN JOURNAL OF EMERGENCY MANAGEMENT 29 (3) July 2014 : 29-36

Abstract: Research into design and planning controls of nine international planning jurisdictions dealing with bushfire or wildfire threats - principles to guide design of settlements to improve land-use planning to ensure resilience outcomes - conclusion that there are nine fundamental principles guiding design of settlement at risk of bushfire - peer-reviewed.

Subjects: NATURAL DISASTERS
TOWN PLANNING

Jurisdictions: AUSTRALIA
FRANCE
SPAIN
UNITED STATES

AGIS No: 20142409

Title: Urban planning and disaster.

Authors: WILKIE, Linley

Source: AUSTRALIAN JOURNAL OF EMERGENCY MANAGEMENT 29 (3) July 2014 : 57-59

Abstract: Overview of work of Jorge Leon - importance of open access journals to students - research into land-use planning - design recommendations for cities - urban planning to address rights of individuals - disasters and risk management.

Subjects: NATURAL DISASTERS
RESEARCH
RISK MANAGEMENT
TOWN PLANNING

TRADE MARKS

AGIS No: 20142362

Title: Reputation trumps registration rights to NAPPYLAND trade mark dispute.

Authors: ATACADOR, Joy

Source: AUSTRALIAN INTELLECTUAL PROPERTY LAW BULLETIN 27 (6) July 2014 : 146-148

Abstract: Registered owner of trade mark has exclusive rights - can authorise others to use in relation to registered goods or services - person with reputation and good-will in a territory may be entitled to use name and enforce unregistered common law trade mark rights against rival trader - owner of registered trade mark may be prevented from using trade mark in misleading or deceptive way - marketplace searching may reveal trade mark being used by another trader in Australia - case law.

Legal Cases: CI JI Family Pty Ltd v National Australian Nappies (NAN) Pty Ltd [2014] FCA 79

Legislation: Trade Marks Act 1995 (CTH)

Subjects: PASSING OFF
TRADE MARKS

Jurisdictions: AUSTRALIA

TRADE UNIONS

AGIS No: 20142374
Title: Secondary boycott actions under the Competition and Consumer Act 2010.
Authors: MCCLELLAND, Robert
Source: WORKPLACE REVIEW 5 (2) Winter 2014 : 46-51
Abstract: Boycott provisions of the Competition and Consumer Act - Australian Competition and Consumer Commission reactivating use of secondary boycott actions - damages and penalties imposed on trade unions engaged in secondary boycotts - complexity of boycott proceedings - evidentiary issues - case law.

Legal Cases: Australasian Meat Industry Employees' Union v Meat and Allied Trade Federation of Australia (1991) ATPR 41-151
Tillmanns Butcheries Pty Ltd v Australasian Meat Industry Employees' Union (1979) ATPR 40-138

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

Subjects: BOYCOTTS
DAMAGES
PENALTIES
TRADE UNIONS

Jurisdictions: AUSTRALIA

AGIS No: 20142398
Title: The cost of political donation reform : a burden on the implied freedom of political communication : Unions NSW and Others v State of New South Wales.

Authors: CUCINOTTA, Domenico

Source: BOND LAW REVIEW 25 (1) June 2013 : 70-97

Abstract: Challenge by Unions NSW on the validity of laws restricting political donations to persons on electoral roll - prohibition of donations from corporations and unions - issues raised when matter heard in High Court - whether political donations are a form of political communication - whether political communication made by corporations or other associations is protected by implied freedom of political communication - circumstances under which state laws can be invalidated - recent jurisprudence in the US Supreme Court relating to political donation regulation.

Legal Cases: Cunliffe v The Commonwealth (1994) 182 CLR 272
Lange v Australian Broadcasting Corporation (1997) 189 CLR 520
Wotton v State of Queensland (2012) 246 CLR 1

Legislation: Constitution (CTH)
Constitution Act 1902 (NSW)
Election Funding, Expenditure and Disclosures Act 1981 (NSW)

Subjects: FREEDOM OF SPEECH
POLITICS AND GOVERNMENT
TRADE UNIONS

Jurisdictions: AUSTRALIA

TRUSTS AND TRUSTEES

AGIS No: 20142359
Title: Can we trust the trust?
Authors: D'ANGELO, Nuncio
Source: AUSTRALIAN BANKING AND FINANCE LAW BULLETIN 30 (6) August 2014 : 112-117

Abstract: Overview of issues relating to trading trusts and managed investment schemes exposed following the global financial crisis - trust as commercial but not legal entity - comparison of company and trust law as regimes for regulating commercial relationships - consequences for financiers and other creditors - dealing with issues.

Legislation: Corporations Act 2001 (CTH)
Subjects: FINANCIAL SERVICES
TRUSTS AND TRUSTEES
Jurisdictions: AUSTRALIA

UNCONSCIONABLE CONDUCT

AGIS No: 20142351
Title: Kakavas v Crown Melbourne Limited.
Authors: WALTON, Rhett
Source: COMMERCIAL LAW QUARTERLY 27 (4) December 2013 / January 2014 : 33-35

Abstract: Consideration of heavy losses by compulsive high roller conformed to Amadio principle of being unfair, unjust or unreasonable exploitation of the gambler's compulsion - high standard of proof required to substantiate allegation of unconscionable behaviour - principles that apply to relation between casinos and patrons.

Legal Cases: Commercial Bank of Australia Ltd v Amadio (1983) 151 CLR 447
Kakavas v Crown Melbourne Ltd [2013] HCA 25
Subjects: GAMBLING
UNCONSCIONABLE CONDUCT
Jurisdictions: AUSTRALIA

AGIS No: 20142417
Title: The unconscionable dealing doctrine : in retreat?
Authors: SWAIN, Warren
Source: JOURNAL OF CONTRACT LAW 31 (3) July 2014 : 255-266
Abstract: Application of unconscionable dealing doctrine in action by gambler against a casino - claim failed as plaintiff had acted voluntarily and defendant had not acted wrongfully - requirement of actual knowledge rather than constructive knowledge of special disadvantage - analysis of decision - future of unconscionable dealing doctrine - case law.

Legal Cases: Commercial Bank of Australia Ltd v Amadio (1983) 151 CLR 447
Kakavas v Crown Melbourne Ltd (2013) 298 ALR 35
Subjects: GAMBLING
UNCONSCIONABLE CONDUCT
Jurisdictions: AUSTRALIA

VICTIMS OF CRIME

AGIS No: 20142384
Title: Out of the mouth of babes : enabling children to give evidence in the justice system.
Authors: WOODWARD, Mary N
HEPNER, Ilana J
STEWART, Jeanette
Source: ALTERNATIVE LAW JOURNAL 39 (1) 2014 : 27-30
Abstract: Children as victims of crime - obstacles faced by children involved as victims or witnesses in the criminal justice system - communication difficulties - measures that can be implemented to enable vulnerable witnesses to communicate - enhancing equitable access to justice.
Subjects: CHILDREN
VICTIMS OF CRIME
WITNESSES
Jurisdictions: AUSTRALIA

AGIS No: 20142326
Title: Victims let down by the system.
Authors: BAILES, Morry
Source: BULLETIN (LAW SOCIETY OF S.A.) 36 (1) February 2014 : 28
Abstract: Need to reform victims of crime legislation - scale for compensation payments - no increase in the scale introduced 24 years ago - victims of crime fund.
Legal Cases: South Australia v Bole (1995) 64 SASR 379
Legislation: Victims of Crime Act 2001 (SA)
Subjects: COMPENSATION
VICTIMS OF CRIME
Jurisdictions: AUSTRALIA, South Australia

WITNESSES

AGIS No: 20142384
Title: Out of the mouth of babes : enabling children to give evidence in the justice system.
Authors: WOODWARD, Mary N
HEPNER, Ilana J
STEWART, Jeanette
Source: ALTERNATIVE LAW JOURNAL 39 (1) 2014 : 27-30
Abstract: Children as victims of crime - obstacles faced by children involved as victims or witnesses in the criminal justice system - communication difficulties - measures that can be implemented to enable vulnerable witnesses to communicate - enhancing equitable access to justice.
Subjects: CHILDREN
VICTIMS OF CRIME
WITNESSES

Jurisdictions: AUSTRALIA

WORKERS COMPENSATION

AGIS No: 20142375
Title: ADCO Constructions Pty Ltd v Goudappel.
Authors: PARKER, Andrew
Source: WORKPLACE REVIEW 5 (2) Winter 2014 : 52-54
Abstract: Litigation history of decision in the High Court - decision confirmed only injured workers who make specific claim under "lump sum" provisions fell within provisions of amended legislation - procedural history - implications.
Legal Cases: ADCO Constructions Pty Ltd v Goudappel [2014] HCA 18
Goudappel v ADCO Constructions Pty Ltd [2013] NSWCA 94
Legislation: Workers Compensation Act 1987 (NSW)
Workers Compensation Legislation Amendment Act 2012 (NSW)
Workplace Injury Management and Workers Compensation Act 1998 (NSW)
Subjects: INJURIES
WORKERS COMPENSATION
Jurisdictions: AUSTRALIA

WORKING CONDITIONS

AGIS No: 20142373
Title: Anti-bullying update : Fair Work Commission decisions.
Authors: WESCOTT, Shane
ANDERSON, Annika
NAPPER, Neil
Source: WORKPLACE REVIEW 5 (2) Winter 2014 : 43-45
Abstract: Overview of two recent decisions by the Fair Work Commission under new workplace anti-bullying jurisdiction - Commission adopting conservative and pragmatic approach to bullying complaints - reasonable management action - access to Fair Work Commission denied to state-covered worker.
Legislation: Fair Work Act 2009 (CTH)
Subjects: BULLYING
WORKING CONDITIONS
Jurisdictions: AUSTRALIA

AGIS No: 20142369
Title: Role of lawyers in workplace investigations.
Authors: RUSKIN, Nick
Source: INHOUSE COUNSEL 18 (5) July 2014 : 62-64
Abstract: Employee misconduct - complaints from employees - importance of effective workplace investigations - principles of procedural fairness, natural justice and other legislative requirements - steps to take after complaint is made - assessing complaint - circumstances where investigation is warranted - legal professional privilege.
Legislation: Fair Work Act 2009 (CTH)

Subjects: INHOUSE COUNSEL
WORKING CONDITIONS
Jurisdictions: AUSTRALIA

YOUNG OFFENDERS

AGIS No: 20142394
Title: A complete overhaul of the bail system? The incoming New South Wales Bail Act 2013 and Aboriginal juvenile offenders.
Authors: WEATHERBY-FELL, Caitlin
Source: INDIGENOUS LAW BULLETIN 8 (11) March / April 2014 : 24-30
Abstract: Historical development of NSW bail laws - NSW Law Reform Commission review of bail - reforms to the bail system - examination of incoming Bail Act - possible effects of key aspects of reform on Aboriginal juvenile offenders and Indigenous communities - need to implement national justice targets to address increasing rates of Aboriginal juvenile offenders.
Legislation: Bail Act 1978 (NSW)
Bail Act 2013 (NSW)
Subjects: BAIL
INDIGENOUS PEOPLE
LAW REFORM
YOUNG OFFENDERS
Jurisdictions: AUSTRALIA, New South Wales

AGIS No: 20142345
Title: Is the Children's Court working?
Authors: WALL, CF
Source: SOUTHERN CROSS UNIVERSITY LAW REVIEW (16) 2013 : 23-39
Abstract: Public perceptions on the effectiveness of juvenile offending - reprimands and good behaviour orders as suitable sentencing options for certain types of juvenile offending - increased sentencing options for magistrates and judges in Children's Court - expanding categories of applicants for sentencing review - simplification of parental responsibility provisions.
Legislation: Victims of Crime Assistance Act 2009 (QLD)
Youth Justice Act 1992 (QLD)
Subjects: JUVENILE COURT
PARENTAL RIGHTS AND DUTIES
YOUNG OFFENDERS
Jurisdictions: AUSTRALIA

AGIS No: 20142385
Title: 'Setting them up to fail' : system responses to dual order child protection and youth justice clients.
Authors: BAIDAWI, Susan
MENDES, Philip
SNOW, Pamela
Source: ALTERNATIVE LAW JOURNAL 39 (1) 2014 : 31-35

Abstract: Associations between childhood maltreatment and youth offending - study to understand pathways of young people from out of home care becoming involved in the youth justice system - view and experiences of professionals on the suitability of systemic responses to offending behaviour in the population.

Subjects: CHILD ABUSE
YOUNG OFFENDERS
YOUNG PERSONS

Jurisdictions: AUSTRALIA

AGIS No: 20142342

Title: Your story and theirs : the youth justice group conferencing program.

Authors: HOOPER, Christopher

Source: MONASH UNIVERSITY LAW REVIEW 39 (2) 2013 : 539-567

Abstract: Outline and history of the Youth Justice Group Conferencing Program in Victoria - conferencing process - small-scale empirical study examining the restorative justice dialogue.

Subjects: CONFERENCES
YOUNG OFFENDERS

Jurisdictions: AUSTRALIA, Victoria

YOUNG PERSONS

AGIS No: 20142385

Title: 'Setting them up to fail' : system responses to dual order child protection and youth justice clients.

Authors: BAIDAWI, Susan
MENDES, Philip
SNOW, Pamela

Source: ALTERNATIVE LAW JOURNAL 39 (1) 2014 : 31-35

Abstract: Associations between childhood maltreatment and youth offending - study to understand pathways of young people from out of home care becoming involved in the youth justice system - view and experiences of professionals on the suitability of systemic responses to offending behaviour in the population.

Subjects: CHILD ABUSE
YOUNG OFFENDERS
YOUNG PERSONS

Jurisdictions: AUSTRALIA