



AGIS - Articles

Australian Government
Attorney-General's Department

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ABORIGINAL LEGAL SERVICE

AGIS No: 20132264
Title: Aborigines and the court : the Northern Territory experience.
Authors: RILEY, Trevor
Source: JUDICIAL REVIEW 11 (2) 2013 : 177-192
Abstract: Changes to attitude and approach to Aboriginal people in the Northern Territory criminal justice system - development of distinct jurisprudence for trials of Aboriginal people - harsh and uneven treatment within criminal justice system until mid-20th century - Anunga Rules - establishment of Aboriginal legal aid agencies - interpreter service - conflict with customary law.

Subjects: ABORIGINAL LEGAL SERVICE
CRIMINAL JUSTICE
CUSTOMARY LAW
INDIGENOUS PEOPLE
Jurisdictions: AUSTRALIA, Northern Territory

ACCIDENTS

AGIS No: 20132315
Title: Mental injury claims under the Accident Compensation Act 2001.
Authors: THWAITES, Fiona
Source: CANTERBURY LAW REVIEW 18 (2) 2012 : 244-279
Abstract: Coverage of mental injury under the Accident Compensation Act - mental injury caused by physical injury, by a sexual offence and by a single traumatic event during course of employment - difficulties with existing coverage - potential changes to the Act.

Legislation: Accident Compensation Act 2001 (NZ)
Subjects: ACCIDENTS
COMPENSATION
MENTAL ILLNESS
Jurisdictions: NEW ZEALAND

ADMISSIBILITY OF EVIDENCE

AGIS No: 20132304
Title: Should mediation be an evidentiary 'black hole'?
Authors: LIMBURY, Alan L
Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 35 (3) 2012 : 914-928

Abstract: Evidence of communications made at mediation - statutory exclusion from admission as evidence in proceedings - common law exceptions to the 'without prejudice' rule - Evidence Act exceptions - role for public interest or interests of justice in determining admissibility.
Legislation: Evidence Act 1995 (CTH)
Subjects: ADMISSIBILITY OF EVIDENCE
MEDIATION
Jurisdictions: AUSTRALIA

AGRICULTURE

AGIS No: 20132316
Title: Trading in good faith? Importing states' economic human rights obligations into the WTO's Doha round negotiations.
Authors: MOON, Gillian
Source: HUMAN RIGHTS LAW REVIEW 13 (2) 2012 : 245-285
Abstract: Constraints placed on state parties by the International Covenant on Economic, Social and Cultural Rights (ICESCR) when engaged in international trade law-making - agricultural tariff reductions for developing countries - impact on right to work of small farmers - developing countries in violation of right work and non-discrimination obligations if tariff reductions introduced.
Subjects: AGRICULTURE
HUMAN RIGHTS
TRADE LAW
Treaties: International Covenant on Economic, Social and Cultural Rights

ALTERNATIVE DISPUTE RESOLUTION

AGIS No: 20132302
Title: The role of the courts in the changing dispute resolution landscape.
Authors: BATHURST, TF
Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 35 (3) 2012 : 870-888
Abstract: Role of judiciary in encouraging or ordering parties to attempt alternative dispute resolution (ADR) - approaches taken by courts - benefits for litigants and public - statutory pre-litigation requirements - whether appropriate for judges to act as mediators.
Subjects: ALTERNATIVE DISPUTE RESOLUTION
COURT RULES AND PROCEDURE
MEDIATION
PRE TRIAL PROCEDURE
Jurisdictions: AUSTRALIA

ANIMALS

AGIS No: 20132333
Title: Post disaster recovery arrangements for animals in South Australia.
Authors: WESTCOTT, Rachel
PRELGAUSKAS, Emilis
Source: AUSTRALIAN JOURNAL OF EMERGENCY MANAGEMENT 28 (3) July 2013 : 48-52
Abstract: Animal welfare and emergency response arrangements - evolution of structures and processes for animal rescue in South Australia - impact of the management of animals in emergencies on the preservation of human life - South Australian Veterinary Emergency Management (SAVEM).

Subjects: ANIMALS
EMERGENCY SERVICES
NATURAL DISASTERS
Jurisdictions: AUSTRALIA, South Australia

ASBESTOS

AGIS No: 20132343
Title: American asbestos litigation : Part IV : the usual suspects : "standard" experts and witnesses.
Authors: STILSON, Guy W
LOUIE, Vernice T
MOORE, Karen L
Source: AUSTRALIAN PRODUCT LIABILITY REPORTER 23 (10) August 2013 : 131-133
Abstract: Overview of types of witnesses called in asbestos litigation - medical experts - non-medical experts - company representatives.
Subjects: ASBESTOS
EXPERT EVIDENCE
Jurisdictions: UNITED STATES

AGIS No: 20132338
Title: The dust settles? Fairchild to Williams.
Authors: FEENY, Charles
Source: TORT LAW REVIEW 21 (2) July 2013 : 87-95
Abstract: Liability in mesothelioma claims - proof of causation - proving causation by reference to material increase in risk - breach of duty according to contemporaneous appreciation of risk.
Legal Cases: Fairchild v Glenhaven Funeral Services Ltd [2002] UKHL 22
Williams v University of Birmingham [2011] EWCA Civ 1242
Subjects: ASBESTOS
TORTS
Jurisdictions: UNITED KINGDOM

AUSTRALIAN COMPETITION AND CONSUMER COMMISSION

AGIS No: 20132295
Title: Private enforcement of competition law : time for an Australian debate.
Authors: BEATON-WELLS, Caron
TOMASIC, Kathryn
Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 35 (3) 2012 : 648-682

Abstract: Private enforcement experience in United States and European Union - Australian use of private enforcement of competition law under-utilised - extent to which Australian Competition and Consumer Commission (ACCC) is effective in achieving enforcement objectives of deterrence and compensation - potential greater role for private enforcement to achieve objectives of prevention and corrective justice and the development of legal doctrine.

Legislation: Competition and Consumer Act 2010 (CTH)

Subjects: AUSTRALIAN COMPETITION AND CONSUMER COMMISSION
COMPETITION LAW
CONSUMER PROTECTION

Jurisdictions: AUSTRALIA
EUROPEAN UNION
UNITED STATES

BANKRUPTCY

AGIS No: 20132291

Title: Insolvency news from the United Kingdom : a Pommie perspective on recent reform developments, new case law and statute, and some European insolvency initiatives : part 2.

Authors: TRIBE, John

Source: INSOLVENCY LAW BULLETIN 13 (10) July 2013 : 226-232

Abstract: Personal insolvency reform initiatives - Bankruptcy Restriction Order statistics - bankruptcy tourism - case law - part 2 of two part series - for part 1 see AGIS 20131864.

Legal Cases: Irish Bank Resolution Corp Ltd v Quinn (2012) BCC 608
O'Mahony v National Irish Bank (2012) BPIR 1174
Sparkasse Hilden Ratingen Velbert v Benk (2012) BPIR 1258

Subjects: BANKRUPTCY
INSOLVENCY

Jurisdictions: UNITED KINGDOM

AGIS No: 20132293

Title: The ABC of a bankrupt's overseas travel consents.

Authors: SYMES, Christopher

Source: INSOLVENCY LAW BULLETIN 13 (10) July 2013 : 237-238

Abstract: Overseas travel restrictions placed on bankrupts - impacts on family and employment - recent case seeking permission to leave Australia while already overseas.

Legal Cases: Re Groves; Groves (Bankrupt) v Robinson (Trustee) [2013] FCA 490

Legislation: Bankruptcy Act 1966 (CTH)

Subjects: BANKRUPTCY

Jurisdictions: AUSTRALIA

BREACH OF CONTRACT

AGIS No: 20132311

Title: Examining the incidence of fiduciary duties in employment.
Authors: BATTY, Rob
Source: CANTERBURY LAW REVIEW 18 (2) 2012 : 187-212
Abstract: Employee common law duty of good faith and fidelity - fiduciary liability - incidence of fiduciary duty in commercial arrangements - fact-based approach to fiduciary duties in employment - significance of fiduciary claims against disloyal employees.

Legal Cases: Chirnside v Fay (2007) 1 NZLR 433
Durham Developments Ltd v Hempseed (1997) 11 PRNZ 378
Robb v Green (1895) 2 QB 315

Legislation: Employment Relations Act 2000 (NZ)

Subjects: BREACH OF CONTRACT
EMPLOYMENT
FIDUCIARY

BUILDING LAW

AGIS No: 20132318
Title: PPSA and construction law.
Authors: BRODERICK, Matthew
Source: BUILDING AND CONSTRUCTION LAW JOURNAL 29 (4) August 2013 : 298-310

Abstract: Impact of the Personal Property Securities Act (PPSA) on the building and construction industry - construction sites - contractual issues - execution of judgments - settlement of claims - liens, charges and other interests not affected by the PPSA.

Legislation: Corporations Act 2001 (CTH)
Personal Property Securities Act 2009 (CTH)

Subjects: BUILDING LAW
CONSTRUCTION INDUSTRY
PERSONAL PROPERTY SECURITIES

Jurisdictions: AUSTRALIA

AGIS No: 20132321
Title: Subsequent purchasers and defective buildings : making a case for greater clarity in Australia.
Authors: MARGINEAN, Rami
Source: BUILDING AND CONSTRUCTION LAW JOURNAL 29 (4) August 2013 : 315-328

Abstract: Economic loss as a result of latent defects caused by negligence of original builder - main common law developments in Australia and England - protection mechanisms available.

Legal Cases: Bryan v Maloney (1995) 182 CLR 609
D & F Estates v Church Commissioners for England (1989) 1 AC 177
Dutton v Bognor Regis UDC (1972) 1 QB 373
Woolcock Street Investments Pty Ltd v CDG Pty Ltd (2004) 216 CLR 515

Subjects: BUILDING LAW
COMMON LAW

Jurisdictions: AUSTRALIA
ENGLAND

BUSINESS

AGIS No: 20132326

Title: A state of emergency : how local businesses experienced the 2012 flood in Fiji.

Authors: MCNAMARA, Karen E

Source: AUSTRALIAN JOURNAL OF EMERGENCY MANAGEMENT 28 (3) July 2013 : 17-23

Abstract: Damage to property, business and infrastructure in Nadi caused by flash-flooding - extensive financial loss experienced by business owners - high recovery costs - limited insurance - contracted levels of government assistance - lessons for future response by local authorities - more effective early warning systems - strengthened disaster preparation and recovery systems - peer-reviewed.

Subjects: BUSINESS
NATURAL DISASTERS

Jurisdictions: FIJI

AGIS No: 20132379

Title: Any volunteers? Challenges and opportunities for corporations implementing the responsibility to respect human rights.

Authors: NEWTON, Alex

Source: AUSTRALIAN JOURNAL OF CORPORATE LAW 28 (1) August 2013 : 72-81

Abstract: Recent development in corporate human rights compliance - Guiding Principles on Business and Human Rights - implications for states and businesses implementing the Principles - Australian developments.

Subjects: BUSINESS
HUMAN RIGHTS

Jurisdictions: AUSTRALIA

CAPITAL GAINS TAX

AGIS No: 20132346

Title: CGT event K7 provides loss recognition for personal consumption expenditure : history, anomalies and policy basis.

Authors: BOCCABELLA, Dale

Source: AUSTRALIAN TAX REVIEW 42 (3) August 2013 : 182-205

Abstract: Analysis of loss recognition given by depreciating asset regime and CGT event K7 - application where asset has personal use component - policy considerations.

Legislation: Income Tax Assessment Act 1997 (CTH)

Subjects: CAPITAL GAINS TAX
TAXATION

Jurisdictions: AUSTRALIA

CARTELS

AGIS No: 20132325
Title: Bid rigging and misleading conduct in M & A : vendors and purchasers beware.

Authors: FARRER, Jonathan
MORTENSEN, Jackie

Source: COMPANY AND SECURITIES LAW JOURNAL 31 (5) August 2013 : 320-324

Abstract: Mergers and acquisitions - consortium arrangements to jointly own a target business - pre-sale agreements - use of intermediaries to purchase a target business - application of anti-trust laws to joint bids - cartel laws - implications for bidders and vendors - case law.

Legal Cases: Norcast S.AR.L v Bradken Ltd (No 2) (2013] FCA 235

Legislation: Competition and Consumer Act 2010 (CTH)
Sherman Anti-Trust Act 1890 (US)

Subjects: CARTELS
CONSUMER PROTECTION
MERGERS
TAKEOVERS

Jurisdictions: AUSTRALIA

CHARITIES

AGIS No: 20132300
Title: Wrong way go back! Rediscovering the path for charity law reform.

Authors: TURNOUR, Matthew
MCGREGOR-LOWNDES, Myles

Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 35 (3) 2012 : 810-845

Abstract: Defining the class of purposes that come within the doctrine of charitable purpose - statutory reform of charity law - examination of the jurisprudence behind the common law.

Legal Cases: Commissioners for Special Purposes of the Income Tax v Pemsel (1891) AC 531

Legislation: Charitable Uses Act 1601 (UK)
Charities Act 2011 (UK)

Subjects: CHARITIES
LAW REFORM

Jurisdictions: AUSTRALIA
UNITED KINGDOM

CHILD SEXUAL ABUSE

AGIS No: 20132356
Title: For judges rush in where angels fear to tread : 'insofar as it is fair, just and reasonable' to impose vicarious liability.

Authors: TAN, David
Source: TORTS LAW JOURNAL 21 (1) August 2013 : 43-58
Abstract: Institutional child sexual abuse - highly vulnerable victims - extension of vicarious liability through test of relationship being 'akin to employment' - role for doctrine of non-delegable duty - case law.
Legal Cases: Various Claimants v Catholic Child Welfare Society [2012] UKSC 56
Subjects: CHILD SEXUAL ABUSE
INSTITUTIONAL ABUSE
TORTS
VICARIOUS LIABILITY
Jurisdictions: ENGLAND

AGIS No: 20132367
Title: Gender bias in the education system : perceptions of teacher-student sexual relationships.
Authors: GEDDES, Rebecca A
TYSON, Graham A
MCGREAL, Scott
Source: PSYCHIATRY, PSYCHOLOGY AND LAW 20 (4) August 2013 : 608-618
Abstract: Study of perceptions of student-teacher relationships according to gender of the perpetrator - gender bias in favour of female teachers - perceptions according gender of study participant - perceptions of harm suffered by adolescent victims.
Subjects: CHILD SEXUAL ABUSE
PSYCHOLOGY
Jurisdictions: AUSTRALIA

AGIS No: 20132279
Title: Indigenous engagement with the Royal Commission into Institutional Responses to Child Sexual Abuse.
Authors: CRIPPS, Kylie
MCCREERY, Robert
Source: INDIGENOUS LAW BULLETIN 8 (5) March / April 2013 : 22-25
Abstract: Relevance of the Royal Commission within an Indigenous context - background and scope - differences between current and previous inquiries into sexual abuse in Indigenous communities - contributions by individual, communities and institutions - importance of Indigenous participation.
Subjects: CHILD SEXUAL ABUSE
INDIGENOUS PEOPLE
INSTITUTIONAL ABUSE
ROYAL COMMISSIONS
Jurisdictions: AUSTRALIA

CHILD SUPPORT

AGIS No: 20132253

Title: Child support : court declarations about parentage and recent changes to care.

Authors: PINTO, Melissa

Source: AUSTRALIAN FAMILY LAWYER 23 (2) Autumn 2013 : 28-30

Abstract: Overview of process of obtaining a declaration about the parentage of a child under the Child Support (Assessment) Act 1989 - effect of declaration on child support assessment.

Legislation: Child Support (Assessment) Act 1989 (CTH)

Subjects: CHILD SUPPORT

Jurisdictions: AUSTRALIA

CHILD WELFARE

AGIS No: 20132236

Title: The Halls Creek way of residential child care : protecting children is everyone's business.

Authors: HODGKINS, Kylie A
CRAWFORD, Frances R
BUDISELIK, William R

Source: CHILDREN AUSTRALIA 38 (2) June 2013 : 61-69

Abstract: Collaboration between a remote Aboriginal community and Department for Child Protection - design and operation of a residential child care facility in a predominately Aboriginal community - ethnographic case study - integrating statutory child protection frameworks with local approaches.

Subjects: CHILD WELFARE
INDIGENOUS PEOPLE

Jurisdictions: AUSTRALIA, Western Australia

CHILDREN

AGIS No: 20132235

Title: Reading with angels : improving literacy among children in foster care.

Authors: KNIGHT, Ruth

Source: CHILDREN AUSTRALIA 38 (2) June 2013 : 54-60

Abstract: Study of volunteer learning mentors - children in foster care - mentors' perceptions of their relationships with the children and literacy improvements - insights for mentoring programmes working with children in foster care.

Subjects: CHILDREN

Jurisdictions: AUSTRALIA

AGIS No: 20132238

Title: Regulating for Australia's youngest workers.

Authors: VAN DER WAARDEN, Natalie

Source: CHILDREN AUSTRALIA 38 (2) June 2013 : 76-86

Abstract: Regulation of young people's working conditions neglected at national level - international standards as benchmark - minimum age - child labour - International Labour Organisation - European Community Directive on the Protection of Young People at Work (94/33/EC).

Subjects: CHILDREN
CHILDRENS RIGHTS
WORKING CONDITIONS

Jurisdictions: AUSTRALIA

AGIS No: 20132260

Title: Whither Australia's children's courts? Findings of the national assessment of Australia's children's courts.

Authors: BOROWSKI, Allan

Source: AUSTRALIAN AND NEW ZEALAND JOURNAL OF CRIMINOLOGY 46 (2) August 2013 : 268-288

Abstract: Study of view of judicial officers and stakeholders of the Children's Court - effectiveness - workload - structure - directions for reform - importance of adequate funding for the court, youth justice and child protection systems.

Subjects: CHILDREN
COURTS
JUVENILE COURT

Jurisdictions: AUSTRALIA

CHILDREN IN CARE PROCEEDINGS

AGIS No: 20132234

Title: Behind the closed door : a guide and parents' comments on the workings of the New South Wales Children's Court.

Authors: AINSWORTH, Frank
HANSEN, Patricia

Source: CHILDREN AUSTRALIA 38 (2) June 2013 : 47-53

Abstract: Information to assist professional staff who have contact with parents involved in Children's Court matters - explanation of court processes - parents' views on court processes and procedures.

Legislation: Children and Young Persons (Care and Protection) Act 1998 (NSW)

Subjects: CHILDREN IN CARE PROCEEDINGS
COURT RULES AND PROCEDURE

Jurisdictions: AUSTRALIA, New South Wales

AGIS No: 20132237

Title: From the front line : the State as a failed parent.

Authors: AINSWORTH, Frank
HANSEN, Patricia

Source: CHILDREN AUSTRALIA 38 (2) June 2013 : 70-75

Abstract: Opinion piece - young women who give birth while in State care in New South Wales - removal of children by same department that is responsible for mother's care - conflict of interest - adoption from care - human rights.

Legislation: Children and Young Persons (Care and Protection) Act 1998 (NSW)
Subjects: CHILDREN IN CARE PROCEEDINGS
Jurisdictions: AUSTRALIA, New South Wales

AGIS No: 20132230
Title: Re Beth : the powers of the Supreme Courts to deal with children.
Authors: GORTON, Michael
LAUFER, Richard
Source: AUSTRALIAN HEALTH LAW BULLETIN 21 (6) August 2013 : 372-375
Abstract: Court's powers to make orders restricting the liberty of a child where such orders are necessary for the child's ongoing and protection - parens patriae jurisdiction of Supreme Court - need for independent legal representation for child.

Legal Cases: Dept of Health and Community Services (NT) v JWB and SMB (Marion's case) (1992) 175 CLR 218

Re Beth [2013] VSC 189

Legislation: Children, Youth and Families Act 2005 (VIC)
Disability Act 2006 (VIC)

Subjects: CHILDREN IN CARE PROCEEDINGS
CHILDRENS RIGHTS
SUPREME COURT

Jurisdictions: AUSTRALIA, Victoria

CHILDRENS EVIDENCE

AGIS No: 20132261
Title: Pre-recording testimony in New Zealand : lawyers' and victims advisors' experiences in nine cases.
Authors: DAVIES, Emma
HANNA, Kirsten
Source: AUSTRALIAN AND NEW ZEALAND JOURNAL OF CRIMINOLOGY 46 (2) August 2013 : 289-305
Abstract: Pre-recorded hearings involving young people as witnesses - advantages and disadvantages - preparation - pre-recorded hearing - impact on evidence - witness experience - defendant experience - limitations of pre-recording.

Legislation: Evidence Act 2006 (NZ)
Subjects: CHILDRENS EVIDENCE
VIDEO EVIDENCE

Jurisdictions: NEW ZEALAND

AGIS No: 20132362
Title: Questioning child witnesses : exploring the benefits and risks of intermediary models in New Zealand.

Authors: HANNA, Kirsten
DAVIES, Emma
HENDERSON, Emily
AND, others

Source: PSYCHIATRY, PSYCHOLOGY AND LAW 20 (4) August 2013 : 527-542

Abstract: Issues and potential benefits and risks of using intermediaries to question child witnesses - cross examination of children - study of different intermediary models.

Subjects: CHILDRENS EVIDENCE

Jurisdictions: NEW ZEALAND

CHILDRENS RIGHTS

AGIS No: 20132230

Title: Re Beth : the powers of the Supreme Courts to deal with children.

Authors: GORTON, Michael
LAUFER, Richard

Source: AUSTRALIAN HEALTH LAW BULLETIN 21 (6) August 2013 : 372-375

Abstract: Court's powers to make orders restricting the liberty of a child where such orders are necessary for the child's ongoing and protection - parens patriae jurisdiction of Supreme Court - need for independent legal representation for child.

Legal Cases: Dept of Health and Community Services (NT) v JWB and SMB (Marion's case) (1992) 175 CLR 218
Re Beth [2013] VSC 189

Legislation: Children, Youth and Families Act 2005 (VIC)
Disability Act 2006 (VIC)

Subjects: CHILDREN IN CARE PROCEEDINGS
CHILDRENS RIGHTS
SUPREME COURT

Jurisdictions: AUSTRALIA, Victoria

AGIS No: 20132238

Title: Regulating for Australia's youngest workers.

Authors: VAN DER WAARDEN, Natalie

Source: CHILDREN AUSTRALIA 38 (2) June 2013 : 76-86

Abstract: Regulation of young people's working conditions neglected at national level - international standards as benchmark - minimum age - child labour - International Labour Organisation - European Community Directive on the Protection of Young People at Work (94/33/EC).

Subjects: CHILDREN
CHILDRENS RIGHTS
WORKING CONDITIONS

Jurisdictions: AUSTRALIA

CIVIL PROCEDURE

AGIS No: 20132303
Title: Civil dispute resolution obligations : what is reasonable?
Authors: SOURDIN, Tania
Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 35 (3) 2012 : 889-913

Abstract: Examination of pre-action protocols and obligations - early dispute resolution - arguments for and against such arrangements - factors that may impact on compliance with these type of obligations.

Legislation: Civil Dispute Resolution Act 2011 (CTH)
Subjects: CIVIL PROCEDURE
COURT RULES AND PROCEDURE
DISPUTE RESOLUTION
PRE TRIAL PROCEDURE
Jurisdictions: AUSTRALIA

COMMERCIAL ARBITRATION

AGIS No: 20132309
Title: Appropriate treaty-based dispute resolution for Asia-Pacific commerce in the 21st century.
Authors: BURCH, Micah
NOTTAGE, Luke
WILLIAMS, Brett
Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 35 (3) 2012 : 1013-1043

Abstract: Examination of potential novel treaty-based dispute resolution mechanisms - free trade agreements - investment treaties - double-tax avoidance treaties - role of transparency in reducing costs and delays in resolving disputes.

Subjects: COMMERCIAL ARBITRATION
INTERNATIONAL ARBITRATION
INTERNATIONAL TRADE
Jurisdictions: AUSTRALIA

AGIS No: 20132307
Title: Choosing domestic courts over investor-state arbitration : Australia's repudiation of the status quo.
Authors: TRAKMAN, Leon E
Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 35 (3) 2012 : 979-1012

Abstract: Bilateral investment treaties - Australia's move away from including provisions for investor-state arbitration (ISA) - examination of claims that ISA is inferior to other dispute resolution mechanisms - consequences of resorting to domestic courts to resolve investment disputes.

Subjects: COMMERCIAL ARBITRATION
INTERNATIONAL ARBITRATION

AGIS No: 20132306
Title: What law (if any) now applies to international commercial arbitration in Australia?
Authors: GARNETT, Richard
NOTTAGE, Luke
Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 35 (3) 2012 : 953-978
Abstract: Discussion of 2010 amendments to the International Arbitration Act 1974 (Cth) - application of Act dependent on timing - retrospectivity - effect on state commercial arbitration acts - need for further statutory reform.
Legal Cases: Cargill International SA v Peabody Australia Mining Ltd (2010) 78 NSWLR 533
Castel Electronics Pty Ltd v TCL Air Conditioner (Zhongshan) Co Ltd (2012) 201 FCR 209
Eisenwerk Hensel Bayreuth Dipl-Ing Burkhardt GmbH v Australian Granites Ltd (2001) 1 Qd R 461
Rizhao Steel Holding Group Co Ltd v Koolan Iron Ore Pty Ltd (2012) 287 ALR 315
Wagners Nouvelle Caledonie Sarl v Vale Inco Nouvelle Caledonie SAS [2010] QCA 219
Legislation: International Arbitration Act 1974 (CTH)
International Arbitration Amendment Act 2010 (CTH)
Subjects: COMMERCIAL ARBITRATION
INTERNATIONAL ARBITRATION
Jurisdictions: AUSTRALIA

COMMON LAW

AGIS No: 20132320
Title: Common exclusions to liability caps in construction contracts : gross negligence, fraud and wilful misconduct.
Authors: ROZENBERG, Roman
ROSS, Cameron
Source: BUILDING AND CONSTRUCTION LAW JOURNAL 29 (4) August 2013 : 311-314
Abstract: Common law interpretation of wilful misconduct, gross negligence and fraud - meaning of wilful misconduct and fraud well understood - differing interpretations of gross negligence by courts.
Legal Cases: Armitage v Nurse (1998) 1 WLR 270
Subjects: COMMON LAW
FRAUD
NEGLIGENCE
Jurisdictions: AUSTRALIA

AGIS No: 20132321
Title: Subsequent purchasers and defective buildings : making a case for greater clarity in Australia.
Authors: MARGINEAN, Rami
Source: BUILDING AND CONSTRUCTION LAW JOURNAL 29 (4) August 2013 : 315-328

Abstract: Economic loss as a result of latent defects caused by negligence of original builder - main common law developments in Australia and England - protection mechanisms available.

Legal Cases: Bryan v Maloney (1995) 182 CLR 609
D & F Estates v Church Commissioners for England (1989) 1 AC 177
Dutton v Bognor Regis UDC (1972) 1 QB 373
Woolcock Street Investments Pty Ltd v CDG Pty Ltd (2004) 216 CLR 515

Subjects: BUILDING LAW
COMMON LAW

Jurisdictions: AUSTRALIA
ENGLAND

COMMUNICATION SKILLS

AGIS No: 20132327

Title: Municipal emergency response officers and local priorities in Australian emergency communication.

Authors: GALLOWAY, Chris

Source: AUSTRALIAN JOURNAL OF EMERGENCY MANAGEMENT 28 (3) July 2013 : 24-28

Abstract: Survey of communication staff in 79 local government councils in Victoria - roles in emergency communication - relationships with local council and external emergency management response personnel - budget allocation for emergency - need for clarification of emergency communication roles at local government level - peer-reviewed.

Subjects: COMMUNICATION SKILLS
EMERGENCY SERVICES
LOCAL GOVERNMENT

Jurisdictions: AUSTRALIA, Victoria

COMMUNITY INVOLVEMENT

AGIS No: 20132331

Title: Community leadership in disaster recovery : a case study.

Authors: LEADBEATER, Anne

Source: AUSTRALIAN JOURNAL OF EMERGENCY MANAGEMENT 28 (3) July 2013 : 41-47

Abstract: Importance of community leaders in post-disaster environment - Strathewen Community Renewal Association - capacity of impacted communities to shape and drive recovery - peer-reviewed.

Subjects: COMMUNITY INVOLVEMENT
EMERGENCY SERVICES
NATURAL DISASTERS

Jurisdictions: AUSTRALIA, Victoria

COMMUNITY LAW CENTRES

AGIS No: 20132282

Title: Community legal centres : quality advice for those who may slip through the cracks.

Authors: HETZEL-BONE, Jack

Source: BULLETIN (LAW SOCIETY OF S.A.) 35 (4) May 2013 : 10

Abstract: National community legal centre (CLC) structure - role of a CLC - importance of service provided by CLCs - profile of Westside Lawyers.

Subjects: COMMUNITY LAW CENTRES
COMMUNITY LEGAL SERVICES

Jurisdictions: AUSTRALIA, South Australia

COMMUNITY LEGAL SERVICES

AGIS No: 20132282

Title: Community legal centres : quality advice for those who may slip through the cracks.

Authors: HETZEL-BONE, Jack

Source: BULLETIN (LAW SOCIETY OF S.A.) 35 (4) May 2013 : 10

Abstract: National community legal centre (CLC) structure - role of a CLC - importance of service provided by CLCs - profile of Westside Lawyers.

Subjects: COMMUNITY LAW CENTRES
COMMUNITY LEGAL SERVICES

Jurisdictions: AUSTRALIA, South Australia

COMPANY DIRECTORS

AGIS No: 20132313

Title: Directors' fiduciary duties and oppression in closely-held corporations.

Authors: TURNER, Ryan J

Source: COMPANY AND SECURITIES LAW JOURNAL 31 (5) August 2013 : 278-294

Abstract: Regulation of wrongful conduct by directors of closely-held corporations - analysis of how co-interaction of directors' duties and the oppression has altered the nature and operation of these causes of action - increase in private regulatory power of shareholders of closely-held corporations - case law.

Legal Cases: Australian Securities and Investments Commission (ASIC) v Warrenmang Ltd (2007) 63 ACSR 623

Australian Securities and Investments Commission v Maxwell (2006) 59 ACSR 373
Cassegrain v Gerard Cassegrain & Co Pty Ltd [2012] NSWSC 403
Re Cheal Industries Pty Ltd; Fitzpatrick v Cheal (2012) 264 FLR 313
Vadori v AAV Plumbing (2010) 77 ACSR 616

Legislation: Corporations Act 2001 (CTH)

Subjects: COMPANY DIRECTORS
CORPORATIONS LAW

Jurisdictions: AUSTRALIA

AGIS No: 20132319
Title: Equitable remedies for participation in a breach of directors' fiduciary duties : the mega-litigation in Bell v Westpac.
Authors: BUTLER, Dan
Source: COMPANY AND SECURITIES LAW JOURNAL 31 (5) August 2013 : 307-316

Abstract: Scope of equitable relief available under Barnes v Addy for breach of fiduciary duties by directors - controversies on scope of relief as addressed in Bell v Westpac - state of knowledge for knowing receipt - dishonest and fraudulent design - what is a fiduciary duty - case law.

Legal Cases: Barnes v Addy (1874) LR 9 Ch App 244
Westpac Banking Corporation v the Bell Group Ltd (In Liq) (No 3) (2012) 270 FLR 1

Subjects: COMPANY DIRECTORS
EQUITY
FIDUCIARY
REMEDIES

Jurisdictions: AUSTRALIA, Western Australia

AGIS No: 20132290
Title: Liquidator recovering payments made by company for director's personal expenses : what is the cause of action?
Authors: AGARDY, Peter
Source: INSOLVENCY LAW BULLETIN 13 (10) July 2013 : 223-225

Abstract: Personal expenses paid using company funds - entitlement of liquidator to recover funds - categorisation of payments - loan, gift or taken - breach of duty - examination of director - recovery actions.

Legal Cases: Damelian Automobile Pty Ltd (recs and mgrs apptd) v Damelian [2012] NSWSC 950
Schmierer v Taouk (2004) 207 ALR 301

Legislation: Corporations Act 2001 (CTH)

Subjects: COMPANY DIRECTORS
LIQUIDATION

Jurisdictions: AUSTRALIA

COMPANY LAW

AGIS No: 20132310
Title: Dispute resolution in family companies.
Authors: FARRAR, John H
WATSON, Susan
BOULLE, Laurent

Source: CANTERBURY LAW REVIEW 18 (2) 2012 : 155-186

Abstract: Examination and critique of legal framework for dispute resolution in family-owned companies - need for dispute resolution clauses in constitutions of companies - empirical surveys - courts only recourse for dispute resolution where clause not included.

Legal Cases: Ebrahimi v Westbourne Galleries Ltd (1973) AC 360
Foss v Harbottle (1843) 2 Hare 461
Latimer Holdings Ltd v SEA Holdings NZ Ltd (2005) 2 NZLR 328
O'Neill v Phillips (1999) 1 WLR 1092

Subjects: COMPANY LAW
DISPUTE RESOLUTION
FAMILIES

COMPARATIVE LAW

AGIS No: 20132305
Title: Perspectives on mandatory mediation.
Authors: HANKS, Melissa
Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 35 (3) 2012 : 929-952

Abstract: Comparative analysis of the drive to mandatory mediation within the European Union and mandatory mediation schemes in the United Kingdom and Australia - different models - factors affecting efficacy.

Subjects: COMPARATIVE LAW
MEDIATION

Jurisdictions: AUSTRALIA
EUROPEAN UNION
UNITED KINGDOM

COMPENSATION

AGIS No: 20132315
Title: Mental injury claims under the Accident Compensation Act 2001.
Authors: THWAITES, Fiona
Source: CANTERBURY LAW REVIEW 18 (2) 2012 : 244-279
Abstract: Coverage of mental injury under the Accident Compensation Act - mental injury caused by physical injury, by a sexual offence and by a single traumatic event during course of employment - difficulties with existing coverage - potential changes to the Act.

Legislation: Accident Compensation Act 2001 (NZ)

Subjects: ACCIDENTS
COMPENSATION
MENTAL ILLNESS

Jurisdictions: NEW ZEALAND

COMPETITION LAW

AGIS No: 20132295
Title: Private enforcement of competition law : time for an Australian debate.
Authors: BEATON-WELLS, Caron
TOMASIC, Kathryn

Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 35 (3) 2012 : 648-682

Abstract: Private enforcement experience in United States and European Union - Australian use of private enforcement of competition law under-utilised - extent to which Australian Competition and Consumer Commission (ACCC) is effective in achieving enforcement objectives of deterrence and compensation - potential greater role for private enforcement to achieve objectives of prevention and corrective justice and the development of legal doctrine.

Legislation: Competition and Consumer Act 2010 (CTH)

Subjects: AUSTRALIAN COMPETITION AND CONSUMER COMMISSION
COMPETITION LAW
CONSUMER PROTECTION

Jurisdictions: AUSTRALIA
EUROPEAN UNION
UNITED STATES

AGIS No: 20132336

Title: The Pilbara rail access saga : criterion (b) reaches the end of the line! Will access providers in Queensland jump on the revocation express?

Authors: STOCK, John

Source: COMPETITION AND CONSUMER LAW JOURNAL 21 (1) August 2013 : 111-122

Abstract: Access to essential facilities - criteria for Minister to declare a service under Part IIIA of the Competition and Consumer Act - "uneconomic to duplicate" - private profitability test - net social benefit test - natural monopoly test - implications for declarations under Queensland Competition Authority Act.

Legal Cases: Pilbara Infrastructure Pty Ltd v Australian Competition Tribunal; National Competition Council v Hamersley Iron Pty Ltd; National Competition Council v Robe River Mining Co Pty Ltd (2012) 246 CLR 379

Legislation: Competition and Consumer Act 2010 (CTH)
Queensland Competition Authority Act 1997 (QLD)

Subjects: COMPETITION LAW

Jurisdictions: AUSTRALIA

COMPUTER SECURITY

AGIS No: 20132353

Title: The increasing risks of IP theft.

Authors: GARE, Mark

Source: BULLETIN (LAW SOCIETY OF S.A.) 35 (6) July 2013 : 34-35

Abstract: Overview of most common risks for intellectual property theft - practical advice on actions if theft is suspected.

Subjects: COMPUTER SECURITY
INTELLECTUAL PROPERTY

CONFESSIONS

AGIS No: 20132360
Title: Linguistic indicators of a false confession.
Authors: VILLAR, Gina
ARCIULI, Joanne
PATERSON, Helen
Source: PSYCHIATRY, PSYCHOLOGY AND LAW 20 (4) August 2013 : 504-518
Abstract: Study of the use of linguistic variables to distinguish between false confessional statements and true accounts - relationship between decreased adjective use and false confessions - anxiety - deception - grammatical category - lexical class - linguistic markers of deception - parts-of-speech - DASS - nouns - verbs.
Subjects: CONFESSIONS
LANGUAGE
PSYCHOLOGY
Jurisdictions: AUSTRALIA

CONSTITUTIONAL LAW

AGIS No: 20132294
Title: The application of the implied freedom of political communication to State electoral funding laws.
Authors: TWOMEY, Anne
Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 35 (3) 2012 : 625-647
Abstract: Extent to which the Commonwealth implied freedom of political communication limits state legislative power - separate implication that Commonwealth Constitution requires representative government at a state level - NSW Constitution as a source of implied freedom of political communication.
Legal Cases: Lange v Australian Broadcasting Corporation (1997) 189 CLR 520
Legislation: Constitution (CTH)
Constitution Act 1902 (NSW)
Election Funding, Expenditure and Disclosures Act 1981 (NSW)
Subjects: CONSTITUTIONAL LAW
ELECTIONS
Jurisdictions: AUSTRALIA, New South Wales

AGIS No: 20132267
Title: The defining characteristics of constitutional expressions and the nationalisation of the State court system.
Authors: TWOMEY, Anne
Source: JUDICIAL REVIEW 11 (2) 2013 : 233-244
Abstract: Limitations placed on State legislative power through nationalisation of State courts - defining characteristics of Supreme Courts as a constitutional expression - potential spread of constitutional expression to other arms of government.

Legal Cases: Kable v Director of Public Prosecutions (NSW) (1996) 189 CLR 51
Kirk v Industrial Relations Commission of New South Wales (2010) 239 CLR 531
Wainohu v New South Wales (2011) 243 CLR 181

Subjects: CONSTITUTIONAL LAW
COURTS
STATUTORY INTERPRETATION

Jurisdictions: AUSTRALIA

CONSTRUCTION INDUSTRY

AGIS No: 20132318
Title: PPSA and construction law.
Authors: BRODERICK, Matthew
Source: BUILDING AND CONSTRUCTION LAW JOURNAL 29 (4) August 2013 : 298-310

Abstract: Impact of the Personal Property Securities Act (PPSA) on the building and construction industry - construction sites - contractual issues - execution of judgments - settlement of claims - liens, charges and other interests not affected by the PPSA.

Legislation: Corporations Act 2001 (CTH)
Personal Property Securities Act 2009 (CTH)

Subjects: BUILDING LAW
CONSTRUCTION INDUSTRY
PERSONAL PROPERTY SECURITIES

Jurisdictions: AUSTRALIA

CONSUMER EDUCATION

AGIS No: 20132341
Title: A five-star rating system? Australia's new voluntary food-labelling standards.

Authors: WISEMAN, Andrew
CORBY, Kirsty
SHARKEY, Sarah

Source: AUSTRALIAN PRODUCT LIABILITY REPORTER 23 (10) August 2013 : 126-128

Abstract: Overview of new food-labelling standards - implementation - exclusions.

Subjects: CONSUMER EDUCATION
FOOD LAWS

Jurisdictions: AUSTRALIA

CONSUMER PROTECTION

AGIS No: 20132325
Title: Bid rigging and misleading conduct in M & A : vendors and purchasers beware.

Authors: FARRER, Jonathan
MORTENSEN, Jackie

Source: COMPANY AND SECURITIES LAW JOURNAL 31 (5) August 2013 : 320-324

Abstract: Mergers and acquisitions - consortium arrangements to jointly own a target business - pre-sale agreements - use of intermediaries to purchase a target business - application of anti-trust laws to joint bids - cartel laws - implications for bidders and vendors - case law.

Legal Cases: Norcast S.AR.L v Bradken Ltd (No 2) (2013] FCA 235

Legislation: Competition and Consumer Act 2010 (CTH)
Sherman Anti-Trust Act 1890 (US)

Subjects: CARTELS
CONSUMER PROTECTION
MERGERS
TAKEOVERS

Jurisdictions: AUSTRALIA

AGIS No: 20132335

Title: Complementary and alternative medicine and consumer law.

Authors: WEIR, Michael
WARDLE, Jon
MARSHALL, Brenda
AND, others

Source: COMPETITION AND CONSUMER LAW JOURNAL 21 (1) August 2013 : 85-110

Abstract: Regulation of complementary and alternative medicine (CAM) through use of consumer law - misleading and unfair practices - whether requirement for scientific standard of evidence to justify representations in CAM cases is appropriate.

Legislation: Competition and Consumer Act 2010 (CTH)

Subjects: CONSUMER PROTECTION
EVIDENCE
MEDICAL PROFESSION

Jurisdictions: AUSTRALIA

AGIS No: 20132342

Title: Court rejects application to medical devices of the right to disclosure under German Medicinal Products Act.

Authors: LACH, Sebastian
PARR, Victoria

Source: AUSTRALIAN PRODUCT LIABILITY REPORTER 23 (10) August 2013 : 129-130

Abstract: Whether medical products can include medical devices under German law - requirements for pharmaceutical company to disclose confidential information in product liability cases - case law.

Legislation: Medical Devices Act 2002 (GER)

Subjects: CONSUMER PROTECTION
PRODUCTS LIABILITY

Jurisdictions: GERMANY

AGIS No: 20132295

Title: Private enforcement of competition law : time for an Australian debate.

Authors: BEATON-WELLS, Caron
TOMASIC, Kathryn

Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 35 (3) 2012 : 648-682

Abstract: Private enforcement experience in United States and European Union - Australian use of private enforcement of competition law under-utilised - extent to which Australian Competition and Consumer Commission (ACCC) is effective in achieving enforcement objectives of deterrence and compensation - potential greater role for private enforcement to achieve objectives of prevention and corrective justice and the development of legal doctrine.

Legislation: Competition and Consumer Act 2010 (CTH)

Subjects: AUSTRALIAN COMPETITION AND CONSUMER COMMISSION
COMPETITION LAW
CONSUMER PROTECTION

Jurisdictions: AUSTRALIA
EUROPEAN UNION
UNITED STATES

AGIS No: 20132334

Title: Theories of product liability and the Australian Consumer Law.

Authors: KELLAM, Jocelyn
CLARK, S Stuart
GLAVAC, Mikhail

Source: COMPETITION AND CONSUMER LAW JOURNAL 21 (1) August 2013 : 1-84

Abstract: Survey of current state of product liability law in Australia - analysis of multiple causes of action according to different theories of liability - conduct - representations - quality - safety - Australian Consumer Law missed opportunity to rationalise unwieldy regime under the Trade Practices Act and state Fair Trading Acts.

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

Subjects: CONSUMER PROTECTION
PRODUCTS LIABILITY

Jurisdictions: AUSTRALIA

CONTRACTS

AGIS No: 20132371

Title: Alteration of risk in insurance law.

Authors: MCGEE, Andrew

Source: INSURANCE LAW JOURNAL 24 (3) August 2013 : 139-158

Abstract: Modification of parties rights and duties by events happening after a contract has come into force - pre-contract risk disclosure - subsequent alteration of risk - breach of warranty - misrepresentation - changing the nature of the risk fundamentally - case law - international approaches.

Legal Cases: Kausar v Eagle Star Insurance Co Ltd (2000) Lloyds Rep IR 154
Maritime Insurance Co v Stearns (1901) 2 KB 912

Subjects: CONTRACTS
INSURANCE
MARINE INSURANCE

Jurisdictions: UNITED KINGDOM

AGIS No: 20132372

Title: Coming to the party : the evolution of post-contractual duties of utmost good faith under the ICA.

Authors: MCGIVERN, Brenda

Source: INSURANCE LAW JOURNAL 24 (3) August 2013 : 159-173

Abstract: Examination of the evolution of the duty of utmost good faith under Insurance Contracts Act (ICA) - scope and content of implied duty of utmost good faith under ICA pre 2013 reforms - parallels with development of law of negligence.

Legal Cases: CGU Insurance Ltd v AMP Financial Planning Pty Ltd (2007) 235 CLR 1

Legislation: Insurance Contracts Act 1984 (CTH)
Insurance Contracts Amendment Act 2013

Subjects: CONTRACTS
INSURANCE

Jurisdictions: AUSTRALIA

AGIS No: 20132374

Title: Indemnity clauses : what are they, how do they work and how to make them work for you.

Authors: REYNOLDSON, Mikaela

Source: INSURANCE LAW JOURNAL 24 (3) August 2013 : 186-195

Abstract: Practical suggestions for lawyers negotiating and drafting indemnity clauses - contractual risk - types of indemnity clauses.

Subjects: CONTRACTS
INDEMNITY

Jurisdictions: AUSTRALIA

AGIS No: 20132354

Title: 'Loss of a chance'.

Authors: EDELMAN, James

Source: TORTS LAW JOURNAL 21 (1) August 2013 : 1-15

Abstract: Difference between loss of chance of a better medical outcome and loss of chance of a better commercial outcome - fundamental questions for the law of torts raised by this divide - assumption of responsibility - meaning of loss - policy considerations.

Legal Cases: Chaplin v Hicks (1911) 2 KB 786
Tabet v Gett (2010) 240 CLR 537

Legislation: Civil Law (Wrongs) Act 2002 (ACT)
Civil Liability Act 1936 (SA)
Civil Liability Act 2002 (TAS)
Civil Liability Act 2002 (WA)
Civil Liability Act 2003 (QLD)
Wrongs Act 1958 (VIC)

Subjects: CONTRACTS
TORTS

Jurisdictions: AUSTRALIA

COPYRIGHT

AGIS No: 20132271

Title: Authorisation law and the internet : the impact of Roadshow Films Pty Ltd v iiNet Limited.

Authors: HENNESSY, J M

Source: INTELLECTUAL PROPERTY FORUM : JOURNAL OF THE INTELLECTUAL PROPERTY SOCIETY OF AUSTRALIA AND NEW ZEALAND (92) March 2013 : 28-35

Abstract: Role of authorisation in copyright law - liability for infringement extended to third parties - digital agenda amendments to the Copyright Act - implications of recent High Court decisions for the law of authorisation - case law.

Legal Cases: Roadshow Films Pty Ltd v iiNet Ltd (2012) 286 ALR 466
Roadshow Films Pty Ltd v iiNet Ltd (No 3) (2010) 263 ALR 215
University of New South Wales v Moorhouse & Angus & Robertson (Publishers) Pty Ltd (1975) 133 CLR 1

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

Subjects: COPYRIGHT
LIABILITY

Jurisdictions: AUSTRALIA

CORPORATIONS LAW

AGIS No: 20132313

Title: Directors' fiduciary duties and oppression in closely-held corporations.

Authors: TURNER, Ryan J

Source: COMPANY AND SECURITIES LAW JOURNAL 31 (5) August 2013 : 278-294

Abstract: Regulation of wrongful conduct by directors of closely-held corporations - analysis of how co-interaction of directors' duties and the oppression has altered the nature and operation of these causes of action - increase in private regulatory power of shareholders of closely-held corporations - case law.

Legal Cases: Australian Securities and Investments Commission (ASIC) v Warrenmang Ltd (2007) 63 ACSR 623

Australian Securities and Investments Commission v Maxwell (2006) 59 ACSR 373
Cassegrain v Gerard Cassegrain & Co Pty Ltd [2012] NSWSC 403
Re Cheal Industries Pty Ltd; Fitzpatrick v Cheal (2012) 264 FLR 313
Vadori v AAV Plumbing (2010) 77 ACSR 616

Legislation: Corporations Act 2001 (CTH)

Subjects: COMPANY DIRECTORS
CORPORATIONS LAW

Jurisdictions: AUSTRALIA

AGIS No: 20132329

Title: Oppression proceedings and trust remedies : what are the limits?

Authors: HEAPE, Braydon

Source: COMPANY AND SECURITIES LAW JOURNAL 31 (5) August 2013 : 325-331

Abstract: Application of Corporations Act provisions on members' rights and remedies to trusts where the affairs of the trustee company have been conducted oppressively or unfairly to minority shareholders - critical analysis of recent case law in Victoria.

Legal Cases: Kizquari Pty Ltd v Prestoo Pty Ltd (1993) 10 ACSR 606
Vigliaroni v CPS Investment Holdings Pty Ltd [2009] VSC 428
Wain v Drapac [2012] VSC 156

Legislation: Corporations Act 2001 (CTH)

Subjects: CORPORATIONS LAW
TRUSTS AND TRUSTEES

Jurisdictions: AUSTRALIA, Victoria

AGIS No: 20132376

Title: Snark hunting : progressive transformative possibilities in Australia's corporate law.

Authors: WISHART, David

Source: AUSTRALIAN JOURNAL OF CORPORATE LAW 28 (1) August 2013 : 16-34

Abstract: Lack of reform to Australian corporations law since the James Hardie litigation - difficulties of reform - public interest - proposals for reform.

Subjects: CORPORATIONS LAW
LAW REFORM

Jurisdictions: AUSTRALIA

AGIS No: 20132332

Title: The dangers of asking the courts to "rubber stamp" settlements by ASIC.

Authors: BAXT, Robert
Source: COMPANY AND SECURITIES LAW JOURNAL 31 (5) August 2013 : 332-335
Abstract: Examination of recent cases where court has imposed its own penalty rather than endorse the agreed settlement.
Legal Cases: Australian Securities and Investments Commission (ASIC) v Ingleby [2013] VSCA 49
Legislation: Corporations Act 2001 (CTH)
Subjects: CORPORATIONS LAW
Jurisdictions: AUSTRALIA, Victoria

AGIS No: 20132375
Title: The progressive possibility of corporate law.
Authors: GREENFIELD, Kent
Source: AUSTRALIAN JOURNAL OF CORPORATE LAW 28 (1) August 2013 : 3-15
Abstract: Re-thinking of the basic principles of corporate law - history of corporate law - ideas for change - benefits of change.
Subjects: CORPORATIONS LAW
Jurisdictions: UNITED STATES

CORRECTIONS

AGIS No: 20132256
Title: Indigenous deaths associated with police contact in Australia : event stages and lessons for prevention.
Authors: PORTER, Louise E
Source: AUSTRALIAN AND NEW ZEALAND JOURNAL OF CRIMINOLOGY 46 (2) August 2013 : 178-199
Abstract: Analysis of factors involving Indigenous deaths in custody since the Royal Commission into Aboriginal Deaths in Custody - stages of events that led to detention - information available to officers - officer decisions - possibilities of preventing future deaths.
Subjects: CORRECTIONS
DEATH
INDIGENOUS PEOPLE
POLICE
Jurisdictions: AUSTRALIA

CORRUPTION

AGIS No: 20132378
Title: Strategic privatisation of transnational anti-corruption regulation.
Authors: HALL, Kath
Source: AUSTRALIAN JOURNAL OF CORPORATE LAW 28 (1) August 2013 : 60-71

Abstract: Privatisation of transnational anti-corruption regulation - nature of regulation - systems-based regulation - developments in regulation - comment on Braithwaite paper on public and private ownership - see AGIS 20132377 .

Subjects: CORRUPTION
PRIVATISATION

COUNTER TERRORISM

AGIS No: 20132255

Title: Terrorism and government : between history and criminology.

Authors: FINNANE, Mark

Source: AUSTRALIAN AND NEW ZEALAND JOURNAL OF CRIMINOLOGY 46 (2) August 2013 : 159-177

Abstract: Terrorism as an object of government and academic research - history - terrorist attack at the Munich Olympics - Black September - terrorist problems and the 'Middle East situation' - governance of terrorism - counter-terrorism and government - Sir John Barry Memorial Lecture, 2012.

Subjects: COUNTER TERRORISM
GOVERNMENT
NATIONAL SECURITY

Jurisdictions: AUSTRALIA

COURT RULES AND PROCEDURE

AGIS No: 20132234

Title: Behind the closed door : a guide and parents' comments on the workings of the New South Wales Children's Court.

Authors: AINSWORTH, Frank
HANSEN, Patricia

Source: CHILDREN AUSTRALIA 38 (2) June 2013 : 47-53

Abstract: Information to assist professional staff who have contact with parents involved in Children's Court matters - explanation of court processes - parents' views on court processes and procedures.

Legislation: Children and Young Persons (Care and Protection) Act 1998 (NSW)

Subjects: CHILDREN IN CARE PROCEEDINGS
COURT RULES AND PROCEDURE

Jurisdictions: AUSTRALIA, New South Wales

AGIS No: 20132303

Title: Civil dispute resolution obligations : what is reasonable?

Authors: SOURDIN, Tania

Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 35 (3) 2012 : 889-913

Abstract: Examination of pre-action protocols and obligations - early dispute resolution - arguments for and against such arrangements - factors that may impact on compliance with these type of obligations.

Legislation: Civil Dispute Resolution Act 2011 (CTH)
Subjects: CIVIL PROCEDURE
COURT RULES AND PROCEDURE
DISPUTE RESOLUTION
PRE TRIAL PROCEDURE
Jurisdictions: AUSTRALIA

AGIS No: 20132265
Title: Natural justice by the courts : some recent cases.
Authors: PRESTON, Brian J
Source: JUDICIAL REVIEW 11 (2) 2013 : 193-214
Abstract: Examination of the principles of procedural fairness or natural justice - open court - no judicial bias - importance of judicial officers observing procedural fairness in hearing and determining cases - case law.
Legal Cases: Attorney-General (NSW) v Bar-Mordecai [2010] NSWSC 1410
Director of Public Prosecutions (DPP) (NSW) v Elskaf [2012] NSWSC 21
Secretary of State for the Home Department v Assistant Deputy Coroner for Inner West London (2011) 1 WLR 2564
Legislation: Civil Procedure Act 2005 (NSW)
Court Suppression and Non-Publication Orders Act 2010 (NSW)
Vexatious Proceedings Act 2008 (NSW)
Subjects: COURT RULES AND PROCEDURE
JUDICIAL PROCESS
Jurisdictions: AUSTRALIA
UNITED KINGDOM

AGIS No: 20132287
Title: Prior knowledge : must you tell the court.
Authors: SHEPHERD, Stafford
Source: BULLETIN (LAW SOCIETY OF S.A.) 35 (4) May 2013 : 33-34
Abstract: Rule 30 of the Australian Solicitor's Conduct Rules - disclosure of client's prior convictions if prosecution fails to do so - acting in client's best interest - no requirement to disclose to adverse criminal history (general principle) - rule 30 does not alter general principle.
Subjects: COURT RULES AND PROCEDURE

AGIS No: 20132302
Title: The role of the courts in the changing dispute resolution landscape.
Authors: BATHURST, TF
Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 35 (3) 2012 : 870-888
Abstract: Role of judiciary in encouraging or ordering parties to attempt alternative dispute resolution (ADR) - approaches taken by courts - benefits for litigants and public - statutory pre-litigation requirements - whether appropriate for judges to act as mediators.

Subjects: ALTERNATIVE DISPUTE RESOLUTION
COURT RULES AND PROCEDURE
MEDIATION
PRE TRIAL PROCEDURE

Jurisdictions: AUSTRALIA

COURTS

AGIS No: 20132262

Title: Judges and professors : ships passing in the night?

Authors: LORD NEUBERGER OF ABBOTSBURY

Source: JUDICIAL REVIEW 11 (2) 2013 : 143-163

Abstract: Changing nature of judicial/academic relationship in the England - traditional convention of barring the citation of academic works in court while the author is alive - rationales for convention.

Subjects: COURTS
JUDICIARY
LEGAL LITERATURE

Jurisdictions: ENGLAND

AGIS No: 20132252

Title: Litigants with mental illness.

Authors: PASCOE, John

Source: AUSTRALIAN FAMILY LAWYER 23 (2) Autumn 2013 : 21-27

Abstract: Problems faced by litigants with mental disorders in appearing before courts - self-represented litigants with mental illness - rule of law requires access to justice - challenges for courts.

Subjects: COURTS
MENTAL ILLNESS
PEOPLE WITH DISABILITIES

Jurisdictions: AUSTRALIA

AGIS No: 20132267

Title: The defining characteristics of constitutional expressions and the nationalisation of the State court system.

Authors: TWOMEY, Anne

Source: JUDICIAL REVIEW 11 (2) 2013 : 233-244

Abstract: Limitations placed on State legislative power through nationalisation of State courts - defining characteristics of Supreme Courts as a constitutional expression - potential spread of constitutional expression to other arms of government.

Legal Cases: Kable v Director of Public Prosecutions (NSW) (1996) 189 CLR 51
Kirk v Industrial Relations Commission of New South Wales (2010) 239 CLR 531
Wainohu v New South Wales (2011) 243 CLR 181

Subjects: CONSTITUTIONAL LAW
COURTS
STATUTORY INTERPRETATION
Jurisdictions: AUSTRALIA

AGIS No: 20132249
Title: The Federal Circuit Court : a new beginning.
Authors: O'BRIEN, Rick
Source: AUSTRALIAN FAMILY LAWYER 23 (2) Autumn 2013 : 1-3
Abstract: Report on comments made at the ceremonial sitting to mark the inauguration of the Federal Circuit Court.
Subjects: COURTS
Jurisdictions: AUSTRALIA

AGIS No: 20132260
Title: Whither Australia's children's courts? Findings of the national assessment of Australia's children's courts.
Authors: BOROWSKI, Allan
Source: AUSTRALIAN AND NEW ZEALAND JOURNAL OF CRIMINOLOGY 46 (2) August 2013 : 268-288
Abstract: Study of view of judicial officers and stakeholders of the Children's Court - effectiveness - workload - structure - directions for reform - importance of adequate funding for the court, youth justice and child protection systems.
Subjects: CHILDREN
COURTS
JUVENILE COURT
Jurisdictions: AUSTRALIA

CREDITORS

AGIS No: 20132292
Title: Allied Express Transport Pty Ltd v Exalt Group Pty Ltd (admin apptd) (No 2).
Authors: RICHARDSON, David
Source: INSOLVENCY LAW BULLETIN 13 (10) July 2013 : 234-236
Abstract: Votes at creditor's meeting - consideration of votes of employees and related creditors - votes of company whose claim was subrogated to creditors it had paid - deed of company arrangement.
Legal Cases: Allied Express Transport Pty Ltd v Exalt Group Pty Ltd (admin apptd) (No 2) [2013] FCA 477
Subjects: CREDITORS
INSOLVENCY
Jurisdictions: AUSTRALIA

CRIME PREVENTION

AGIS No: 20132283
Title: Re-investing in justice : finding a better way to prevent crime.
Authors: BONIG, Ralph
Source: BULLETIN (LAW SOCIETY OF S.A.) 35 (4) May 2013 : 12-14
Abstract: Overview of justice reinvestment - trials of justice reinvestment in Australia - Senate Committee inquiry into the value of a justice reinvestment approach to criminal justice - American experience.
Subjects: CRIME PREVENTION
CRIMINAL JUSTICE
Jurisdictions: AUSTRALIA
UNITED STATES

CRIMINAL JUSTICE

AGIS No: 20132264
Title: Aborigines and the court : the Northern Territory experience.
Authors: RILEY, Trevor
Source: JUDICIAL REVIEW 11 (2) 2013 : 177-192
Abstract: Changes to attitude and approach to Aboriginal people in the Northern Territory criminal justice system - development of distinct jurisprudence for trials of Aboriginal people - harsh and uneven treatment within criminal justice system until mid-20th century - Anunga Rules - establishment of Aboriginal legal aid agencies - interpreter service - conflict with customary law.
Subjects: ABORIGINAL LEGAL SERVICE
CRIMINAL JUSTICE
CUSTOMARY LAW
INDIGENOUS PEOPLE
Jurisdictions: AUSTRALIA, Northern Territory

AGIS No: 20132277
Title: Looking beyond offenders to the needs of victims and communities.
Authors: GOODA, Mick
PRIDAY, Emilie
MCDERMOTT, Louise
Source: INDIGENOUS LAW BULLETIN 8 (5) March / April 2013 : 13-17
Abstract: Application of justice reinvestment in Australia - focus on Aboriginal and Torres Strait Islander communities - consideration of vulnerable groups - need to trial justice reinvestment in communities of high imprisonment rates and commitment to justice targets.
Subjects: CRIMINAL JUSTICE
INDIGENOUS PEOPLE
SOCIAL POLICY
Jurisdictions: AUSTRALIA

AGIS No: 20132283

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Authors: BONIG, Ralph
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Subjects: CRIME PREVENTION
CRIMINAL JUSTICE
Jurisdictions: AUSTRALIA
UNITED STATES

CRIMINOLOGY

AGIS No: 20132366
Title: Approach-avoidance goals and active-passive self-regulation styles in homicide offending : a pathways analysis.
Authors: GILLIGAN, DG
LENNINGS, CJ
Source: PSYCHIATRY, PSYCHOLOGY AND LAW 20 (4) August 2013 : 590-607
Abstract: Study of homicide offenders found not guilty due to insanity - applicability of offence process models to psychopathic and neuropathic offenders - self-regulation pathways model applicable to forensic population of mentally disorderd offenders - clinical implications.
Subjects: CRIMINOLOGY
FORENSIC PSYCHIATRY
HOMICIDE

AGIS No: 20132299
Title: Three dogmas of juvenile justice.
Authors: WEATHERBURN, Don
MCGRATH, Andrew
BARTELS, Lorana
Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 35 (3) 2012 : 779-809
Abstract: Critical examination of the underlying assumptions of juvenile justice policy in Australia - contact with court system is criminogenic - restorative justice is more effective than traditional justice - juveniles "grow out of" crime - reform of juvenile justice policy.
Subjects: CRIMINOLOGY
RESTORATIVE JUSTICE
YOUNG OFFENDERS
Jurisdictions: AUSTRALIA

CUSTOMARY LAW

AGIS No: 20132264
Title: Aborigines and the court : the Northern Territory experience.

Authors: RILEY, Trevor
Source: JUDICIAL REVIEW 11 (2) 2013 : 177-192
Abstract: Changes to attitude and approach to Aboriginal people in the Northern Territory criminal justice system - development of distinct jurisprudence for trials of Aboriginal people - harsh and uneven treatment within criminal justice system until mid-20th century - Anunga Rules - establishment of Aboriginal legal aid agencies - interpreter service - conflict with customary law.
Subjects: ABORIGINAL LEGAL SERVICE
CRIMINAL JUSTICE
CUSTOMARY LAW
INDIGENOUS PEOPLE
Jurisdictions: AUSTRALIA, Northern Territory

DEATH

AGIS No: 20132256
Title: Indigenous deaths associated with police contact in Australia : event stages and lessons for prevention.
Authors: PORTER, Louise E
Source: AUSTRALIAN AND NEW ZEALAND JOURNAL OF CRIMINOLOGY 46 (2) August 2013 : 178-199
Abstract: Analysis of factors involving Indigenous deaths in custody since the Royal Commission into Aboriginal Deaths in Custody - stages of events that led to detention - information available to officers - officer decisions - possibilities of preventing future deaths.
Subjects: CORRECTIONS
DEATH
INDIGENOUS PEOPLE
POLICE
Jurisdictions: AUSTRALIA

DEMOCRACY

AGIS No: 20132268
Title: The war on democracy.
Authors: BERG, Chris
Source: IPA REVIEW 65 (1) May 2013 : 6-11
Abstract: Attempts by politicians to change people through law - proposed anti-discrimination laws - government as educator - democracy.
Legislation: Racial Discrimination Act 1975 (CTH)
Subjects: DEMOCRACY
DISCRIMINATION
POLITICS AND GOVERNMENT
Jurisdictions: AUSTRALIA

DISCRIMINATION

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Legislation: Racial Discrimination Act 1975 (CTH)
Subjects: DEMOCRACY
DISCRIMINATION
POLITICS AND GOVERNMENT
Jurisdictions: AUSTRALIA

DISPUTE RESOLUTION

AGIS No: 20132303
Title: Civil dispute resolution obligations : what is reasonable?
Authors: SOURDIN, Tania
Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 35 (3) 2012 : 889-913
Abstract: Examination of pre-action protocols and obligations - early dispute resolution - arguments for and against such arrangements - factors that may impact on compliance with these type of obligations.
Legislation: Civil Dispute Resolution Act 2011 (CTH)
Subjects: CIVIL PROCEDURE
COURT RULES AND PROCEDURE
DISPUTE RESOLUTION
PRE TRIAL PROCEDURE
Jurisdictions: AUSTRALIA

AGIS No: 20132310
Title: Dispute resolution in family companies.
Authors: FARRAR, John H
WATSON, Susan
BOULLE, Laurent
Source: CANTERBURY LAW REVIEW 18 (2) 2012 : 155-186
Abstract: Examination and critique of legal framework for dispute resolution in family-owned companies - need for dispute resolution clauses in constitutions of companies - empirical surveys - courts only recourse for dispute resolution where clause not included.
Legal Cases: Ebrahimi v Westbourne Galleries Ltd (1973) AC 360
Foss v Harbottle (1843) 2 Hare 461
Latimer Holdings Ltd v SEA Holdings NZ Ltd (2005) 2 NZLR 328
O'Neill v Phillips (1999) 1 WLR 1092
Subjects: COMPANY LAW
DISPUTE RESOLUTION
FAMILIES

DIVORCE

AGIS No: 20132251
Title: Letter from London.
Authors: HODSON, David
Source: AUSTRALIAN FAMILY LAWYER 23 (2) Autumn 2013 : 18-20
Abstract: Comment on process of reform of English financial provision law on divorce - likely recommendations of Law Commission.
Subjects: DIVORCE
MATRIMONIAL PROPERTY
Jurisdictions: ENGLAND

DOMESTIC VIOLENCE

AGIS No: 20132284
Title: Navigating the laws of domestic violence intervention orders.
Authors: HETZEL-BONE, Jack
Source: BULLETIN (LAW SOCIETY OF S.A.) 35 (4) May 2013 : 16-19
Abstract: Introduction of new intervention orders in South Australia - orders can be issued on persons within and outside state - grounds for issuing an order - expanded meaning of 'abuse' - service, confirmation, variation and revocation of orders - terms of order - police powers - tenancy - transitional arrangements - other issues.
Legislation: Domestic Violence Act 1994 (SA)
Intervention Orders (Prevention of Abuse) Act 2009 (SA)
Summary Procedure Act 1921 (SA)
Subjects: DOMESTIC VIOLENCE
Jurisdictions: AUSTRALIA, South Australia

DRUG CONTROL

AGIS No: 20132288
Title: LEGAL highs : a new prescription.
Source: ECONOMIST 408 (8848) 10 August 2013 : 10
Abstract: Growing use of synthetic drugs - introduction of legislation in New Zealand to regulate synthetic drugs - requirement for clinical trials to test for toxicity - sale in licenced shops - arguments for and against the legislation.
Subjects: DRUG CONTROL
Jurisdictions: NEW ZEALAND

DUTY OF CARE

AGIS No: 20132337
Title: Judicial strategies in recognising new areas for recovery in negligence : lessons learned from wrongful conception cases.
Authors: JHAVERI, Swati

Source: TORT LAW REVIEW 21 (2) July 2013 : 63-86
Abstract: Development of new torts - comparative study of strategies used by courts in common law jurisdictions in deciding whether to allow recovery in novel situations - wrongful conception as a case study - characterising damage.
Legal Cases: Cattanach v Melchior (2003) 215 CLR 1
McFarlane v Tayside Health Board (2000) 2 AC 59
Subjects: DUTY OF CARE
NEGLIGENCE
TORTS

ELECTIONS

AGIS No: 20132294
Title: The application of the implied freedom of political communication to State electoral funding laws.
Authors: TWOMEY, Anne
Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 35 (3) 2012 : 625-647
Abstract: Extent to which the Commonwealth implied freedom of political communication limits state legislative power - separate implication that Commonwealth Constitution requires representative government at a state level - NSW Constitution as a source of implied freedom of political communication.
Legal Cases: Lange v Australian Broadcasting Corporation (1997) 189 CLR 520
Legislation: Constitution (CTH)
Constitution Act 1902 (NSW)
Election Funding, Expenditure and Disclosures Act 1981 (NSW)
Subjects: CONSTITUTIONAL LAW
ELECTIONS
Jurisdictions: AUSTRALIA, New South Wales

ELECTRONIC SURVEILLANCE

AGIS No: 20132350
Title: Who is watching Big Brother? The use of CCTV cameras in Australia.
Authors: MACPHAIL, John
GORDON, Paul
Source: BULLETIN (LAW SOCIETY OF S.A.) 35 (6) July 2013 : 18-20
Abstract: Legal framework for the use of closed circuit television (CCTV) cameras - privacy - surveillance devices - workplace legislation - recent case law.
Legal Cases: SF v Shoalhaven City Council [2013] NSWADT 94
Legislation: Privacy Act 1988 (CTH)
Subjects: ELECTRONIC SURVEILLANCE
MOBILE DEVICES
PRIVACY
Jurisdictions: AUSTRALIA

EMERGENCY PLANNING

AGIS No: 20132322
Title: Peri-urban Melbourne in 2021 : changes and implications for the Victorian emergency management sector.
Authors: FOSTER, Holly
TOWERS, Briony
WHITTAKER, Joshua
AND, other
Source: AUSTRALIAN JOURNAL OF EMERGENCY MANAGEMENT 28 (3) July 2013 : 6-11
Abstract: Anticipated key economic and population changes in Melbourne's peri-urban and fringe areas - impacts on emergency management - implications for emergency services organisations - peer-reviewed.
Subjects: EMERGENCY PLANNING
EMERGENCY SERVICES
Jurisdictions: AUSTRALIA, Victoria

EMERGENCY SERVICES

AGIS No: 20132331
Title: Community leadership in disaster recovery : a case study.
Authors: LEADBEATER, Anne
Source: AUSTRALIAN JOURNAL OF EMERGENCY MANAGEMENT 28 (3) July 2013 : 41-47
Abstract: Importance of community leaders in post-disaster environment - Strathewen Community Renewal Association - capacity of impacted communities to shape and drive recovery - peer-reviewed.
Subjects: COMMUNITY INVOLVEMENT
EMERGENCY SERVICES
NATURAL DISASTERS
Jurisdictions: AUSTRALIA, Victoria

AGIS No: 20132330
Title: Mental health deployment to the 2011 Queensland floods : lessons learned.
Authors: HASLETON, Katrina
ALLAN, John
STEVENS, Garry
AND, others
Source: AUSTRALIAN JOURNAL OF EMERGENCY MANAGEMENT 28 (3) July 2013 : 35-40
Abstract: Deployment of NSW Health staff to assist in the mental health response following the Queensland floods - lessons learnt from situation reports, participant feedback and online survey - need for better communication between teams - role of team leaders - use of initiative - flexible approach to support of emergency response - peer-reviewed.
Subjects: EMERGENCY SERVICES
MENTAL HEALTH

Jurisdictions: AUSTRALIA, New South Wales
AUSTRALIA, Queensland

AGIS No: 20132327

Title: Municipal emergency response officers and local priorities in Australian emergency communication.

Authors: GALLOWAY, Chris

Source: AUSTRALIAN JOURNAL OF EMERGENCY MANAGEMENT 28 (3) July 2013 : 24-28

Abstract: Survey of communication staff in 79 local government councils in Victoria - roles in emergency communication - relationships with local council and external emergency management response personnel - budget allocation for emergency - need for clarification of emergency communication roles at local government level - peer-reviewed.

Subjects: COMMUNICATION SKILLS
EMERGENCY SERVICES
LOCAL GOVERNMENT

Jurisdictions: AUSTRALIA, Victoria

AGIS No: 20132322

Title: Peri-urban Melbourne in 2021 : changes and implications for the Victorian emergency management sector.

Authors: FOSTER, Holly

TOWERS, Briony

WHITTAKER, Joshua

AND, other

Source: AUSTRALIAN JOURNAL OF EMERGENCY MANAGEMENT 28 (3) July 2013 : 6-11

Abstract: Anticipated key economic and population changes in Melbourne's peri-urban and fringe areas - impacts on emergency management - implications for emergency services organisations - peer-reviewed.

Subjects: EMERGENCY PLANNING
EMERGENCY SERVICES

Jurisdictions: AUSTRALIA, Victoria

AGIS No: 20132333

Title: Post disaster recovery arrangements for animals in South Australia.

Authors: WESTCOTT, Rachel

PRELGAUSKAS, Emilis

Source: AUSTRALIAN JOURNAL OF EMERGENCY MANAGEMENT 28 (3) July 2013 : 48-52

Abstract: Animal welfare and emergency response arrangements - evolution of structures and processes for animal rescue in South Australia - impact of the management of animals in emergencies on the preservation of human life - South Australian Veterinary Emergency Management (SAVEM).

Subjects: ANIMALS
EMERGENCY SERVICES
NATURAL DISASTERS

Jurisdictions: AUSTRALIA, South Australia

EMPLOYMENT

AGIS No: 20132311
Title: Examining the incidence of fiduciary duties in employment.
Authors: BATTY, Rob
Source: CANTERBURY LAW REVIEW 18 (2) 2012 : 187-212
Abstract: Employee common law duty of good faith and fidelity - fiduciary liability - incidence of fiduciary duty in commercial arrangements - fact-based approach to fiduciary duties in employment - significance of fiduciary claims against disloyal employees.

Legal Cases: Chirside v Fay (2007) 1 NZLR 433
Durham Developments Ltd v Hempseed (1997) 11 PRNZ 378
Robb v Green (1895) 2 QB 315

Legislation: Employment Relations Act 2000 (NZ)

Subjects: BREACH OF CONTRACT
EMPLOYMENT
FIDUCIARY

AGIS No: 20132266
Title: Judges as employees.
Authors: WALLIS, Malcolm
Source: JUDICIAL REVIEW 11 (2) 2013 : 215-231
Abstract: Arguments against attempts to impose status of employees on judges - judges as holders of an office - distinction between public office-holders and employees becoming blurred - problems that would arise if judges were employees - implications for judicial independence and separation of powers.

Legal Cases: O'Brien v Ministry of Justice [2010] 4 All ER 62

Legislation: Employment Equity Act 1998 (SA)

Subjects: EMPLOYMENT
JUDICIAL INDEPENDENCE
JUDICIARY

Jurisdictions: SOUTH AFRICA

ENVIRONMENTAL LAW

AGIS No: 20132228
Title: Has judicial review killed ESD?
Authors: RUDDOCK, Kirsty
Source: AUSTRALIAN ENVIRONMENT REVIEW 28 (6) August 2013 : 625-627
Abstract: Extent to which ecologically sustainable development (ESD) is required to be considered in decision-making - recent judicial decisions in NSW Land and Environment Court - the concept of ESD is at crossroads - case law.

Legal Cases: Barrington-Gloucestre-Stroud Preservation Alliance Inc v Minister for Planning and Infrastructure (2012) 194 LGERA 113
Bulga Milbrodale Progress Association Inc v Minister for Planning and Infrastructure (2013) 194 LGERA 347
Haughton v Minister for Planning and Macquarie Generation (2011) 185 LGERA 373
Hunter Environment Lobby Inc v Minister for Planning [2011] NSWLEC 221

Subjects: ENVIRONMENTAL LAW
JUDICIAL REVIEW

Jurisdictions: AUSTRALIA, New South Wales

AGIS No: 20132229
Title: Planning law reform in New South Wales.
Authors: NASH, Scott
Source: AUSTRALIAN ENVIRONMENT REVIEW 28 (6) August 2013 : 628-631
Abstract: Examination of key features of exposure draft Planning Bill 2013 (NSW) and Planning Administration Bill 2013 (NSW) - strategic planning - development assessment and approval processes.
Subjects: ENVIRONMENTAL LAW
LAW REFORM
Jurisdictions: AUSTRALIA, New South Wales

EQUITY

AGIS No: 20132254
Title: Binding or bound to fail? Equitable remedies and rectification of financial agreements.
Authors: BRERETON, Paul
Source: AUSTRALIAN FAMILY LAWYER 23 (2) Autumn 2013 : 31-47
Abstract: Role of equity in the context of financial agreements under the Family Law Act - potential vitiating factors to set aside agreements - availability of rectification - prospect that a solicitor for one party to a financial agreement may owe duty of care to the other party.

Legislation: Family Law Act 1975 (CTH)
Subjects: EQUITY
MATRIMONIAL PROPERTY
REMEDIES
Jurisdictions: AUSTRALIA

AGIS No: 20132319
Title: Equitable remedies for participation in a breach of directors' fiduciary duties : the mega-litigation in Bell v Westpac.
Authors: BUTLER, Dan
Source: COMPANY AND SECURITIES LAW JOURNAL 31 (5) August 2013 : 307-316
Abstract: Scope of equitable relief available under Barnes v Addy for breach of fiduciary duties by directors - controversies on scope of relief as addressed in Bell v Westpac - state of knowledge for knowing receipt - dishonest and fraudulent design - what is a fiduciary duty - case law.

Legal Cases: Barnes v Addy (1874) LR 9 Ch App 244
Westpac Banking Corporation v the Bell Group Ltd (In Liq) (No 3) (2012) 270 FLR 1

Subjects: COMPANY DIRECTORS
EQUITY
FIDUCIARY
REMEDIES

Jurisdictions: AUSTRALIA, Western Australia

AGIS No: 20132358

Title: Pathological gambling and civil actions for unconscionability : lessons from the Kakavas litigation.

Authors: FRECKLETON, Ian

Source: PSYCHIATRY, PSYCHOLOGY AND LAW 20 (4) August 2013 : 479-491

Abstract: Commentary on High Court decision confining the potential for gamblers to sue casinos and bookmakers in equity for unconscionably exploiting their vulnerabilities - gambling disorder - pathological gambling - legal redress - unconscionability - DSM-IV - DSM-5 - addictions.

Legal Cases: Kakavas v Crown Melbourne Ltd [2013] HCA 25

Subjects: EQUITY
GAMBLING
MENTAL ILLNESS
PSYCHIATRY
PSYCHOLOGY

Jurisdictions: AUSTRALIA

EVIDENCE

AGIS No: 20132363

Title: A likely story? The influence of type of alibi and defendant gender on juror decision-making.

Authors: MAEDER, Evelyn M
DEMPSEY, Julie L

Source: PSYCHIATRY, PSYCHOLOGY AND LAW 20 (4) August 2013 : 543-552

Abstract: Study of mock jurors' evaluations of defendant alibi according to gender and type of alibi - manipulation of alibi to gender stereotype-consistent and gender stereotype-inconsistent - effect on jurors' perceptions of evidence.

Subjects: EVIDENCE
JURIES
PSYCHOLOGY

Jurisdictions: CANADA

AGIS No: 20132335

Title: Complementary and alternative medicine and consumer law.

Authors: WEIR, Michael
WARDLE, Jon
MARSHALL, Brenda
AND, others

Source: COMPETITION AND CONSUMER LAW JOURNAL 21 (1) August 2013 : 85-110

Abstract: Regulation of complementary and alternative medicine (CAM) through use of consumer law - misleading and unfair practices - whether requirement for scientific standard of evidence to justify representations in CAM cases is appropriate.

Legislation: Competition and Consumer Act 2010 (CTH)

Subjects: CONSUMER PROTECTION
EVIDENCE
MEDICAL PROFESSION

Jurisdictions: AUSTRALIA

AGIS No: 20132370

Title: Generation and detection of true and false alibi statements.

Authors: CULHANE, Scott E
KEHN, Andre
HORGAN, Allyson J
AND, others

Source: PSYCHIATRY, PSYCHOLOGY AND LAW 20 (4) August 2013 : 619-638

Abstract: Study of alibi generation - correlation between true or false alibi and ability to provide corroborating witnesses - effect of time delay - changes made to alibi statements - ability of study subjects to detect false alibi.

Subjects: EVIDENCE
PSYCHOLOGY

Jurisdictions: UNITED STATES

EXPERT EVIDENCE

AGIS No: 20132343

Title: American asbestos litigation : Part IV : the usual suspects : "standard" experts and witnesses.

Authors: STILSON, Guy W
LOUIE, Vernice T
MOORE, Karen L

Source: AUSTRALIAN PRODUCT LIABILITY REPORTER 23 (10) August 2013 : 131-133

Abstract: Overview of types of witnesses called in asbestos litigation - medical experts - non-medical experts - company representatives.

Subjects: ASBESTOS
EXPERT EVIDENCE

Jurisdictions: UNITED STATES

AGIS No: 20132365

Title: It's not what she says, it's how she says it : the influence of language complexity and cognitive load on the persuasiveness of expert testimony.

Authors: MCKIMMIE, Blake M
NEWTON, Sara A
SCHULLER, Regina A
AND, others

Source: PSYCHIATRY, PSYCHOLOGY AND LAW 20 (4) August 2013 : 578-589

Abstract: Study of mock jurors' evaluation of expert testimony - gender of expert witness - language complexity according to gender stereotype - correlation between persuasiveness and the complexity of language used by the expert witness matching with gender stereotype.

Subjects: EXPERT EVIDENCE
LANGUAGE
PSYCHOLOGY

FAMILIES

AGIS No: 20132310

Title: Dispute resolution in family companies.

Authors: FARRAR, John H
WATSON, Susan
BOULLE, Laurent

Source: CANTERBURY LAW REVIEW 18 (2) 2012 : 155-186

Abstract: Examination and critique of legal framework for dispute resolution in family-owned companies - need for dispute resolution clauses in constitutions of companies - empirical surveys - courts only recourse for dispute resolution where clause not included.

Legal Cases: Ebrahimi v Westbourne Galleries Ltd (1973) AC 360
Foss v Harbottle (1843) 2 Hare 461
Latimer Holdings Ltd v SEA Holdings NZ Ltd (2005) 2 NZLR 328
O'Neill v Phillips (1999) 1 WLR 1092

Subjects: COMPANY LAW
DISPUTE RESOLUTION
FAMILIES

FAMILY LAW

AGIS No: 20132250

Title: Family property law and the three fundamental propositions in Stanford v Stanford.

Authors: PARKINSON, Patrick

Source: AUSTRALIAN FAMILY LAWYER 23 (2) Autumn 2013 : 4-17

Abstract: High Court ruling - application of statutory requirements by the court in exercising power to make a property settlement order - consideration of whether any alteration to legal and equitable interests is just and equitable - the order of judicial consideration - case law.

Legal Cases: Stanford v Stanford (2012) 293 ALR 70

Legislation: Family Law Act 1975 (CTH)

Subjects: FAMILY LAW
MATRIMONIAL PROPERTY
Jurisdictions: AUSTRALIA

FIDUCIARY

AGIS No: 20132319
Title: Equitable remedies for participation in a breach of directors' fiduciary duties : the mega-litigation in Bell v Westpac.
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Abstract: Scope of equitable relief available under Barnes v Addy for breach of fiduciary duties by directors - controversies on scope of relief as addressed in Bell v Westpac - state of knowledge for knowing receipt - dishonest and fraudulent design - what is a fiduciary duty - case law.
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REMEDIES
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Robb v Green (1895) 2 QB 315
Legislation: Employment Relations Act 2000 (NZ)
Subjects: BREACH OF CONTRACT
EMPLOYMENT
FIDUCIARY

FOOD LAWS

AGIS No: 20132341
Title: A five-star rating system? Australia's new voluntary food-labelling standards.

Authors: WISEMAN, Andrew
CORBY, Kirsty
SHARKEY, Sarah
Source: AUSTRALIAN PRODUCT LIABILITY REPORTER 23 (10) August 2013 : 126-128
Abstract: Overview of new food-labelling standards - implementation - exclusions.
Subjects: CONSUMER EDUCATION
FOOD LAWS
Jurisdictions: AUSTRALIA

FORENSIC PSYCHIATRY

AGIS No: 20132366
Title: Approach-avoidance goals and active-passive self-regulation styles in homicide offending : a pathways analysis.
Authors: GILLIGAN, DG
LENNINGS, CJ
Source: PSYCHIATRY, PSYCHOLOGY AND LAW 20 (4) August 2013 : 590-607
Abstract: Study of homicide offenders found not guilty due to insanity - applicability of offence process models to psychopathic and neuropathic offenders - self-regulation pathways model applicable to forensic population of mentally disordered offenders - clinical implications.
Subjects: CRIMINOLOGY
FORENSIC PSYCHIATRY
HOMICIDE

FRAUD

AGIS No: 20132320
Title: Common exclusions to liability caps in construction contracts : gross negligence, fraud and wilful misconduct.
Authors: ROZENBERG, Roman
ROSS, Cameron
Source: BUILDING AND CONSTRUCTION LAW JOURNAL 29 (4) August 2013 : 311-314
Abstract: Common law interpretation of wilful misconduct, gross negligence and fraud - meaning of wilful misconduct and fraud well understood - differing interpretations of gross negligence by courts.
Legal Cases: Armitage v Nurse (1998) 1 WLR 270
Subjects: COMMON LAW
FRAUD
NEGLIGENCE
Jurisdictions: AUSTRALIA

FREEDOM OF INFORMATION

AGIS No: 20132285

Title: The Assange affair : a global perspective on freedom of speech and freedom of information.

Authors: GRAY, Tom
BULMAN, Anna

Source: BULLETIN (LAW SOCIETY OF S.A.) 35 (4) May 2013 : 26

Abstract: Overview of speech by Swedish judge, Justice Stefan Lindskog - the Assange case from a Swedish perspective - rule of law.

Subjects: FREEDOM OF INFORMATION
FREEDOM OF SPEECH
RULE OF LAW

Jurisdictions: AUSTRALIA
SWEDEN

FREEDOM OF SPEECH

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FREEDOM OF SPEECH
RULE OF LAW

Jurisdictions: AUSTRALIA
SWEDEN

GAMBLING

AGIS No: 20132358

Title: Pathological gambling and civil actions for unconscionability : lessons from the Kakavas litigation.

Authors: FRECKLETON, Ian

Source: PSYCHIATRY, PSYCHOLOGY AND LAW 20 (4) August 2013 : 479-491

Abstract: Commentary on High Court decision confining the potential for gamblers to sue casinos and bookmakers in equity for unconscionably exploiting their vulnerabilities - gambling disorder - pathological gambling - legal redress - unconscionability - DSM-IV - DSM-5 - addictions.

Legal Cases: Kakavas v Crown Melbourne Ltd [2013] HCA 25

Subjects: EQUITY
GAMBLING
MENTAL ILLNESS
PSYCHIATRY
PSYCHOLOGY

Jurisdictions: AUSTRALIA

GARNISHEE ORDERS

AGIS No: 20132345
Title: Prior to being bankrupt, superannuation is a claimable asset : characterising and shaping the nature of a member's interest.
Authors: BOBBIN, Peter
Source: AUSTRALIAN TAX REVIEW 42 (3) August 2013 : 160-181
Abstract: Superannation interest - owing - due - payable - exposure to recovery by Australian Taxation Office under a garnishee notice on superannuation - tailoring the nature of a person's interest in superannuation to limit exposure.

Legal Cases: Caboche & Bond v Ramsay (1993) 27 ATR 479
Official Trustee in Bankruptcy v Trevor Small Superannuation Fund Pty Ltd (2001) 114 FCR 160

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

Subjects: GARNISHEE ORDERS
SUPERANNUATION
TAXATION

Jurisdictions: AUSTRALIA

GENETICS

AGIS No: 20132347
Title: Gene genie : patent law, ethics, health and the future.
Authors: CHALMERS, Robert
Source: BULLETIN (LAW SOCIETY OF S.A.) 35 (6) July 2013 : 8,10-11
Abstract: Patents on genes - survey of current and potential future developments - issues for lawyers.

Legal Cases: Cancer Voices Australia v Myriad Genetics Inc [2013] FCA 65

Legislation: Patents Act 1990 (CTH)

Subjects: GENETICS
PATENTS

Jurisdictions: AUSTRALIA

GOVERNMENT

AGIS No: 20132255
Title: Terrorism and government : between history and criminology.
Authors: FINNANE, Mark
Source: AUSTRALIAN AND NEW ZEALAND JOURNAL OF CRIMINOLOGY 46 (2) August 2013 : 159-177
Abstract: Terrorism as an object of government and academic research - history - terrorist attack at the Munich Olympics - Black September - terrorist problems and the 'Middle East situation' - governance of terrorism - counter-terrorism and government - Sir John Barry Memorial Lecture, 2012.

Subjects: COUNTER TERRORISM
GOVERNMENT
NATIONAL SECURITY
Jurisdictions: AUSTRALIA

GUARDIAN AND WARD

AGIS No: 20132232
Title: South Australia leads the way in implementing the Advance Care National Framework.
Authors: CALLAGHAN, Donna
Source: AUSTRALIAN HEALTH LAW BULLETIN 21 (6) August 2013 : 383-385
Abstract: Outline of the Advance Care Directives Act 2013 (SA) - provides means for self-determination and preservation of autonomy and dignity in broader context of life-management not just end-of-life decisions.
Legislation: Advance Care Directives Act 2013 (SA)
Subjects: GUARDIAN AND WARD
HEALTH CARE
PATIENTS RIGHTS
PEOPLE WITH DISABILITIES
Jurisdictions: AUSTRALIA, South Australia

HEALTH CARE

AGIS No: 20132361
Title: A factor analysis of patients' views of compulsory community treatment orders : the factors associated with detention.
Authors: NEWTON-HOWES, Giles
Source: PSYCHIATRY, PSYCHOLOGY AND LAW 20 (4) August 2013 : 519-526
Abstract: Study of psychiatric patients' perspectives on community detention - assessment of factors associated with community detention - patient acceptance of health care - factor analysis.
Subjects: HEALTH CARE
MENTAL HEALTH
PATIENTS
Jurisdictions: NEW ZEALAND

AGIS No: 20132359
Title: Predictors of perceived coercion in patients admitted for psychiatric hospitalization and the stability of these perceptions over time.
Authors: ANESTIS, Angela
DAFFERN, Michael
THOMAS, Stuart DM
AND, others
Source: PSYCHIATRY, PSYCHOLOGY AND LAW 20 (4) August 2013 : 492-503

Abstract: Study to determine characteristics of psychiatric patients that are associated with higher levels of perceived coercion - whether those perceptions remain stable one year after admission to hospital - correlation between perceived coercion and Hostile-Dominant interpersonal style.

Subjects: HEALTH CARE
PATIENTS
PSYCHIATRY

Jurisdictions: AUSTRALIA

AGIS No: 20132232

Title: South Australia leads the way in implementing the Advance Care National Framework.

Authors: CALLAGHAN, Donna

Source: AUSTRALIAN HEALTH LAW BULLETIN 21 (6) August 2013 : 383-385

Abstract: Outline of the Advance Care Directives Act 2013 (SA) - provides means for self-determination and preservation of autonomy and dignity in broader context of life-management not just end-of-life decisions.

Legislation: Advance Care Directives Act 2013 (SA)

Subjects: GUARDIAN AND WARD
HEALTH CARE
PATIENTS RIGHTS
PEOPLE WITH DISABILITIES

Jurisdictions: AUSTRALIA, South Australia

HERITAGE CONSERVATION

AGIS No: 20132280

Title: Comparative issues : recent policy developments to promote and protect Ainu culture in Japan.

Authors: OITA, Masaki

Source: INDIGENOUS LAW BULLETIN 8 (5) March / April 2013 : 26-28

Abstract: Indigenous Ainu people in Hokkaido, Japan - policy attempts to improve living standards and promote culture - UN Advisory Council - symbolic space for ethnic harmony - repatriation of Ainu human remains - public understanding - other issues.

Legislation: Law Concerning the Promotion of Ainu Culture and Dissemination and Enlightenment of Knowledge about Ainu Traditions 1997 (JAPAN)

Subjects: HERITAGE CONSERVATION
INDIGENOUS PEOPLE

Jurisdictions: JAPAN

HIGH COURT

AGIS No: 20132301

Title: The High Court on constitutional law : the 2011 statistics.

Authors: LYNCH, Andrew
WILLIAMS, George

Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 35 (3) 2012 : 846-865

Abstract: Statistical information on the High Court's decision making for 2011 - emphasis on constitutional cases as subset of the whole - trends and patterns from earlier years.

Subjects: HIGH COURT

Jurisdictions: AUSTRALIA

HOMICIDE

AGIS No: 20132366

Title: Approach-avoidance goals and active-passive self-regulation styles in homicide offending : a pathways analysis.

Authors: GILLIGAN, DG
LENNINGS, CJ

Source: PSYCHIATRY, PSYCHOLOGY AND LAW 20 (4) August 2013 : 590-607

Abstract: Study of homicide offenders found not guilty due to insanity - applicability of offence process models to psychopathic and neuropathic offenders - self-regulation pathways model applicable to forensic population of mentally disorderd offenders - clinical implications.

Subjects: CRIMINOLOGY
FORENSIC PSYCHIATRY
HOMICIDE

HUMAN RIGHTS

AGIS No: 20132379

Title: Any volunteers? Challenges and opportunities for corporations implementing the responsibility to respect human rights.

Authors: NEWTON, Alex

Source: AUSTRALIAN JOURNAL OF CORPORATE LAW 28 (1) August 2013 : 72-81

Abstract: Recent development in corporate human rights compliance - Guiding Principles on Business and Human Rights - implications for states and businesses implementing the Principles - Australian developments.

Subjects: BUSINESS
HUMAN RIGHTS

Jurisdictions: AUSTRALIA

AGIS No: 20132316

Title: Trading in good faith? Importing states' economic human rights obligations into the WTO's Doha round negotiations.

Authors: MOON, Gillian

Source: HUMAN RIGHTS LAW REVIEW 13 (2) 2012 : 245-285

Abstract: Constraints placed on state parties by the International Covenant on Economic, Social and Cultural Rights (ICESCR) when engaged in international trade law-making - agricultural tariff reductions for developing countries - impact on right to work of small farmers - developing countries in violation of right work and non-discrimination obligations if tariff reductions introduced.

Subjects: AGRICULTURE
HUMAN RIGHTS
TRADE LAW

Treaties: International Covenant on Economic, Social and Cultural Rights

INDEMNITY

AGIS No: 20132374

Title: Indemnity clauses : what are they, how do they work and how to make them work for you.

Authors: REYNOLDSON, Mikaela

Source: INSURANCE LAW JOURNAL 24 (3) August 2013 : 186-195

Abstract: Practical suggestions for lawyers negotiating and drafting indemnity clauses - contractual risk - types of indemnity clauses.

Subjects: CONTRACTS
INDEMNITY

Jurisdictions: AUSTRALIA

INDIGENOUS PEOPLE

AGIS No: 20132264

Title: Aborigines and the court : the Northern Territory experience.

Authors: RILEY, Trevor

Source: JUDICIAL REVIEW 11 (2) 2013 : 177-192

Abstract: Changes to attitude and approach to Aboriginal people in the Northern Territory criminal justice system - development of distinct jurisprudence for trials of Aboriginal people - harsh and uneven treatment within criminal justice system until mid-20th century - Anunga Rules - establishment of Aboriginal legal aid agencies - interpreter service - conflict with customary law.

Subjects: ABORIGINAL LEGAL SERVICE
CRIMINAL JUSTICE
CUSTOMARY LAW
INDIGENOUS PEOPLE

Jurisdictions: AUSTRALIA, Northern Territory

AGIS No: 20132280

Title: Comparative issues : recent policy developments to promote and protect Ainu culture in Japan.

Authors: OITA, Masaki

Source: INDIGENOUS LAW BULLETIN 8 (5) March / April 2013 : 26-28

Abstract: Indigenous Ainu people in Hokkaido, Japan - policy attempts to improve living standards and promote culture - UN Advisory Council - symbolic space for ethnic harmony - repatriation of Ainu human remains - public understanding - other issues.

Legislation: Law Concerning the Promotion of Ainu Culture and Dissemination and Enlightenment of Knowledge about Ainu Traditions 1997 (JAPAN)

Subjects: HERITAGE CONSERVATION
INDIGENOUS PEOPLE

Jurisdictions: JAPAN

AGIS No: 20132278

Title: Compulsory income management under the Stronger Futures laws : providing 'flexibility' or overturning freedom of contract?

Authors: BIELEFELD, Shelley

Source: INDIGENOUS LAW BULLETIN 8 (5) March / April 2013 : 18-21

Abstract: Compulsory income management introduced as part of the Northern Territory Emergency Response - application of income management to all Indigenous welfare recipients in prescribed communities in the Northern Territory - freedom of contract as a basic citizenship right - implications for the autonomy of Indigenous people.

Legislation: Racial Discrimination Act 1975 (CTH)
Social Security (Administration) Act 1999 (CTH)
Stronger Futures in the Northern Territory Act 2012 (CTH)

Subjects: INDIGENOUS PEOPLE

Treaties: UN Declaration on the Rights of Indigenous Peoples

Jurisdictions: AUSTRALIA, Northern Territory

AGIS No: 20132256

Title: Indigenous deaths associated with police contact in Australia : event stages and lessons for prevention.

Authors: PORTER, Louise E

Source: AUSTRALIAN AND NEW ZEALAND JOURNAL OF CRIMINOLOGY 46 (2) August 2013 : 178-199

Abstract: Analysis of factors involving Indigenous deaths in custody since the Royal Commission into Aboriginal Deaths in Custody - stages of events that led to detention - information available to officers - officer decisions - possibilities of preventing future deaths.

Subjects: CORRECTIONS
DEATH
INDIGENOUS PEOPLE
POLICE

Jurisdictions: AUSTRALIA

AGIS No: 20132279

Title: Indigenous engagement with the Royal Commission into Institutional Responses to Child Sexual Abuse.

Authors: CRIPPS, Kylie
MCCREERY, Robert
Source: INDIGENOUS LAW BULLETIN 8 (5) March / April 2013 : 22-25
Abstract: Relevance of the Royal Commission within an Indigenous context - background and scope - differences between current and previous inquiries into sexual abuse in Indigenous communities - contributions by individual, communities and institutions - importance of Indigenous participation.

Subjects: CHILD SEXUAL ABUSE
INDIGENOUS PEOPLE
INSTITUTIONAL ABUSE
ROYAL COMMISSIONS

Jurisdictions: AUSTRALIA

AGIS No: 20132269

Title: Intellectual property law and Indigenous traditional knowledge.

Authors: SEXTON, Christopher
STOIANOFF, Natalie P

Source: INTELLECTUAL PROPERTY FORUM : JOURNAL OF THE INTELLECTUAL PROPERTY SOCIETY OF AUSTRALIA AND NEW ZEALAND (92) March 2013 : 2-8

Abstract: Historical overview of Indigenous traditional knowledge and Western intellectual property paradigms - new protections for Indigenous traditional knowledge.

Subjects: INDIGENOUS PEOPLE
INTELLECTUAL PROPERTY

AGIS No: 20132275

Title: Legal practitioners working more effectively with Aboriginal clients : promising new cultural competency training by Legal Aid NSW.

Authors: KELLY, Loretta
BARAC, Antony
HAWKINS, Scott
BARLO, Stuart

Source: INDIGENOUS LAW BULLETIN 8 (5) March / April 2013 : 3-7

Abstract: Background to cultural competency training provided by Legal Aid NSW - focus on practical skills to work effectively with Aboriginal clients - issues in designing the training package - domestic violence - 'offensive' language - body language - alcohol and drug dependence - approaches to time - 'white race privilege'.

Subjects: INDIGENOUS PEOPLE
LEGAL AID
LEGAL EDUCATION

Jurisdictions: AUSTRALIA, New South Wales

AGIS No: 20132277

Title: Looking beyond offenders to the needs of victims and communities.

Authors: GOODA, Mick
PRIDAY, Emilie
MCDERMOTT, Louise

Source: INDIGENOUS LAW BULLETIN 8 (5) March / April 2013 : 13-17

Abstract: Application of justice reinvestment in Australia - focus on Aboriginal and Torres Strait Islander communities - consideration of vulnerable groups - need to trial justice reinvestment in communities of high imprisonment rates and commitment to justice targets.

Subjects: CRIMINAL JUSTICE
INDIGENOUS PEOPLE
SOCIAL POLICY

Jurisdictions: AUSTRALIA

AGIS No: 20132276

Title: 'That's discrimination!' Indigenous peoples' experiences of discrimination in the Northern Territory.

Authors: ALLISON, Fiona
SCHWARTZ, Melanie
CUNNEEN, Chris

Source: INDIGENOUS LAW BULLETIN 8 (5) March / April 2013 : 8-12

Abstract: Issues of discrimination that emerged during the Indigenous Legal Needs Project (ILNP) - experiences of discrimination in the NT - NT's legislative and policy context - 'rebadging' discrimination as a different legal issue.

Subjects: INDIGENOUS PEOPLE
RACIAL DISCRIMINATION

Jurisdictions: AUSTRALIA, Northern Territory

AGIS No: 20132236

Title: The Halls Creek way of residential child care : protecting children is everyone's business.

Authors: HODGKINS, Kylie A
CRAWFORD, Frances R
BUDISELIK, William R

Source: CHILDREN AUSTRALIA 38 (2) June 2013 : 61-69

Abstract: Collaboration between a remote Aboriginal community and Department for Child Protection - design and operation of a residential child care facility in a predominately Aboriginal community - ethnographic case study - integrating statutory child protection frameworks with local approaches.

Subjects: CHILD WELFARE
INDIGENOUS PEOPLE

Jurisdictions: AUSTRALIA, Western Australia

INDIGENOUS RIGHTS

AGIS No: 20132272

Title: The World Intellectual Property Organisation (WIPO) and the Intergovernmental Committee : developments on traditional knowledge and cultural expressions.

Authors: ADJEI, Patricia
STOIANOFF, Natalie

Source: INTELLECTUAL PROPERTY FORUM : JOURNAL OF THE INTELLECTUAL PROPERTY SOCIETY OF AUSTRALIA AND NEW ZEALAND (92) March 2013 : 37-48

Abstract: Role of WIPO in addressing cooperation of nations in ensuring intellectual property rights in relation to traditional knowledge - traditional cultural expressions and WIPO - protection of traditional knowledge - plant breeder rights - administration of rights of traditional knowledge holders.

Subjects: INDIGENOUS RIGHTS
INTELLECTUAL PROPERTY
WIPO

INSOLVENCY

AGIS No: 20132292

Title: Allied Express Transport Pty Ltd v Exalt Group Pty Ltd (admin apptd) (No 2).

Authors: RICHARDSON, David

Source: INSOLVENCY LAW BULLETIN 13 (10) July 2013 : 234-236

Abstract: Votes at creditor's meeting - consideration of votes of employees and related creditors - votes of company whose claim was subrogated to creditors it had paid - deed of company arrangement.

Legal Cases: Allied Express Transport Pty Ltd v Exalt Group Pty Ltd (admin apptd) (No 2) [2013] FCA 477

Subjects: CREDITORS
INSOLVENCY

Jurisdictions: AUSTRALIA

AGIS No: 20132291

Title: Insolvency news from the United Kingdom : a Pommie perspective on recent reform developments, new case law and statute, and some European insolvency initiatives : part 2.

Authors: TRIBE, John

Source: INSOLVENCY LAW BULLETIN 13 (10) July 2013 : 226-232

Abstract: Personal insolvency reform initiatives - Bankruptcy Restriction Order statistics - bankruptcy tourism - case law - part 2 of two part series - for part 1 see AGIS 20131864.

Legal Cases: Irish Bank Resolution Corp Ltd v Quinn (2012) BCC 608
O'Mahony v National Irish Bank (2012) BPIR 1174
Sparkasse Hilden Ratingen Velbert v Benk (2012) BPIR 1258

Subjects: BANKRUPTCY
INSOLVENCY

Jurisdictions: UNITED KINGDOM

INSTITUTIONAL ABUSE

AGIS No: 20132356

Title: For judges rush in where angels fear to tread : 'insofar as it is fair, just and reasonable' to impose vicarious liability.

Authors: TAN, David

Source: TORTS LAW JOURNAL 21 (1) August 2013 : 43-58

Abstract: Institutional child sexual abuse - highly vulnerable victims - extension of vicarious liability through test of relationship being 'akin to employment' - role for doctrine of non-delegable duty - case law.

Legal Cases: Various Claimants v Catholic Child Welfare Society [2012] UKSC 56

Subjects: CHILD SEXUAL ABUSE
INSTITUTIONAL ABUSE
TORTS
VICARIOUS LIABILITY

Jurisdictions: ENGLAND

AGIS No: 20132279

Title: Indigenous engagement with the Royal Commission into Institutional Responses to Child Sexual Abuse.

Authors: CRIPPS, Kylie
MCCREERY, Robert

Source: INDIGENOUS LAW BULLETIN 8 (5) March / April 2013 : 22-25

Abstract: Relevance of the Royal Commission within an Indigenous context - background and scope - differences between current and previous inquiries into sexual abuse in Indigenous communities - contributions by individual, communities and institutions - importance of Indigenous participation.

Subjects: CHILD SEXUAL ABUSE
INDIGENOUS PEOPLE
INSTITUTIONAL ABUSE
ROYAL COMMISSIONS

Jurisdictions: AUSTRALIA

INSURANCE

AGIS No: 20132371

Title: Alteration of risk in insurance law.

Authors: MCGEE, Andrew

Source: INSURANCE LAW JOURNAL 24 (3) August 2013 : 139-158

Abstract: Modification of parties rights and duties by events happening after a contract has come into force - pre-contract risk disclosure - subsequent alteration of risk - breach of warranty - misrepresentation - changing the nature of the risk fundamentally - case law - international approaches.

Legal Cases: Kausar v Eagle Star Insurance Co Ltd (2000) Lloyds Rep IR 154
Maritime Insurance Co v Stearns (1901) 2 KB 912

Subjects: CONTRACTS
INSURANCE
MARINE INSURANCE

Jurisdictions: UNITED KINGDOM

AGIS No: 20132372
Title: Coming to the party : the evolution of post-contractual duties of utmost good faith under the ICA.
Authors: MCGIVERN, Brenda
Source: INSURANCE LAW JOURNAL 24 (3) August 2013 : 159-173
Abstract: Examination of the evolution of the duty of utmost good faith under Insurance Contracts Act (ICA) - scope and content of implied duty of utmost good faith under ICA pre 2013 reforms - parallels with development of law of negligence.
Legal Cases: CGU Insurance Ltd v AMP Financial Planning Pty Ltd (2007) 235 CLR 1
Legislation: Insurance Contracts Act 1984 (CTH)
Insurance Contracts Amendment Act 2013
Subjects: CONTRACTS
INSURANCE
Jurisdictions: AUSTRALIA

AGIS No: 20132308
Title: The Christchurch earthquakes insurance and reinsurance issues.
Authors: MERKIN, Rob
Source: CANTERBURY LAW REVIEW 18 (2) 2012 : 119-154
Abstract: Insurance issues following the September 2010 and February 2011 Christchurch earthquakes - property claims - red zone - losses - trapped assets or business records - reinstatement of buildings - business interruption claims - reinsurance.
Legal Cases: Orient-Express Hotels Ltd v Assicurazioni General SA (UK Branch) (t/a Generali Global Risk) [2010] EWHC 1186
Legislation: Earthquake Commission Act 1993 (NZ)
Subjects: INSURANCE
NATURAL DISASTERS
Jurisdictions: NEW ZEALAND

INTELLECTUAL PROPERTY

AGIS No: 20132351
Title: A little knowledge goes a long way.
Authors: GORDON, Paul
Source: BULLETIN (LAW SOCIETY OF S.A.) 35 (6) July 2013 : 22
Abstract: Opinion piece on need for intellectual property lawyers to have knowledge of innovations and technology.
Legal Cases: National Rugby League Investments Pty Ltd v Singtel Optus Pty Ltd [2012] FCAFC 59
Legislation: Copyright Act 1968 (CTH)
Subjects: INTELLECTUAL PROPERTY
LEGAL PROFESSION
SCIENCE AND TECHNOLOGY
Jurisdictions: AUSTRALIA

AGIS No: 20132349
Title: An introduction to 3D printing for IP lawyers.
Authors: SINGH, Rohan
Source: BULLETIN (LAW SOCIETY OF S.A.) 35 (6) July 2013 : 16
Abstract: Three dimensional printers - overview - issues for intellectual property owners - design registration.
Subjects: INTELLECTUAL PROPERTY

AGIS No: 20132269
Title: Intellectual property law and Indigenous traditional knowledge.
Authors: SEXTON, Christopher
STOIANOFF, Natalie P
Source: INTELLECTUAL PROPERTY FORUM : JOURNAL OF THE INTELLECTUAL PROPERTY SOCIETY OF AUSTRALIA AND NEW ZEALAND (92) March 2013 : 2-8
Abstract: Historical overview of Indigenous traditional knowledge and Western intellectual property paradigms - new protections for Indigenous traditional knowledge.
Subjects: INDIGENOUS PEOPLE
INTELLECTUAL PROPERTY

AGIS No: 20132352
Title: Intellectual property law in South Australia.
Authors: ROSITANO, Brianna
Source: BULLETIN (LAW SOCIETY OF S.A.) 35 (6) July 2013 : 23
Abstract: Interview with Ian Roberston SC on the practice of intellectual property law in South Australia and some current IP issues.
Subjects: INTELLECTUAL PROPERTY
Jurisdictions: AUSTRALIA, South Australia

AGIS No: 20132273
Title: Is plain packaging plain simple? An analysis of the compliance of plain packaging laws for tobacco products with Australian and international intellectual property laws.
Authors: PATHI, Devita
Source: INTELLECTUAL PROPERTY FORUM : JOURNAL OF THE INTELLECTUAL PROPERTY SOCIETY OF AUSTRALIA AND NEW ZEALAND (92) March 2013 : 49-64
Abstract: Overview of plain packaging for tobacco products - two-tier trade mark system - compliance with international intellectual property conventions - Paris Convention.
Legislation: Tobacco Plain Packaging Act 2011 (CTH)
Trade Marks Act 1995 (CTH)
Trade Marks Amendment (Tobacco Plain Packaging) Act 2011 (CTH)
Subjects: INTELLECTUAL PROPERTY
PACKAGING AND LABELLING LAWS
TOBACCO

Jurisdictions: AUSTRALIA

AGIS No: 20132348

Title: Rights and protection : explaining IP eligibility.

Authors: EDGE, Felicity

Source: BULLETIN (LAW SOCIETY OF S.A.) 35 (6) July 2013 : 12-13

Abstract: Overview of intellectual property protections available in Australia - patents - trademarks - designs - copyright - trade secrets - plant breeder's rights.

Subjects: INTELLECTUAL PROPERTY

Jurisdictions: AUSTRALIA

AGIS No: 20132353

Title: The increasing risks of IP theft.

Authors: GARE, Mark

Source: BULLETIN (LAW SOCIETY OF S.A.) 35 (6) July 2013 : 34-35

Abstract: Overview of most common risks for intellectual property theft - practical advice on actions if theft is suspected.

Subjects: COMPUTER SECURITY
INTELLECTUAL PROPERTY

AGIS No: 20132272

Title: The World Intellectual Property Organisation (WIPO) and the Intergovernmental Committee : developments on traditional knowledge and cultural expressions.

Authors: ADJEL, Patricia
STOIANOFF, Natalie

Source: INTELLECTUAL PROPERTY FORUM : JOURNAL OF THE INTELLECTUAL PROPERTY SOCIETY OF AUSTRALIA AND NEW ZEALAND (92) March 2013 : 37-48

Abstract: Role of WIPO in addressing cooperation of nations in ensuring intellectual property rights in relation to traditional knowledge - traditional cultural expressions and WIPO - protection of traditional knowledge - plant breeder rights - administration of rights of traditional knowledge holders.

Subjects: INDIGENOUS RIGHTS
INTELLECTUAL PROPERTY
WIPO

INTERNATIONAL ARBITRATION

AGIS No: 20132309

Title: Appropriate treaty-based dispute resolution for Asia-Pacific commerce in the 21st century.

Authors: BURCH, Micah
NOTTAGE, Luke
WILLIAMS, Brett

Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 35 (3) 2012 : 1013-1043

Abstract: Examination of potential novel treaty-based dispute resolution mechanisms - free trade agreements - investment treaties - double-tax avoidance treaties - role of transparency in reducing costs and delays in resolving disputes.

Subjects: COMMERCIAL ARBITRATION
INTERNATIONAL ARBITRATION
INTERNATIONAL TRADE

Jurisdictions: AUSTRALIA

AGIS No: 20132307

Title: Choosing domestic courts over investor-state arbitration : Australia's repudiation of the status quo.

Authors: TRAKMAN, Leon E

Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 35 (3) 2012 : 979-1012

Abstract: Bilateral investment treaties - Australia's move away from including provisions for investor-state arbitration (ISA) - examination of claims that ISA is inferior to other dispute resolution mechanisms - consequences of resorting to domestic courts to resolve investment disputes.

Subjects: COMMERCIAL ARBITRATION
INTERNATIONAL ARBITRATION

AGIS No: 20132306

Title: What law (if any) now applies to international commercial arbitration in Australia?

Authors: GARNETT, Richard
NOTTAGE, Luke

Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 35 (3) 2012 : 953-978

Abstract: Discussion of 2010 amendments to the International Arbitration Act 1974 (Cth) - application of Act dependent on timing - retrospectivity - effect on state commercial arbitration acts - need for further statutory reform.

Legal Cases: Cargill International SA v Peabody Australia Mining Ltd (2010) 78 NSWLR 533
Castel Electronics Pty Ltd v TCL Air Conditioner (Zhongshan) Co Ltd (2012) 201 FCR 209
Eisenwerk Hensel Bayreuth Dipl-Ing Burkhardt GmbH v Australian Granites Ltd (2001) 1 Qd R 461
Rizhao Steel Holding Group Co Ltd v Koolan Iron Ore Pty Ltd (2012) 287 ALR 315
Wagners Nouvelle Caledonie Sarl v Vale Inco Nouvelle Caledonie SAS [2010] QCA 219

Legislation: International Arbitration Act 1974 (CTH)
International Arbitration Amendment Act 2010 (CTH)

Subjects: COMMERCIAL ARBITRATION
INTERNATIONAL ARBITRATION

Jurisdictions: AUSTRALIA

INTERNATIONAL LAW

AGIS No: 20132286
Title: War crimes : an intern's experience at an International Criminal Tribunal.
Authors: PHILLIPS, Will
Source: BULLETIN (LAW SOCIETY OF S.A.) 35 (4) May 2013 : 30-31
Abstract: Work of the International Criminal Tribunal for the former Yugoslavia (ICTY) - role and work of an intern at ICTY.
Subjects: INTERNATIONAL LAW
TRIBUNALS
WAR CRIMES TRIALS

INTERNATIONAL TRADE

AGIS No: 20132309
Title: Appropriate treaty-based dispute resolution for Asia-Pacific commerce in the 21st century.
Authors: BURCH, Micah
NOTTAGE, Luke
WILLIAMS, Brett
Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 35 (3) 2012 : 1013-1043
Abstract: Examination of potential novel treaty-based dispute resolution mechanisms - free trade agreements - investment treaties - double-tax avoidance treaties - role of transparency in reducing costs and delays in resolving disputes.
Subjects: COMMERCIAL ARBITRATION
INTERNATIONAL ARBITRATION
INTERNATIONAL TRADE
Jurisdictions: AUSTRALIA

JUDICIAL INDEPENDENCE

AGIS No: 20132266
Title: Judges as employees.
Authors: WALLIS, Malcolm
Source: JUDICIAL REVIEW 11 (2) 2013 : 215-231
Abstract: Arguments against attempts to impose status of employees on judges - judges as holders of an office - distinction between public office-holders and employees becoming blurred - problems that would arise if judges were employees - implications for judicial independence and separation of powers.
Legal Cases: O'Brien v Ministry of Justice [2010] 4 All ER 62
Legislation: Employment Equity Act 1998 (SA)
Subjects: EMPLOYMENT
JUDICIAL INDEPENDENCE
JUDICIARY
Jurisdictions: SOUTH AFRICA

JUDICIAL PROCESS

AGIS No: 20132263
Title: Beyond the stocks : a community approach to crime.
Authors: BATHURST, Tom
Source: JUDICIAL REVIEW 11 (2) 2013 : 165-176
Abstract: NSW Law Reform Commission review of the Crimes (Sentencing Procedure) Act - direct influence of reform on judges sentencing process - role of general deterrence - exercise of judicial discretion - suspended sentences - custodial alternatives.

Legal Cases: R v Wong (1999) 48 NSWLR 340
Legislation: Crimes (Sentencing Procedure) Act 1999 (NSW)
Crimes Act 1900 (NSW)
Subjects: JUDICIAL PROCESS
LAW REFORM
SENTENCING
Jurisdictions: AUSTRALIA, New South Wales

AGIS No: 20132265
Title: Natural justice by the courts : some recent cases.
Authors: PRESTON, Brian J
Source: JUDICIAL REVIEW 11 (2) 2013 : 193-214
Abstract: Examination of the principles of procedural fairness or natural justice - open court - no judicial bias - importance of judicial officers observing procedural fairness in hearing and determining cases - case law.

Legal Cases: Attorney-General (NSW) v Bar-Mordecai [2010] NSWSC 1410
Director of Public Prosecutions (DPP) (NSW) v Elskaf [2012] NSWSC 21
Secretary of State for the Home Department v Assistant Deputy Coroner for Inner West London (2011) 1 WLR 2564
Legislation: Civil Procedure Act 2005 (NSW)
Court Suppression and Non-Publication Orders Act 2010 (NSW)
Vexatious Proceedings Act 2008 (NSW)
Subjects: COURT RULES AND PROCEDURE
JUDICIAL PROCESS
Jurisdictions: AUSTRALIA
UNITED KINGDOM

JUDICIAL REVIEW

AGIS No: 20132228
Title: Has judicial review killed ESD?
Authors: RUDDOCK, Kirsty
Source: AUSTRALIAN ENVIRONMENT REVIEW 28 (6) August 2013 : 625-627
Abstract: Extent to which ecologically sustainable development (ESD) is required to be considered in decision-making - recent judicial decisions in NSW Land and Environment Court - the concept of ESD is at crossroads - case law.

Legal Cases: Barrington-Gloucestre-Stroud Preservation Alliance Inc v Minister for Planning and Infrastructure (2012) 194 LGERA 113
Bulga Milbrodale Progress Association Inc v Minister for Planning and Infrastructure (2013) 194 LGERA 347
Haughton v Minister for Planning and Macquarie Generation (2011) 185 LGERA 373
Hunter Environment Lobby Inc v Minister for Planning [2011] NSWLEC 221

Subjects: ENVIRONMENTAL LAW
JUDICIAL REVIEW

Jurisdictions: AUSTRALIA, New South Wales

JUDICIARY

AGIS No: 20132262
Title: Judges and professors : ships passing in the night?
Authors: LORD NEUBERGER OF ABBOTSBURY
Source: JUDICIAL REVIEW 11 (2) 2013 : 143-163
Abstract: Changing nature of judicial/academic relationship in the England - traditional convention of barring the citation of academic works in court while the author is alive - rationales for convention.
Subjects: COURTS
JUDICIARY
LEGAL LITERATURE
Jurisdictions: ENGLAND

AGIS No: 20132266
Title: Judges as employees.
Authors: WALLIS, Malcolm
Source: JUDICIAL REVIEW 11 (2) 2013 : 215-231
Abstract: Arguments against attempts to impose status of employees on judges - judges as holders of an office - distinction between public office-holders and employees becoming blurred - problems that would arise if judges were employees - implications for judicial independence and separation of powers.

Legal Cases: O'Brien v Ministry of Justice [2010] 4 All ER 62
Legislation: Employment Equity Act 1998 (SA)
Subjects: EMPLOYMENT
JUDICIAL INDEPENDENCE
JUDICIARY
Jurisdictions: SOUTH AFRICA

JURIES

AGIS No: 20132363
Title: A likely story? The influence of type of alibi and defendant gender on juror decision-making.
Authors: MAEDER, Evelyn M
DEMPSEY, Julie L

Source: PSYCHIATRY, PSYCHOLOGY AND LAW 20 (4) August 2013 : 543-552
Abstract: Study of mock jurors' evaluations of defendant alibi according to gender and type of alibi
- manipulation of alibi to gender stereotype-consistent and gender stereotype-inconsistent
- effect on jurors' perceptions of evidence.
Subjects: EVIDENCE
JURIES
PSYCHOLOGY
Jurisdictions: CANADA

AGIS No: 20132369
Title: Involving juries in sentencing : insights from the Tasmanian jury study.
Authors: WARNER, Kate
DAVIS, Julia
Source: CRIMINAL LAW JOURNAL 37 (4) August 2013 : 246-256
Abstract: Findings from Tasmanian jury sentencing study - debate surrounding proposals to allow jury involvement in sentencing - NSW Law Reform Commission recommendations - practical and procedural difficulties - fairness in sentencing.
Subjects: JURIES
SENTENCING
Jurisdictions: AUSTRALIA, New South Wales
AUSTRALIA, Tasmania
AUSTRALIA, Victoria

JURISDICTION

AGIS No: 20132368
Title: Jurisdiction over criminal acts on cruise ships : perhaps, perhaps, perhaps?
Authors: LEWINS, Kate
GASKELL, Nick
Source: CRIMINAL LAW JOURNAL 37 (4) August 2013 : 221-245
Abstract: Jurisdiction to prosecute criminal acts committed at sea of states other than flag state - comparison of extra-territorial operation in domestic laws of four states - cruise ship regulation in the United States - introduction of European guidelines - move towards regulation of cruise ships in Australia.
Legal Cases: Re Maritime Union of Australia; Ex parte CSL Pacific Shipping Inc (2003) 214 CLR 397
Legislation: Crimes at Sea Act 2000 (CTH)
Criminal Code Act 1995 (CTH)
Criminal Code Amendment (Offences Against Australians) Act 2002 (CTH)
Subjects: JURISDICTION
LAW OF THE SEA
TOURISM
Treaties: United Nations Convention on the Law of the Sea
Jurisdictions: AUSTRALIA
EUROPE
UNITED STATES

JURISPRUDENCE

AGIS No: 20132297
Title: Reflections on the connection of virtue ethics to therapeutic jurisprudence.
Authors: EVANS, Adrian
KING, Michael
Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 35 (3) 2012 : 717-746
Abstract: Discussion of how therapeutic jurisprudence with its emphasis on overall wellbeing as an outcome can benefit from the lawyer also considering virtue ethics to gain greater awareness of self and personal values to promote their expression in the lawyer's behaviour.
Subjects: JURISPRUDENCE
LEGAL ETHICS

JUVENILE COURT

AGIS No: 20132260
Title: Whither Australia's children's courts? Findings of the national assessment of Australia's children's courts.
Authors: BOROWSKI, Allan
Source: AUSTRALIAN AND NEW ZEALAND JOURNAL OF CRIMINOLOGY 46 (2) August 2013 : 268-288
Abstract: Study of view of judicial officers and stakeholders of the Children's Court - effectiveness - workload - structure - directions for reform - importance of adequate funding for the court, youth justice and child protection systems.
Subjects: CHILDREN
COURTS
JUVENILE COURT
Jurisdictions: AUSTRALIA

LANGUAGE

AGIS No: 20132365
Title: It's not what she says, it's how she says it : the influence of language complexity and cognitive load on the persuasiveness of expert testimony.
Authors: MCKIMMIE, Blake M
NEWTON, Sara A
SCHULLER, Regina A
AND, others
Source: PSYCHIATRY, PSYCHOLOGY AND LAW 20 (4) August 2013 : 578-589
Abstract: Study of mock jurors' evaluation of expert testimony - gender of expert witness - language complexity according to gender stereotype - correlation between persuasiveness and the complexity of language used by the expert witness matching with gender stereotype.
Subjects: EXPERT EVIDENCE
LANGUAGE
PSYCHOLOGY

AGIS No: 20132360
Title: Linguistic indicators of a false confession.
Authors: VILLAR, Gina
ARCIULI, Joanne
PATERSON, Helen
Source: PSYCHIATRY, PSYCHOLOGY AND LAW 20 (4) August 2013 : 504-518
Abstract: Study of the use of linguistic variables to distinguish between false confessional statements and true accounts - relationship between decreased adjective use and false confessions - anxiety - deception - grammatical category - lexical class - linguistic markers of deception - parts-of-speech - DASS - nouns - verbs.
Subjects: CONFESSIONS
LANGUAGE
PSYCHOLOGY
Jurisdictions: AUSTRALIA

LAW OF THE SEA

AGIS No: 20132368
Title: Jurisdiction over criminal acts on cruise ships : perhaps, perhaps, perhaps?
Authors: LEWINS, Kate
GASKELL, Nick
Source: CRIMINAL LAW JOURNAL 37 (4) August 2013 : 221-245
Abstract: Jurisdiction to prosecute criminal acts committed at sea of states other than flag state - comparison of extra-territorial operation in domestic laws of four states - cruise ship regulation in the United States - introduction of European guidelines - move towards regulation of cruise ships in Australia.
Legal Cases: Re Maritime Union of Australia; Ex parte CSL Pacific Shipping Inc (2003) 214 CLR 397
Legislation: Crimes at Sea Act 2000 (CTH)
Criminal Code Act 1995 (CTH)
Criminal Code Amendment (Offences Against Australians) Act 2002 (CTH)
Subjects: JURISDICTION
LAW OF THE SEA
TOURISM
Treaties: United Nations Convention on the Law of the Sea
Jurisdictions: AUSTRALIA
EUROPE
UNITED STATES

LAW REFORM

AGIS No: 20132263
Title: Beyond the stocks : a community approach to crime.
Authors: BATHURST, Tom
Source: JUDICIAL REVIEW 11 (2) 2013 : 165-176

Abstract: NSW Law Reform Commission review of the Crimes (Sentencing Procedure) Act - direct influence of reform on judges sentencing process - role of general deterrence - exercise of judicial discretion - suspended sentences - custodial alternatives.

Legal Cases: R v Wong (1999) 48 NSWLR 340

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

Subjects: JUDICIAL PROCESS
LAW REFORM
SENTENCING

Jurisdictions: AUSTRALIA, New South Wales

AGIS No: 20132364

Title: Law reform or systemic reform? Stakeholder perceptions of resource constraints in mental health in Australia, New Zealand and Canada.

Authors: WILSON, Kay

Source: PSYCHIATRY, PSYCHOLOGY AND LAW 20 (4) August 2013 : 553-577

Abstract: Qualitative research into concerns of mental health stakeholders - resource constraints in mental health law and practice - futility of law reform without injection of adequate resources - types of resources lacking - consequences of resource constraints - importance of systemic factors in the development of mental health law policy and practice.

Subjects: LAW REFORM
MENTAL HEALTH

Jurisdictions: AUSTRALIA
CANADA
NEW ZEALAND

AGIS No: 20132229

Title: Planning law reform in New South Wales.

Authors: NASH, Scott

Source: AUSTRALIAN ENVIRONMENT REVIEW 28 (6) August 2013 : 628-631

Abstract: Examination of key features of exposure draft Planning Bill 2013 (NSW) and Planning Administration Bill 2013 (NSW) - strategic planning - development assessment and approval processes.

Subjects: ENVIRONMENTAL LAW
LAW REFORM

Jurisdictions: AUSTRALIA, New South Wales

AGIS No: 20132376

Title: Snark hunting : progressive transformative possibilities in Australia's corporate law.

Authors: WISHART, David

Source: AUSTRALIAN JOURNAL OF CORPORATE LAW 28 (1) August 2013 : 16-34

Abstract: Lack of reform to Australian corporations law since the James Hardie litigation - difficulties of reform - public interest - proposals for reform.

Subjects: CORPORATIONS LAW
LAW REFORM
Jurisdictions: AUSTRALIA

AGIS No: 20132300
Title: Wrong way go back! Rediscovering the path for charity law reform.
Authors: TURNOUR, Matthew
MCGREGOR-LOWNDES, Myles
Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 35 (3) 2012 : 810-845

Abstract: Defining the class of purposes that come within the doctrine of charitable purpose - statutory reform of charity law - examination of the jurisprudence behind the common law.

Legal Cases: Commissioners for Special Purposes of the Income Tax v Pemsel (1891) AC 531

Legislation: Charitable Uses Act 1601 (UK)
Charities Act 2011 (UK)

Subjects: CHARITIES
LAW REFORM

Jurisdictions: AUSTRALIA
UNITED KINGDOM

LEGAL AID

AGIS No: 20132275
Title: Legal practitioners working more effectively with Aboriginal clients : promising new cultural competency training by Legal Aid NSW.
Authors: KELLY, Loretta
BARAC, Antony
HAWKINS, Scott
BARLO, Stuart
Source: INDIGENOUS LAW BULLETIN 8 (5) March / April 2013 : 3-7

Abstract: Background to cultural competency training provided by Legal Aid NSW - focus on practical skills to work effectively with Aboriginal clients - issues in designing the training package - domestic violence - 'offensive' language - body language - alcohol and drug dependence - approaches to time - 'white race privilege'.

Subjects: INDIGENOUS PEOPLE
LEGAL AID
LEGAL EDUCATION

Jurisdictions: AUSTRALIA, New South Wales

LEGAL EDUCATION

AGIS No: 20132296
Title: Autonomy supportive curriculum design : a salient factor in promoting law students' wellbeing.
Authors: HUGGINS, Anna

Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 35 (3) 2012 : 683-716

Abstract: Self-determination theory - lack of autonomy as contributor to psychological distress among law students - curricular strategies for law teachers.

Subjects: LEGAL EDUCATION
MENTAL HEALTH

Jurisdictions: AUSTRALIA

AGIS No: 20132275

Title: Legal practitioners working more effectively with Aboriginal clients : promising new cultural competency training by Legal Aid NSW.

Authors: KELLY, Loretta
BARAC, Antony
HAWKINS, Scott
BARLO, Stuart

Source: INDIGENOUS LAW BULLETIN 8 (5) March / April 2013 : 3-7

Abstract: Background to cultural competency training provided by Legal Aid NSW - focus on practical skills to work effectively with Aboriginal clients - issues in designing the training package - domestic violence - 'offensive' language - body language - alcohol and drug dependence - approaches to time - 'white race privilege'.

Subjects: INDIGENOUS PEOPLE
LEGAL AID
LEGAL EDUCATION

Jurisdictions: AUSTRALIA, New South Wales

LEGAL ETHICS

AGIS No: 20132297

Title: Reflections on the connection of virtue ethics to therapeutic jurisprudence.

Authors: EVANS, Adrian
KING, Michael

Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 35 (3) 2012 : 717-746

Abstract: Discussion of how therapeutic jurisprudence with its emphasis on overall wellbeing as an outcome can benefit from the lawyer also considering virtue ethics to gain greater awareness of self and personal values to promote their expression in the lawyer's behaviour.

Subjects: JURISPRUDENCE
LEGAL ETHICS

LEGAL LITERATURE

AGIS No: 20132262

Title: Judges and professors : ships passing in the night?

Authors: LORD NEUBERGER OF ABBOTSBURY

Source: JUDICIAL REVIEW 11 (2) 2013 : 143-163

Abstract: Changing nature of judicial/academic relationship in the England - traditional convention of barring the citation of academic works in court while the author is alive - rationales for convention.

Subjects: COURTS
JUDICIARY
LEGAL LITERATURE

Jurisdictions: ENGLAND

LEGAL PROFESSION

AGIS No: 20132351

Title: A little knowledge goes a long way.

Authors: GORDON, Paul

Source: BULLETIN (LAW SOCIETY OF S.A.) 35 (6) July 2013 : 22

Abstract: Opinion piece on need for intellectual property lawyers to have knowledge of innovations and technology.

Legal Cases: National Rugby League Investments Pty Ltd v Singtel Optus Pty Ltd [2012] FCAFC 59

Legislation: Copyright Act 1968 (CTH)

Subjects: INTELLECTUAL PROPERTY
LEGAL PROFESSION
SCIENCE AND TECHNOLOGY

Jurisdictions: AUSTRALIA

AGIS No: 20132380

Title: The academy and the profession : making the conversation more fruitful.

Authors: KINGSFORD SMITH, Dimity

Source: AUSTRALIAN JOURNAL OF CORPORATE LAW 28 (1) August 2013 : 82-92

Abstract: Importance of connections between legal academics and legal professionals - recognising differences - practicalities of how academics and practising lawyers might connect - maintenance of creative distance.

Subjects: LEGAL PROFESSION

LEGAL THEORY

AGIS No: 20132355

Title: Public authority liability and the heteronomy of tort law.

Authors: CORNFORD, Tom

Source: TORTS LAW JOURNAL 21 (1) August 2013 : 16-42

Abstract: Tortious liability for wrongs committed by a public authority - liability incompatible with rights theorists' view of fundamental nature of tort law - primary rights - corrective justice not distributive justice.

Subjects: LEGAL THEORY
NEGLIGENCE
TORTS

Jurisdictions: ENGLAND

LEGISLATION

AGIS No: 20132314
Title: A seismic shift : public participation in the legislative response to the Canterbury earthquakes.
Authors: GALL, Megan
Source: CANTERBURY LAW REVIEW 18 (2) 2012 : 232-243
Abstract: Development of the Canterbury Earthquake Response and Recovery Act and Canterbury Earthquake Recovery Act - academic and parliamentary debate surrounding the enactments - public involvement in the legislative process and decision-making mechanisms in the Acts.
Legislation: Canterbury Earthquake Recovery Act 2011 (NZ)
Canterbury Earthquake Response and Recovery Act 2010 (NZ)
Civil Defence Emergency Management Act 2002 (NZ)
Subjects: LEGISLATION
NATURAL DISASTERS
Jurisdictions: NEW ZEALAND

AGIS No: 20132312
Title: Revolution or evolution? The response of the law to earthquakes in New Zealand 1848-1948.
Authors: BELTON-BROWN, Greg
Source: CANTERBURY LAW REVIEW 18 (2) 2012 : 213-231
Abstract: History of earthquakes in New Zealand - extra-legal and legislative responses to earthquakes.
Legislation: Building Act 2004 (NZ)
Canterbury Earthquake Recovery Act 2011 (NZ)
Hawke's Bay Earthquake Act 1931 (NZ)
Subjects: LEGISLATION
NATURAL DISASTERS
Jurisdictions: NEW ZEALAND

LIABILITY

AGIS No: 20132271
Title: Authorisation law and the internet : the impact of Roadshow Films Pty Ltd v iiNet Limited.
Authors: HENNESSY, J M
Source: INTELLECTUAL PROPERTY FORUM : JOURNAL OF THE INTELLECTUAL PROPERTY SOCIETY OF AUSTRALIA AND NEW ZEALAND (92) March 2013 : 28-35
Abstract: Role of authorisation in copyright law - liability for infringement extended to third parties - digital agenda amendments to the Copyright Act - implications of recent High Court decisions for the law of authorisation - case law.

Legal Cases: Roadshow Films Pty Ltd v iiNet Ltd (2012) 286 ALR 466
Roadshow Films Pty Ltd v iiNet Ltd (No 3) (2010) 263 ALR 215
University of New South Wales v Moorhouse & Angus & Robertson (Publishers) Pty Ltd (1975) 133 CLR 1

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

Subjects: COPYRIGHT
LIABILITY

Jurisdictions: AUSTRALIA

LIQUIDATION

AGIS No: 20132290

Title: Liquidator recovering payments made by company for director's personal expenses : what is the cause of action?

Authors: AGARDY, Peter

Source: INSOLVENCY LAW BULLETIN 13 (10) July 2013 : 223-225

Abstract: Personal expenses paid using company funds - entitlement of liquidator to recover funds - categorisation of payments - loan, gift or taken - breach of duty - examination of director - recovery actions.

Legal Cases: Damelian Automobile Pty Ltd (recs and mgrs apptd) v Damelian [2012] NSWSC 950
Schmierer v Taouk (2004) 207 ALR 301

Legislation: Corporations Act 2001 (CTH)

Subjects: COMPANY DIRECTORS
LIQUIDATION

Jurisdictions: AUSTRALIA

LOCAL GOVERNMENT

AGIS No: 20132327

Title: Municipal emergency response officers and local priorities in Australian emergency communication.

Authors: GALLOWAY, Chris

Source: AUSTRALIAN JOURNAL OF EMERGENCY MANAGEMENT 28 (3) July 2013 : 24-28

Abstract: Survey of communication staff in 79 local government councils in Victoria - roles in emergency communication - relationships with local council and external emergency management response personnel - budget allocation for emergency - need for clarification of emergency communication roles at local government level - peer-reviewed.

Subjects: COMMUNICATION SKILLS
EMERGENCY SERVICES
LOCAL GOVERNMENT

Jurisdictions: AUSTRALIA, Victoria

MARINE INSURANCE

AGIS No: 20132371

Title: Alteration of risk in insurance law.
Authors: MCGEE, Andrew
Source: INSURANCE LAW JOURNAL 24 (3) August 2013 : 139-158
Abstract: Modification of parties rights and duties by events happening after a contract has come into force - pre-contract risk disclosure - subsequent alteration of risk - breach of warranty - misrepresentation - changing the nature of the risk fundamentally - case law - international approaches.
Legal Cases: Kausar v Eagle Star Insurance Co Ltd (2000) Lloyds Rep IR 154
Maritime Insurance Co v Stearns (1901) 2 KB 912
Subjects: CONTRACTS
INSURANCE
MARINE INSURANCE
Jurisdictions: UNITED KINGDOM

AGIS No: 20132373
Title: Identifying the proximate cause and the meaning of inherent vice : Australian and English perspectives.
Authors: SONG, Meixian
Source: INSURANCE LAW JOURNAL 24 (3) August 2013 : 174-185
Abstract: Comparison of recent Australian cases with English cases on approach to identifying the proximate cause of loss in marine insurance cargo cases - causation - case law.
Legal Cases: Alstom Limited v Liberty Mutual Insurance Company (No 2) [2013] FCA 116
Global Process Systems Inc v Syarikat Takaful Malaysia Bhd; The Cendor Mopu (2011) 1 Lloyds Rep 560
Legislation: Marine Insurance Act 1906 (UK)
Marine Insurance Act 1909 (CTH)
Subjects: MARINE INSURANCE
Jurisdictions: AUSTRALIA
ENGLAND

MATRIMONIAL PROPERTY

AGIS No: 20132254
Title: Binding or bound to fail? Equitable remedies and rectification of financial agreements.
Authors: BRERETON, Paul
Source: AUSTRALIAN FAMILY LAWYER 23 (2) Autumn 2013 : 31-47
Abstract: Role of equity in the context of financial agreements under the Family Law Act - potential vitiating factors to set aside agreements - availability of rectification - prospect that a solicitor for one party to a financial agreement may owe duty of care to the other party.
Legislation: Family Law Act 1975 (CTH)
Subjects: EQUITY
MATRIMONIAL PROPERTY
REMEDIES
Jurisdictions: AUSTRALIA

AGIS No: 20132250
Title: Family property law and the three fundamental propositions in Stanford v Stanford.
Authors: PARKINSON, Patrick
Source: AUSTRALIAN FAMILY LAWYER 23 (2) Autumn 2013 : 4-17
Abstract: High Court ruling - application of statutory requirements by the court in exercising power to make a property settlement order - consideration of whether any alteration to legal and equitable interests is just and equitable - the order of judicial consideration - case law.
Legal Cases: Stanford v Stanford (2012) 293 ALR 70
Legislation: Family Law Act 1975 (CTH)
Subjects: FAMILY LAW
MATRIMONIAL PROPERTY
Jurisdictions: AUSTRALIA

AGIS No: 20132251
Title: Letter from London.
Authors: HODSON, David
Source: AUSTRALIAN FAMILY LAWYER 23 (2) Autumn 2013 : 18-20
Abstract: Comment on process of reform of English financial provision law on divorce - likely recommendations of Law Commission.
Subjects: DIVORCE
MATRIMONIAL PROPERTY
Jurisdictions: ENGLAND

MEDIATION

AGIS No: 20132305
Title: Perspectives on mandatory mediation.
Authors: HANKS, Melissa
Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 35 (3) 2012 : 929-952
Abstract: Comparative analysis of the drive to mandatory mediation within the European Union and mandatory mediation schemes in the United Kingdom and Australia - different models - factors affecting efficacy.
Subjects: COMPARATIVE LAW
MEDIATION
Jurisdictions: AUSTRALIA
EUROPEAN UNION
UNITED KINGDOM

AGIS No: 20132304
Title: Should mediation be an evidentiary 'black hole'?
Authors: LIMBURY, Alan L
Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 35 (3) 2012 : 914-928

Abstract: Evidence of communications made at mediation - statutory exclusion from admission as evidence in proceedings - common law exceptions to the 'without prejudice' rule - Evidence Act exceptions - role for public interest or interests of justice in determining admissibility.

Legislation: Evidence Act 1995 (CTH)

Subjects: ADMISSIBILITY OF EVIDENCE
MEDIATION

Jurisdictions: AUSTRALIA

AGIS No: 20132302

Title: The role of the courts in the changing dispute resolution landscape.

Authors: BATHURST, TF

Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 35 (3) 2012 : 870-888

Abstract: Role of judiciary in encouraging or ordering parties to attempt alternative dispute resolution (ADR) - approaches taken by courts - benefits for litigants and public - statutory pre-litigation requirements - whether appropriate for judges to act as mediators.

Subjects: ALTERNATIVE DISPUTE RESOLUTION
COURT RULES AND PROCEDURE
MEDIATION
PRE TRIAL PROCEDURE

Jurisdictions: AUSTRALIA

MEDICAL LAW

AGIS No: 20132231

Title: Re SB (A patient; capacity to consent to termination).

Authors: HOMBURG, John

Source: AUSTRALIAN HEALTH LAW BULLETIN 21 (6) August 2013 : 377-381

Abstract: Determination of a person's capacity to make decisions concerning medical treatment - presumption in favour of capacity - importance and recognition of patient's autonomy.

Legal Cases: Re SB (A patient: capacity to consent to termination) [2013] EWHC 1417 (COP)

Legislation: Mental Capacity Act 2005 (UK)

Subjects: MEDICAL LAW
PEOPLE WITH DISABILITIES

Jurisdictions: UNITED KINGDOM

MEDICAL NEGLIGENCE

AGIS No: 20132339

Title: The legal labyrinth of lost chances : can a plaintiff recover for loss of a less than even chance in medical negligence cases after Tabet v Gett?

Authors: HOLLOWAY, Sarah Alexandra

Source: TORT LAW REVIEW 21 (2) July 2013 : 96-114

Abstract: "Loss of chance" to obtain a better outcome or avoid a worse outcome - balance of probabilities falling below 50% - policy arguments for recognising loss of chance in personal injury cases - whether Tabet v Gett is confined to particular facts.

Legal Cases: Tabet v Gett (2010) 240 CLR 537

Subjects: MEDICAL NEGLIGENCE

TORTS

Jurisdictions: AUSTRALIA

MEDICAL PROFESSION

AGIS No: 20132335

Title: Complementary and alternative medicine and consumer law.

Authors: WEIR, Michael

WARDLE, Jon

MARSHALL, Brenda

AND, others

Source: COMPETITION AND CONSUMER LAW JOURNAL 21 (1) August 2013 : 85-110

Abstract: Regulation of complementary and alternative medicine (CAM) through use of consumer law - misleading and unfair practices - whether requirement for scientific standard of evidence to justify representations in CAM cases is appropriate.

Legislation: Competition and Consumer Act 2010 (CTH)

Subjects: CONSUMER PROTECTION

EVIDENCE

MEDICAL PROFESSION

Jurisdictions: AUSTRALIA

MENTAL HEALTH

AGIS No: 20132361

Title: A factor analysis of patients' views of compulsory community treatment orders : the factors associated with detention.

Authors: NEWTON-HOWES, Giles

Source: PSYCHIATRY, PSYCHOLOGY AND LAW 20 (4) August 2013 : 519-526

Abstract: Study of psychiatric patients' perspectives on community detention - assessment of factors associated with community detention - patient acceptance of health care - factor analysis.

Subjects: HEALTH CARE

MENTAL HEALTH

PATIENTS

Jurisdictions: NEW ZEALAND

AGIS No: 20132296

Title: Autonomy supportive curriculum design : a salient factor in promoting law students' wellbeing.

Authors: HUGGINS, Anna

Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 35 (3) 2012 : 683-716

Abstract: Self-determination theory - lack of autonomy as contributor to psychological distress among law students - curricular strategies for law teachers.

Subjects: LEGAL EDUCATION
MENTAL HEALTH

Jurisdictions: AUSTRALIA

AGIS No: 20132364

Title: Law reform or systemic reform? Stakeholder perceptions of resource constraints in mental health in Australia, New Zealand and Canada.

Authors: WILSON, Kay

Source: PSYCHIATRY, PSYCHOLOGY AND LAW 20 (4) August 2013 : 553-577

Abstract: Qualitative research into concerns of mental health stakeholders - resource constraints in mental health law and practice - futility of law reform without injection of adequate resources - types of resources lacking - consequences of resource constraints - importance of systemic factors in the development of mental health law policy and practice.

Subjects: LAW REFORM
MENTAL HEALTH

Jurisdictions: AUSTRALIA
CANADA
NEW ZEALAND

AGIS No: 20132330

Title: Mental health deployment to the 2011 Queensland floods : lessons learned.

Authors: HASLETON, Katrina
ALLAN, John
STEVENS, Garry
AND, others

Source: AUSTRALIAN JOURNAL OF EMERGENCY MANAGEMENT 28 (3) July 2013 : 35-40

Abstract: Deployment of NSW Health staff to assist in the mental health response following the Queensland floods - lessons learnt from situation reports, participant feedback and online survey - need for better communication between teams - role of team leaders - use of initiative - flexible approach to support of emergency response - peer-reviewed.

Subjects: EMERGENCY SERVICES
MENTAL HEALTH

Jurisdictions: AUSTRALIA, New South Wales
AUSTRALIA, Queensland

MENTAL ILLNESS

AGIS No: 20132252

Title: Litigants with mental illness.

Authors: PASCOE, John
Source: AUSTRALIAN FAMILY LAWYER 23 (2) Autumn 2013 : 21-27
Abstract: Problems faced by litigants with mental disorders in appearing before courts - self-represented litigants with mental illness - rule of law requires access to justice - challenges for courts.
Subjects: COURTS
MENTAL ILLNESS
PEOPLE WITH DISABILITIES
Jurisdictions: AUSTRALIA

AGIS No: 20132315
Title: Mental injury claims under the Accident Compensation Act 2001.
Authors: THWAITES, Fiona
Source: CANTERBURY LAW REVIEW 18 (2) 2012 : 244-279
Abstract: Coverage of mental injury under the Accident Compensation Act - mental injury caused by physical injury, by a sexual offence and by a single traumatic event during course of employment - difficulties with existing coverage - potential changes to the Act.
Legislation: Accident Compensation Act 2001 (NZ)
Subjects: ACCIDENTS
COMPENSATION
MENTAL ILLNESS
Jurisdictions: NEW ZEALAND

AGIS No: 20132358
Title: Pathological gambling and civil actions for unconscionability : lessons from the Kakavas litigation.
Authors: FRECKLETON, Ian
Source: PSYCHIATRY, PSYCHOLOGY AND LAW 20 (4) August 2013 : 479-491
Abstract: Commentary on High Court decision confining the potential for gamblers to sue casinos and bookmakers in equity for unconscionably exploiting their vulnerabilities - gambling disorder - pathological gambling - legal redress - unconscionability - DSM-IV - DSM-5 - addictions.
Legal Cases: Kakavas v Crown Melbourne Ltd [2013] HCA 25
Subjects: EQUITY
GAMBLING
MENTAL ILLNESS
PSYCHIATRY
PSYCHOLOGY
Jurisdictions: AUSTRALIA

MERGERS

AGIS No: 20132323
Title: "Disposal" standstills : an emerging trend for public M & A transactions?
Authors: COLLA, Alberto

Source: COMPANY AND SECURITIES LAW JOURNAL 31 (5) August 2013 : 317-320

Abstract: Mergers and acquisitions - standstill agreement not to acquire shares during a set period when in receipt of confidential information during due diligence process - emergence of "disposal" or reverse standstill to prevent disposal of shares during a set period - advantages and disadvantages.

Subjects: MERGERS
TAKEOVERS

Jurisdictions: AUSTRALIA

AGIS No: 20132325

Title: Bid rigging and misleading conduct in M & A : vendors and purchasers beware.

Authors: FARRER, Jonathan
MORTENSEN, Jackie

Source: COMPANY AND SECURITIES LAW JOURNAL 31 (5) August 2013 : 320-324

Abstract: Mergers and acquisitions - consortium arrangements to jointly own a target business - pre-sale agreements - use of intermediaries to purchase a target business - application of anti-trust laws to joint bids - cartel laws - implications for bidders and vendors - case law.

Legal Cases: Norcast S.AR.L v Bradken Ltd (No 2) (2013] FCA 235

Legislation: Competition and Consumer Act 2010 (CTH)
Sherman Anti-Trust Act 1890 (US)

Subjects: CARTELS
CONSUMER PROTECTION
MERGERS
TAKEOVERS

Jurisdictions: AUSTRALIA

MOBILE DEVICES

AGIS No: 20132350

Title: Who is watching Big Brother? The use of CCTV cameras in Australia.

Authors: MACPHAIL, John
GORDON, Paul

Source: BULLETIN (LAW SOCIETY OF S.A.) 35 (6) July 2013 : 18-20

Abstract: Legal framework for the use of closed circuit television (CCTV) cameras - privacy - surveillance devices - workplace legislation - recent case law.

Legal Cases: SF v Shoalhaven City Council [2013] NSWADT 94

Legislation: Privacy Act 1988 (CTH)

Subjects: ELECTRONIC SURVEILLANCE
MOBILE DEVICES
PRIVACY

Jurisdictions: AUSTRALIA

MONOPOLIES

AGIS No: 20132270
Title: The skilled addressee.
Authors: MIDDLETON, John
Source: INTELLECTUAL PROPERTY FORUM : JOURNAL OF THE INTELLECTUAL PROPERTY SOCIETY OF AUSTRALIA AND NEW ZEALAND (92) March 2013 : 12-26

Abstract: Grant of letters patent - monopolies - context for invoking the skilled addressee - definition of skilled addressee - history - hindsight bias.

Legislation: Patents Act 1990 (CTH)
Subjects: MONOPOLIES
PATENTS
Jurisdictions: AUSTRALIA

NATIONAL SECURITY

AGIS No: 20132255
Title: Terrorism and government : between history and criminology.
Authors: FINNANE, Mark
Source: AUSTRALIAN AND NEW ZEALAND JOURNAL OF CRIMINOLOGY 46 (2) August 2013 : 159-177

Abstract: Terrorism as an object of government and academic research - history - terrorist attack at the Munich Olympics - Black September - terrorist problems and the 'Middle East situation' - governance of terrorism - counter-terrorism and government - Sir John Barry Memorial Lecture, 2012.

Subjects: COUNTER TERRORISM
GOVERNMENT
NATIONAL SECURITY
Jurisdictions: AUSTRALIA

NATURAL DISASTERS

AGIS No: 20132314
Title: A seismic shift : public participation in the legislative response to the Canterbury earthquakes.
Authors: GALL, Megan
Source: CANTERBURY LAW REVIEW 18 (2) 2012 : 232-243

Abstract: Development of the Canterbury Earthquake Response and Recovery Act and Canterbury Earthquake Recovery Act - academic and parliamentary debate surrounding the enactments - public involvement in the legislative process and decision-making mechanisms in the Acts.

Legislation: Canterbury Earthquake Recovery Act 2011 (NZ)
Canterbury Earthquake Response and Recovery Act 2010 (NZ)
Civil Defence Emergency Management Act 2002 (NZ)

Subjects: LEGISLATION
NATURAL DISASTERS
Jurisdictions: NEW ZEALAND

AGIS No: 20132326
Title: A state of emergency : how local businesses experienced the 2012 flood in Fiji.
Authors: MCNAMARA, Karen E
Source: AUSTRALIAN JOURNAL OF EMERGENCY MANAGEMENT 28 (3) July 2013 : 17-23
Abstract: Damage to property, business and infrastructure in Nadi caused by flash-flooding - extensive financial loss experienced by business owners - high recovery costs - limited insurance - contracted levels of government assistance - lessons for future response by local authorities - more effective early warning systems - strengthened disaster preparation and recovery systems - peer-reviewed.
Subjects: BUSINESS
NATURAL DISASTERS
Jurisdictions: FIJI

AGIS No: 20132331
Title: Community leadership in disaster recovery : a case study.
Authors: LEADBEATER, Anne
Source: AUSTRALIAN JOURNAL OF EMERGENCY MANAGEMENT 28 (3) July 2013 : 41-47
Abstract: Importance of community leaders in post-disaster environment - Strathewen Community Renewal Association - capacity of impacted communities to shape and drive recovery - peer-reviewed.
Subjects: COMMUNITY INVOLVEMENT
EMERGENCY SERVICES
NATURAL DISASTERS
Jurisdictions: AUSTRALIA, Victoria

AGIS No: 20132328
Title: Impacts of wildfires : aftermath at individual and community levels?
Authors: KULIG, Judith
TOWNSHEND, Ivan
EDGE, Dana
AND, others
Source: AUSTRALIAN JOURNAL OF EMERGENCY MANAGEMENT 28 (3) July 2013 : 29-34
Abstract: Study of the impact of wildfires in two rural Canadian communities - individual experiences with recovery - creation of groups in the communities post-wildfire - implications for disaster management - need to focus on all community members not just those directly affected - investment in social rebuilding of communities - peer-reviewed.
Subjects: NATURAL DISASTERS
RURAL COMMUNITIES
Jurisdictions: CANADA

AGIS No: 20132333

Title: Post disaster recovery arrangements for animals in South Australia.
Authors: WESTCOTT, Rachel
PRELGAUSKAS, Emilis
Source: AUSTRALIAN JOURNAL OF EMERGENCY MANAGEMENT 28 (3) July 2013 : 48-52

Abstract: Animal welfare and emergency response arrangements - evolution of structures and processes for animal rescue in South Australia - impact of the management of animals in emergencies on the preservation of human life - South Australian Veterinary Emergency Management (SAVEM).
Subjects: ANIMALS
EMERGENCY SERVICES
NATURAL DISASTERS
Jurisdictions: AUSTRALIA, South Australia

AGIS No: 20132324
Title: Preparedness and vulnerability : an issue of equity in Australian disaster situations.
Authors: BOON, Helen
Source: AUSTRALIAN JOURNAL OF EMERGENCY MANAGEMENT 28 (3) July 2013 : 12-16

Abstract: Disaster preparedness and financial capacity in four regional Australia communities affected by extreme climatic events - quantitative study of communities - demographic statistics - preparedness linked to individual's financial capacity and insurance cover - issues of equity in examining preparedness for disaster - peer-reviewed.
Subjects: NATURAL DISASTERS
RURAL COMMUNITIES
Jurisdictions: AUSTRALIA

AGIS No: 20132312
Title: Revolution or evolution? The response of the law to earthquakes in New Zealand 1848-1948.
Authors: BELTON-BROWN, Greg
Source: CANTERBURY LAW REVIEW 18 (2) 2012 : 213-231
Abstract: History of earthquakes in New Zealand - extra-legal and legislative responses to earthquakes.
Legislation: Building Act 2004 (NZ)
Canterbury Earthquake Recovery Act 2011 (NZ)
Hawke's Bay Earthquake Act 1931 (NZ)
Subjects: LEGISLATION
NATURAL DISASTERS
Jurisdictions: NEW ZEALAND

AGIS No: 20132308
Title: The Christchurch earthquakes insurance and reinsurance issues.
Authors: MERKIN, Rob
Source: CANTERBURY LAW REVIEW 18 (2) 2012 : 119-154

Abstract: Insurance issues following the September 2010 and February 2011 Christchurch earthquakes - property claims - red zone - losses - trapped assets or business records - reinstatement of buildings - business interruption claims - reinsurance.

Legal Cases: Orient-Express Hotels Ltd v Assicurazioni General SA (UK Branch) (t/a Generali Global Risk) [2010] EWHC 1186

Legislation: Earthquake Commission Act 1993 (NZ)

Subjects: INSURANCE
NATURAL DISASTERS

Jurisdictions: NEW ZEALAND

NEGLIGENCE

AGIS No: 20132320

Title: Common exclusions to liability caps in construction contracts : gross negligence, fraud and wilful misconduct.

Authors: ROZENBERG, Roman
ROSS, Cameron

Source: BUILDING AND CONSTRUCTION LAW JOURNAL 29 (4) August 2013 : 311-314

Abstract: Common law interpretation of wilful misconduct, gross negligence and fraud - meaning of wilful misconduct and fraud well understood - differing interpretations of gross negligence by courts.

Legal Cases: Armitage v Nurse (1998) 1 WLR 270

Subjects: COMMON LAW
FRAUD
NEGLIGENCE

Jurisdictions: AUSTRALIA

AGIS No: 20132337

Title: Judicial strategies in recognising new areas for recovery in negligence : lessons learned from wrongful conception cases.

Authors: JHAVERI, Swati

Source: TORT LAW REVIEW 21 (2) July 2013 : 63-86

Abstract: Development of new torts - comparative study of strategies used by courts in common law jurisdictions in deciding whether to allow recovery in novel situations - wrongful conception as a case study - characterising damage.

Legal Cases: Cattanach v Melchior (2003) 215 CLR 1
McFarlane v Tayside Health Board (2000) 2 AC 59

Subjects: DUTY OF CARE
NEGLIGENCE
TORTS

AGIS No: 20132355

Title: Public authority liability and the heteronomy of tort law.

Authors: CORNFORD, Tom

Source: TORTS LAW JOURNAL 21 (1) August 2013 : 16-42

Abstract: Tortious liability for wrongs committed by a public authority - liability incompatible with rights theorists' view of fundamental nature of tort law - primary rights - corrective justice not distributive justice.

Subjects: LEGAL THEORY
NEGLIGENCE
TORTS

Jurisdictions: ENGLAND

AGIS No: 20132340

Title: The High Court takes a defendant-friendly approach to extending the scope of liability for a failure to warn.

Authors: WHITTAKER, James
KOGEKAR, Aditi

Source: AUSTRALIAN PRODUCT LIABILITY REPORTER 23 (10) August 2013 : 122-125

Abstract: Causation under civil liability legislation - implications of recent medical negligence case - factual causation - scope of liability - case law.

Legal Cases: Wallace v Kam (2013) 297 ALR 383

Subjects: NEGLIGENCE
PRODUCTS LIABILITY

Jurisdictions: AUSTRALIA

AGIS No: 20132357

Title: The phoenix rises : resurrecting occupiers' liability within the negligence framework.

Authors: TAN, David

Source: TORTS LAW JOURNAL 21 (1) August 2013 : 59-72

Abstract: Determining duty of care in negligence law - Singapore court ruling that occupiers' liability subsumed under tort of negligence - proximity test - case law.

Legal Cases: See Toh Siew Kee v Ho Ah Lam Ferrocement (Pte) Ltd [2013] SGCA 29
Spandek Engineering (S) Pte Ltd v Defence Science & Technology Agency (2007) 4 SLR 100

Subjects: NEGLIGENCE
OCCUPIERS LIABILITY
TORTS

Jurisdictions: SINGAPORE

OCCUPIERS LIABILITY

AGIS No: 20132357

Title: The phoenix rises : resurrecting occupiers' liability within the negligence framework.

Authors: TAN, David

Source: TORTS LAW JOURNAL 21 (1) August 2013 : 59-72

Abstract: Determining duty of care in negligence law - Singapore court ruling that occupiers' liability subsumed under tort of negligence - proximity test - case law.

Legal Cases: See Toh Siew Kee v Ho Ah Lam Ferrocement (Pte) Ltd [2013] SGCA 29
Spandek Engineering (S) Pte Ltd v Defence Science & Technology Agency (2007) 4 SLR 100

Subjects: NEGLIGENCE
OCCUPIERS LIABILITY
TORTS

Jurisdictions: SINGAPORE

ORGAN TRANSPLANTS

AGIS No: 20132233

Title: "Made-to-order" : customised human tissue and the regulation of future organ sources : part 2.

Authors: HARRIS, Sonia

Source: AUSTRALIAN HEALTH LAW BULLETIN 21 (6) August 2013 : 386-396

Abstract: Examination of potential property rights attaching to manufactured ex vivo organs - assessment of adequacy of existing human tissue legislation - need to reconsider regulatory models - part 2 of two part series - for part 1 see AGIS 20131751.

Subjects: ORGAN TRANSPLANTS
PROPERTY LAW

Jurisdictions: AUSTRALIA

PACKAGING AND LABELLING LAWS

AGIS No: 20132273

Title: Is plain packaging plain simple? An analysis of the compliance of plain packaging laws for tobacco products with Australian and international intellectual property laws.

Authors: PATHI, Devita

Source: INTELLECTUAL PROPERTY FORUM : JOURNAL OF THE INTELLECTUAL PROPERTY SOCIETY OF AUSTRALIA AND NEW ZEALAND (92) March 2013 : 49-64

Abstract: Overview of plain packaging for tobacco products - two-tier trade mark system - compliance with international intellectual property conventions - Paris Convention.

Legislation: Tobacco Plain Packaging Act 2011 (CTH)
Trade Marks Act 1995 (CTH)
Trade Marks Amendment (Tobacco Plain Packaging) Act 2011 (CTH)

Subjects: INTELLECTUAL PROPERTY
PACKAGING AND LABELLING LAWS
TOBACCO

Jurisdictions: AUSTRALIA

PATENTS

AGIS No: 20132347

Title: Gene genie : patent law, ethics, health and the future.

Authors: CHALMERS, Robert
Source: BULLETIN (LAW SOCIETY OF S.A.) 35 (6) July 2013 : 8,10-11
Abstract: Patents on genes - survey of current and potential future developments - issues for lawyers.
Legal Cases: Cancer Voices Australia v Myriad Genetics Inc [2013] FCA 65
Legislation: Patents Act 1990 (CTH)
Subjects: GENETICS
PATENTS
Jurisdictions: AUSTRALIA

AGIS No: 20132270
Title: The skilled addressee.
Authors: MIDDLETON, John
Source: INTELLECTUAL PROPERTY FORUM : JOURNAL OF THE INTELLECTUAL PROPERTY SOCIETY OF AUSTRALIA AND NEW ZEALAND (92) March 2013 : 12-26
Abstract: Grant of letters patent - monopolies - context for invoking the skilled addressee - definition of skilled addressee - history - hindsight bias.
Legislation: Patents Act 1990 (CTH)
Subjects: MONOPOLIES
PATENTS
Jurisdictions: AUSTRALIA

AGIS No: 20132274
Title: Vale omnibus claims : the panacea of incompetence.
Authors: OLD, Fraser
Source: INTELLECTUAL PROPERTY FORUM : JOURNAL OF THE INTELLECTUAL PROPERTY SOCIETY OF AUSTRALIA AND NEW ZEALAND (92) March 2013 : 65-68
Abstract: Omnibus claims - abolishing of omnibus claims in pending applications through the passing of the Patents Amendments (Raising the Bar) Bill 2012 - case law.
Legal Cases: Raleigh Cycle Co Ltd v H Miller & Co Ltd (1948) 65 RPC 141
Subjects: PATENTS
Jurisdictions: AUSTRALIA

PATIENTS

AGIS No: 20132361
Title: A factor analysis of patients' views of compulsory community treatment orders : the factors associated with detention.
Authors: NEWTON-HOWES, Giles
Source: PSYCHIATRY, PSYCHOLOGY AND LAW 20 (4) August 2013 : 519-526
Abstract: Study of psychiatric patients' perspectives on community detention - assessment of factors associated with community detention - patient acceptance of health care - factor analysis.

Subjects: HEALTH CARE
MENTAL HEALTH
PATIENTS
Jurisdictions: NEW ZEALAND

AGIS No: 20132359
Title: Predictors of perceived coercion in patients admitted for psychiatric hospitalization and the stability of these perceptions over time.
Authors: ANESTIS, Angela
DAFFERN, Michael
THOMAS, Stuart DM
AND, others
Source: PSYCHIATRY, PSYCHOLOGY AND LAW 20 (4) August 2013 : 492-503
Abstract: Study to determine characteristics of psychiatric patients that are associated with higher levels of perceived coercion - whether those perceptions remain stable one year after admission to hospital - correlation between perceived coercion and Hostile-Dominant interpersonal style.
Subjects: HEALTH CARE
PATIENTS
PSYCHIATRY
Jurisdictions: AUSTRALIA

PATIENTS RIGHTS

AGIS No: 20132232
Title: South Australia leads the way in implementing the Advance Care National Framework.
Authors: CALLAGHAN, Donna
Source: AUSTRALIAN HEALTH LAW BULLETIN 21 (6) August 2013 : 383-385
Abstract: Outline of the Advance Care Directives Act 2013 (SA) - provides means for self-determination and preservation of autonomy and dignity in broader context of life-management not just end-of-life decisions.
Legislation: Advance Care Directives Act 2013 (SA)
Subjects: GUARDIAN AND WARD
HEALTH CARE
PATIENTS RIGHTS
PEOPLE WITH DISABILITIES
Jurisdictions: AUSTRALIA, South Australia

PENOLOGY

AGIS No: 20132298
Title: The label of life imprisonment in Australia : a principled or populist approach to an ultimate sentence.
Authors: ANDERSON, John L
Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 35 (3) 2012 : 747-778

Abstract: An evaluation of the use of life imprisonment for the crime of murder in Australia - different jurisdictional approaches - labelling life imprisonment as a mandatory sentence - whether use reflects a principled or populist approach to this punishment.

Subjects: PENOLOGY
SENTENCING

Jurisdictions: AUSTRALIA

PEOPLE WITH DISABILITIES

AGIS No: 20132252

Title: Litigants with mental illness.

Authors: PASCOE, John

Source: AUSTRALIAN FAMILY LAWYER 23 (2) Autumn 2013 : 21-27

Abstract: Problems faced by litigants with mental disorders in appearing before courts - self-represented litigants with mental illness - rule of law requires access to justice - challenges for courts.

Subjects: COURTS
MENTAL ILLNESS
PEOPLE WITH DISABILITIES

Jurisdictions: AUSTRALIA

AGIS No: 20132231

Title: Re SB (A patient; capacity to consent to termination).

Authors: HOMBURG, John

Source: AUSTRALIAN HEALTH LAW BULLETIN 21 (6) August 2013 : 377-381

Abstract: Determination of a person's capacity to make decisions concerning medical treatment - presumption in favour of capacity - importance and recognition of patient's autonomy.

Legal Cases: Re SB (A patient: capacity to consent to termination) [2013] EWHC 1417 (COP)

Legislation: Mental Capacity Act 2005 (UK)

Subjects: MEDICAL LAW
PEOPLE WITH DISABILITIES

Jurisdictions: UNITED KINGDOM

AGIS No: 20132232

Title: South Australia leads the way in implementing the Advance Care National Framework.

Authors: CALLAGHAN, Donna

Source: AUSTRALIAN HEALTH LAW BULLETIN 21 (6) August 2013 : 383-385

Abstract: Outline of the Advance Care Directives Act 2013 (SA) - provides means for self-determination and preservation of autonomy and dignity in broader context of life-management not just end-of-life decisions.

Legislation: Advance Care Directives Act 2013 (SA)

Subjects: GUARDIAN AND WARD
HEALTH CARE
PATIENTS RIGHTS
PEOPLE WITH DISABILITIES
Jurisdictions: AUSTRALIA, South Australia

PERSONAL PROPERTY SECURITIES

AGIS No: 20132317
Title: A year with the Personal Property Securities Act 2009 (Cth) : the Personal Property Securities Register, amendment demands and judicial proceedings.
Authors: MIRZAI, Nicholas
Source: COMPANY AND SECURITIES LAW JOURNAL 31 (5) August 2013 : 295-306
Abstract: Registration of interests on Personal Property Securities Register (PPSR) - perfecting security interests - detail of the process of registration on the PPSR - amendment demand process.
Legislation: Personal Property Securities Act 2009 (CTH)
Subjects: PERSONAL PROPERTY SECURITIES

AGIS No: 20132318
Title: PPSA and construction law.
Authors: BRODERICK, Matthew
Source: BUILDING AND CONSTRUCTION LAW JOURNAL 29 (4) August 2013 : 298-310

Abstract: Impact of the Personal Property Securities Act (PPSA) on the building and construction industry - construction sites - contractual issues - execution of judgments - settlement of claims - liens, charges and other interests not affected by the PPSA.
Legislation: Corporations Act 2001 (CTH)
Personal Property Securities Act 2009 (CTH)
Subjects: BUILDING LAW
CONSTRUCTION INDUSTRY
PERSONAL PROPERTY SECURITIES
Jurisdictions: AUSTRALIA

AGIS No: 20132289
Title: Security briefing : the PPSA's maiden voyage in courts.
Authors: BROWN, David
Source: INSOLVENCY LAW BULLETIN 13 (10) July 2013 : 218-222
Abstract: Recent Personal Property Securities Act (PPSA) case - General Security Deed - company in receivership - assets sold prior to receivership - priority between the security interests - transitional security interests - receivers' right to possession.
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
RECEIVERS
Jurisdictions: AUSTRALIA

POLICE

AGIS No: 20132256
Title: Indigenous deaths associated with police contact in Australia : event stages and lessons for prevention.
Authors: PORTER, Louise E
Source: AUSTRALIAN AND NEW ZEALAND JOURNAL OF CRIMINOLOGY 46 (2) August 2013 : 178-199
Abstract: Analysis of factors involving Indigenous deaths in custody since the Royal Commission into Aboriginal Deaths in Custody - stages of events that led to detention - information available to officers - officer decisions - possibilities of preventing future deaths.
Subjects: CORRECTIONS
DEATH
INDIGENOUS PEOPLE
POLICE
Jurisdictions: AUSTRALIA

POLITICS AND GOVERNMENT

AGIS No: 20132268
Title: The war on democracy.
Authors: BERG, Chris
Source: IPA REVIEW 65 (1) May 2013 : 6-11
Abstract: Attempts by politicians to change people through law - proposed anti-discrimination laws - government as educator - democracy.
Legislation: Racial Discrimination Act 1975 (CTH)
Subjects: DEMOCRACY
DISCRIMINATION
POLITICS AND GOVERNMENT
Jurisdictions: AUSTRALIA

PRE TRIAL PROCEDURE

AGIS No: 20132303
Title: Civil dispute resolution obligations : what is reasonable?
Authors: SOURDIN, Tania
Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 35 (3) 2012 : 889-913
Abstract: Examination of pre-action protocols and obligations - early dispute resolution - arguments for and against such arrangements - factors that may impact on compliance with these type of obligations.
Legislation: Civil Dispute Resolution Act 2011 (CTH)

Subjects: CIVIL PROCEDURE
COURT RULES AND PROCEDURE
DISPUTE RESOLUTION
PRE TRIAL PROCEDURE

Jurisdictions: AUSTRALIA

AGIS No: 20132302

Title: The role of the courts in the changing dispute resolution landscape.

Authors: BATHURST, TF

Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 35 (3) 2012 : 870-888

Abstract: Role of judiciary in encouraging or ordering parties to attempt alternative dispute resolution (ADR) - approaches taken by courts - benefits for litigants and public - statutory pre-litigation requirements - whether appropriate for judges to act as mediators.

Subjects: ALTERNATIVE DISPUTE RESOLUTION
COURT RULES AND PROCEDURE
MEDIATION
PRE TRIAL PROCEDURE

Jurisdictions: AUSTRALIA

PRIVACY

AGIS No: 20132350

Title: Who is watching Big Brother? The use of CCTV cameras in Australia.

Authors: MACPHAIL, John
GORDON, Paul

Source: BULLETIN (LAW SOCIETY OF S.A.) 35 (6) July 2013 : 18-20

Abstract: Legal framework for the use of closed circuit television (CCTV) cameras - privacy - surveillance devices - workplace legislation - recent case law.

Legal Cases: SF v Shoalhaven City Council [2013] NSWADT 94

Legislation: Privacy Act 1988 (CTH)

Subjects: ELECTRONIC SURVEILLANCE
MOBILE DEVICES
PRIVACY

Jurisdictions: AUSTRALIA

PRIVATISATION

AGIS No: 20132378

Title: Strategic privatisation of transnational anti-corruption regulation.

Authors: HALL, Kath

Source: AUSTRALIAN JOURNAL OF CORPORATE LAW 28 (1) August 2013 : 60-71

Abstract: Privatisation of transnational anti-corruption regulation - nature of regulation - systems-based regulation - developments in regulation - comment on Braithwaite paper on public and private ownership - see AGIS 20132377 .

Subjects: CORRUPTION
PRIVATISATION

AGIS No: 20132377

Title: Strategic socialism, strategic privatisation and crises.

Authors: BRAITHWAITE, John

Source: AUSTRALIAN JOURNAL OF CORPORATE LAW 28 (1) August 2013 : 35-59

Abstract: Publicisation of private companies - privatisation of public institutions - strategic socialism - new hybrid world order.

Subjects: PRIVATISATION
PUBLIC ENTERPRISE

PRODUCTS LIABILITY

AGIS No: 20132342

Title: Court rejects application to medical devices of the right to disclosure under German Medicinal Products Act.

Authors: LACH, Sebastian
PARR, Victoria

Source: AUSTRALIAN PRODUCT LIABILITY REPORTER 23 (10) August 2013 : 129-130

Abstract: Whether medical products can include medical devices under German law - requirements for pharmaceutical company to disclose confidential information in product liability cases - case law.

Legislation: Medical Devices Act 2002 (GER)

Subjects: CONSUMER PROTECTION
PRODUCTS LIABILITY

Jurisdictions: GERMANY

AGIS No: 20132340

Title: The High Court takes a defendant-friendly approach to extending the scope of liability for a failure to warn.

Authors: WHITTAKER, James
KOGEKAR, Aditi

Source: AUSTRALIAN PRODUCT LIABILITY REPORTER 23 (10) August 2013 : 122-125

Abstract: Causation under civil liability legislation - implications of recent medical negligence case - factual causation - scope of liability - case law.

Legal Cases: Wallace v Kam (2013) 297 ALR 383

Subjects: NEGLIGENCE
PRODUCTS LIABILITY

Jurisdictions: AUSTRALIA

AGIS No: 20132334
Title: Theories of product liability and the Australian Consumer Law.
Authors: KELLAM, Jocelyn
CLARK, S Stuart
GLAVAC, Mikhail
Source: COMPETITION AND CONSUMER LAW JOURNAL 21 (1) August 2013 : 1-84
Abstract: Survey of current state of product liability law in Australia - analysis of multiple causes of action according to different theories of liability - conduct - representations - quality - safety - Australian Consumer Law missed opportunity to rationalise unwieldy regime under the Trade Practices Act and state Fair Trading Acts.
Legislation: Competition and Consumer Act 2010 (CTH)
Trade Practices Act 1974 (CTH)
Subjects: CONSUMER PROTECTION
PRODUCTS LIABILITY
Jurisdictions: AUSTRALIA

PROPERTY LAW

AGIS No: 20132233
Title: "Made-to-order" : customised human tissue and the regulation of future organ sources : part 2.
Authors: HARRIS, Sonia
Source: AUSTRALIAN HEALTH LAW BULLETIN 21 (6) August 2013 : 386-396
Abstract: Examination of potential property rights attaching to manufactured ex vivo organs - assessment of adequacy of existing human tissue legislation - need to reconsider regulatory models - part 2 of two part series - for part 1 see AGIS 20131751.
Subjects: ORGAN TRANSPLANTS
PROPERTY LAW
Jurisdictions: AUSTRALIA

PSYCHIATRY

AGIS No: 20132358
Title: Pathological gambling and civil actions for unconscionability : lessons from the Kakavas litigation.
Authors: FRECKLETON, Ian
Source: PSYCHIATRY, PSYCHOLOGY AND LAW 20 (4) August 2013 : 479-491
Abstract: Commentary on High Court decision confining the potential for gamblers to sue casinos and bookmakers in equity for unconscionably exploiting their vulnerabilities - gambling disorder - pathological gambling - legal redress - unconscionability - DSM-IV - DSM-5 - addictions.
Legal Cases: Kakavas v Crown Melbourne Ltd [2013] HCA 25

Subjects: EQUITY
GAMBLING
MENTAL ILLNESS
PSYCHIATRY
PSYCHOLOGY
Jurisdictions: AUSTRALIA

AGIS No: 20132359

Title: Predictors of perceived coercion in patients admitted for psychiatric hospitalization and the stability of these perceptions over time.

Authors: ANESTIS, Angela
DAFFERN, Michael
THOMAS, Stuart DM
AND, others

Source: PSYCHIATRY, PSYCHOLOGY AND LAW 20 (4) August 2013 : 492-503

Abstract: Study to determine characteristics of psychiatric patients that are associated with higher levels of perceived coercion - whether those perceptions remain stable one year after admission to hospital - correlation between perceived coercion and Hostile-Dominant interpersonal style.

Subjects: HEALTH CARE
PATIENTS
PSYCHIATRY
Jurisdictions: AUSTRALIA

PSYCHOLOGY

AGIS No: 20132363

Title: A likely story? The influence of type of alibi and defendant gender on juror decision-making.

Authors: MAEDER, Evelyn M
DEMPSEY, Julie L

Source: PSYCHIATRY, PSYCHOLOGY AND LAW 20 (4) August 2013 : 543-552

Abstract: Study of mock jurors' evaluations of defendant alibi according to gender and type of alibi - manipulation of alibi to gender stereotype-consistent and gender stereotype-inconsistent - effect on jurors' perceptions of evidence.

Subjects: EVIDENCE
JURIES
PSYCHOLOGY
Jurisdictions: CANADA

AGIS No: 20132367

Title: Gender bias in the education system : perceptions of teacher-student sexual relationships.

Authors: GEDDES, Rebecca A
TYSON, Graham A
MCGREAL, Scott

Source: PSYCHIATRY, PSYCHOLOGY AND LAW 20 (4) August 2013 : 608-618
Abstract: Study of perceptions of student-teacher relationships according to gender of the perpetrator - gender bias in favour of female teachers - perceptions according gender of study participant - perceptions of harm suffered by adolescent victims.
Subjects: CHILD SEXUAL ABUSE
PSYCHOLOGY
Jurisdictions: AUSTRALIA

AGIS No: 20132370
Title: Generation and detection of true and false alibi statements.
Authors: CULHANE, Scott E
KEHN, Andre
HORGAN, Allyson J
AND, others

Source: PSYCHIATRY, PSYCHOLOGY AND LAW 20 (4) August 2013 : 619-638
Abstract: Study of alibi generation - correlation between true or false alibi and ability to provide corroborating witnesses - effect of time delay - changes made to alibi statements - ability of study subjects to detect false alibi.
Subjects: EVIDENCE
PSYCHOLOGY
Jurisdictions: UNITED STATES

AGIS No: 20132365
Title: It's not what she says, it's how she says it : the influence of language complexity and cognitive load on the persuasiveness of expert testimony.
Authors: MCKIMMIE, Blake M
NEWTON, Sara A
SCHULLER, Regina A
AND, others

Source: PSYCHIATRY, PSYCHOLOGY AND LAW 20 (4) August 2013 : 578-589
Abstract: Study of mock jurors' evaluation of expert testimony - gender of expert witness - language complexity according to gender stereotype - correlation between persuasiveness and the complexity of language used by the expert witness matching with gender stereotype.
Subjects: EXPERT EVIDENCE
LANGUAGE
PSYCHOLOGY

AGIS No: 20132360
Title: Linguistic indicators of a false confession.
Authors: VILLAR, Gina
ARCIULI, Joanne
PATERSON, Helen
Source: PSYCHIATRY, PSYCHOLOGY AND LAW 20 (4) August 2013 : 504-518

Abstract: Study of the use of linguistic variables to distinguish between false confessional statements and true accounts - relationship between decreased adjective use and false confessions - anxiety - deception - grammatical category - lexical class - linguistic markers of deception - parts-of-speech - DASS - nouns - verbs.

Subjects: CONFESSIONS
LANGUAGE
PSYCHOLOGY

Jurisdictions: AUSTRALIA

AGIS No: 20132358

Title: Pathological gambling and civil actions for unconscionability : lessons from the Kakavas litigation.

Authors: FRECKLETON, Ian

Source: PSYCHIATRY, PSYCHOLOGY AND LAW 20 (4) August 2013 : 479-491

Abstract: Commentary on High Court decision confining the potential for gamblers to sue casinos and bookmakers in equity for unconscionably exploiting their vulnerabilities - gambling disorder - pathological gambling - legal redress - unconscionability - DSM-IV - DSM-5 - addictions.

Legal Cases: Kakavas v Crown Melbourne Ltd [2013] HCA 25

Subjects: EQUITY
GAMBLING
MENTAL ILLNESS
PSYCHIATRY
PSYCHOLOGY

Jurisdictions: AUSTRALIA

PUBLIC ENTERPRISE

AGIS No: 20132377

Title: Strategic socialism, strategic privatisation and crises.

Authors: BRAITHWAITE, John

Source: AUSTRALIAN JOURNAL OF CORPORATE LAW 28 (1) August 2013 : 35-59

Abstract: Publicisation of private companies - privatisation of public institutions - strategic socialism - new hybrid world order.

Subjects: PRIVATISATION
PUBLIC ENTERPRISE

PUNISHMENT

AGIS No: 20132258

Title: Reconsidering predictors of punitiveness in Australia : a test of four theories.

Authors: KORNHAUSER, Ryan

Source: AUSTRALIAN AND NEW ZEALAND JOURNAL OF CRIMINOLOGY 46 (2) August 2013 : 221-240

Abstract: Assessment and comparison of four theoretical models to explain punitive attitudes - crime-distrust model - social discontent model - personal discontent model - racial animus model.
Subjects: PUNISHMENT
SENTENCING
Jurisdictions: AUSTRALIA

AGIS No: 20132257
Title: Sentencing and public opinion : an empirical study of punitiveness and lenience and its implications for penal moderation.
Authors: LOVEGROVE, Austin
Source: AUSTRALIAN AND NEW ZEALAND JOURNAL OF CRIMINOLOGY 46 (2) August 2013 : 200-220
Abstract: Public attitudes to punishment of individual offenders - theory of empathy - concept of the offender as 'other' - public philosophy of punishment - individual differences in punitiveness - penal moderation.
Legal Cases: R v Henry (1999) 106 A Crim R 149
Subjects: PUNISHMENT
SENTENCING
Jurisdictions: AUSTRALIA

RACIAL DISCRIMINATION

AGIS No: 20132276
Title: 'That's discrimination!' Indigenous peoples' experiences of discrimination in the Northern Territory.
Authors: ALLISON, Fiona
SCHWARTZ, Melanie
CUNNEEN, Chris
Source: INDIGENOUS LAW BULLETIN 8 (5) March / April 2013 : 8-12
Abstract: Issues of discrimination that emerged during the Indigenous Legal Needs Project (ILNP) - experiences of discrimination in the NT - NT's legislative and policy context - 'rebadging' discrimination as a different legal issue.
Subjects: INDIGENOUS PEOPLE
RACIAL DISCRIMINATION
Jurisdictions: AUSTRALIA, Northern Territory

RECEIVERS

AGIS No: 20132289
Title: Security briefing : the PPSA's maiden voyage in courts.
Authors: BROWN, David
Source: INSOLVENCY LAW BULLETIN 13 (10) July 2013 : 218-222
Abstract: Recent Personal Property Securities Act (PPSA) case - General Security Deed - company in receivership - assets sold prior to receivership - priority between the security interests - transitional security interests - receivers' right to possession.

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
RECEIVERS
Jurisdictions: AUSTRALIA

REMEDIES

AGIS No: 20132254
Title: Binding or bound to fail? Equitable remedies and rectification of financial agreements.

Authors: BRERETON, Paul
Source: AUSTRALIAN FAMILY LAWYER 23 (2) Autumn 2013 : 31-47
Abstract: Role of equity in the context of financial agreements under the Family Law Act - potential vitiating factors to set aside agreements - availability of rectification - prospect that a solicitor for one party to a financial agreement may owe duty of care to the other party.

Legislation: Family Law Act 1975 (CTH)
Subjects: EQUITY
MATRIMONIAL PROPERTY
REMEDIES
Jurisdictions: AUSTRALIA

AGIS No: 20132319
Title: Equitable remedies for participation in a breach of directors' fiduciary duties : the mega-litigation in Bell v Westpac.
Authors: BUTLER, Dan
Source: COMPANY AND SECURITIES LAW JOURNAL 31 (5) August 2013 : 307-316

Abstract: Scope of equitable relief available under Barnes v Addy for breach of fiduciary duties by directors - controversies on scope of relief as addressed in Bell v Westpac - state of knowledge for knowing receipt - dishonest and fraudulent design - what is a fiduciary duty - case law.

Legal Cases: Barnes v Addy (1874) LR 9 Ch App 244
Westpac Banking Corporation v the Bell Group Ltd (In Liq) (No 3) (2012) 270 FLR 1
Subjects: COMPANY DIRECTORS
EQUITY
FIDUCIARY
REMEDIES
Jurisdictions: AUSTRALIA, Western Australia

REPEAT OFFENDERS

AGIS No: 20132259
Title: Youth sex offending, recidivism and restorative justice : comparing court and conference cases.

Authors: DALY, Kathleen
BOUHOURS, Brigitte
BROADHURST, Roderic
LOH, Nini

Source: AUSTRALIAN AND NEW ZEALAND JOURNAL OF CRIMINOLOGY 46 (2) August 2013 : 241-267

Abstract: Rates of general and sexual re-offending of youth charged with sexual offences - variation in re-offending by site of finalisation or referral - prior re-offending - effectiveness of specialised treatment - restorative justice and conferencing.

Subjects: REPEAT OFFENDERS
RESTORATIVE JUSTICE
SEXUAL OFFENCES
YOUNG OFFENDERS

Jurisdictions: AUSTRALIA

RESTORATIVE JUSTICE

AGIS No: 20132299

Title: Three dogmas of juvenile justice.

Authors: WEATHERBURN, Don
MCGRATH, Andrew
BARTELS, Lorana

Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 35 (3) 2012 : 779-809

Abstract: Critical examination of the underlying assumptions of juvenile justice policy in Australia - contact with court system is criminogenic - restorative justice is more effective than traditional justice - juveniles "grow out of" crime - reform of juvenile justice policy.

Subjects: CRIMINOLOGY
RESTORATIVE JUSTICE
YOUNG OFFENDERS

Jurisdictions: AUSTRALIA

AGIS No: 20132259

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Subjects: REPEAT OFFENDERS
RESTORATIVE JUSTICE
SEXUAL OFFENCES
YOUNG OFFENDERS
Jurisdictions: AUSTRALIA

ROYAL COMMISSIONS

AGIS No: 20132279
Title: Indigenous engagement with the Royal Commission into Institutional Responses to Child Sexual Abuse.
Authors: CRIPPS, Kylie
MCCREERY, Robert
Source: INDIGENOUS LAW BULLETIN 8 (5) March / April 2013 : 22-25
Abstract: Relevance of the Royal Commission within an Indigenous context - background and scope - differences between current and previous inquiries into sexual abuse in Indigenous communities - contributions by individual, communities and institutions - importance of Indigenous participation.
Subjects: CHILD SEXUAL ABUSE
INDIGENOUS PEOPLE
INSTITUTIONAL ABUSE
ROYAL COMMISSIONS
Jurisdictions: AUSTRALIA

RULE OF LAW

AGIS No: 20132285
Title: The Assange affair : a global perspective on freedom of speech and freedom of information.
Authors: GRAY, Tom
BULMAN, Anna
Source: BULLETIN (LAW SOCIETY OF S.A.) 35 (4) May 2013 : 26
Abstract: Overview of speech by Swedish judge, Justice Stefan Lindskog - the Assange case from a Swedish perspective - rule of law.
Subjects: FREEDOM OF INFORMATION
FREEDOM OF SPEECH
RULE OF LAW
Jurisdictions: AUSTRALIA
SWEDEN

RURAL COMMUNITIES

AGIS No: 20132328
Title: Impacts of wildfires : aftermath at individual and community levels?

Authors: KULIG, Judith
TOWNSHEND, Ivan
EDGE, Dana
AND, others

Source: AUSTRALIAN JOURNAL OF EMERGENCY MANAGEMENT 28 (3) July 2013 : 29-34

Abstract: Study of the impact of wildfires in two rural Canadian communities - individual experiences with recovery - creation of groups in the communities post-wildfire - implications for disaster management - need to focus on all community members not just those directly affected - investment in social rebuilding of communities - peer-reviewed.

Subjects: NATURAL DISASTERS
RURAL COMMUNITIES

Jurisdictions: CANADA

AGIS No: 20132324

Title: Preparedness and vulnerability : an issue of equity in Australian disaster situations.

Authors: BOON, Helen

Source: AUSTRALIAN JOURNAL OF EMERGENCY MANAGEMENT 28 (3) July 2013 : 12-16

Abstract: Disaster preparedness and financial capacity in four regional Australia communities affected by extreme climatic events - quantitative study of communities - demographic statistics - preparedness linked to individual's financial capacity and insurance cover - issues of equity in examining preparedness for disaster - peer-reviewed.

Subjects: NATURAL DISASTERS
RURAL COMMUNITIES

Jurisdictions: AUSTRALIA

SCIENCE AND TECHNOLOGY

AGIS No: 20132351

Title: A little knowledge goes a long way.

Authors: GORDON, Paul

Source: BULLETIN (LAW SOCIETY OF S.A.) 35 (6) July 2013 : 22

Abstract: Opinion piece on need for intellectual property lawyers to have knowledge of innovations and technology.

Legal Cases: National Rugby League Investments Pty Ltd v Singtel Optus Pty Ltd [2012] FCAFC 59

Legislation: Copyright Act 1968 (CTH)

Subjects: INTELLECTUAL PROPERTY
LEGAL PROFESSION
SCIENCE AND TECHNOLOGY

Jurisdictions: AUSTRALIA

SENTENCING

AGIS No: 20132263

Title: Beyond the stocks : a community approach to crime.
Authors: BATHURST, Tom
Source: JUDICIAL REVIEW 11 (2) 2013 : 165-176
Abstract: NSW Law Reform Commission review of the Crimes (Sentencing Procedure) Act - direct influence of reform on judges sentencing process - role of general deterrence - exercise of judicial discretion - suspended sentences - custodial alternatives.

Legal Cases: R v Wong (1999) 48 NSWLR 340
Legislation: Crimes (Sentencing Procedure) Act 1999 (NSW)
Crimes Act 1900 (NSW)
Subjects: JUDICIAL PROCESS
LAW REFORM
SENTENCING
Jurisdictions: AUSTRALIA, New South Wales

AGIS No: 20132369
Title: Involving juries in sentencing : insights from the Tasmanian jury study.
Authors: WARNER, Kate
DAVIS, Julia
Source: CRIMINAL LAW JOURNAL 37 (4) August 2013 : 246-256
Abstract: Findings from Tasmanian jury sentencing study - debate surrounding proposals to allow jury involvement in sentencing - NSW Law Reform Commission recommendations - practical and procedural difficulties - fairness in sentencing.

Subjects: JURIES
SENTENCING
Jurisdictions: AUSTRALIA, New South Wales
AUSTRALIA, Tasmania
AUSTRALIA, Victoria

AGIS No: 20132258
Title: Reconsidering predictors of punitiveness in Australia : a test of four theories.
Authors: KORNHAUSER, Ryan
Source: AUSTRALIAN AND NEW ZEALAND JOURNAL OF CRIMINOLOGY 46 (2) August 2013 : 221-240
Abstract: Assessment and comparison of four theoretical models to explain punitive attitudes - crime-distrust model - social discontent model - personal discontent model - racial animus model.
Subjects: PUNISHMENT
SENTENCING
Jurisdictions: AUSTRALIA

AGIS No: 20132257
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Authors: LOVEGROVE, Austin

Source: AUSTRALIAN AND NEW ZEALAND JOURNAL OF CRIMINOLOGY 46 (2) August 2013 : 200-220

Abstract: Public attitudes to punishment of individual offenders - theory of empathy - concept of the offender as 'other' - public philosophy of punishment - individual differences in punitiveness - penal moderation.

Legal Cases: R v Henry (1999) 106 A Crim R 149

Subjects: PUNISHMENT
SENTENCING

Jurisdictions: AUSTRALIA

AGIS No: 20132298

Title: The label of life imprisonment in Australia : a principled or populist approach to an ultimate sentence.

Authors: ANDERSON, John L

Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 35 (3) 2012 : 747-778

Abstract: An evaluation of the use of life imprisonment for the crime of murder in Australia - different jurisdictional approaches - labelling life imprisonment as a mandatory sentence - whether use reflects a principled or populist approach to this punishment.

Subjects: PENOLOGY
SENTENCING

Jurisdictions: AUSTRALIA

SEXUAL OFFENCES

AGIS No: 20132259

Title: Youth sex offending, recidivism and restorative justice : comparing court and conference cases.

Authors: DALY, Kathleen
BOUHOURS, Brigitte
BROADHURST, Roderic
LOH, Nini

Source: AUSTRALIAN AND NEW ZEALAND JOURNAL OF CRIMINOLOGY 46 (2) August 2013 : 241-267

Abstract: Rates of general and sexual re-offending of youth charged with sexual offences - variation in re-offending by site of finalisation or referral - prior re-offending - effectiveness of specialised treatment - restorative justice and conferencing.

Subjects: REPEAT OFFENDERS
RESTORATIVE JUSTICE
SEXUAL OFFENCES
YOUNG OFFENDERS

Jurisdictions: AUSTRALIA

SOCIAL POLICY

AGIS No: 20132277

Title: Looking beyond offenders to the needs of victims and communities.
Authors: GOODA, Mick
PRIDAY, Emilie
MCDERMOTT, Louise
Source: INDIGENOUS LAW BULLETIN 8 (5) March / April 2013 : 13-17
Abstract: Application of justice reinvestment in Australia - focus on Aboriginal and Torres Strait Islander communities - consideration of vulnerable groups - need to trial justice reinvestment in communities of high imprisonment rates and commitment to justice targets.
Subjects: CRIMINAL JUSTICE
INDIGENOUS PEOPLE
SOCIAL POLICY
Jurisdictions: AUSTRALIA

STATUTORY INTERPRETATION

AGIS No: 20132267
Title: The defining characteristics of constitutional expressions and the nationalisation of the State court system.
Authors: TWOMEY, Anne
Source: JUDICIAL REVIEW 11 (2) 2013 : 233-244
Abstract: Limitations placed on State legislative power through nationalisation of State courts - defining characteristics of Supreme Courts as a constitutional expression - potential spread of constitutional expression to other arms of government.
Legal Cases: Kable v Director of Public Prosecutions (NSW) (1996) 189 CLR 51
Kirk v Industrial Relations Commission of New South Wales (2010) 239 CLR 531
Wainohu v New South Wales (2011) 243 CLR 181
Subjects: CONSTITUTIONAL LAW
COURTS
STATUTORY INTERPRETATION
Jurisdictions: AUSTRALIA

SUPERANNUATION

AGIS No: 20132345
Title: Prior to being bankrupt, superannuation is a claimable asset : characterising and shaping the nature of a member's interest.
Authors: BOBBIN, Peter
Source: AUSTRALIAN TAX REVIEW 42 (3) August 2013 : 160-181
Abstract: Superannuation interest - owing - due - payable - exposure to recovery by Australian Taxation Office under a garnishee notice on superannuation - tailoring the nature of a person's interest in superannuation to limit exposure.
Legal Cases: Caboche & Bond v Ramsay (1993) 27 ATR 479
Official Trustee in Bankruptcy v Trevor Small Superannuation Fund Pty Ltd (2001) 114 FCR 160
Legislation: Bankruptcy Act 1966 (CTH)
Taxation Administration Act 1953 (CTH)

Subjects: GARNISHEE ORDERS
SUPERANNUATION
TAXATION
Jurisdictions: AUSTRALIA

SUPREME COURT

AGIS No: 20132230
Title: Re Beth : the powers of the Supreme Courts to deal with children.
Authors: GORTON, Michael
LAUFER, Richard
Source: AUSTRALIAN HEALTH LAW BULLETIN 21 (6) August 2013 : 372-375
Abstract: Court's powers to make orders restricting the liberty of a child where such orders are necessary for the child's ongoing and protection - parens patriae jurisdiction of Supreme Court - need for independent legal representation for child.
Legal Cases: Dept of Health and Community Services (NT) v JWB and SMB (Marion's case) (1992) 175 CLR 218
Re Beth [2013] VSC 189
Legislation: Children, Youth and Families Act 2005 (VIC)
Disability Act 2006 (VIC)
Subjects: CHILDREN IN CARE PROCEEDINGS
CHILDRENS RIGHTS
SUPREME COURT
Jurisdictions: AUSTRALIA, Victoria

TAKEOVERS

AGIS No: 20132323
Title: "Disposal" standstills : an emerging trend for public M & A transactions?
Authors: COLLA, Alberto
Source: COMPANY AND SECURITIES LAW JOURNAL 31 (5) August 2013 : 317-320
Abstract: Mergers and acquisitions - standstill agreement not to acquire shares during a set period when in receipt of confidential information during due diligence process - emergence of "disposal" or reverse standstill to prevent disposal of shares during a set period - advantages and disadvantages.
Subjects: MERGERS
TAKEOVERS
Jurisdictions: AUSTRALIA

AGIS No: 20132325
Title: Bid rigging and misleading conduct in M & A : vendors and purchasers beware.
Authors: FARRER, Jonathan
MORTENSEN, Jackie
Source: COMPANY AND SECURITIES LAW JOURNAL 31 (5) August 2013 : 320-324

Abstract: Mergers and acquisitions - consortium arrangements to jointly own a target business - pre-sale agreements - use of intermediaries to purchase a target business - application of anti-trust laws to joint bids - cartel laws - implications for bidders and vendors - case law.

Legal Cases: Norcast S.AR.L v Bradken Ltd (No 2) (2013] FCA 235

Legislation: Competition and Consumer Act 2010 (CTH)
Sherman Anti-Trust Act 1890 (US)

Subjects: CARTELS
CONSUMER PROTECTION
MERGERS
TAKEOVERS

Jurisdictions: AUSTRALIA

TAX AVOIDANCE

AGIS No: 20132344

Title: Part IVA : an international perspective.

Authors: SLATER, A H

Source: AUSTRALIAN TAX REVIEW 42 (3) August 2013 : 149-159

Abstract: Taxation general anti-avoidance rule - effectiveness as a deterrent to tax avoidance arrangements - comparison internationally.

Legislation: Income Tax Assessment Act 1936 (CTH)

Subjects: TAX AVOIDANCE
TAXATION

Jurisdictions: AUSTRALIA

TAXATION

AGIS No: 20132346

Title: CGT event K7 provides loss recognition for personal consumption expenditure : history, anomalies and policy basis.

Authors: BOCCABELLA, Dale

Source: AUSTRALIAN TAX REVIEW 42 (3) August 2013 : 182-205

Abstract: Analysis of loss recognition given by depreciating asset regime and CGT event K7 - application where asset has personal use component - policy considerations.

Legislation: Income Tax Assessment Act 1997 (CTH)

Subjects: CAPITAL GAINS TAX
TAXATION

Jurisdictions: AUSTRALIA

AGIS No: 20132344

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Legislation: Income Tax Assessment Act 1936 (CTH)
Subjects: TAX AVOIDANCE
TAXATION
Jurisdictions: AUSTRALIA

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Source: AUSTRALIAN TAX REVIEW 42 (3) August 2013 : 160-181
Abstract: Superannuation interest - owing - due - payable - exposure to recovery by Australian Taxation Office under a garnishee notice on superannuation - tailoring the nature of a person's interest in superannuation to limit exposure.

Legal Cases: Caboche & Bond v Ramsay (1993) 27 ATR 479
Official Trustee in Bankruptcy v Trevor Small Superannuation Fund Pty Ltd (2001) 114 FCR 160

Legislation: Bankruptcy Act 1966 (CTH)
Taxation Administration Act 1953 (CTH)
Subjects: GARNISHEE ORDERS
SUPERANNUATION
TAXATION
Jurisdictions: AUSTRALIA

TOBACCO

AGIS No: 20132273
Title: Is plain packaging plain simple? An analysis of the compliance of plain packaging laws for tobacco products with Australian and international intellectual property laws.
Authors: PATHI, Devita
Source: INTELLECTUAL PROPERTY FORUM : JOURNAL OF THE INTELLECTUAL PROPERTY SOCIETY OF AUSTRALIA AND NEW ZEALAND (92) March 2013 : 49-64
Abstract: Overview of plain packaging for tobacco products - two-tier trade mark system - compliance with international intellectual property conventions - Paris Convention.
Legislation: Tobacco Plain Packaging Act 2011 (CTH)
Trade Marks Act 1995 (CTH)
Trade Marks Amendment (Tobacco Plain Packaging) Act 2011 (CTH)
Subjects: INTELLECTUAL PROPERTY
PACKAGING AND LABELLING LAWS
TOBACCO
Jurisdictions: AUSTRALIA

TORTS

AGIS No: 20132356

Title: For judges rush in where angels fear to tread : 'insofar as it is fair, just and reasonable' to impose vicarious liability.

Authors: TAN, David

Source: TORTS LAW JOURNAL 21 (1) August 2013 : 43-58

Abstract: Institutional child sexual abuse - highly vulnerable victims - extension of vicarious liability through test of relationship being 'akin to employment' - role for doctrine of non-delegable duty - case law.

Legal Cases: Various Claimants v Catholic Child Welfare Society [2012] UKSC 56

Subjects: CHILD SEXUAL ABUSE
INSTITUTIONAL ABUSE
TORTS
VICARIOUS LIABILITY

Jurisdictions: ENGLAND

AGIS No: 20132337

Title: Judicial strategies in recognising new areas for recovery in negligence : lessons learned from wrongful conception cases.

Authors: JHAVERI, Swati

Source: TORT LAW REVIEW 21 (2) July 2013 : 63-86

Abstract: Development of new torts - comparative study of strategies used by courts in common law jurisdictions in deciding whether to allow recovery in novel situations - wrongful conception as a case study - characterising damage.

Legal Cases: Cattanach v Melchior (2003) 215 CLR 1
McFarlane v Tayside Health Board (2000) 2 AC 59

Subjects: DUTY OF CARE
NEGLIGENCE
TORTS

AGIS No: 20132354

Title: 'Loss of a chance'.

Authors: EDELMAN, James

Source: TORTS LAW JOURNAL 21 (1) August 2013 : 1-15

Abstract: Difference between loss of chance of a better medical outcome and loss of chance of a better commercial outcome - fundamental questions for the law of torts raised by this divide - assumption of responsibility - meaning of loss - policy considerations.

Legal Cases: Chaplin v Hicks (1911) 2 KB 786
Tabet v Gett (2010) 240 CLR 537

Legislation: Civil Law (Wrongs) Act 2002 (ACT)
Civil Liability Act 1936 (SA)
Civil Liability Act 2002 (TAS)
Civil Liability Act 2002 (WA)
Civil Liability Act 2003 (QLD)
Wrongs Act 1958 (VIC)

Subjects: CONTRACTS
TORTS

Jurisdictions: AUSTRALIA

AGIS No: 20132355
Title: Public authority liability and the heteronomy of tort law.
Authors: CORNFORD, Tom
Source: TORTS LAW JOURNAL 21 (1) August 2013 : 16-42
Abstract: Tortious liability for wrongs committed by a public authority - liability incompatible with rights theorists' view of fundamental nature of tort law - primary rights - corrective justice not distributive justice.
Subjects: LEGAL THEORY
NEGLIGENCE
TORTS
Jurisdictions: ENGLAND

AGIS No: 20132338
Title: The dust settles? Fairchild to Williams.
Authors: FEENY, Charles
Source: TORT LAW REVIEW 21 (2) July 2013 : 87-95
Abstract: Liability in mesothelioma claims - proof of causation - proving causation by reference to material increase in risk - breach of duty according to contemporaneous appreciation of risk.
Legal Cases: Fairchild v Glenhaven Funeral Services Ltd [2002] UKHL 22
Williams v University of Birmingham [2011] EWCA Civ 1242
Subjects: ASBESTOS
TORTS
Jurisdictions: UNITED KINGDOM

AGIS No: 20132339
Title: The legal labyrinth of lost chances : can a plaintiff recover for loss of a less than even chance in medical negligence cases after Tabet v Gett?
Authors: HOLLOWAY, Sarah Alexandra
Source: TORT LAW REVIEW 21 (2) July 2013 : 96-114
Abstract: "Loss of chance" to obtain a better outcome or avoid a worse outcome - balance of probabilities falling below 50% - policy arguments for recognising loss of chance in personal injury cases - whether Tabet v Gett is confined to particular facts.
Legal Cases: Tabet v Gett (2010) 240 CLR 537
Subjects: MEDICAL NEGLIGENCE
TORTS
Jurisdictions: AUSTRALIA

AGIS No: 20132357
Title: The phoenix rises : resurrecting occupiers' liability within the negligence framework.
Authors: TAN, David
Source: TORTS LAW JOURNAL 21 (1) August 2013 : 59-72

Abstract: Determining duty of care in negligence law - Singapore court ruling that occupiers' liability subsumed under tort of negligence - proximity test - case law.

Legal Cases: See Toh Siew Kee v Ho Ah Lam Ferrocement (Pte) Ltd [2013] SGCA 29
Spandek Engineering (S) Pte Ltd v Defence Science & Technology Agency (2007) 4 SLR 100

Subjects: NEGLIGENCE
OCCUPIERS LIABILITY
TORTS

Jurisdictions: SINGAPORE

TOURISM

AGIS No: 20132368

Title: Jurisdiction over criminal acts on cruise ships : perhaps, perhaps, perhaps?

Authors: LEWINS, Kate
GASKELL, Nick

Source: CRIMINAL LAW JOURNAL 37 (4) August 2013 : 221-245

Abstract: Jurisdiction to prosecute criminal acts committed at sea of states other than flag state - comparison of extra-territorial operation in domestic laws of four states - cruise ship regulation in the United States - introduction of European guidelines - move towards regulation of cruise ships in Australia.

Legal Cases: Re Maritime Union of Australia; Ex parte CSL Pacific Shipping Inc (2003) 214 CLR 397

Legislation: Crimes at Sea Act 2000 (CTH)
Criminal Code Act 1995 (CTH)
Criminal Code Amendment (Offences Against Australians) Act 2002 (CTH)

Subjects: JURISDICTION
LAW OF THE SEA
TOURISM

Treaties: United Nations Convention on the Law of the Sea

Jurisdictions: AUSTRALIA
EUROPE
UNITED STATES

TRADE LAW

AGIS No: 20132316

Title: Trading in good faith? Importing states' economic human rights obligations into the WTO's Doha round negotiations.

Authors: MOON, Gillian

Source: HUMAN RIGHTS LAW REVIEW 13 (2) 2012 : 245-285

Abstract: Constraints placed on state parties by the International Covenant on Economic, Social and Cultural Rights (ICESCR) when engaged in international trade law-making - agricultural tariff reductions for developing countries - impact on right to work of small farmers - developing countries in violation of right work and non-discrimination obligations if tariff reductions introduced.

Subjects: AGRICULTURE
HUMAN RIGHTS
TRADE LAW

Treaties: International Covenant on Economic, Social and Cultural Rights

TRIBUNALS

AGIS No: 20132286

Title: War crimes : an intern's experience at an International Criminal Tribunal.

Authors: PHILLIPS, Will

Source: BULLETIN (LAW SOCIETY OF S.A.) 35 (4) May 2013 : 30-31

Abstract: Work of the International Criminal Tribunal for the former Yugoslavia (ICTY) - role and work of an intern at ICTY.

Subjects: INTERNATIONAL LAW
TRIBUNALS
WAR CRIMES TRIALS

TRUSTS AND TRUSTEES

AGIS No: 20132329

Title: Oppression proceedings and trust remedies : what are the limits?

Authors: HEAPE, Braydon

Source: COMPANY AND SECURITIES LAW JOURNAL 31 (5) August 2013 : 325-331

Abstract: Application of Corporations Act provisions on members' rights and remedies to trusts where the affairs of the trustee company have been conducted oppressively or unfairly to minority shareholders - critical analysis of recent case law in Victoria.

Legal Cases: Kizquari Pty Ltd v Prestoo Pty Ltd (1993) 10 ACSR 606
Vigliaroni v CPS Investment Holdings Pty Ltd [2009] VSC 428
Wain v Drapac [2012] VSC 156

Legislation: Corporations Act 2001 (CTH)

Subjects: CORPORATIONS LAW
TRUSTS AND TRUSTEES

Jurisdictions: AUSTRALIA, Victoria

VICARIOUS LIABILITY

AGIS No: 20132356

Title: For judges rush in where angels fear to tread : 'insofar as it is fair, just and reasonable' to impose vicarious liability.

Authors: TAN, David

Source: TORTS LAW JOURNAL 21 (1) August 2013 : 43-58

Abstract: Institutional child sexual abuse - highly vulnerable victims - extension of vicarious liability through test of relationship being 'akin to employment' - role for doctrine of non-delegable duty - case law.

Legal Cases: Various Claimants v Catholic Child Welfare Society [2012] UKSC 56

Subjects: CHILD SEXUAL ABUSE
INSTITUTIONAL ABUSE
TORTS
VICARIOUS LIABILITY

Jurisdictions: ENGLAND

VIDEO EVIDENCE

AGIS No: 20132261

Title: Pre-recording testimony in New Zealand : lawyers' and victims advisors' experiences in nine cases.

Authors: DAVIES, Emma
HANNA, Kirsten

Source: AUSTRALIAN AND NEW ZEALAND JOURNAL OF CRIMINOLOGY 46 (2) August 2013 : 289-305

Abstract: Pre-recorded hearings involving young people as witnesses - advantages and disadvantages - preparation - pre-recorded hearing - impact on evidence - witness experience - defendant experience - limitations of pre-recording.

Legislation: Evidence Act 2006 (NZ)

Subjects: CHILDRENS EVIDENCE
VIDEO EVIDENCE

Jurisdictions: NEW ZEALAND

VIOLENCE

AGIS No: 20132281

Title: Violent young offenders in the criminal justice system.

Authors: KENNY, Dianna T

Source: JUDICIAL OFFICERS BULLETIN 25 (3) April 2013 : 19-24

Abstract: Risk factors for violence - profile of young violent offenders - theories of violence - successful programs in Australian and internationally for reducing recidivism.

Legislation: Children (Community Service Orders) Act 1987 (NSW)
Children (Criminal Proceedings) Act 1987 (NSW)
Children (Detention Centres) Act 1987 (NSW)
Young Offenders Act 1997 (NSW)

Subjects: VIOLENCE
YOUNG OFFENDERS

Jurisdictions: AUSTRALIA, New South Wales

WAR CRIMES TRIALS

AGIS No: 20132286

Title: War crimes : an intern's experience at an International Criminal Tribunal.

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Source: BULLETIN (LAW SOCIETY OF S.A.) 35 (4) May 2013 : 30-31

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Subjects: INTERNATIONAL LAW
TRIBUNALS
WAR CRIMES TRIALS

WIPO

AGIS No: 20132272

Title: The World Intellectual Property Organisation (WIPO) and the Intergovernmental Committee : developments on traditional knowledge and cultural expressions.

Authors: ADJEI, Patricia
STOIANOFF, Natalie

Source: INTELLECTUAL PROPERTY FORUM : JOURNAL OF THE INTELLECTUAL PROPERTY SOCIETY OF AUSTRALIA AND NEW ZEALAND (92) March 2013 : 37-48

Abstract: Role of WIPO in addressing cooperation of nations in ensuring intellectual property rights in relation to traditional knowledge - traditional cultural expressions and WIPO - protection of traditional knowledge - plant breeder rights - administration of rights of traditional knowledge holders.

Subjects: INDIGENOUS RIGHTS
INTELLECTUAL PROPERTY
WIPO

WORKING CONDITIONS

AGIS No: 20132238

Title: Regulating for Australia's youngest workers.

Authors: VAN DER WAARDEN, Natalie

Source: CHILDREN AUSTRALIA 38 (2) June 2013 : 76-86

Abstract: Regulation of young people's working conditions neglected at national level - international standards as benchmark - minimum age - child labour - International Labour Organisation - European Community Directive on the Protection of Young People at Work (94/33/EC).

Subjects: CHILDREN
CHILDRENS RIGHTS
WORKING CONDITIONS

Jurisdictions: AUSTRALIA

YOUNG OFFENDERS

AGIS No: 20132299

Title: Three dogmas of juvenile justice.

Authors: WEATHERBURN, Don
MCGRATH, Andrew
BARTELS, Lorana

Source: UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 35 (3) 2012 : 779-809

Abstract: Critical examination of the underlying assumptions of juvenile justice policy in Australia - contact with court system is criminogenic - restorative justice is more effective than traditional justice - juveniles "grow out of" crime - reform of juvenile justice policy.

Subjects: CRIMINOLOGY
RESTORATIVE JUSTICE
YOUNG OFFENDERS

Jurisdictions: AUSTRALIA

AGIS No: 20132281

Title: Violent young offenders in the criminal justice system.

Authors: KENNY, Dianna T

Source: JUDICIAL OFFICERS BULLETIN 25 (3) April 2013 : 19-24

Abstract: Risk factors for violence - profile of young violent offenders - theories of violence - successful programs in Australian and internationally for reducing recidivism.

Legislation: Children (Community Service Orders) Act 1987 (NSW)
Children (Criminal Proceedings) Act 1987 (NSW)
Children (Detention Centres) Act 1987 (NSW)
Young Offenders Act 1997 (NSW)

Subjects: VIOLENCE
YOUNG OFFENDERS

Jurisdictions: AUSTRALIA, New South Wales

AGIS No: 20132259

Title: Youth sex offending, recidivism and restorative justice : comparing court and conference cases.

Authors: DALY, Kathleen
BOUHOURS, Brigitte
BROADHURST, Roderic
LOH, Nini

Source: AUSTRALIAN AND NEW ZEALAND JOURNAL OF CRIMINOLOGY 46 (2) August 2013 : 241-267

Abstract: Rates of general and sexual re-offending of youth charged with sexual offences - variation in re-offending by site of finalisation or referral - prior re-offending - effectiveness of specialised treatment - restorative justice and conferencing.

Subjects: REPEAT OFFENDERS
RESTORATIVE JUSTICE
SEXUAL OFFENCES
YOUNG OFFENDERS

Jurisdictions: AUSTRALIA