



AGIS - Articles

Australian Government
Attorney-General's Department

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WORLD TRADE ORGANISATION
YOUNG PERSONS

ABORIGINES

AGIS No: 20142208
Title: More important than guns or grog : the role of television for the health and wellbeing of Australian Aboriginal prisoners.
Authors: GRANT, Elizabeth
JEWKES, Yvonne
Source: CURRENT ISSUES IN CRIMINAL JUSTICE 25 (2) November 2013 : 667-683
Abstract: Provision of television in the South Australian prison system - importance to identity, health, wellbeing and ontological security of Aboriginal prisoners - impact on incarcerated audiences extends beyond role as 'electronic babysitter' or time filler - in-cell television - access to in-cell television important factor in agreement with prison accommodation - potential of in-cell television to reduce incidents of suicide and self-harm - adoption as best practice principle for Aboriginal prisoners.
Subjects: ABORIGINES
PRISONERS
TELEVISION BROADCASTING
Jurisdictions: AUSTRALIA

ACCIDENTS

AGIS No: 20142253
Title: New Zealand's Accident Compensation scheme and chronic pain syndrome.
Authors: BULL, Juliet
Source: VICTORIA UNIVERSITY OF WELLINGTON LAW REVIEW 45 (1) June 2014 : 53-77
Abstract: Chronic pain syndrome - not currently a physical injury under New Zealand's Accident Compensation scheme - considering correctness of this exclusion - policy factors - integrity of legislation - maintaining the exclusion.
Legal Cases: Allenby v H [2012] NZSC 33
Legislation: Accident Compensation Act 2001 (NZ)
Subjects: ACCIDENTS
COMPENSATION
LEGISLATION
PERSONAL INJURIES
Jurisdictions: NEW ZEALAND

ADMINISTRATION OF JUSTICE

AGIS No: 20142250
Title: Reconsidering summary discipline law.
Authors: CAVANAGH, Bryan
DEVEREUX, John
Source: UNIVERSITY OF QUEENSLAND LAW JOURNAL 32 (2) 2013 : 295-310

Abstract: Service offences in the Australian Defence Force - summary discipline system - system to be updated to more closely align it with the requirement of military discipline - proposed changes - making summary trials inquisitorial in nature - reducing the system's reliance on the principles of criminal law for its operation - set of criteria for an effective summary discipline system - adversarial nature of the current system - principles derived from criminal law - reforming the system.

Legislation: Defence Force Discipline Act 1982 (CTH)

Subjects: ADMINISTRATION OF JUSTICE
MILITARY LAW

Jurisdictions: AUSTRALIA

AGIS No: 20142251

Title: To whom will ye liken me, and make me equal? Reformulating the role of the comparator in the identification of discrimination.

Authors: EMANUEL, Asher Gabriel

Source: VICTORIA UNIVERSITY OF WELLINGTON LAW REVIEW 45 (1) June 2014 : 1-25

Abstract: Use of comparator groups in establishing breach of s 19 of the New Zealand Bill of Rights Act 1990 - lack of clear methodology in formulation of comparator groups - arbitrary and inconsistent decision-making - reliance on intuitive rather than analytical reasoning - framework guiding the formulation of the comparator needed - case law.

Legal Cases: B v Chief Executive of the Ministry of Social Development [2012] NZHC 3165
GB (as executor of estate EB of Whangarei) v Chief Executive of the Ministry of Social Development [2013] NZCA 410
Ministry of Health v Atkinson [2012] NZCA 184

Legislation: New Zealand Bill of Rights Act 1990 (NZ)

Subjects: ADMINISTRATION OF JUSTICE
BILL OF RIGHTS
HUMAN RIGHTS
SOCIAL WELFARE

Jurisdictions: NEW ZEALAND

ADMINISTRATIVE LAW

AGIS No: 20142213

Title: Cleaning up pollution fair and square : the duty to afford procedural fairness in the issue of clean-up notices in NSW.

Authors: PACKHAM, Alison

Source: LOCAL GOVERNMENT LAW JOURNAL 19 (2) 2014 : 87-94

Abstract: Clean-up Notice (CNs) regime - current state of Australian law on the duty to afford procedural fairness in administrative decision making - issues arising from duty to afford procedural fairness in CNs - allowance for flexibility dependent on specific factual scenario - CNs vital to ensure prompt and adequate response to pollution incidents.

Legal Cases: Lismore City Council v Ihalainen [2013] NSWLEC 149

Liverpool City Council v Cauchi [2005] NSWLEC 675

Twist v Randwick Municipal Council (1976) 136 CLR 106

Legislation: Protection of the Environment Operations Act 1997 (NSW)

Subjects: ADMINISTRATIVE LAW
POLLUTION
Jurisdictions: AUSTRALIA, New South Wales

AGIS No: 20142271
Title: The prerogative writs and the origins of English administrative law.
Authors: LANGFORD, Clare
Source: AUSTRALIAN LAW JOURNAL 88 (8) August 2014 : 567-588
Abstract: Development of prerogative writs - writs of prohibition, certiorari, mandamus and habeas corpus - contribution of writs to the shape of Anglo-Australian administrative law - writs during the politico-legal struggles of 16th and 17th centuries - common law courts - keeping sources of official power in check.

Subjects: ADMINISTRATIVE LAW
PREROGATIVE WRITS
Jurisdictions: AUSTRALIA
ENGLAND

ADMINISTRATIVE PROCEDURE

AGIS No: 20142307
Title: Judicial virtues and decision-making in the VCAT Guardianship List.
Authors: POLKINGHORN, Richard
Source: JOURNAL OF LAW AND MEDICINE 21 (4) June 2014 : 984-1003
Abstract: Theory of virtue jurisprudence - desired operation of Australian tribunals - attributes of "good" tribunal members - guidance on how legal disputes should be decided - fundamental virtues relevant to tribunal practice in the Guardianship List of the Victorian Civil and Administrative Tribunal (VCAT) - disadvantage nature of the tribunal primary client group - tribunal members to undertake a fact-finding – inquisitorial role – support and advisory role – fundamental breaches of human rights that occur when tribunal members fail to execute their tasks.

Legislation: Guardianship and Administration Act 1986 (VIC)
Subjects: ADMINISTRATIVE PROCEDURE
ADMINISTRATIVE TRIBUNALS
PEOPLE WITH DISABILITIES
Jurisdictions: AUSTRALIA, Victoria

ADMINISTRATIVE TRIBUNALS

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Legislation: Guardianship and Administration Act 1986 (VIC)

Subjects: ADMINISTRATIVE PROCEDURE
ADMINISTRATIVE TRIBUNALS
PEOPLE WITH DISABILITIES

Jurisdictions: AUSTRALIA, Victoria

AIR TRANSPORT

AGIS No: 20142239

Title: Aircraft 'accident' under Warsaw : is there clarity?

Authors: BRADLEY, Brian

Source: PRECEDENT (120) January / February 2014 : 8-13

Abstract: What constitutes an 'accident' within the meaning of the Warsaw System - interpretation of the Warsaw System Conventions - Warsaw system and the Civil Aviation (Carriers' Liability) Act 1959 (Cth) - accidents under article 17 - international and Australian case law.

Legal Cases: Air France v Saks (1985) 470 US 392
Eastern Airlines v Floyd 23 Aviation Cases 17,367
KLM Royal Dutch Airlines v Morris [2001] EWCA Civ 790
Povey v Qantas Airways Ltd (2005) 216 ALR 427

Subjects: AIR TRANSPORT
AIRCRAFT ACCIDENTS

Treaties: Warsaw Convention for the Unification of Certain Rules Relating to International Carriage by Air

AGIS No: 20142240

Title: Enforcement of Australian aviation law.

Authors: WHEELER, Joseph

Source: PRECEDENT (120) January / February 2014 : 14-19

Abstract: Civil Aviation Safety Authority (CASA) regulatory oversight functions - Australia's international obligations - CASA's principal mechanism for enforcing air safety legislation on civil aviation authorisation holders - case law.

Legal Cases: Civil Aviation Safety Authority v Barrier Aviation Pty Ltd [2013] FCA 227
Civil Aviation Safety Authority v Bell [2008] FCA 1049

Legislation: Civil Aviation Act 1988 (CTH)

Subjects: AIR TRANSPORT
LAW ENFORCEMENT
STATUTORY AUTHORITIES

Treaties: Convention on International Civil Aviation

Jurisdictions: AUSTRALIA

AGIS No: 20142238
Title: Liability of international airlines for the death of or injury to passengers.
Authors: MCILWAINE, Russell
Source: PRECEDENT (120) January / February 2014 : 4-7
Abstract: Modernising the rules relating to the liability of international air carriers for the death of or injury to passengers in the course of international commercial air travel - Australia amended the Civil Aviation (Carriers Liability) Act 1959 (Cth) - overview of the Montreal 99 treaty - countries signed the treaty - definitions of accident, embarking, disembarking, bodily injury - damages recoverable.
Subjects: AIR TRANSPORT
AIRCRAFT ACCIDENT LIABILITY
TREATIES
Treaties: Montreal Convention on the Unification of Certain Rules for International Carriage by Air

AIRCRAFT ACCIDENT LIABILITY

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AIRCRAFT ACCIDENTS

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Legal Cases: Air France v Saks (1985) 470 US 392
Eastern Airlines v Floyd 23 Aviation Cases 17,367
KLM Royal Dutch Airlines v Morris [2001] EWCA Civ 790
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Subjects: AIR TRANSPORT
AIRCRAFT ACCIDENTS
Treaties: Warsaw Convention for the Unification of Certain Rules Relating to International Carriage by Air

ANIMAL RIGHTS

AGIS No: 20142245
Title: How to save a predator.
Authors: KLEIN, Natalie
Source: PRECEDENT (120) January / February 2014 : 38-42
Abstract: International regulation of sharks - shark cull in Western Australia - international legal framework - fishing activity - inability of many coastal states to police their large maritime zones - endangered status of all shark species yet to be determined - conserving and managing shark species - no global treaty and organisation dedicated to shark conservation and management.

Subjects: ANIMAL RIGHTS
ANIMALS
ENVIRONMENTAL PROTECTION
MARINE RESOURCES
Treaties: United Nations Convention on the Law of the Sea
Jurisdictions: AUSTRALIA

ANIMALS

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Subjects: ANIMAL RIGHTS
ANIMALS
ENVIRONMENTAL PROTECTION
MARINE RESOURCES
Treaties: United Nations Convention on the Law of the Sea
Jurisdictions: AUSTRALIA

ATTORNEY-GENERAL

AGIS No: 20142248
Title: Archives, the Australian High Court, and the 'Strike of 1905'.
Authors: PRIEST, Susan

Source: UNIVERSITY OF QUEENSLAND LAW JOURNAL 32 (2) 2013 : 253-264
Abstract: Australian legal history - High Court's decision to suspend its sittings in 1905 - 'High Court deadlock' - overview of the historic events.
Subjects: ATTORNEY-GENERAL
HIGH COURT
LEGAL HISTORY
Jurisdictions: AUSTRALIA

AUSTRALIAN COMPETITION AND CONSUMER COMMISSION

AGIS No: 20142226
Title: ACCC v Coles : Coles's lucky day.
Authors: BRADLEY, Michael
MARSHALL, Hannah
Source: COMPETITION AND CONSUMER LAW NEWS 30 (5) June 2014 : 58-59
Abstract: ACCC investigations of major supermarkets - proceedings commenced against Coles - Active Retail Collaboration program - rebate paid by suppliers to Coles for improvements in supply chain - unconscionable conduct in the Australian Consumer Law - misuse of market power - undue influence on suppliers.
Subjects: AUSTRALIAN COMPETITION AND CONSUMER COMMISSION
UNCONSCIONABLE CONDUCT
Jurisdictions: AUSTRALIA

AUSTRALIAN LAW REFORM COMMISSION

AGIS No: 20142273
Title: Reforming the requirements of proof : the Australian Law Reform Commission's native title inquiry.
Authors: STRELEIN, Lisa
Source: INDIGENOUS LAW BULLETIN 8 (10) January / February 2014 : 6-10
Abstract: Requirement of proof of existence of native title - Australian Law Reform Commission inquiry into proof - requirements of connections - separation from common law - onerous requirements of proof - interpretation of s 223 of the Native Title Act 1993 - use of s 223 as a shield.
Legislation: Native Title Act 1993 (CTH)
Subjects: AUSTRALIAN LAW REFORM COMMISSION
BURDEN OF PROOF
NATIVE TITLE
STATUTORY INTERPRETATION
Jurisdictions: AUSTRALIA

BAIL

AGIS No: 20142220
Title: An introduction to the Bail Act 2013.
Authors: WHITE, Christopher

Source: JUDICIAL OFFICERS BULLETIN 26 (1) February 2014 : 1-4
Abstract: Outline of significant changes to the bail regime by the Bail Act 2013 - process for determining bail - implementation of unacceptable risk test for bail decisions - bail applications - seeking reconsideration of a bail decision - other provisions.
Legislation: Bail Act 2013 (NSW)
Subjects: BAIL
LAW REFORM
RISK MANAGEMENT
Jurisdictions: AUSTRALIA, New South Wales

BIAS

AGIS No: 20142200
Title: Apprehended bias and interlocutory judgments.
Authors: OLIJNYK, Anna
Source: SYDNEY LAW REVIEW 35 (4) December 2013 : 761-780
Abstract: Examination of current operation of the bias rule in relation to interlocutory judgments - tensions between impartiality and efficiency - why interlocutory judgments create appearance of bias - analysis of bias rule through examination of two cases - whether principle of apprehended bias allows for efficiency-driven innovation in court procedure.
Legal Cases: British American Tobacco Australia Services Ltd v Laurie (2011) 242 CLR 283
Michael Wilson & Partners Ltd v Nicholls (2011) 244 CLR 427
Subjects: BIAS
JUDGMENTS
Jurisdictions: AUSTRALIA

BILL OF RIGHTS

AGIS No: 20142214
Title: Are bills of rights necessary in common law systems?
Authors: HEYDON, JD
Source: LAW QUARTERLY REVIEW (130) July 2014 : 392-412
Abstract: Function of bill of rights - categories - background to bill of rights in the United Kingdom - nature of the Act - key characteristics - justification - potential problems - other forms of protection.
Legislation: Human Rights Act 1998 (UK)
Subjects: BILL OF RIGHTS
HUMAN RIGHTS
Treaties: Universal Declaration of Human Rights
Jurisdictions: UNITED KINGDOM

AGIS No: 20142251
Title: To whom will ye liken me, and make me equal? Reformulating the role of the comparator in the identification of discrimination.
Authors: EMANUEL, Asher Gabriel

Source: VICTORIA UNIVERSITY OF WELLINGTON LAW REVIEW 45 (1) June 2014 : 1-25

Abstract: Use of comparator groups in establishing breach of s 19 of the New Zealand Bill of Rights Act 1990 - lack of clear methodology in formulation of comparator groups - arbitrary and inconsistent decision-making - reliance on intuitive rather than analytical reasoning - framework guiding the formulation of the comparator needed - case law.

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GB (as executor of estate EB of Whangarei) v Chief Executive of the Ministry of Social Development [2013] NZCA 410
Ministry of Health v Atkinson [2012] NZCA 184

Legislation: New Zealand Bill of Rights Act 1990 (NZ)

Subjects: ADMINISTRATION OF JUSTICE
BILL OF RIGHTS
HUMAN RIGHTS
SOCIAL WELFARE

Jurisdictions: NEW ZEALAND

BURDEN OF PROOF

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Legislation: Native Title Act 1993 (CTH)

Subjects: AUSTRALIAN LAW REFORM COMMISSION
BURDEN OF PROOF
NATIVE TITLE
STATUTORY INTERPRETATION

Jurisdictions: AUSTRALIA

CARRIAGE OF GOODS BY SEA

AGIS No: 20142241

Title: Are you 'lost at sea'? An overview of maritime safety laws.

Authors: BURGE, Peter

Source: PRECEDENT (120) January / February 2014 : 20-23

Abstract: Maritime standards, rules, conventions and regulations - operational and navigational protocols - differences in maritime regulations between the Australian states and territories - accidents in most instances result from a 'human factor' failure.

Subjects: CARRIAGE OF GOODS BY SEA
MARITIME LAW

Jurisdictions: AUSTRALIA

CASH TRANSACTIONS

AGIS No: 20142236
Title: Digital citizenship and the right to identity in Australia.
Authors: SULLIVAN, Clare
Source: FEDERAL LAW REVIEW 41 (3) 2013 : 557-584
Abstract: Move to digital citizenship in Australia – features and functions of digital identity - implications for individuals, government and the private sector - need to review the distribution of responsibility - requirement for an individual to use digital identity for transactions - privacy for protection inadequate - legislative recognition and protection of an individual's right to digital identity.

Legislation: Data Protection Act 1998 (UK)
Privacy Act 1988 (CTH)

Subjects: CASH TRANSACTIONS
DIGITAL CASH
IDENTITY FRAUD

Jurisdictions: AUSTRALIA

CHILD SEXUAL ABUSE

AGIS No: 20142211
Title: An overview of current initiatives to improve child witness interviews about sexual abuse.
Authors: POWELL, Martine B
Source: CURRENT ISSUES IN CRIMINAL JUSTICE 25 (2) November 2013 : 711-720
Abstract: Overview of main barriers to eliciting quality evidence from child witnesses in sexual abuse cases - recent attempts to overcome barriers - recommendations - adoption of narrative framework - quality of training - interview workplace climate - prosecutor feedback - ongoing case tracking - recommendations can also apply to other vulnerable witnesses and adults.

Subjects: CHILD SEXUAL ABUSE
CHILDRENS EVIDENCE
WITNESSES

Jurisdictions: AUSTRALIA

CHILD WELFARE

AGIS No: 20142294
Title: Was the tragedy of Tovia Laufau caused by an absence of trust?
Authors: GRAY, Ben
GILLETT, Grant
Source: JOURNAL OF LAW AND MEDICINE 21 (4) June 2014 : 780-788

Abstract: Importance of trust in the formulation of mutually acceptable regimens of care for difficult and uncertain treatments - understanding of illness and value commitment between parents, patients, and their care givers - cognitive trust - emotional trust - institutional trust.

Legislation: Crimes Act 1961 (NZ)

Subjects: CHILD WELFARE
HEALTH CARE
NEGLIGENCE
PARENTAL NEGLECT

Jurisdictions: SAMOA

CHILDREN

AGIS No: 20142292

Title: Minor's decision-making capacity to refuse life-saving and life-sustaining treatment : legal and psychiatric perspectives.

Authors: MENDELSON, Danuta
HAYWOOD, Ian

Source: JOURNAL OF LAW AND MEDICINE 21 (4) June 2014 : 762-773

Abstract: Euthanasia and assisted suicide for seriously ill children experiencing 'constant and unbearable suffering' - capacity to request death by lethal injection if they convey a reasonable understanding of the consequences of that request - child's capacity to understand death - prerequisite to the implementation of the request - modern neuro-psychological studies - brain's emotional and experiential capacity not fully developed until mid-20s - clinical and legal implications - case law.

Subjects: CHILDREN
EUTHANASIA
MEDICAL ETHICS
SUICIDE
YOUNG PERSONS

Jurisdictions: AUSTRALIA
BELGIUM
NETHERLANDS

CHILDRENS EVIDENCE

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Subjects: CHILD SEXUAL ABUSE
CHILDRENS EVIDENCE
WITNESSES
Jurisdictions: AUSTRALIA

CIVIL DEFENCE

AGIS No: 20142258
Title: In fact, it's a matter of opinion : determining a distinction between fact and opinion within the New Zealand defence of honest opinion.
Authors: RISELEY, Wendy J
Source: VICTORIA UNIVERSITY OF WELLINGTON LAW REVIEW 45 (1) June 2014 : 185-211
Abstract: Distinction between fact and opinion within the defence of honest opinion - classic legal tests for determining this distinction largely producing unpredictable results - advocating for an adaptation of the four-factor totality of circumstances test - better supporting freedom of expression under s 14 of the New Zealand Bill of Rights Act 1990.
Legislation: Defamation Act 1992 (NZ)
New Zealand Bill of Rights Act 1990 (NZ)
Subjects: CIVIL DEFENCE
COMMON LAW
DEFAMATION
Jurisdictions: NEW ZEALAND

CIVIL PROCEDURE

AGIS No: 20142249
Title: The constitutionality of the Queensland Criminal Organisation Act : Kable, procedural due process and state constitutionalism.
Authors: GUY, Scott
Source: UNIVERSITY OF QUEENSLAND LAW JOURNAL 32 (2) 2013 : 265-294
Abstract: Operation of the Kable principle prior to the series of High Court decisions commencing in 2008 with South Australia v Totani - criminalising motorcycle 'bikie' organisations - detailed examination of decisions in Totani, International Trust Finance, Kirk and Wainohu - implications of these decisions for the Kable principle - newly reconceptualised Kable principle - how the Criminal Organisation Act potentially trenches on the implied rights to freedom of association and freedom of political communication.
Legal Cases: Kable v Director of Public Prosecutions (NSW) (1996) 189 CLR 51
South Australia v Totani (2010) 242 CLR 1
Legislation: Criminal Organisation Act 2009 (QLD)
Subjects: CIVIL PROCEDURE
CONSTITUTIONAL LAW
ORGANISED CRIME
Jurisdictions: AUSTRALIA

COASTAL AREAS

AGIS No: 20142288
Title: The precautionary principle, the coast and Temwood Holdings.
Authors: ESTCOURT, Stephen
Source: ENVIRONMENTAL AND PLANNING LAW JOURNAL 31 (4) July 2014 : 288-299

Abstract: Operationalisation of the rhetoric of the precautionary principle - environmental threats - how far Australia has come since 1992 in 'operationalising' the precautionary principle - planning and development applications relating to the coast - balancing the precautionary principle and the other components of environmentally sustainable development - case law.

Legal Cases: Telstra Corp Ltd v Hornsby Shire Council (2006) 146 LGERA 10
Western Australian Planning Commission v Temwood Holdings Pty Ltd (2004) 221 CLR 30

Subjects: COASTAL AREAS
COURTS
ENVIRONMENTAL LAW
ENVIRONMENTAL PROTECTION

Jurisdictions: AUSTRALIA

COMMON LAW

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Legislation: Defamation Act 1992 (NZ)
New Zealand Bill of Rights Act 1990 (NZ)

Subjects: CIVIL DEFENCE
COMMON LAW
DEFAMATION

Jurisdictions: NEW ZEALAND

AGIS No: 20142254
Title: The new intrusion tort : the news media exposed?
Authors: MCKENZIE, Thomas Levy
Source: VICTORIA UNIVERSITY OF WELLINGTON LAW REVIEW 45 (1) June 2014 : 79-107

Abstract: Common law - tort protecting against intentional intrusions into person's private space - intrusive newsgathering practice - exposing news media to tortious liability - methods in New Zealand and internationally to prevent the news media from breaching individual privacy rights - formulation to be replaced with a one-step reasonable expectation of privacy test - how the intrusion tort should interact with the privacy tort - precise wording of the intrusion tort's formulation.

Legal Cases: C v Holland [2012] NZHC 2155

Legislation: Crimes Act 1961 (NZ)

Subjects: COMMON LAW
MEDIA
PRIVACY
TORTS

Jurisdictions: NEW ZEALAND

COMPANY DIRECTORS

AGIS No: 20142252

Title: Indirectly directors : duties owed below the board.

Authors: BARBER, Fran

Source: VICTORIA UNIVERSITY OF WELLINGTON LAW REVIEW 45 (1) June 2014 : 27-51

Abstract: Scope of the term 'officer' - context of breaching a statutory duty by a company secretary and general counsel - extent to which director's duties are, or should be, owed by those below directorship level - expansive interpretation of the 'director' definition not necessary.

Legislation: Companies Act 1993 (NZ)
Financial Markets Conduct Act 2013 (NZ)

Subjects: COMPANY DIRECTORS

Jurisdictions: NEW ZEALAND

AGIS No: 20142285

Title: Practical trade-on DOCA transition issues : a case for reform.

Authors: PAN, Philip
MEW, Cameron

Source: INSOLVENCY LAW BULLETIN 15 (4) July 2014 : 60-63

Abstract: 'Trade-on' deed of company arrangement (DOCA) - continued trading of the company under the management and control of the directors - creation of a fund to be distributed to creditors by the deed administrator - complex practical and legal issues for insolvency practitioners - areas for reform - power to adjourn second meeting - administration and termination of the DOCA - conflicts and disqualifications - committee of creditors - priorities - powers of the court - issues to be considered when drafting a DOCA.

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

Subjects: COMPANY DIRECTORS
CREDITORS
DEEDS
INSOLVENCY
LIQUIDATION

Jurisdictions: AUSTRALIA

COMPENSATION

AGIS No: 20142253

Title: New Zealand's Accident Compensation scheme and chronic pain syndrome.

Authors: BULL, Juliet

Source: VICTORIA UNIVERSITY OF WELLINGTON LAW REVIEW 45 (1) June 2014 : 53-77

Abstract: Chronic pain syndrome - not currently a physical injury under New Zealand's Accident Compensation scheme - considering correctness of this exclusion - policy factors - integrity of legislation - maintaining the exclusion.

Legal Cases: Allenby v H [2012] NZSC 33

Legislation: Accident Compensation Act 2001 (NZ)

Subjects: ACCIDENTS
COMPENSATION
LEGISLATION
PERSONAL INJURIES

Jurisdictions: NEW ZEALAND

AGIS No: 20142274

Title: What's next for native title compensation : the De Rose decision and the assessment of native title rights and interests.

Authors: SONG, Wanjie

Source: INDIGENOUS LAW BULLETIN 8 (10) January / February 2014 : 11-14

Abstract: Overview of De Rose decision - compensation for the extinguishment or impairment of native title rights and interests - when compensation is payable - assessment of compensation - freehold value - loss of 'right to negotiate' - non-economic loss - compensation under other regimes.

Legal Cases: De Rose v State of South Australia [2013] FCA 988

Legislation: Native Title Act 1993 (CTH)

Subjects: COMPENSATION
NATIVE TITLE

Jurisdictions: AUSTRALIA

COMPETITION LAW

AGIS No: 20142227

Title: Some guidance on the meaning of "attempt to contravene" under the Competition and Consumer Act 2010.

Authors: COOREY, Adrian

Source: COMPETITION AND CONSUMER LAW NEWS 30 (5) June 2014 : 60-64

Abstract: Meaning of "attempt to contravene" - common law meaning - mental element - physical element - examples of what is considered to be an "attempt to contravene".

Legal Cases: Trade Practices Commission v Parkfield Operations Pty Ltd (1985) 7 FCR 534
Trade Practices Commission v Tubemakers of Australia Ltd (1983) 47 ALR 719
Legislation: Competition and Consumer Act 2010 (CTH)
Subjects: COMPETITION LAW
Jurisdictions: AUSTRALIA

CONFERENCES

AGIS No: 20142223
Title: ALIA Information Online Conference 2013 : trade exhibition.
Authors: DOUGLAS, Jane
Source: ONLINE CURRENTS 27 (5) October 2013 : 252-261
Abstract: Overview of trade exhibitors at the Australian Library and Information Association Online Conference - summary of featured products - library and resource management systems and technologies - publishers, content suppliers and aggregators - professional services - education and training.
Subjects: CONFERENCES
LIBRARIES
TECHNOLOGICAL INNOVATIONS
Jurisdictions: AUSTRALIA

AGIS No: 20142224
Title: ANZSI Indexing Conference : intrepid indexing.
Authors: BROWNE, Glenda
Source: ONLINE CURRENTS 27 (5) October 2013 : 262-265
Abstract: Overview of major theme of the ANZSI Indexing Conference - name and foreign language indexing - indexing practice in Japan - ebook indexing.
Subjects: CONFERENCES
INDEXING
Jurisdictions: AUSTRALIA
JAPAN

CONFLICT OF INTERESTS

AGIS No: 20142279
Title: Sleeping with the enemy? Conflicts of interest and relationship status discrimination.
Authors: MAXWELL, Jack
Source: ETHOS (232) June 2014 : 12-14
Abstract: Employee's personal relationships with colleagues and competitors - conflict of interest - intimate involvement with someone working for competitor - divulging commercially sensitive information - strategies for dealing with the conflicts of interest - pre-employment screening - ongoing disclosure requirements - termination - unfavourable treatment of employees - unfair assumptions exposing corporate entities to liability.

Legislation: Anti-Discrimination Act 1991 (ACT)
Anti-Discrimination Act 1991 (QLD)
Bribery Act 2010 (UK)
Equal Opportunities Act 1984 (SA)

Subjects: CONFLICT OF INTERESTS
EMPLOYERS LIABILITY
EMPLOYMENT
EMPLOYMENT DISCRIMINATION

Jurisdictions: AUSTRALIA

CONSTITUTIONAL LAW

AGIS No: 20142237

Title: Rights review in the high court and the cultural limits of judicial power.

Authors: WOODS, Robert

Source: FEDERAL LAW REVIEW 41 (3) 2013 : 585-608

Abstract: High Court's reluctance to move into stronger forms of rights protection - disparity between federalism and rights-based judicial review practices - federal and 'rights' provisions of the Constitution indeterminate - theory of judicial politics sensitive to cultural and political constraint.

Subjects: CONSTITUTIONAL LAW
HIGH COURT
JUDICIAL STATUS AND POWER
LEGAL RESEARCH

Jurisdictions: AUSTRALIA

AGIS No: 20142249

Title: The constitutionality of the Queensland Criminal Organisation Act : Kable, procedural due process and state constitutionalism.

Authors: GUY, Scott

Source: UNIVERSITY OF QUEENSLAND LAW JOURNAL 32 (2) 2013 : 265-294

Abstract: Operation of the Kable principle prior to the series of High Court decisions commencing in 2008 with South Australia v Totani - criminalising motorcycle 'bikie' organisations - detailed examination of decisions in Totani, International Trust Finance, Kirk and Wainohu - implications of these decisions for the Kable principle - newly reconceptualised Kable principle - how the Criminal Organisation Act potentially trenches on the implied rights to freedom of association and freedom of political communication.

Legal Cases: Kable v Director of Public Prosecutions (NSW) (1996) 189 CLR 51
South Australia v Totani (2010) 242 CLR 1

Legislation: Criminal Organisation Act 2009 (QLD)

Subjects: CIVIL PROCEDURE
CONSTITUTIONAL LAW
ORGANISED CRIME

Jurisdictions: AUSTRALIA

CONSTRUCTION INDUSTRY

AGIS No: 20142309

Title: Clarity on ambiguity or greater ambiguity as to the meaning of ambiguity : how do we construct contracts in construction law? Mainteck Services Pty Ltd v Stein Heurtey SA.

Authors: ROBERTSON, Andrew

Source: AUSTRALIAN CONSTRUCTION LAW BULLETIN 26 (5) July 2014 : 78-81

Abstract: Non-contractual documents attached to the contract to support the understanding of the meaning of the contract - extrinsic documents - background information about circumstances of what the contract was commercially seeking to achieve - history of 'ambiguous or susceptible or more than one meaning' - case law.

Legal Cases: Mainteck Services Pty Ltd v Stein Heurtey SA (2014) 310 ALR 113

Subjects: CONSTRUCTION INDUSTRY
CONTRACTS

Jurisdictions: AUSTRALIA

AGIS No: 20142310

Title: Is the right to use security or retention amounts in Queensland as secure as you think?

Authors: FERGUSON, Donovan

KAY, Sam

Source: AUSTRALIAN CONSTRUCTION LAW BULLETIN 26 (5) July 2014 : 82-84

Abstract: Queensland Building and Construction Commission Act 1991 (Qld) - section 67J - circumstances associated with the contracted party's performance of the contract - subcontract - amount owed under a contract - case law.

Legal Cases: Beyfield Pty Ltd (t/as East Coast Mechanical Services) v Northbuild Construction Sunshine Coast Pty Ltd [2014] QSC 012

Legislation: Building Services Authority Act 1991 (QLD)
Queensland Building and Construction Commission Act 1991 (QLD)

Subjects: CONSTRUCTION INDUSTRY
CONTRACTS
LEGISLATION

Jurisdictions: AUSTRALIA, Queensland

AGIS No: 20142308

Title: What is required to satisfy an obligation to perform with due diligence?

Authors: MCVEIGH, Jennifer

FITZGERALD, Laura

Source: AUSTRALIAN CONSTRUCTION LAW BULLETIN 26 (5) July 2014 : 74-77

Abstract: Construction contracts - contractor to proceed with due diligence - nature of a contractual obligation of due diligence - instances in which a contractor has been found to have breached the requirement to proceed with due diligence - failure to act reasonably - poor organisation/management - inadequate resourcing - instance in which a contractor has been found to have met the obligation of due diligence - does the nature of the obligation change after the date for practical completion has passed.

Legal Cases: Dura (Australia) Constructions Pty Ltd v Hue Boutique Living Pty Ltd (No 3) [2012] VSC 99
Sabic UK Petrochemicals Ltd v Punj Lloyd Ltd [2013] EWHC 2916 (TCC)

Subjects: CONSTRUCTION INDUSTRY
CONTRACTS

Jurisdictions: AUSTRALIA

CONSUMER PROTECTION

AGIS No: 20142229

Title: Levelling the playing field : product liability in South Africa.

Authors: MONTY, Simone

Source: COMPETITION AND CONSUMER LAW NEWS 30 (5) June 2014 : 65-67

Abstract: Product liability under common law in South Africa - previous fault-based system - law of delict - provisions of the Consumer Protection Act amending common law principles previously applied to product liability - different between South African consumer protection legislation and other common law jurisdictions.

Legislation: Consumer Protection Act 2008 (SOUTH AFRICA)

Subjects: CONSUMER PROTECTION
PRODUCTS LIABILITY

Jurisdictions: SOUTH AFRICA

CONTRACTS

AGIS No: 20142219

Title: Case note : Gallinar Holdings Pty Ltd v Riedel.

Authors: FRATICELLI, Jean-Paul

Source: AUSTRALIAN PROPERTY LAW BULLETIN 29 (5) June 2014 : 99-102

Abstract: Unilateral mistake by vendor under a contract for sale - vendor seeking to avoid contract - no binding contract or on bases of unilateral mistake - specific performance on grounds to do with court's discretion - denial of specific performance - case law.

Legal Cases: Gallinar Holdings Pty Ltd v Riedel [2014] NSWSC 476

Subjects: CONTRACTS

Jurisdictions: AUSTRALIA

AGIS No: 20142309

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Legal Cases: Mainteck Services Pty Ltd v Stein Heurtey SA (2014) 310 ALR 113
Subjects: CONSTRUCTION INDUSTRY
CONTRACTS
Jurisdictions: AUSTRALIA

AGIS No: 20142310
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Legislation: Building Services Authority Act 1991 (QLD)
Queensland Building and Construction Commission Act 1991 (QLD)

Subjects: CONSTRUCTION INDUSTRY
CONTRACTS
LEGISLATION

Jurisdictions: AUSTRALIA, Queensland

AGIS No: 20142308

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FITZGERALD, Laura

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Legal Cases: Dura (Australia) Constructions Pty Ltd v Hue Boutique Living Pty Ltd (No 3) [2012] VSC 99

Sabic UK Petrochemicals Ltd v Punj Lloyd Ltd [2013] EWHC 2916 (TCC)

Subjects: CONSTRUCTION INDUSTRY
CONTRACTS

Jurisdictions: AUSTRALIA

CORONERS

AGIS No: 20142293

Title: The role of post-mortem imaging in preliminary examinations under the Coroners Act 2008 (VIC) : a forensic pathologist's perspective.

Authors: LYNCH, Matthew J
WOODFORD, Noel WF

Source: JOURNAL OF LAW AND MEDICINE 21 (4) June 2014 : 774-779

Abstract: Incorporating sophisticated clinical imaging techniques into the medico-legal death investigation process - challenges for coroners and pathologists - judicial determination as to the cause of death on the basis of autopsy findings - broader responsibilities in death and disease prevention - quality and robustness of the pathologist's advice to the coroner - coronial case studies.

Legal Cases: Priest v West [2012] VSCA 327

Legislation: Coroners Act 2008 (VIC)

Subjects: CORONERS

Jurisdictions: AUSTRALIA, Victoria

CORPORATIONS LAW

AGIS No: 20142284

Title: Breakdown in corporate relations : winding up on the just and equitable ground.

Authors: BENNETTS, Keith

Source: INSOLVENCY LAW BULLETIN 15 (4) July 2014 : 56-58

Abstract: Winding up order and appointing a liquidator to company - retrievable breakdown of the relationship between persons in control of a company - personal relationship of mutual confidence and trust between incorporators - equitable obligations - 'quasi-partnership' relations underlying corporate structure - alternative approach to quasi-partnership - case law.

Legal Cases: Nassar v Innovative Precasters Group Pty Ltd [2009] NSWSC 513
Re Amazon Pest Control Pty Ltd [2012] NSWSC 1568
Re DJG Securities Pty Ltd [2013] NSWSC 588

Legislation: Corporations Act 2001 (CTH)
Partnership Act 1892 (NSW)

Subjects: CORPORATIONS LAW
LIQUIDATION
PARTNERSHIPS

Jurisdictions: AUSTRALIA

AGIS No: 20142311

Title: Pay now, litigate later : WA Court of Appeal considers challenge to the enforcement of determinations under the Corporations Act.

Authors: BRIGGS, Mathew
DARIAN-SMITH, Mark

Source: AUSTRALIAN CONSTRUCTION LAW BULLETIN 26 (5) July 2014 : 85-87

Abstract: Statutory demand procedure - statutory demand based on a determination - statement of claim in proceedings insufficient to establish that there is an offsetting claim - case law.

Legal Cases: Diploma Construction (WA) Pty Ltd v KPA Architects Pty Ltd [2014] WASCA 91

Legislation: Construction Contracts Act 2004 (WA)
Corporations Act 2001 (CTH)
Subjects: CORPORATIONS LAW
LITIGATION
Jurisdictions: AUSTRALIA, Western Australia

AGIS No: 20142267
Title: Setting aside statutory demands : a walk in the park, or along the precipice?

Authors: HASSALL, Marcus
Source: ETHOS (232) June 2014 : 8-10
Abstract: Procedure for making a 'statutory demand' contained in Part 5.4 of the Corporations Act 2001 (Cth) - legislative framework - when is the procedure available - procedural requirements for making and challenging a statutory demand - what happens if the set-aside application is dismissed - getting a statutory demand set aside - supporting affidavit - form and substance - what establishes a 'genuine' dispute or counterclaim.

Legislation: Corporations Act 2001 (CTH)
Subjects: CORPORATIONS LAW
STATUTE LAW
Jurisdictions: AUSTRALIA

COSTS

AGIS No: 20142286
Title: Re Guns Plantations Ltd (in liq) (recs & mgrs apptd).
Authors: RICHARDSON, David
Source: INSOLVENCY LAW BULLETIN 15 (4) July 2014 : 64-66
Abstract: Court's approach to a liquidator's request for court approval for their costs and expenses where they relate to a very large amount of work - third-party transactions - liquidators' costs - case law.
Legal Cases: Re Gunns Plantations Ltd (in liq) (recs & mgrs apptd) [2014] VSC 239
Subjects: COSTS
LIQUIDATION
Jurisdictions: AUSTRALIA

COURT ORDERS

AGIS No: 20142197
Title: An empirical analysis of suppression orders in the Victorian courts : 2008-12.
Authors: BOSLAND, Jason
BAGNALL, Ashleigh
Source: SYDNEY LAW REVIEW 35 (4) December 2013 : 671-702

Abstract: Results of empirical study of all suppression orders distributed to media by Victorian courts - fundamental legal principles of open justice and making of suppression orders - methodology - results show high rate of suppression orders in Victoria - rate appears to be increasing - significant problems with breadth, clarity and duration of orders - exploration of possible reasons for findings - Standing Committee of Attorneys-General model and Open Courts Bill as possible solution.

Legal Cases: News Digital Media Pty Ltd v Mokbel (2010) 30 VR 248

Legislation: County Court Act 1958 (VIC)
Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 (VIC)
Magistrates Court Act 1989 (VIC)
Public Health and Wellbeing Act 2008 (VIC)
Serious Sex Offenders (Detention and Supervision) Act 2009 (VIC)

Subjects: COURT ORDERS
MEDIA

Jurisdictions: AUSTRALIA, Victoria

COURT RULES AND PROCEDURE

AGIS No: 20142202

Title: Before the High Court : jury deliberations and the secrecy rule : the tail that wags the dog?

Authors: HUNTER, Jill

Source: SYDNEY LAW REVIEW 35 (4) December 2013 : 809-826

Abstract: Rule requiring jury deliberations be kept secret - jury secrecy rule no longer justified - reasons to maintain rule - adopting a rule with exceptions - case law.

Legal Cases: Smith v The State of Western Australia [2013] WASCA 7
Vaise v Delaval (1785) 99 ER 944

Legislation: Juries Act 1957 (WA)

Subjects: COURT RULES AND PROCEDURE
JURIES

Jurisdictions: AUSTRALIA

COURTS

AGIS No: 20142288

Title: The precautionary principle, the coast and Temwood Holdings.

Authors: ESTCOURT, Stephen

Source: ENVIRONMENTAL AND PLANNING LAW JOURNAL 31 (4) July 2014 : 288-299

Abstract: Operationalisation of the rhetoric of the precautionary principle - environmental threats - how far Australia has come since 1992 in 'operationalising' the precautionary principle - planning and development applications relating to the coast - balancing the precautionary principle and the other components of environmentally sustainable development - case law.

Legal Cases: Telstra Corp Ltd v Hornsby Shire Council (2006) 146 LGERA 10
Western Australian Planning Commission v Temwood Holdings Pty Ltd (2004) 221 CLR 30

Subjects: COASTAL AREAS
COURTS
ENVIRONMENTAL LAW
ENVIRONMENTAL PROTECTION

Jurisdictions: AUSTRALIA

AGIS No: 20142304

Title: Transparency in mental health : why mental health tribunals should be required to publish reasons.

Authors: SMITH, Alison
CAPLE, Andrew

Source: JOURNAL OF LAW AND MEDICINE 21 (4) June 2014 : 942-956

Abstract: Need for greater transparency and accountability in Australia's civil commitment system - involuntary detention and treatment of people with mental illness - how transparency and accountability may be addressed by Australia's mental health tribunals publishing reasons more frequently - principles of open justice - therapeutic jurisprudence - human rights - justification for an increase in the publication of reasons - right to privacy - mental health tribunals to provide redacted reasons in all cases.

Legislation: Mental Health (Treatment and Care) Act 1994 (ACT)
Mental Health Act 2007 (NSW)
Mental Health and Related Services Act 1998 (NT)

Subjects: COURTS
DETENTION
FREEDOM OF INFORMATION
HEALTH CARE
MENTAL HEALTH

Jurisdictions: AUSTRALIA

CREDITORS

AGIS No: 20142285

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Authors: PAN, Philip
MEW, Cameron

Source: INSOLVENCY LAW BULLETIN 15 (4) July 2014 : 60-63

Abstract: 'Trade-on' deed of company arrangement (DOCA) - continued trading of the company under the management and control of the directors - creation of a fund to be distributed to creditors by the deed administrator - complex practical and legal issues for insolvency practitioners - areas for reform - power to adjourn second meeting - administration and termination of the DOCA - conflicts and disqualifications - committee of creditors - priorities - powers of the court - issues to be considered when drafting a DOCA.

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

Subjects: COMPANY DIRECTORS
CREDITORS
DEEDS
INSOLVENCY
LIQUIDATION
Jurisdictions: AUSTRALIA

CRIMINAL INVESTIGATION

AGIS No: 20142262
Title: Police and user-led investigations on social media.
Authors: TROTTIER, Daniel
Source: JOURNAL OF LAW, INFORMATION AND SCIENCE 23 (1) 2014 : 75-96
Abstract: Emerging forms of surveillance and policing - using social media platforms - Facebook - Twitter - top-down and ground-up policing - emergence of top-down scrutiny of social media platforms by police - examples of forms of policing on social media - policing by the public.
Subjects: CRIMINAL INVESTIGATION
LAW ENFORCEMENT
POLICE
SOCIAL MEDIA
Jurisdictions: CANADA

CRIMINAL JUSTICE

AGIS No: 20142210
Title: Reforming the criminal law on mental incapacity.
Authors: LOUGHNAN, Arlie
Source: CURRENT ISSUES IN CRIMINAL JUSTICE 25 (2) November 2013 : 703-710
Abstract: Critical assessment of NSW Law Reform Commission proposals for reform of the law on 'fitness to be tried' and the insanity/mental illness defence - purpose of the provisions and current construction - conclusion that proposed reforms largely positive - appropriate balance between specific interests of defendants, victims and legal and medical professionals - general social and legal interests of liberty and security.
Legislation: Mental Health (Forensic Provisions) Act 1990 (NSW)
Subjects: CRIMINAL JUSTICE
CRIMINAL LAW REFORM
INSANITY AND CRIME
MENTAL ILLNESS
Jurisdictions: AUSTRALIA, New South Wales

CRIMINAL LAW REFORM

AGIS No: 20142210
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Source: CURRENT ISSUES IN CRIMINAL JUSTICE 25 (2) November 2013 : 703-710

Abstract: Critical assessment of NSW Law Reform Commission proposals for reform of the law on 'fitness to be tried' and the insanity/mental illness defence - purpose of the provisions and current construction - conclusion that proposed reforms largely positive - appropriate balance between specific interests of defendants, victims and legal and medical professionals - general social and legal interests of liberty and security.

Legislation: Mental Health (Forensic Provisions) Act 1990 (NSW)

Subjects: CRIMINAL JUSTICE
CRIMINAL LAW REFORM
INSANITY AND CRIME
MENTAL ILLNESS

Jurisdictions: AUSTRALIA, New South Wales

CRIMINAL OFFENDERS

AGIS No: 20142278

Title: Casenote : Bugmy v R (2013) 302 ALR 192.

Authors: JACKSON, Lucy

Source: INDIGENOUS LAW BULLETIN 8 (10) January / February 2014 : 27-30

Abstract: Relevance of offender background to the application of sentencing principles - High Court decision holding that offenders background of deprivation relevant factor in sentencing - effects of background of significant deprivation did not diminish over time - separate judgment holding that weight given to effect of history of deprivation to be determined in each individual case rather than categorical principle.

Legal Cases: Bugmy v R (2013) 302 ALR 192
R v Bugmy [2012] NSWCCA 223
R v Fernando (1992) 76 A Crim R 58

Legislation: Crimes Act 1900 (NSW)

Subjects: CRIMINAL OFFENDERS
SENTENCING

Jurisdictions: AUSTRALIA

CRIMINOLOGY

AGIS No: 20142205

Title: Criminalisation and normative theory.

Authors: BROWN, David

Source: CURRENT ISSUES IN CRIMINAL JUSTICE 25 (2) November 2013 : 605-625

Abstract: Normative theory in criminal law scholarship - tensions between contextual, process-oriented and criminological tradition in Australia and recent revival of normative theory of criminal law - overview of tensions through examination of recent examples of criminalisation in New South Wales - reflection on links between particular features of criminalisation and attempts to develop a normative theory of criminalisation.

Subjects: CRIMINOLOGY

Jurisdictions: AUSTRALIA, New South Wales

DATA PROTECTION

AGIS No: 20142305

Title: Government databases and public health research : facilitating access in the public interest.

Authors: ADAMS, Carolyn
ALLEN, Judy

Source: JOURNAL OF LAW AND MEDICINE 21 (4) June 2014 : 957-972

Abstract: Access to datasets of personal health information held by government agencies - essential to support public health research and promote evidence-based public health policy development - privacy legislation in Australia - allowing the disclosure of this information for public health research - decisions and decision-making processes of government data custodians subject to increased scrutiny - external review process for denied and unduly delayed access to the datasets.

Legislation: Australian Information Commissioner Act 2010 (CTH)
Freedom of Information Act 1982 (CTH)
Privacy Act 1988 (CTH)

Subjects: DATA PROTECTION
FREEDOM OF INFORMATION
MEDICAL RESEARCH
PUBLIC HEALTH
RESEARCH

Jurisdictions: AUSTRALIA

AGIS No: 20142261

Title: Role and substantial connections : enforcing Canadian privacy laws against American social networking companies.

Authors: BENNETT, Colin J
PARSONS, Christopher A
MOLNAR, Adam

Source: JOURNAL OF LAW, INFORMATION AND SCIENCE 23 (1) 2014 : 50-74

Abstract: Enforcing Canadian privacy protection law on US-based social networking services (SNS) - jurisdiction of the Personal Information Protection and Electronic Document Act - Office of the Privacy Commissioner of Canada - analysis of the privacy policies of the top 23 SNSs operating in Canada.

Legislation: Personal Information Protection and Electronic Documents Act 2000 (CANADA)

Subjects: DATA PROTECTION
LEGISLATION
PRIVACY
SOCIAL MEDIA

Jurisdictions: CANADA

AGIS No: 20142260

Title: Sheherezade and the 101 data privacy laws : origins, significance and global trajectories.

Authors: GREENLEAF, Graham
Source: JOURNAL OF LAW, INFORMATION AND SCIENCE 23 (1) 2014 : 4-49
Abstract: Sweden's Data Act 1973 - basic set of data protection principles - trends in global privacy laws development - definition of data privacy law - global analysis of data privacy laws - international agreements - Data Protection Authorities (DPAs) - interlocking associations - accelerating growth in the number of data privacy laws - expected to be found in almost all economically more significant countries within a decade.

Legislation: Data Act 1973 (SWEDEN)
Fair Credit Reporting Act 1976 (US)

Subjects: DATA PROTECTION
PRIVACY

Treaties: Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data

DEBTS AND DEBTORS

AGIS No: 20142198
Title: Stop them circling : addressing vulture funds in Australian law.
Authors: BAI, James
Source: SYDNEY LAW REVIEW 35 (4) December 2013 : 703-730
Abstract: Examination of vulture funds and how they are formed - private investment funds trading in defaulted or soon-to-default sovereign debt - legal mechanisms allowing vulture funds to seek repayment for debts they own - problems represented by vulture funds both internationally and domestically - need for Australia to seek limitations on claims - methods of combating vulture funds - proposed Australian answer to problem.

Legal Cases: Elliott Associates, LP v Banco de la Nacion 194 F3d 363 (1999)
FG Hemisphere Associates LLC v Democratic Republic of Congo [2010] NSWSC 1394

Legislation: Debt Relief (Developing Countries) Act 2010 (UK)

Subjects: DEBTS AND DEBTORS
INVESTMENTS

Jurisdictions: AUSTRALIA
BELGIUM
FRANCE
GREAT BRITAIN
UNITED STATES

DEEDS

AGIS No: 20142270
Title: "Delivery", "escrow", recitals and estoppel, and attestation : current questions with deeds.
Authors: AITKEN, Lee
Source: AUSTRALIAN LAW JOURNAL 88 (8) August 2014 : 561-566
Abstract: Law of deeds - "deed poll" and indenture - execution of deeds - recitals in the deed - attestation of the deed - overview of recent cases on delivery of deeds.

Legal Cases: 400 George Street (Qld) Pty Ltd v BG International Ltd [2012] 2 Qd R 302
Mirzikinian v Waterhouse Pty Ltd [2009] NSWCA 296
Segboer v AJ Richardson Properties Pty Ltd [2012] NSWCA 253
Subjects: DEEDS
Jurisdictions: AUSTRALIA

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Subjects: COMPANY DIRECTORS
CREDITORS
DEEDS
INSOLVENCY
LIQUIDATION
Jurisdictions: AUSTRALIA

DEFAMATION

AGIS No: 20142258
Title: In fact, it's a matter of opinion : determining a distinction between fact and opinion within the New Zealand defence of honest opinion.
Authors: RISELEY, Wendy J
Source: VICTORIA UNIVERSITY OF WELLINGTON LAW REVIEW 45 (1) June 2014 : 185-211
Abstract: Distinction between fact and opinion within the defence of honest opinion - classic legal tests for determining this distinction largely producing unpredictable results - advocating for an adaptation of the four-factor totality of circumstances test - better supporting freedom of expression under s 14 of the New Zealand Bill of Rights Act 1990.
Legislation: Defamation Act 1992 (NZ)
New Zealand Bill of Rights Act 1990 (NZ)
Subjects: CIVIL DEFENCE
COMMON LAW
DEFAMATION
Jurisdictions: NEW ZEALAND

DETENTION

AGIS No: 20142304

Title: Transparency in mental health : why mental health tribunals should be required to publish reasons.

Authors: SMITH, Alison
CAPLE, Andrew

Source: JOURNAL OF LAW AND MEDICINE 21 (4) June 2014 : 942-956

Abstract: Need for greater transparency and accountability in Australia's civil commitment system - involuntary detention and treatment of people with mental illness - how transparency and accountability may be addressed by Australia's mental health tribunals publishing reasons more frequently - principles of open justice - therapeutic jurisprudence - human rights - justification for an increase in the publication of reasons - right to privacy - mental health tribunals to provide redacted reasons in all cases.

Legislation: Mental Health (Treatment and Care) Act 1994 (ACT)
Mental Health Act 2007 (NSW)
Mental Health and Related Services Act 1998 (NT)

Subjects: COURTS
DETENTION
FREEDOM OF INFORMATION
HEALTH CARE
MENTAL HEALTH

Jurisdictions: AUSTRALIA

DIGITAL CASH

AGIS No: 20142236

Title: Digital citizenship and the right to identity in Australia.

Authors: SULLIVAN, Clare

Source: FEDERAL LAW REVIEW 41 (3) 2013 : 557-584

Abstract: Move to digital citizenship in Australia – features and functions of digital identity - implications for individuals, government and the private sector - need to review the distribution of responsibility - requirement for an individual to use digital identity for transactions - privacy for protection inadequate - legislative recognition and protection of an individual's right to digital identity.

Legislation: Data Protection Act 1998 (UK)
Privacy Act 1988 (CTH)

Subjects: CASH TRANSACTIONS
DIGITAL CASH
IDENTITY FRAUD

Jurisdictions: AUSTRALIA

DISPUTE RESOLUTION

AGIS No: 20142289

Title: 'Marginal improvements in the West' : new approaches to managing complex environmental and planning cases in the State Administrative Tribunal of Western Australia.

Authors: MCNAB, Peter
Source: ENVIRONMENTAL AND PLANNING LAW JOURNAL 31 (4) July 2014 : 300-310
Abstract: Theory of incrementalism - practical application - 'marginal gains' - complex environmental/planning processes in the State Administrative Tribunal - use of facilitative dispute resolution processes - court and tribunal methods - law cases.
Legal Cases: Keysbrook Leucoxene Pty Ltd v Shire of Serpentine-Jarrahdale (2010) 71 SR (WA) 55
Opal Vale Pty Ltd v Shire of Toodyay [2013] WASAT 88
Ransberg Pty Ltd and City of Bayswater [2014] WASAT 12
Legislation: Environmental Protection Act 1986 (WA)
State Administrative Tribunal Act 2004 (WA)
Subjects: DISPUTE RESOLUTION
ENVIRONMENTAL LAW
ENVIRONMENTAL PROTECTION
LAND AND ENVIRONMENT COURT
Jurisdictions: AUSTRALIA, Western Australia

DOMESTIC VIOLENCE

AGIS No: 20142206
Title: Australian domestic violence protection order legislation : a comparative quantitative content analysis of victim safety provisions.
Authors: JEFFRIES, Samantha
BOND, Christine E W
FIELD, Rachael
Source: CURRENT ISSUES IN CRIMINAL JUSTICE 25 (2) November 2013 : 627-643
Abstract: Analysis of victim safety focus of domestic violence protection order legislation in Australian states and territories - comparative quantitative content analysis - findings show Northern Territory, South Australia and Victoria have highest victim safety focus - scope for improvement in all jurisdictions in terms of victim safety focus in legislation and considerations of legislative inconsistency between jurisdictions.
Legislation: Crimes (Domestic and Personal Violence) Act 2007 (NSW)
Domestic and Family Violence Act 2007 (NT)
Domestic and Family Violence Protection Act 2012 (QLD)
Domestic Violence and Protection Orders Act 2008 (ACT)
Family Violence Act 2004 (TAS)
Family Violence Protection Act 2008 (VIC)
Intervention Orders (Prevention of Abuse) Act 2009 (SA)
Restraining Orders Act 1997 (WA)
Subjects: DOMESTIC VIOLENCE
PUBLIC SAFETY
VICTIMS OF CRIME
Jurisdictions: AUSTRALIA

DRUG CONTROL

AGIS No: 20142246
Title: A workplace drug testing act for Australia.
Authors: ALLEN, Jason Grant
PRICHARD, Jeremy
GRIGGS, Lynden
Source: UNIVERSITY OF QUEENSLAND LAW JOURNAL 32 (2) 2013 : 219-236
Abstract: Testing employees on a mandatory basis for alcohol and illicit drugs in the workplace - workplace testing justified for reasons of employer productivity, safety and the integrity - employee privacy concerns - workplace drug testing parameters - when, how and what can be tested - what can be done with the results - law to set those limits.
Legislation: Anti-Discrimination Act 1991 (ACT)
Fair Work Act 2009 (CTH)
Subjects: DRUG CONTROL
EMPLOYMENT
PRIVACY
Jurisdictions: AUSTRALIA

AGIS No: 20142301
Title: Medical use of cannabis in Australia : "medical necessity" defences under current Australian law and avenues for reform.
Authors: MARTIN, Charles
Source: JOURNAL OF LAW AND MEDICINE 21 (4) June 2014 : 875-899
Abstract: Explanation of the role and rationale of Australia drug laws - review of evidence for medical uses of cannabis - scope of defences argued on the basis of necessitous medical use - common law defence of necessity - legal and practical operation of medical cannabis regimes in other jurisdictions - suitability to Australia - recommended reforms.
Legislation: Drug Misuse and Trafficking Act 1985 (NSW)
Drugs Misuse Act 1986 (QLD)
Drugs, Poisons and Controlled Substances (Volatile Substances) Act 1981 (VIC)
Public Entertainments Licensing (Drugs Misuse) Act 1997 (UK)
Therapeutic Goods Act 1989 (CTH)
Subjects: DRUG CONTROL
PHARMACEUTICALS
PUBLIC HEALTH
Jurisdictions: AUSTRALIA
UNITED KINGDOM

ELECTRONIC COMMERCE

AGIS No: 20142264
Title: Social attitudes of young people in Japan towards online privacy.
Authors: MURATA, Kiyoshi
ORITO, Yohko
FUKUTA, Yasunori

Source: JOURNAL OF LAW, INFORMATION AND SCIENCE 23 (1) 2014 : 137-157

Abstract: Study exploring the attitudes of young Japanese people towards online privacy as customers of online shopping sites - surveys and follow-up interviews - contradictory responses - results useful for businesses developing appropriate personal information and privacy protection policies and schemes - implementing government policies - enforcement of legal regulations - development of proper educational programmes concerning personal information and privacy protection.

Subjects: ELECTRONIC COMMERCE
INTERNET
PRIVACY
RESEARCH
SOCIOLOGY
YOUNG PERSONS

Jurisdictions: JAPAN

ELECTRONIC SURVEILLANCE

AGIS No: 20142203

Title: When the profile becomes the population : examining privacy governance and road traffic surveillance in Canada and Australia.

Authors: WARREN, Ian
LIPPERT, Randy
WALBY, Kevin
PALMER, Darren

Source: CURRENT ISSUES IN CRIMINAL JUSTICE 25 (2) November 2013 : 565-584

Abstract: Use of automated licence/number plate recognition (ALPR/ANPR) technologies - privacy as a technique for governing road traffic surveillance - questioning effectiveness of ALPR/ANPR in reducing road traffic violations - Harcourt's argument against use of rationalised actuarial prediction and 'hit rates' as chief measure of law enforcement activities and effectiveness.

Legislation: Canadian Charter of Rights and Freedoms 1982 (CANADA)
Information Privacy Act 2000 (VIC)
Personal Information Protection and Electronic Documents Act 2000 (CANADA)
Privacy Act 1985 (CANADA)
Privacy Act 1988 (CTH)

Subjects: ELECTRONIC SURVEILLANCE
MOTOR TRAFFIC LAW
PRIVACY
TECHNOLOGICAL INNOVATIONS

Jurisdictions: AUSTRALIA
CANADA

EMPLOYEE TRAINING

AGIS No: 20142233

Title: Training needs analysis meets the law firm.
Authors: LY, Linh
Source: AUSTRALIAN LAW LIBRARIAN 22 (2) 2014 : 101-105
Abstract: Conducting a training needs analysis in a law firm - setting specific parameters process of needs analysis - record request or problem - investigate - plan the needs analysis - choose analysis techniques - conduct analysis - analyse data - recommendations - implementation of findings and recommendations.
Subjects: EMPLOYEE TRAINING
LAW FIRMS
LAW LIBRARIES

EMPLOYERS LIABILITY

AGIS No: 20142279
Title: Sleeping with the enemy? Conflicts of interest and relationship status discrimination.
Authors: MAXWELL, Jack
Source: ETHOS (232) June 2014 : 12-14
Abstract: Employee's personal relationships with colleagues and competitors - conflict of interest - intimate involvement with someone working for competitor - divulging commercially sensitive information - strategies for dealing with the conflicts of interest - pre-employment screening - ongoing disclosure requirements - termination - unfavourable treatment of employees - unfair assumptions exposing corporate entities to liability.
Legislation: Anti-Discrimination Act 1991 (ACT)
Anti-Discrimination Act 1991 (QLD)
Bribery Act 2010 (UK)
Equal Opportunities Act 1984 (SA)
Subjects: CONFLICT OF INTERESTS
EMPLOYERS LIABILITY
EMPLOYMENT
EMPLOYMENT DISCRIMINATION
Jurisdictions: AUSTRALIA

EMPLOYMENT

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PRICHARD, Jeremy
GRIGGS, Lynden
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Abstract: Testing employees on a mandatory basis for alcohol and illicit drugs in the workplace - workplace testing justified for reasons of employer productivity, safety and the integrity - employee privacy concerns - workplace drug testing parameters - when, how and what can be tested - what can be done with the results - law to set those limits.

Legislation: Anti-Discrimination Act 1991 (ACT)
Fair Work Act 2009 (CTH)
Subjects: DRUG CONTROL
EMPLOYMENT
PRIVACY
Jurisdictions: AUSTRALIA

AGIS No: 20142234
Title: Redundancy in the Australian public service : some critical reflections.
Authors: ROLES, Cameron
Source: FEDERAL LAW REVIEW 41 (3) 2013 : 525-555
Abstract: Law concerning dismissal on grounds of redundancy as it applies to the Australian Public Service (APS) - reducing the APS through natural attrition - redundancies inevitable - recent legislative developments concerning dismissal on grounds of redundancy - genuine redundancy exclusion in s 389 of the Fair Work Act 2009 (Cth) (FW Act) - application to APS employment - failure to comply with consultation obligations in an agency enterprise agreement - redeployment obligations in s 389(2) – legal issues with redeployment – tensions between provisions of the FW Act and the devolution of managerial powers under the Public Service Act - reform needed to address these tensions.

Legislation: Fair Work Act 2009 (CTH)
Public Service Act 1999 (CTH)
Subjects: EMPLOYMENT
LEGISLATION
PUBLIC SERVICE
WORKING CONDITIONS
Jurisdictions: AUSTRALIA

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Legislation: Anti-Discrimination Act 1991 (ACT)
Anti-Discrimination Act 1991 (QLD)
Bribery Act 2010 (UK)
Equal Opportunities Act 1984 (SA)
Subjects: CONFLICT OF INTERESTS
EMPLOYERS LIABILITY
EMPLOYMENT
EMPLOYMENT DISCRIMINATION
Jurisdictions: AUSTRALIA

EMPLOYMENT DISCRIMINATION

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Legislation: Anti-Discrimination Act 1991 (ACT)
Anti-Discrimination Act 1991 (QLD)
Bribery Act 2010 (UK)
Equal Opportunities Act 1984 (SA)

Subjects: CONFLICT OF INTERESTS
EMPLOYERS LIABILITY
EMPLOYMENT
EMPLOYMENT DISCRIMINATION

Jurisdictions: AUSTRALIA

ENVIRONMENTAL LAW

AGIS No: 20142289
Title: 'Marginal improvements in the West' : new approaches to managing complex environmental and planning cases in the State Administrative Tribunal of Western Australia.

Authors: MCNAB, Peter
Source: ENVIRONMENTAL AND PLANNING LAW JOURNAL 31 (4) July 2014 : 300-310

Abstract: Theory of incrementalism - practical application - 'marginal gains' - complex environmental/planning processes in the State Administrative Tribunal - use of facilitative dispute resolution processes - court and tribunal methods - law cases.

Legal Cases: Keysbrook Leucoxene Pty Ltd v Shire of Serpentine-Jarrahdale (2010) 71 SR (WA) 55
Opal Vale Pty Ltd v Shire of Toodyay [2013] WASAT 88
Ransberg Pty Ltd and City of Bayswater [2014] WASAT 12

Legislation: Environmental Protection Act 1986 (WA)
State Administrative Tribunal Act 2004 (WA)

Subjects: DISPUTE RESOLUTION
ENVIRONMENTAL LAW
ENVIRONMENTAL PROTECTION
LAND AND ENVIRONMENT COURT

Jurisdictions: AUSTRALIA, Western Australia

AGIS No: 20142288
Title: The precautionary principle, the coast and Temwood Holdings.
Authors: ESTCOURT, Stephen
Source: ENVIRONMENTAL AND PLANNING LAW JOURNAL 31 (4) July 2014 : 288-299

Abstract: Operationalisation of the rhetoric of the precautionary principle - environmental threats - how far Australia has come since 1992 in 'operationalising' the precautionary principle - planning and development applications relating to the coast - balancing the precautionary principle and the other components of environmentally sustainable development - case law.

Legal Cases: Telstra Corp Ltd v Hornsby Shire Council (2006) 146 LGERA 10
Western Australian Planning Commission v Temwood Holdings Pty Ltd (2004) 221 CLR 30

Subjects: COASTAL AREAS
COURTS
ENVIRONMENTAL LAW
ENVIRONMENTAL PROTECTION

Jurisdictions: AUSTRALIA

ENVIRONMENTAL PROTECTION

AGIS No: 20142243
Title: Are environmental activists pirates?
Authors: RAE, Charlie
Source: PRECEDENT (120) January / February 2014 : 28-31

Abstract: Environmental activism - acts of eco-terrorism on the high seas - Sea Shepherd and Greenpeace protests - allegations of maritime piracy - definition of piracy - definition of 'private ends' - United Nations Convention on the Law of the Sea (UNCLOS).

Subjects: ENVIRONMENTAL PROTECTION
MARITIME LAW
PIRACY
TERRORISM

Treaties: United Nations Convention on the Law of the Sea

AGIS No: 20142245
Title: How to save a predator.
Authors: KLEIN, Natalie
Source: PRECEDENT (120) January / February 2014 : 38-42

Abstract: International regulation of sharks - shark cull in Western Australia - international legal framework - fishing activity - inability of many coastal states to police their large maritime zones - endangered status of all shark species yet to be determined - conserving and managing shark species - no global treaty and organisation dedicated to shark conservation and management.

Subjects: ANIMAL RIGHTS
ANIMALS
ENVIRONMENTAL PROTECTION
MARINE RESOURCES
Treaties: United Nations Convention on the Law of the Sea
Jurisdictions: AUSTRALIA

AGIS No: 20142244
Title: Living in Montara's shadow : reported impacts in East Nusa Tenggara, Indonesia.

Authors: MITCHELL, Emily
Source: PRECEDENT (120) January / February 2014 : 32-37
Abstract: Montara oil spill - no investigation into the impacts sustained within Indonesia's exclusive economic zone - no response to claims of damage within Indonesian waters - affected communities in East Nusa Tenggara - 2010 Report of the Montara Commission of Inquiry impacts on local fishing communities - unknown scale of impact - food poisoning - illnesses - death - growth of people smuggling.

Subjects: ENVIRONMENTAL PROTECTION
OIL POLLUTION
Jurisdictions: INDONESIA

AGIS No: 20142289
Title: 'Marginal improvements in the West' : new approaches to managing complex environmental and planning cases in the State Administrative Tribunal of Western Australia.

Authors: MCNAB, Peter
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Abstract: Theory of incrementalism - practical application - 'marginal gains' - complex environmental/planning processes in the State Administrative Tribunal - use of facilitative dispute resolution processes - court and tribunal methods - law cases.

Legal Cases: Keysbrook Leucoxene Pty Ltd v Shire of Serpentine-Jarrahdale (2010) 71 SR (WA) 55
Opal Vale Pty Ltd v Shire of Toodyay [2013] WASAT 88
Ransberg Pty Ltd and City of Bayswater [2014] WASAT 12

Legislation: Environmental Protection Act 1986 (WA)
State Administrative Tribunal Act 2004 (WA)

Subjects: DISPUTE RESOLUTION
ENVIRONMENTAL LAW
ENVIRONMENTAL PROTECTION
LAND AND ENVIRONMENT COURT

Jurisdictions: AUSTRALIA, Western Australia

AGIS No: 20142288
Title: The precautionary principle, the coast and Temwood Holdings.
Authors: ESTCOURT, Stephen

Source: ENVIRONMENTAL AND PLANNING LAW JOURNAL 31 (4) July 2014 : 288-299

Abstract: Operationalisation of the rhetoric of the precautionary principle - environmental threats - how far Australia has come since 1992 in 'operationalising' the precautionary principle - planning and development applications relating to the coast - balancing the precautionary principle and the other components of environmentally sustainable development - case law.

Legal Cases: Telstra Corp Ltd v Hornsby Shire Council (2006) 146 LGERA 10
Western Australian Planning Commission v Temwood Holdings Pty Ltd (2004) 221 CLR 30

Subjects: COASTAL AREAS
COURTS
ENVIRONMENTAL LAW
ENVIRONMENTAL PROTECTION

Jurisdictions: AUSTRALIA

ETHICS

AGIS No: 20142300

Title: Beauty is only photoshop deep : legislating models' BMIs and photoshopping images.

Authors: KRAWITZ, Marilyn

Source: JOURNAL OF LAW AND MEDICINE 21 (4) June 2014 : 859-874

Abstract: Poor body image and eating disorders due to images of very thin women and photoshopped bodies in the media and advertisements - Israeli Act Limiting Weight in the Modelling Industry (2013) - 'Photoshop Law' - require Israeli models over 18 years old to have a body mass index of 18.5 or higher - Israel first to legislate this issue - Australian Code of Conduct similar to Photoshop Law - not sufficiently binding.

Subjects: ETHICS
MEDIA

Jurisdictions: AUSTRALIA
ISRAEL

EUTHANASIA

AGIS No: 20142292

Title: Minor's decision-making capacity to refuse life-saving and life-sustaining treatment : legal and psychiatric perspectives.

Authors: MENDELSON, Danuta
HAYWOOD, Ian

Source: JOURNAL OF LAW AND MEDICINE 21 (4) June 2014 : 762-773

Abstract: Euthanasia and assisted suicide for seriously ill children experiencing 'constant and unbearable suffering' - capacity to request death by lethal injection if they convey a reasonable understanding of the consequences of that request - child's capacity to understand death - prerequisite to the implementation of the request - modern neuro-psychological studies - brain's emotional and experiential capacity not fully developed until mid-20s - clinical and legal implications - case law.

Subjects: CHILDREN
EUTHANASIA
MEDICAL ETHICS
SUICIDE
YOUNG PERSONS

Jurisdictions: AUSTRALIA
BELGIUM
NETHERLANDS

EVIDENCE

AGIS No: 20142199

Title: The legacy of the Makin case 120 years on : legal fictions, circular reasoning and some solutions.

Authors: COSSINS, Annie

Source: SYDNEY LAW REVIEW 35 (4) December 2013 : 731-759

Abstract: Analysis of the Makin case - definitions of evidence used in case - 'tendency/propensity' or 'similar fact/coincidence' evidence - criticisms of Privy Council's decision in Makin - application of heuristic-systematic processing model to Privy Council decision - admission of similar fact evidence in murder cases - controls on similar fact evidence - relevance controls - recommendations for reform.

Legal Cases: Makin v Attorney-General (NSW) (1894) AC 57
Perry v R (1982) 150 CLR 580
Pfennig v R (1995) 182 CLR 461
R v Makin and Wife (1893) 14 LR (NSW) 1

Legislation: Criminal Justice Act 2003 (UK)

Subjects: EVIDENCE
HOMICIDE
PRIVY COUNCIL

Jurisdictions: AUSTRALIA

FEDERAL GOVERNMENT

AGIS No: 20142280

Title: Tax in practice : GST and the supply of a 'Going Concern'.

Authors: HOLLINGSWORTH, Damien

Source: ETHOS (232) June 2014 : 15

Abstract: Sale of a business - cash-flow benefit - stamp duty benefit - government changes to the concession - removing GST-free treatment - introducing a 'reverse charge' - state governments may introduce greater stamp duty liability - conditions to access useful concessions under a New Tax System (Goods and Services Tax) Act 1999.

Legislation: A New Tax System (Goods and Services Tax) Act 1999 (CTH)

Subjects: FEDERAL GOVERNMENT
GOODS AND SERVICES TAX
LOCAL GOVERNMENT
SALES TAX

Jurisdictions: AUSTRALIA

FISHERIES

AGIS No: 20142277

Title: 'For the reasons given in Akiba...' : Karpany v Dietman [2013] HCA 47.

Authors: BUTTERLY, Lauren

Source: INDIGENOUS LAW BULLETIN 8 (10) January / February 2014 : 23-26

Abstract: Potential extinguishment of native title rights by fisheries legislation - Indigenous person taking fish 'for his own use' - provisions of the Fisheries Act prohibiting commercial fishing without a licence - broader approach to extinguishment - question of whether exemption under Fisheries Act pursuant to s 211 of Native Title Act - case law.

Legal Cases: Akiba v Commonwealth of Australia [2013] 33
Karpany v Dietman [2013] HCA 47

Legislation: Fisheries Act 1878 (SA)
Fisheries Act 1971 (SA)
Native Title Act 1993 (CTH)

Subjects: FISHERIES
NATIVE TITLE

Jurisdictions: AUSTRALIA, South Australia

FREEDOM OF INFORMATION

AGIS No: 20142305

Title: Government databases and public health research : facilitating access in the public interest.

Authors: ADAMS, Carolyn

ALLEN, Judy

Source: JOURNAL OF LAW AND MEDICINE 21 (4) June 2014 : 957-972

Abstract: Access to datasets of personal health information held by government agencies - essential to support public health research and promote evidence-based public health policy development - privacy legislation in Australia - allowing the disclosure of this information for public health research - decisions and decision-making processes of government data custodians subject to increased scrutiny - external review process for denied and unduly delayed access to the datasets.

Legislation: Australian Information Commissioner Act 2010 (CTH)
Freedom of Information Act 1982 (CTH)
Privacy Act 1988 (CTH)

Subjects: DATA PROTECTION
FREEDOM OF INFORMATION
MEDICAL RESEARCH
PUBLIC HEALTH
RESEARCH

Jurisdictions: AUSTRALIA

AGIS No: 20142304

Title: Transparency in mental health : why mental health tribunals should be required to publish reasons.

Authors: SMITH, Alison
CAPLE, Andrew

Source: JOURNAL OF LAW AND MEDICINE 21 (4) June 2014 : 942-956

Abstract: Need for greater transparency and accountability in Australia's civil commitment system - involuntary detention and treatment of people with mental illness - how transparency and accountability may be addressed by Australia's mental health tribunals publishing reasons more frequently - principles of open justice - therapeutic jurisprudence - human rights - justification for an increase in the publication of reasons - right to privacy - mental health tribunals to provide redacted reasons in all cases.

Legislation: Mental Health (Treatment and Care) Act 1994 (ACT)
Mental Health Act 2007 (NSW)
Mental Health and Related Services Act 1998 (NT)

Subjects: COURTS
DETENTION
FREEDOM OF INFORMATION
HEALTH CARE
MENTAL HEALTH

Jurisdictions: AUSTRALIA

FREEDOM OF SPEECH

AGIS No: 20142276

Title: Balancing freedoms and creating a fair marketplace of ideas : the value of 18C of the Racial Discrimination Act.

Authors: ISKANDER, Marie

Source: INDIGENOUS LAW BULLETIN 8 (10) January / February 2014 : 19-22

Abstract: Proposed changes to the Racial Discrimination Act to 'restore free speech laws to their full power' - protection of racial and ethnic minorities from unnecessary offensive and insulting speech - role of s 18C in enhancing political discourse - correcting misconceptions about s 18C.

Legal Cases: Eatock v Bolt [2011] FCA 1103

Legislation: Racial Discrimination Act 1975 (CTH)

Subjects: FREEDOM OF SPEECH
RACIAL DISCRIMINATION

Jurisdictions: AUSTRALIA

GOODS AND SERVICES TAX

AGIS No: 20142280

Title: Tax in practice : GST and the supply of a 'Going Concern'.

Authors: HOLLINGSWORTH, Damien

Source: ETHOS (232) June 2014 : 15

Abstract: Sale of a business - cash-flow benefit - stamp duty benefit - government changes to the concession - removing GST-free treatment - introducing a 'reverse charge' - state governments may introduce greater stamp duty liability - conditions to access useful concessions under a New Tax System (Goods and Services Tax) Act 1999.

Legislation: A New Tax System (Goods and Services Tax) Act 1999 (CTH)
Subjects: FEDERAL GOVERNMENT
GOODS AND SERVICES TAX
LOCAL GOVERNMENT
SALES TAX
Jurisdictions: AUSTRALIA

HEALTH CARE

AGIS No: 20142296
Title: Hippocratic obligation to shareholder profit? Medical treatment patents and the Australian High Court in Apotex Pty Ltd v Sanofi-Aventis Australia Pty Ltd [2013] HCA 50.
Authors: VINES, Tim
FAUNCE, Thomas A
Source: JOURNAL OF LAW AND MEDICINE 21 (4) June 2014 : 797-809
Abstract: Medical treatment of suffering in patients - patent upholding over a method of using a known drug to prevent or treat condition - medical practitioners to consider whether their basic ethical obligations to patients are secondary to requirement to maximise profit for shareholders in companies holding medical patents - legislative requirements placing practitioners and patients at risk of more costly ineffective or restricted health care - Trans-Pacific Partnership Agreement - mechanism for multinational corporations to challenge offshore, Australian federal and state policy decisions they perceive undercut their investments.
Legal Cases: Apotex Pty Ltd v Sanofi-Aventis Australia Pty Ltd (No 2) (2012) 204 FCR 494
Legislation: Patents Act 1990 (CTH)
Subjects: HEALTH CARE
INVESTMENTS
MEDICAL ETHICS
PATENTS
PATIENTS
SHARES AND SHAREHOLDERS
Jurisdictions: AUSTRALIA

AGIS No: 20142295
Title: Legal capacity in a health care context : an opportunity to review.
Authors: FORRESTER, Kim
Source: JOURNAL OF LAW AND MEDICINE 21 (4) June 2014 : 789-796
Abstract: Australian government signatory to the United Nations Convention on the Rights of Persons with Disabilities - inquiry to examine and report on the laws and legal frameworks within the Commonwealth jurisdiction that deny or diminish the rights of persons with disabilities to equal recognition before the law - opportunity for all State and Territory jurisdictions to examine their legislative provisions.
Subjects: HEALTH CARE
PEOPLE WITH DISABILITIES
PUBLIC INQUIRIES
Treaties: Convention on the Rights of Persons with Disabilities

Jurisdictions: AUSTRALIA

AGIS No: 20142281

Title: The lifetime care and support scheme : what you need to know.

Authors: CROWE, Dan
SMIT, Jacob

Source: ETHOS (232) June 2014 : 16-17

Abstract: Lifetime Care and Support scheme for victims of catastrophic injuries sustained in motor vehicle accidents (MVAs) - first no-fault indemnity insurance scheme in ACT - impacts on the current MVA compensation regime - overview of the new Act - eligibility - treatment covered - preventing 'double dipping'.

Legislation: Lifetime Care and Support (Catastrophic Injuries) Act 2014 (ACT)
Motor Accidents (Lifetime Care and Support) Act 2006 (NSW)

Subjects: HEALTH CARE
INJURIES
INSURANCE
TRAFFIC ACCIDENTS

Jurisdictions: AUSTRALIA, Australian Capital Territory

AGIS No: 20142306

Title: The spectre of court-sanctioned sacrificial separation of teenage conjoined twins against their will.

Authors: DAVIS, Colleen

Source: JOURNAL OF LAW AND MEDICINE 21 (4) June 2014 : 973-983

Abstract: Recent Indian Supreme Court decision - separation of teenage conjoined twins where both would die if not separated but where the operation could save only one - lack of formal medical information - number of difficult legal and ethical questions that judges would have to consider before authorising sacrificial separation of the non-infant conjoined twins - case law.

Legal Cases: Aarushi Dhasmana v Union of India (2013) 9 SCC 475

Legislation: Majority Act 1875 (IN)

Subjects: HEALTH CARE
MEDICAL ETHICS
MEDICAL EVIDENCE

Jurisdictions: INDIA

AGIS No: 20142304

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Authors: SMITH, Alison
CAPLE, Andrew

Source: JOURNAL OF LAW AND MEDICINE 21 (4) June 2014 : 942-956

Abstract: Need for greater transparency and accountability in Australia's civil commitment system - involuntary detention and treatment of people with mental illness - how transparency and accountability may be addressed by Australia's mental health tribunals publishing reasons more frequently - principles of open justice - therapeutic jurisprudence - human rights - justification for an increase in the publication of reasons - right to privacy - mental health tribunals to provide redacted reasons in all cases.

Legislation: Mental Health (Treatment and Care) Act 1994 (ACT)
Mental Health Act 2007 (NSW)
Mental Health and Related Services Act 1998 (NT)

Subjects: COURTS
DETENTION
FREEDOM OF INFORMATION
HEALTH CARE
MENTAL HEALTH

Jurisdictions: AUSTRALIA

AGIS No: 20142294

Title: Was the tragedy of Tovia Laufau caused by an absence of trust?

Authors: GRAY, Ben
GILLETT, Grant

Source: JOURNAL OF LAW AND MEDICINE 21 (4) June 2014 : 780-788

Abstract: Importance of trust in the formulation of mutually acceptable regimens of care for difficult and uncertain treatments - understanding of illness and value commitment between parents, patients, and their care givers - cognitive trust - emotional trust - institutional trust.

Legislation: Crimes Act 1961 (NZ)

Subjects: CHILD WELFARE
HEALTH CARE
NEGLIGENCE
PARENTAL NEGLECT

Jurisdictions: SAMOA

HEALTH SERVICES

AGIS No: 20142298

Title: Legal risk management and injury in the fitness industry : the outcomes of focus group research and a national survey of fitness professionals.

Authors: KEYZER, Patrick
COYLE, Ian R
DIETRICH, Joachim
AND, others

Source: JOURNAL OF LAW AND MEDICINE 21 (4) June 2014 : 826-844

Abstract: Australian Fitness Industry Risk Management (AFIRM) Project - exploration of operation of rules and regulation for the delivery of safe fitness services - summary of results of focus group research and national survey of risk management - competency of fitness professionals - effectiveness of pre-exercise screening and management of de-conditioned clients - poor supervision of fitness service users and incorrect use of equipment - fitness trainers failing to remain within their scope of practice - poor fitness training environments - Australian fitness industry survey identified similar concerns - developing and monitoring safety policy - improving education and training of fitness instructors.

Subjects: HEALTH SERVICES
PROFESSIONS
PUBLIC HEALTH
RESEARCH
SPORTING INJURIES

Jurisdictions: AUSTRALIA

HERITAGE CONSERVATION

AGIS No: 20142275

Title: NSW cultural heritage reform : does the proposed model reflect the United Nations Declaration on the Rights of Indigenous Peoples?

Authors: HUNT, Janet

Source: INDIGENOUS LAW BULLETIN 8 (10) January / February 2014 : 15-18

Abstract: Proposed model for reforming the Aboriginal cultural system in NSW - processes and structures of the proposed model and how they comply with the rights of Indigenous people - complications from historical displacement and dispossession.

Legislation: Aboriginal Land Rights Act 1983 (NSW)
National Parks and Wildlife Act 1974 (NSW)

Subjects: HERITAGE CONSERVATION
INDIGENOUS RIGHTS
LAW REFORM

Treaties: UN Declaration on the Rights of Indigenous Peoples

Jurisdictions: AUSTRALIA, New South Wales

HIGH COURT

AGIS No: 20142248

Title: Archives, the Australian High Court, and the 'Strike of 1905'.

Authors: PRIEST, Susan

Source: UNIVERSITY OF QUEENSLAND LAW JOURNAL 32 (2) 2013 : 253-264

Abstract: Australian legal history - High Court's decision to suspend its sittings in 1905 - 'High Court deadlock' - overview of the historic events.

Subjects: ATTORNEY-GENERAL
HIGH COURT
LEGAL HISTORY

Jurisdictions: AUSTRALIA

AGIS No: 20142237
Title: Rights review in the high court and the cultural limits of judicial power.
Authors: WOODS, Robert
Source: FEDERAL LAW REVIEW 41 (3) 2013 : 585-608
Abstract: High Court's reluctance to move into stronger forms of rights protection - disparity between federalism and rights-based judicial review practices - federal and 'rights' provisions of the Constitution indeterminate - theory of judicial politics sensitive to cultural and political constraint.
Subjects: CONSTITUTIONAL LAW
HIGH COURT
JUDICIAL STATUS AND POWER
LEGAL RESEARCH
Jurisdictions: AUSTRALIA

AGIS No: 20142269
Title: The individual judge.
Authors: KIEFEL, Susan
Source: AUSTRALIAN LAW JOURNAL 88 (8) August 2014 : 554-560
Abstract: Relationship between judicial independence, individualism and judgment writing - duty of judge disagreeing with colleagues to express that disagreement - current practice of joint judgments in the High Court - reasons for favouring the production of joint judgments over multiple separate judgments.
Subjects: HIGH COURT
JUDGMENTS
JUDICIAL PROCESS
Jurisdictions: AUSTRALIA

HOMICIDE

AGIS No: 20142199
Title: The legacy of the Makin case 120 years on : legal fictions, circular reasoning and some solutions.
Authors: COSSINS, Annie
Source: SYDNEY LAW REVIEW 35 (4) December 2013 : 731-759
Abstract: Analysis of the Makin case - definitions of evidence used in case - 'tendency/propensity' or 'similar fact/coincidence' evidence - criticisms of Privy Council's decision in Makin - application of heuristic-systematic processing model to Privy Council decision - admission of similar fact evidence in murder cases - controls on similar fact evidence - relevance controls - recommendations for reform.
Legal Cases: Makin v Attorney-General (NSW) (1894) AC 57
Perry v R (1982) 150 CLR 580
Pfennig v R (1995) 182 CLR 461
R v Makin and Wife (1893) 14 LR (NSW) 1
Legislation: Criminal Justice Act 2003 (UK)

Subjects: EVIDENCE
HOMICIDE
PRIVY COUNCIL
Jurisdictions: AUSTRALIA

HOMOSEXUALITY

AGIS No: 20142209
Title: Confidence and trust in police : how sexual identity difference shapes perceptions of police.
Authors: MILES-JOHNSON, Toby
Source: CURRENT ISSUES IN CRIMINAL JUSTICE 25 (2) November 2013 : 685-702

Abstract: Examination of the variations of perceptions of police in heterosexual and lesbian, gay, bisexual, transgender and intersex (LGBTI) communities - whether an individual's sexual identity shapes perceptions of police legitimacy and levels of trust - LGBTI individuals reported more negative opinions than heterosexuals regarding legitimacy, procedural justice, treatment and respect - findings have implications for theories of trust.

Subjects: HOMOSEXUALITY
MINORITIES
POLICE
TRANSSEXUALS
Jurisdictions: AUSTRALIA

HOSPITAL LIFE SUPPORT SYSTEMS

AGIS No: 20142303
Title: "Best interests" and withholding and withdrawing life-sustaining treatment from an adult who lacks capacity in the parens patriae jurisdiction.
Authors: WILLMOTT, Lindy
WHITE, Ben
SMITH, Malcolm K
Source: JOURNAL OF LAW AND MEDICINE 21 (4) June 2014 : 920-941
Abstract: Disputes about withdrawing and withholding life-sustaining treatment - increased number of cases in Australia - test 'what is in the patient's best interest' - test unclear - suggested approach for assessing best interests that could be adopted by Australian Supreme Courts - more structured and systematic decision-making process that better promotes the best interests of the patient - case law.
Legal Cases: Airedale National Health Service Trust v Bland (1993) AC 789
Australian Capital Territory v JT (2009) 4 ACTLR 68
Secretary, Department of Health and Community Services v JWB and SMB (1992) 175 CLR 218
Legislation: Mental Capacity Act 2005 (UK)
Subjects: HOSPITAL LIFE SUPPORT SYSTEMS
HUMAN RIGHTS
JURISDICTION
PATIENTS RIGHTS

Jurisdictions: AUSTRALIA
UNITED KINGDOM

HUMAN RIGHTS

AGIS No: 20142303
Title: "Best interests" and withholding and withdrawing life-sustaining treatment from an adult who lacks capacity in the parens patriae jurisdiction.
Authors: WILLMOTT, Lindy
WHITE, Ben
SMITH, Malcolm K
Source: JOURNAL OF LAW AND MEDICINE 21 (4) June 2014 : 920-941
Abstract: Disputes about withdrawing and withholding life-sustaining treatment - increased number of cases in Australia - test 'what is in the patient's best interest' - test unclear - suggested approach for assessing best interests that could be adopted by Australian Supreme Courts - more structured and systematic decision-making process that better promotes the best interests of the patient - case law.
Legal Cases: Airedale National Health Service Trust v Bland (1993) AC 789
Australian Capital Territory v JT (2009) 4 ACTLR 68
Secretary, Department of Health and Community Services v JWB and SMB (1992) 175 CLR 218
Legislation: Mental Capacity Act 2005 (UK)
Subjects: HOSPITAL LIFE SUPPORT SYSTEMS
HUMAN RIGHTS
JURISDICTION
PATIENTS RIGHTS
Jurisdictions: AUSTRALIA
UNITED KINGDOM

AGIS No: 20142214
Title: Are bills of rights necessary in common law systems?
Authors: HEYDON, JD
Source: LAW QUARTERLY REVIEW (130) July 2014 : 392-412
Abstract: Function of bill of rights - categories - background to bill of rights in the United Kingdom - nature of the Act - key characteristics - justification - potential problems - other forms of protection.
Legislation: Human Rights Act 1998 (UK)
Subjects: BILL OF RIGHTS
HUMAN RIGHTS
Treaties: Universal Declaration of Human Rights
Jurisdictions: UNITED KINGDOM

AGIS No: 20142228
Title: Asylum adjudication, mental health and credibility evaluation.

Authors: HUNTER, Jill
PEARSON, Linda
SAN ROQUE, Mehera
STEEL, Zac

Source: FEDERAL LAW REVIEW 41 (3) 2013 : 471-495

Abstract: Central role of credibility assessment in refugee determinations - empirical study Tales of the Unexpected - complex ways in which applicants' poor mental health can affect their capacity to present a 'coherent and plausible' account of their experiences - tendency for decision makers to dismiss expert opinions expressed in reports tendered by applicants from psychologists specialising in cross-cultural mental health assessment

Legal Cases: NADH of 2001 v Minister for Immigration and Multicultural and Indigenous Affairs (2004) 214 ALR 264

Legislation: Migration Act 1958 (CTH)

Subjects: HUMAN RIGHTS
MENTAL HEALTH
REFUGEES

Jurisdictions: AUSTRALIA

AGIS No: 20142302

Title: Patents and the obligation to protect health : examining the significance of human rights considerations in the protection of pharmaceutical patents.

Authors: OWOEYE, Olasupo Ayodeji

Source: JOURNAL OF LAW AND MEDICINE 21 (4) June 2014 : 900-919

Abstract: Human right to health in the context of patent protection and access to medicines - limitations in international human rights law in relation to socioeconomic rights - right to health unenforceable in international law - close association with enforceable rights such as the right to life - legitimate basis for making maximum use of the flexibilities in the international intellectual property regime to protect public health - trade and intellectual property agreements - resolving seeming inconsistency with the right to health.

Subjects: HUMAN RIGHTS
MEDICAL ETHICS
PATENTS
PHARMACEUTICALS
PUBLIC HEALTH
WORLD TRADE ORGANISATION

Treaties: Agreement on Trade Related Aspects of Intellectual Property Rights
General Agreement on Tariffs and Trade
International Covenant on Economic, Social and Cultural Rights
Universal Declaration of Human Rights

AGIS No: 20142256

Title: The Public Safety (Public Protection Orders) Bill 2012 : is post-sentence detention of sex offenders consistent with human rights?

Authors: MORAN, Jasmin

Source: VICTORIA UNIVERSITY OF WELLINGTON LAW REVIEW 45 (1) June 2014 : 133-159

Abstract: Human rights consistency of the Public Safety (Public Protection Orders) Bill 2012 - new scheme to detain recidivist sex offenders beyond the expiration of their finite sentences if considered likely to reoffend - human rights concerns - Attorney General's statement contending the Bill was consistent with the New Zealand Bill of Rights Act 1990 - form of civil committal - different to prison detention.

Legal Cases: R v Wilson (1996) 3 WLR 125

Legislation: New Zealand Bill of Rights Act 1990 (NZ)

Subjects: HUMAN RIGHTS
PUBLIC SAFETY
SEXUAL OFFENCES

Jurisdictions: NEW ZEALAND

AGIS No: 20142251

Title: To whom will ye liken me, and make me equal? Reformulating the role of the comparator in the identification of discrimination.

Authors: EMANUEL, Asher Gabriel

Source: VICTORIA UNIVERSITY OF WELLINGTON LAW REVIEW 45 (1) June 2014 : 1-25

Abstract: Use of comparator groups in establishing breach of s 19 of the New Zealand Bill of Rights Act 1990 - lack of clear methodology in formulation of comparator groups - arbitrary and inconsistent decision-making - reliance on intuitive rather than analytical reasoning - framework guiding the formulation of the comparator needed - case law.

Legal Cases: B v Chief Executive of the Ministry of Social Development [2012] NZHC 3165
GB (as executor of estate EB of Whangarei) v Chief Executive of the Ministry of Social Development [2013] NZCA 410
Ministry of Health v Atkinson [2012] NZCA 184

Legislation: New Zealand Bill of Rights Act 1990 (NZ)

Subjects: ADMINISTRATION OF JUSTICE
BILL OF RIGHTS
HUMAN RIGHTS
SOCIAL WELFARE

Jurisdictions: NEW ZEALAND

IDENTITY FRAUD

AGIS No: 20142236

Title: Digital citizenship and the right to identity in Australia.

Authors: SULLIVAN, Clare

Source: FEDERAL LAW REVIEW 41 (3) 2013 : 557-584

Abstract: Move to digital citizenship in Australia – features and functions of digital identity - implications for individuals, government and the private sector - need to review the distribution of responsibility - requirement for an individual to use digital identity for transactions - privacy for protection inadequate - legislative recognition and protection of an individual's right to digital identity.

Legislation: Data Protection Act 1998 (UK)
Privacy Act 1988 (CTH)

Subjects: CASH TRANSACTIONS
DIGITAL CASH
IDENTITY FRAUD
Jurisdictions: AUSTRALIA

IMMIGRATION

AGIS No: 20142312
Title: Help-seeking strategies of victim/survivors of human trafficking involving partner migration.
Authors: RICHARDS, Kelly
LYNEHAM, Samantha
Source: TRENDS AND ISSUES IN CRIME AND CRIMINAL JUSTICE (468) February 2014 : 10p
Abstract: Victim/survivors of human trafficking partner migration - importance of educating the community and professionals from a wide range of health and welfare sectors - legal and law enforcement services - human trafficking - help-seeking strategies of victims/survivors - supporting victims to leave exploitative situations - research study - understanding the help-seeking strategies important to effectively support victims to exit exploitative situations.
Legislation: Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Act 2013
Subjects: IMMIGRATION
PEOPLE TRAFFICKING
VICTIMS OF CRIME
Jurisdictions: AUSTRALIA

AGIS No: 20142225
Title: Is the net cast too wide? An assessment of whether the regulatory design of the 457 visa meets Australia's skill needs.
Authors: HOWE, Joanna
Source: FEDERAL LAW REVIEW 41 (3) 2013 : 443-469
Abstract: Increasing use of skilled temporary migration by employers in Australia - implications for the domestic labour market and for the long-term composition of the Australian population - scheme to alleviate domestic skill shortages - Consolidated Sponsored Occupation List - employer's attestation of a skill shortage - employer-conducted labour market testing for certain occupations and the market salary rates requirement - whether the regulatory mechanisms are effective for ensuring the 457 visa program meets its objectives.
Legislation: Migration Amendment (Temporary Sponsored Visas) Act 2013 (CTH)
Subjects: IMMIGRATION
LEGISLATION
MIGRANT WORKERS
PROFESSIONS
Jurisdictions: AUSTRALIA

INDEXING

AGIS No: 20142224
Title: ANZSI Indexing Conference : intrepid indexing.
Authors: BROWNE, Glenda
Source: ONLINE CURRENTS 27 (5) October 2013 : 262-265
Abstract: Overview of major theme of the ANZSI Indexing Conference - name and foreign language indexing - indexing practice in Japan - ebook indexing.
Subjects: CONFERENCES
INDEXING
Jurisdictions: AUSTRALIA
JAPAN

INDIGENOUS PEOPLE

AGIS No: 20142272
Title: Does true reconciliation require a treaty?
Authors: WILLIAMS, George
Source: INDIGENOUS LAW BULLETIN 8 (10) January / February 2014 : 3-5
Abstract: Treaties as a means of reaching settlement between Indigenous peoples and settlers - Australia only Commonwealth nation that does not have a treaty with Indigenous peoples - Australian Constitution - consideration of the necessity of a treaty with Indigenous Australians - recognition of Indigenous sovereignty.
Legislation: Constitution (CTH)
Subjects: INDIGENOUS PEOPLE
TREATIES
Jurisdictions: AUSTRALIA

INDIGENOUS RIGHTS

AGIS No: 20142275
Title: NSW cultural heritage reform : does the proposed model reflect the United Nations Declaration on the Rights of Indigenous Peoples?
Authors: HUNT, Janet
Source: INDIGENOUS LAW BULLETIN 8 (10) January / February 2014 : 15-18
Abstract: Proposed model for reforming the Aboriginal cultural system in NSW - processes and structures of the proposed model and how they comply with the rights of Indigenous people - complications from historical displacement and dispossession.
Legislation: Aboriginal Land Rights Act 1983 (NSW)
National Parks and Wildlife Act 1974 (NSW)
Subjects: HERITAGE CONSERVATION
INDIGENOUS RIGHTS
LAW REFORM
Treaties: UN Declaration on the Rights of Indigenous Peoples
Jurisdictions: AUSTRALIA, New South Wales

INJURIES

AGIS No: 20142242
Title: Tales from The Love Boat : jurisdictional issues for passengers injured on cruises.

Authors: HARVEY, Matthew
Source: PRECEDENT (120) January / February 2014 : 24-27
Abstract: Injured cruise passengers - whether they can sue in Australian court - exclusive foreign jurisdiction clause stated on the cruise ticket - injured passenger bound by the jurisdiction clause - exercise of jurisdiction by an Australian court - whether the proceeding be stayed on the ground that the Australian court is an inappropriate forum - case law.

Legal Cases: Baltic Shipping Co v Dillon (1993) 176 CLR 344
FAI General Insurance Co Ltd v Ocean Marine Mutual Protection and Indemnity Association Ltd (1997) 41 NSWLR 559
Hood v Anchor Lines (Henderson Brothers) Ltd (1918) AC 837
Oceanic Sun Line Special Shipping Co Inc v Fay (1988) 165 CLR 197

Legislation: Supreme Court (Miscellaneous Civil Proceedings) Rules 2008 (VIC)

Subjects: INJURIES
JURISDICTION
MARINE ACCIDENT LIABILITY
MARINE ACCIDENTS

Jurisdictions: AUSTRALIA

AGIS No: 20142281
Title: The lifetime care and support scheme : what you need to know.

Authors: CROWE, Dan
SMIT, Jacob

Source: ETHOS (232) June 2014 : 16-17
Abstract: Lifetime Care and Support scheme for victims of catastrophic injuries sustained in motor vehicle accidents (MVAs) - first no-fault indemnity insurance scheme in ACT - impacts on the current MVA compensation regime - overview of the new Act - eligibility - treatment covered - preventing 'double dipping'.

Legislation: Lifetime Care and Support (Catastrophic Injuries) Act 2014 (ACT)
Motor Accidents (Lifetime Care and Support) Act 2006 (NSW)

Subjects: HEALTH CARE
INJURIES
INSURANCE
TRAFFIC ACCIDENTS

Jurisdictions: AUSTRALIA, Australian Capital Territory

INSANITY AND CRIME

AGIS No: 20142210
Title: Reforming the criminal law on mental incapacity.
Authors: LOUGHNAN, Arlie

Source: CURRENT ISSUES IN CRIMINAL JUSTICE 25 (2) November 2013 : 703-710

Abstract: Critical assessment of NSW Law Reform Commission proposals for reform of the law on 'fitness to be tried' and the insanity/mental illness defence - purpose of the provisions and current construction - conclusion that proposed reforms largely positive - appropriate balance between specific interests of defendants, victims and legal and medical professionals - general social and legal interests of liberty and security.

Legislation: Mental Health (Forensic Provisions) Act 1990 (NSW)

Subjects: CRIMINAL JUSTICE
CRIMINAL LAW REFORM
INSANITY AND CRIME
MENTAL ILLNESS

Jurisdictions: AUSTRALIA, New South Wales

INSOLVENCY

AGIS No: 20142285

Title: Practical trade-on DOCA transition issues : a case for reform.

Authors: PAN, Philip
MEW, Cameron

Source: INSOLVENCY LAW BULLETIN 15 (4) July 2014 : 60-63

Abstract: 'Trade-on' deed of company arrangement (DOCA) - continued trading of the company under the management and control of the directors - creation of a fund to be distributed to creditors by the deed administrator - complex practical and legal issues for insolvency practitioners - areas for reform - power to adjourn second meeting - administration and termination of the DOCA - conflicts and disqualifications - committee of creditors - priorities - powers of the court - issues to be considered when drafting a DOCA.

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

Subjects: COMPANY DIRECTORS
CREDITORS
DEEDS
INSOLVENCY
LIQUIDATION

Jurisdictions: AUSTRALIA

INSURANCE

AGIS No: 20142281

Title: The lifetime care and support scheme : what you need to know.

Authors: CROWE, Dan
SMIT, Jacob

Source: ETHOS (232) June 2014 : 16-17

Abstract: Lifetime Care and Support scheme for victims of catastrophic injuries sustained in motor vehicle accidents (MVAs) - first no-fault indemnity insurance scheme in ACT - impacts on the current MVA compensation regime - overview of the new Act - eligibility - treatment covered - preventing 'double dipping'.

Legislation: Lifetime Care and Support (Catastrophic Injuries) Act 2014 (ACT)
Motor Accidents (Lifetime Care and Support) Act 2006 (NSW)

Subjects: HEALTH CARE
INJURIES
INSURANCE
TRAFFIC ACCIDENTS

Jurisdictions: AUSTRALIA, Australian Capital Territory

INTERNATIONAL ARBITRATION

AGIS No: 20142268

Title: Killing whales : Japan's scientific research no longer putting food on the table.

Authors: PIOTROWICZ, Ryszard

Source: AUSTRALIAN LAW JOURNAL 88 (8) August 2014 : 543-545

Abstract: Arbitration between Australia and Japan in the International Court of Justice - dispute over interpretation of Japan's obligations in relation to the protection of whales in the Southern Ocean - breach of obligations in implementation of JARPA II program - whaling in the Antarctic - lawfulness of JARPA II - catch limitations - overview of judgment.

Legal Cases: Whaling in the Antarctic (Australia v Japan : New Zealand intervening) [2014] ICJ 1

Subjects: INTERNATIONAL ARBITRATION
INTERNATIONAL COURT OF JUSTICE
WHALING

Treaties: International Convention for the Regulation of Whaling

Jurisdictions: AUSTRALIA
JAPAN

INTERNATIONAL COURT OF JUSTICE

AGIS No: 20142268

Title: Killing whales : Japan's scientific research no longer putting food on the table.

Authors: PIOTROWICZ, Ryszard

Source: AUSTRALIAN LAW JOURNAL 88 (8) August 2014 : 543-545

Abstract: Arbitration between Australia and Japan in the International Court of Justice - dispute over interpretation of Japan's obligations in relation to the protection of whales in the Southern Ocean - breach of obligations in implementation of JARPA II program - whaling in the Antarctic - lawfulness of JARPA II - catch limitations - overview of judgment.

Legal Cases: Whaling in the Antarctic (Australia v Japan : New Zealand intervening) [2014] ICJ 1

Subjects: INTERNATIONAL ARBITRATION
INTERNATIONAL COURT OF JUSTICE
WHALING

Treaties: International Convention for the Regulation of Whaling

Jurisdictions: AUSTRALIA
JAPAN

INTERNATIONAL CRIMINAL LAW

AGIS No: 20142291
Title: Fitness to stand trial under international criminal law : the historical context.

Authors: FRECKELTON, Ian
KARAGIANNAKIS, Magda

Source: JOURNAL OF LAW AND MEDICINE 21 (4) June 2014 : 747-760

Abstract: Fitness to stand trial - fundamental to the integrity of a criminal justice system - jurisprudence relating to fitness to stand trial under international criminal law - Nuremberg and Tokyo tribunals - how trial systems should respond to unwellness - whether persons should participate meaningfully in their own trials - dealing with temptation for persons accused of serious crimes against humanity and genocide to malingering, exaggerate symptomatology and to generate delays for strategic objectives.

Subjects: INTERNATIONAL CRIMINAL LAW
WAR CRIMES TRIALS

INTERNET

AGIS No: 20142265
Title: Facebook code : social network sites platform affordances and privacy.

Authors: ADAMS, Andrew A

Source: JOURNAL OF LAW, INFORMATION AND SCIENCE 23 (1) 2014 : 158-168

Abstract: Social Network Sites (SNS) - implications of their use on the privacy of users - significant social and legal concerns - significant amount of personal information provided directly and voluntarily to these sites - claims made that such usage should be regarded as voluntary and not subject to privacy controls - greater regulatory control needed.

Subjects: INTERNET
PRIVACY
RESEARCH
SOCIAL MEDIA

AGIS No: 20142257
Title: Jurors on trial : lawyers using the internet to research prospective jurors.

Authors: O'HAGAN, Lydia

Source: VICTORIA UNIVERSITY OF WELLINGTON LAW REVIEW 45 (1) June 2014 : 166-184

Abstract: Use of the internet to research prospective jurors - view to challenge - increasing availability to personal information online - potentially securing a more impartial jury - providing an independent vehicle for obtaining information - guidelines for lawyers conducting pretrial research around the collection, use, retention and disclosure of information outlined.

Subjects: INTERNET
JURIES
LEGAL RESEARCH
PRE TRIAL PROCEDURE

Jurisdictions: NEW ZEALAND

AGIS No: 20142263

Title: Online privacy in Thailand : public and strategic awareness.

Authors: RAMASOOTA, Pirongrong
PANICHPAPIBOON, Sopark

Source: JOURNAL OF LAW, INFORMATION AND SCIENCE 23 (1) 2014 : 97-136

Abstract: Study in current state of awareness of privacy in Thailand - methodologies - general online users - leading members of civil society - no data protection law - information surveillance practices administered mainly through the security state - study based on survey and in-depth interviews - patterns of privacy perception depending on socio-demographics and cultural factors - lack of fair information practice principles - role of public education along with the use of human rights discourse within an international legal framework.

Subjects: INTERNET
PRIVACY
PUBLIC INTEREST ACTIONS

Jurisdictions: THAILAND

AGIS No: 20142266

Title: Privacy and social media : an analytical framework.

Authors: CLARKE, Roger

Source: JOURNAL OF LAW, INFORMATION AND SCIENCE 23 (1) 2014 : 169-191

Abstract: Social media services - interaction, publishing, sharing - exposing users' personal information - terms of services are privacy-hostile - distrust influencers - analytical framework whereby designers of social media services can overcome user distrust.

Subjects: INTERNET
PRIVACY
SOCIAL MEDIA

AGIS No: 20142264

Title: Social attitudes of young people in Japan towards online privacy.

Authors: MURATA, Kiyoshi
ORITO, Yohko
FUKUTA, Yasunori

Source: JOURNAL OF LAW, INFORMATION AND SCIENCE 23 (1) 2014 : 137-157

Abstract: Study exploring the attitudes of young Japanese people towards online privacy as customers of online shopping sites - surveys and follow-up interviews - contradictory responses - results useful for businesses developing appropriate personal information and privacy protection policies and schemes - implementing government policies - enforcement of legal regulations - development of proper educational programmes concerning personal information and privacy protection.

Subjects: ELECTRONIC COMMERCE
INTERNET
PRIVACY
RESEARCH
SOCIOLOGY
YOUNG PERSONS

Jurisdictions: JAPAN

AGIS No: 20142218
Title: The bitcoin is property.
Authors: MIRZAI, Nicholas
OTTENSOOSER, Johanan C
Source: AUSTRALIAN PROPERTY LAW BULLETIN 29 (5) June 2014 : 94-97
Abstract: Overview of bitcoin - indicators of property at law - bitcoin as property at law - economic indicators of property - classification of bitcoin in other jurisdictions - domestic policy implications.
Subjects: INTERNET
MONEY
Jurisdictions: AUSTRALIA

INVESTMENTS

AGIS No: 20142296
Title: Hippocratic obligation to shareholder profit? Medical treatment patents and the Australian High Court in Apotex Pty Ltd v Sanofi-Aventis Australia Pty Ltd [2013] HCA 50.
Authors: VINES, Tim
FAUNCE, Thomas A
Source: JOURNAL OF LAW AND MEDICINE 21 (4) June 2014 : 797-809
Abstract: Medical treatment of suffering in patients - patent upholding over a method of using a known drug to prevent or treat condition - medical practitioners to consider whether their basic ethical obligations to patients are secondary to requirement to maximise profit for shareholders in companies holding medical patents - legislative requirements placing practitioners and patients at risk of more costly ineffective or restricted health care - Trans-Pacific Partnership Agreement - mechanism for multinational corporations to challenge offshore, Australian federal and state policy decisions they perceive undercut their investments.
Legal Cases: Apotex Pty Ltd v Sanofi-Aventis Australia Pty Ltd (No 2) (2012) 204 FCR 494
Legislation: Patents Act 1990 (CTH)
Subjects: HEALTH CARE
INVESTMENTS
MEDICAL ETHICS
PATENTS
PATIENTS
SHARES AND SHAREHOLDERS
Jurisdictions: AUSTRALIA

AGIS No: 20142198
Title: Stop them circling : addressing vulture funds in Australian law.
Authors: BAI, James
Source: SYDNEY LAW REVIEW 35 (4) December 2013 : 703-730
Abstract: Examination of vulture funds and how they are formed - private investment funds trading in defaulted or soon-to-default sovereign debt - legal mechanisms allowing vulture funds to seek repayment for debts they own - problems represented by vulture funds both internationally and domestically - need for Australia to seek limitations on claims - methods of combating vulture funds - proposed Australian answer to problem.

Legal Cases: Elliott Associates, LP v Banco de la Nacion 194 F3d 363 (1999)
FG Hemisphere Associates LLC v Democratic Republic of Congo [2010] NSWSC 1394

Legislation: Debt Relief (Developing Countries) Act 2010 (UK)

Subjects: DEBTS AND DEBTORS
INVESTMENTS

Jurisdictions: AUSTRALIA
BELGIUM
FRANCE
GREAT BRITAIN
UNITED STATES

JUDGES TENURE

AGIS No: 20142282
Title: ACT Law Week 2014 : The Blackburn Lecture : the individual judge.
Authors: KIEFEL, Susan
Source: ETHOS (232) June 2014 : 22-26
Abstract: Edited version of the lecture given by the Hon Justice Susan Kiefel AC in Canberra on 13 May 2014 - lecture in memory of Sir Richard Blackburn - judge of Supreme Courts of the Northern Territory and the ACT - judicial independence - 'institutional responsibility' of judges regarding the Court's judgements - history of the High Court - Australian judges - justice system - writing judgements - current High Court practice regarding judgements - drafting judgments.

Subjects: JUDGES TENURE
JUDGMENTS
LEGAL DRAFTING
LEGAL HISTORY
SUPREME COURT

Jurisdictions: AUSTRALIA

JUDGMENTS

AGIS No: 20142282
Title: ACT Law Week 2014 : The Blackburn Lecture : the individual judge.
Authors: KIEFEL, Susan
Source: ETHOS (232) June 2014 : 22-26

Abstract: Edited version of the lecture given by the Hon Justice Susan Kiefel AC in Canberra on 13 May 2014 - lecture in memory of Sir Richard Blackburn - judge of Supreme Courts of the Northern Territory and the ACT - judicial independence - 'institutional responsibility' of judges regarding the Court's judgements - history of the High Court - Australian judges - justice system - writing judgements - current High Court practice regarding judgements - drafting judgments.

Subjects: JUDGES TENURE
JUDGMENTS
LEGAL DRAFTING
LEGAL HISTORY
SUPREME COURT

Jurisdictions: AUSTRALIA

AGIS No: 20142200

Title: Apprehended bias and interlocutory judgments.

Authors: OLIJNYK, Anna

Source: SYDNEY LAW REVIEW 35 (4) December 2013 : 761-780

Abstract: Examination of current operation of the bias rule in relation to interlocutory judgments - tensions between impartiality and efficiency - why interlocutory judgments create appearance of bias - analysis of bias rule through examination of two cases - whether principle of apprehended bias allows for efficiency-driven innovation in court procedure.

Legal Cases: British American Tobacco Australia Services Ltd v Laurie (2011) 242 CLR 283
Michael Wilson & Partners Ltd v Nicholls (2011) 244 CLR 427

Subjects: BIAS
JUDGMENTS

Jurisdictions: AUSTRALIA

AGIS No: 20142269

Title: The individual judge.

Authors: KIEFEL, Susan

Source: AUSTRALIAN LAW JOURNAL 88 (8) August 2014 : 554-560

Abstract: Relationship between judicial independence, individualism and judgment writing - duty of judge disagreeing with colleagues to express that disagreement - current practice of joint judgments in the High Court - reasons for favouring the production of joint judgments over multiple separate judgments.

Subjects: HIGH COURT
JUDGMENTS
JUDICIAL PROCESS

Jurisdictions: AUSTRALIA

JUDICIAL OPINIONS

AGIS No: 20142222

Title: The role of contextual meaning in judicial interpretation.

Authors: CROWE, Jonathan

Source: FEDERAL LAW REVIEW 41 (3) 2013 : 417-442

Abstract: Relevance to judicial interpretation of contextual meaning - full social and moral context - judges to apply ordinary or contextual meaning when construing legal materials - nature and limitations of the contextualist model of judicial practice - possibility of conflicts between contextual factors at different levels of abstraction - contextualist methodology - wide contextualism offering the best overall account of judicial interpretation - practical and normative limitations of this model.

Subjects: JUDICIAL OPINIONS
LEGAL ETHICS
LEGAL RESEARCH

Jurisdictions: AUSTRALIA

JUDICIAL PROCESS

AGIS No: 20142269

Title: The individual judge.

Authors: KIEFEL, Susan

Source: AUSTRALIAN LAW JOURNAL 88 (8) August 2014 : 554-560

Abstract: Relationship between judicial independence, individualism and judgment writing - duty of judge disagreeing with colleagues to express that disagreement - current practice of joint judgments in the High Court - reasons for favouring the production of joint judgments over multiple separate judgments.

Subjects: HIGH COURT
JUDGMENTS
JUDICIAL PROCESS

Jurisdictions: AUSTRALIA

JUDICIAL STATUS AND POWER

AGIS No: 20142237

Title: Rights review in the high court and the cultural limits of judicial power.

Authors: WOODS, Robert

Source: FEDERAL LAW REVIEW 41 (3) 2013 : 585-608

Abstract: High Court's reluctance to move into stronger forms of rights protection - disparity between federalism and rights-based judicial review practices - federal and 'rights' provisions of the Constitution indeterminate - theory of judicial politics sensitive to cultural and political constraint.

Subjects: CONSTITUTIONAL LAW
HIGH COURT
JUDICIAL STATUS AND POWER
LEGAL RESEARCH

Jurisdictions: AUSTRALIA

JURIES

AGIS No: 20142202

Title: Before the High Court : jury deliberations and the secrecy rule : the tail that wags the dog?
Authors: HUNTER, Jill
Source: SYDNEY LAW REVIEW 35 (4) December 2013 : 809-826
Abstract: Rule requiring jury deliberations be kept secret - jury secrecy rule no longer justified - reasons to maintain rule - adopting a rule with exceptions - case law.

Legal Cases: Smith v The State of Western Australia [2013] WASCA 7
Vaise v Delaval (1785) 99 ER 944

Legislation: Juries Act 1957 (WA)

Subjects: COURT RULES AND PROCEDURE
JURIES

Jurisdictions: AUSTRALIA

AGIS No: 20142257
Title: Jurors on trial : lawyers using the internet to research prospective jurors.
Authors: O'HAGAN, Lydia
Source: VICTORIA UNIVERSITY OF WELLINGTON LAW REVIEW 45 (1) June 2014 : 166-184

Abstract: Use of the internet to research prospective jurors - view to challenge - increasing availability to personal information online - potentially securing a more impartial jury - providing an independent vehicle for obtaining information - guidelines for lawyers conducting pretrial research around the collection, use, retention and disclosure of information outlined.

Subjects: INTERNET
JURIES
LEGAL RESEARCH
PRE TRIAL PROCEDURE

Jurisdictions: NEW ZEALAND

JURISDICTION

AGIS No: 20142303
Title: "Best interests" and withholding and withdrawing life-sustaining treatment from an adult who lacks capacity in the parens patriae jurisdiction.
Authors: WILLMOTT, Lindy
WHITE, Ben
SMITH, Malcolm K
Source: JOURNAL OF LAW AND MEDICINE 21 (4) June 2014 : 920-941
Abstract: Disputes about withdrawing and withholding life-sustaining treatment - increased number of cases in Australia - test 'what is in the patient's best interest' - test unclear - suggested approach for assessing best interests that could be adopted by Australian Supreme Courts - more structured and systematic decision-making process that better promotes the best interests of the patient - case law.

Legal Cases: Airedale National Health Service Trust v Bland (1993) AC 789
Australian Capital Territory v JT (2009) 4 ACTLR 68
Secretary, Department of Health and Community Services v JWB and SMB (1992) 175 CLR 218

Legislation: Mental Capacity Act 2005 (UK)
Subjects: HOSPITAL LIFE SUPPORT SYSTEMS
HUMAN RIGHTS
JURISDICTION
PATIENTS RIGHTS
Jurisdictions: AUSTRALIA
UNITED KINGDOM

AGIS No: 20142242
Title: Tales from The Love Boat : jurisdictional issues for passengers injured on cruises.

Authors: HARVEY, Matthew
Source: PRECEDENT (120) January / February 2014 : 24-27
Abstract: Injured cruise passengers - whether they can sue in Australian court - exclusive foreign jurisdiction clause stated on the cruise ticket - injured passenger bound by the jurisdiction clause - exercise of jurisdiction by an Australian court - whether the proceeding be stayed on the ground that the Australian court is an inappropriate forum - case law.

Legal Cases: Baltic Shipping Co v Dillon (1993) 176 CLR 344
FAI General Insurance Co Ltd v Ocean Marine Mutual Protection and Indemnity Association Ltd (1997) 41 NSWLR 559
Hood v Anchor Lines (Henderson Brothers) Ltd (1918) AC 837
Oceanic Sun Line Special Shipping Co Inc v Fay (1988) 165 CLR 197

Legislation: Supreme Court (Miscellaneous Civil Proceedings) Rules 2008 (VIC)
Subjects: INJURIES
JURISDICTION
MARINE ACCIDENT LIABILITY
MARINE ACCIDENTS
Jurisdictions: AUSTRALIA

KIDNAPPING

AGIS No: 20142207
Title: The girl in the cellar : media representations of Natascha Kampusch.
Authors: GILMOUR, Fairleigh
Source: CURRENT ISSUES IN CRIMINAL JUSTICE 25 (2) November 2013 : 645-666

Abstract: Role of narrative in constructing, defining and delimiting victimhood - examination of kidnapping of Natascha Kampusch in Austria - stereotypical characters and cultural myths in narrating female victim - media struggle to reconcile crime and complex victim within traditional narrative.

Subjects: KIDNAPPING
MEDIA
VICTIMS OF CRIME

LAND AND ENVIRONMENT COURT

AGIS No: 20142289

Title: 'Marginal improvements in the West' : new approaches to managing complex environmental and planning cases in the State Administrative Tribunal of Western Australia.

Authors: MCNAB, Peter

Source: ENVIRONMENTAL AND PLANNING LAW JOURNAL 31 (4) July 2014 : 300-310

Abstract: Theory of incrementalism - practical application - 'marginal gains' - complex environmental/planning processes in the State Administrative Tribunal - use of facilitative dispute resolution processes - court and tribunal methods - law cases.

Legal Cases: Keysbrook Leucoxene Pty Ltd v Shire of Serpentine-Jarrahdale (2010) 71 SR (WA) 55
Opal Vale Pty Ltd v Shire of Toodyay [2013] WASAT 88
Ransberg Pty Ltd and City of Bayswater [2014] WASAT 12

Legislation: Environmental Protection Act 1986 (WA)
State Administrative Tribunal Act 2004 (WA)

Subjects: DISPUTE RESOLUTION
ENVIRONMENTAL LAW
ENVIRONMENTAL PROTECTION
LAND AND ENVIRONMENT COURT

Jurisdictions: AUSTRALIA, Western Australia

LANDLORD AND TENANT

AGIS No: 20142217

Title: Beba Enterprises Pty Ltd v Elle Pty Ltd : options and the risk of substantial injustice.

Authors: BOUSTANI, Marie
PALLAVICINI, Stephen

Source: AUSTRALIAN PROPERTY LAW BULLETIN 29 (5) June 2014 : 91-92

Abstract: Options to renew commercial tenancy - renewal option exercised "if and only if" written notice provided three to six months prior to expiration - rent review - new lease formed by acceptance - disclosure statement setting out terms of lease - compensation for loss - case law.

Legal Cases: Beba Enterprises Pty Ltd v Elle Pty Ltd [2014] WASC 141

Legislation: Commercial Tenancy (Retail Shops) Agreements Act 1985 (WA)

Subjects: LANDLORD AND TENANT
LEASES

Jurisdictions: AUSTRALIA, Western Australia

LAW ENFORCEMENT

AGIS No: 20142240

Title: Enforcement of Australian aviation law.

Authors: WHEELER, Joseph

Source: PRECEDENT (120) January / February 2014 : 14-19

Abstract: Civil Aviation Safety Authority (CASA) regulatory oversight functions - Australia's international obligations - CASA's principal mechanism for enforcing air safety legislation on civil aviation authorisation holders - case law.

Legal Cases: Civil Aviation Safety Authority v Barrier Aviation Pty Ltd [2013] FCA 227
Civil Aviation Safety Authority v Bell [2008] FCA 1049

Legislation: Civil Aviation Act 1988 (CTH)

Subjects: AIR TRANSPORT
LAW ENFORCEMENT
STATUTORY AUTHORITIES

Treaties: Convention on International Civil Aviation

Jurisdictions: AUSTRALIA

AGIS No: 20142262

Title: Police and user-led investigations on social media.

Authors: TROTTIER, Daniel

Source: JOURNAL OF LAW, INFORMATION AND SCIENCE 23 (1) 2014 : 75-96

Abstract: Emerging forms of surveillance and policing - using social media platforms - Facebook - Twitter - top-down and ground-up policing - emergence of top-down scrutiny of social media platforms by police - examples of forms of policing on social media - policing by the public.

Subjects: CRIMINAL INVESTIGATION
LAW ENFORCEMENT
POLICE
SOCIAL MEDIA

Jurisdictions: CANADA

LAW FIRMS

AGIS No: 20142235

Title: Optimising mobile legal research : supporting the roll out of organisationally supplied tablets for legal research.

Authors: AMAN, Holger

Source: AUSTRALIAN LAW LIBRARIAN 22 (2) 2014 : 106-109

Abstract: Tablet devices as useful tools for legal research - tablets supplied by library's parent organisation - importance of managing distribution and setup - setup options - add legal apps prior to distribution - allow users to setup tablets themselves - distribute blank tablet with online guide for recommended setup - distribute personally taking users through setup process - pros and cons of each option.

Subjects: LAW FIRMS
LEGAL RESEARCH
MOBILE DEVICES

AGIS No: 20142233

Title: Training needs analysis meets the law firm.

Authors: LY, Linh

Source: AUSTRALIAN LAW LIBRARIAN 22 (2) 2014 : 101-105
Abstract: Conducting a training needs analysis in a law firm - setting specific parameters process of needs analysis - record request or problem - investigate - plan the needs analysis - choose analysis techniques - conduct analysis - analyse data - recommendations - implementation of findings and recommendations.
Subjects: EMPLOYEE TRAINING
LAW FIRMS
LAW LIBRARIES

LAW LIBRARIES

AGIS No: 20142231
Title: Ethics and charging for legal research.
Authors: SYLVESTER, Lisa
Source: AUSTRALIAN LAW LIBRARIAN 22 (2) 2014 : 94-97
Abstract: Obligations of a lawyer charging for legal research - costs disclosure - consideration of fair and reasonable - charging clients for services used - ethical concerns - responsibility of support staff for ethical breaches.
Legislation: Legal Profession Act 2007 (QLD)
Subjects: LAW LIBRARIES
LEGAL ETHICS
LEGAL RESEARCH

AGIS No: 20142232
Title: Middle world : moving forward.
Authors: COHEN, Alicia
MARTIN, Cindy
Source: AUSTRALIAN LAW LIBRARIAN 22 (2) 2014 : 98-100
Abstract: Middle career professionals - discussions and interviews with professionals from law, government, university and health libraries and publishers - career journeys of librarians - key learnings from conversations.
Subjects: LAW LIBRARIES
PROFESSIONS

AGIS No: 20142233
Title: Training needs analysis meets the law firm.
Authors: LY, Linh
Source: AUSTRALIAN LAW LIBRARIAN 22 (2) 2014 : 101-105
Abstract: Conducting a training needs analysis in a law firm - setting specific parameters process of needs analysis - record request or problem - investigate - plan the needs analysis - choose analysis techniques - conduct analysis - analyse data - recommendations - implementation of findings and recommendations.
Subjects: EMPLOYEE TRAINING
LAW FIRMS
LAW LIBRARIES

LAW REFORM

- AGIS No:** 20142220
Title: An introduction to the Bail Act 2013.
Authors: WHITE, Christopher
Source: JUDICIAL OFFICERS BULLETIN 26 (1) February 2014 : 1-4
Abstract: Outline of significant changes to the bail regime by the Bail Act 2013 - process for determining bail - implementation of unacceptable risk test for bail decisions - bail applications - seeking reconsideration of a bail decision - other provisions.
- Legislation:** Bail Act 2013 (NSW)
Subjects: BAIL
LAW REFORM
RISK MANAGEMENT
Jurisdictions: AUSTRALIA, New South Wales
- AGIS No:** 20142216
Title: New regime for property agents and residential property sales in Queensland : Property Occupations Act 2014.
Authors: CHRISTENSEN, Sharon
Source: AUSTRALIAN PROPERTY LAW BULLETIN 29 (5) June 2014 : 86-90
Abstract: Splitting of legislation regulating licensing for motor traders, real estate agents auctioneers and commercial agents in to four separate Acts - overview of Acts affecting property agents and residential property sales - property agent licensing and appointments - sales of residential property - trust accounts and the claim fund.
- Legislation:** Agents Financial Administration Act 2014 (QLD)
Property Agents and Motor Dealers Act 2001 (QLD)
Property Occupations Act 2014 (QLD)
Subjects: LAW REFORM
PROPERTY LAW
REAL PROPERTY
Jurisdictions: AUSTRALIA, Queensland
- AGIS No:** 20142275
Title: NSW cultural heritage reform : does the proposed model reflect the United Nations Declaration on the Rights of Indigenous Peoples?
Authors: HUNT, Janet
Source: INDIGENOUS LAW BULLETIN 8 (10) January / February 2014 : 15-18
Abstract: Proposed model for reforming the Aboriginal cultural system in NSW - processes and structures of the proposed model and how they comply with the rights of Indigenous people - complications from historical displacement and dispossession.
- Legislation:** Aboriginal Land Rights Act 1983 (NSW)
National Parks and Wildlife Act 1974 (NSW)

Subjects: HERITAGE CONSERVATION
INDIGENOUS RIGHTS
LAW REFORM
Treaties: UN Declaration on the Rights of Indigenous Peoples
Jurisdictions: AUSTRALIA, New South Wales

LEASES

AGIS No: 20142217
Title: Beba Enterprises Pty Ltd v Elle Pty Ltd : options and the risk of substantial injustice.
Authors: BOUSTANI, Marie
PALLAVICINI, Stephen
Source: AUSTRALIAN PROPERTY LAW BULLETIN 29 (5) June 2014 : 91-92
Abstract: Options to renew commercial tenancy - renewal option exercised "if and only if" written notice provided three to six months prior to expiration - rent review - new lease formed by acceptance - disclosure statement setting out terms of lease - compensation for loss - case law.
Legal Cases: Beba Enterprises Pty Ltd v Elle Pty Ltd [2014] WASC 141
Legislation: Commercial Tenancy (Retail Shops) Agreements Act 1985 (WA)
Subjects: LANDLORD AND TENANT
LEASES
Jurisdictions: AUSTRALIA, Western Australia

LEGAL DRAFTING

AGIS No: 20142282
Title: ACT Law Week 2014 : The Blackburn Lecture : the individual judge.
Authors: KIEFEL, Susan
Source: ETHOS (232) June 2014 : 22-26
Abstract: Edited version of the lecture given by the Hon Justice Susan Kiefel AC in Canberra on 13 May 2014 - lecture in memory of Sir Richard Blackburn - judge of Supreme Courts of the Northern Territory and the ACT - judicial independence - 'institutional responsibility' of judges regarding the Court's judgements - history of the High Court - Australian judges - justice system - writing judgements - current High Court practice regarding judgements - drafting judgments.
Subjects: JUDGES TENURE
JUDGMENTS
LEGAL DRAFTING
LEGAL HISTORY
SUPREME COURT
Jurisdictions: AUSTRALIA

LEGAL ETHICS

AGIS No: 20142231
Title: Ethics and charging for legal research.

Authors: SYLVESTER, Lisa
Source: AUSTRALIAN LAW LIBRARIAN 22 (2) 2014 : 94-97
Abstract: Obligations of a lawyer charging for legal research - costs disclosure - consideration of fair and reasonable - charging clients for services used - ethical concerns - responsibility of support staff for ethical breaches.
Legislation: Legal Profession Act 2007 (QLD)
Subjects: LAW LIBRARIES
LEGAL ETHICS
LEGAL RESEARCH

AGIS No: 20142222
Title: The role of contextual meaning in judicial interpretation.
Authors: CROWE, Jonathan
Source: FEDERAL LAW REVIEW 41 (3) 2013 : 417-442
Abstract: Relevance to judicial interpretation of contextual meaning - full social and moral context - judges to apply ordinary or contextual meaning when construing legal materials - nature and limitations of the contextualist model of judicial practice - possibility of conflicts between contextual factors at different levels of abstraction - contextualist methodology - wide contextualism offering the best overall account of judicial interpretation - practical and normative limitations of this model.
Subjects: JUDICIAL OPINIONS
LEGAL ETHICS
LEGAL RESEARCH
Jurisdictions: AUSTRALIA

LEGAL HISTORY

AGIS No: 20142282
Title: ACT Law Week 2014 : The Blackburn Lecture : the individual judge.
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Subjects: JUDGES TENURE
JUDGMENTS
LEGAL DRAFTING
LEGAL HISTORY
SUPREME COURT
Jurisdictions: AUSTRALIA

AGIS No: 20142248
Title: Archives, the Australian High Court, and the 'Strike of 1905'.

Authors: PRIEST, Susan
Source: UNIVERSITY OF QUEENSLAND LAW JOURNAL 32 (2) 2013 : 253-264
Abstract: Australian legal history - High Court's decision to suspend its sittings in 1905 - 'High Court deadlock' - overview of the historic events.
Subjects: ATTORNEY-GENERAL
HIGH COURT
LEGAL HISTORY
Jurisdictions: AUSTRALIA

AGIS No: 20142255
Title: The Nuremberg Trial : procedural due process at the International Military Tribunal.

Authors: MCKEOWN, Tessa
Source: VICTORIA UNIVERSITY OF WELLINGTON LAW REVIEW 45 (1) June 2014 : 109-132

Abstract: Credibility and repercussions of the Nuremberg Trial - London Charter drafted by the Allies outlined the trial procedure to secure a fair trial - history of the fundamental due process rights - how were those rights breached at Nuremberg - compromised integrity of the trial.

Subjects: LEGAL HISTORY
MILITARY LAW
WAR CRIMES TRIALS

LEGAL PROFESSION

AGIS No: 20142283
Title: ACT Law Week 2014 : women and the law.
Authors: SULLIVAN, Tamara
Source: ETHOS (232) June 2014 : 28-29
Abstract: The Women Lawyers' Association of the ACT - guest speaker at the 2014 Law Week Dinner - Hon J Helen Murrell, Chief Justice of the ACT Supreme Court - women and the law - women in the profession generally.
Subjects: LEGAL PROFESSION
WOMEN AND THE LAW
Jurisdictions: AUSTRALIA

LEGAL REASONING

AGIS No: 20142201
Title: Accepted doctrine at the time of federation and Kirk v Industrial Court of New South Wales.
Authors: ROOS, Oscar I
Source: SYDNEY LAW REVIEW 35 (4) December 2013 : 781-807
Abstract: Critique of one aspect of High Court's decision in Kirk - reliance on 'accepted doctrine at the time of federation' to determine 'defining characteristics' of state Supreme Courts - ambiguousness of passage of Kirk decision - alternative readings of passages - pre-Federation entrenchment theory - theory wrong due to historical inaccuracies - on-Federation entrenchment theory - originalist justification for theory flawed.

Legal Cases: Kirk v Industrial Relations Commission of New South Wales (2010) 239 CLR 531
Legislation: Constitution (CTH)
Subjects: LEGAL REASONING
LEGAL THEORY
Jurisdictions: AUSTRALIA

LEGAL RESEARCH

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Authors: SYLVESTER, Lisa
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Abstract: Obligations of a lawyer charging for legal research - costs disclosure - consideration of fair and reasonable - charging clients for services used - ethical concerns - responsibility of support staff for ethical breaches.
Legislation: Legal Profession Act 2007 (QLD)
Subjects: LAW LIBRARIES
LEGAL ETHICS
LEGAL RESEARCH

AGIS No: 20142215
Title: Higgins' argument for section 116 of the Constitution.
Authors: BECK, Luke
Source: FEDERAL LAW REVIEW 41 (3) 2013 : 393-415
Abstract: Inclusion of s 116 in the Constitution - provides a limited guarantee of religious freedom in Australia - argument presented by the proponent of the clause, Henry Bournes Higgins - no inferential power to legislate with respect to religion - standard account of Higgins' argument wrong - Higgins' concerns about the Commonwealth's enumerated powers - authorising legislation dealing with religion.

Legal Cases: Church of the Holy Trinity v United States 143 US 457
Legislation: Commonwealth of Australia Constitution Act 1900 (UK)
Constitution (CTH)
Subjects: LEGAL RESEARCH
LEGISLATION
RELIGION
Jurisdictions: AUSTRALIA

AGIS No: 20142257
Title: Jurors on trial : lawyers using the internet to research prospective jurors.
Authors: O'HAGAN, Lydia
Source: VICTORIA UNIVERSITY OF WELLINGTON LAW REVIEW 45 (1) June 2014 : 166-184
Abstract: Use of the internet to research prospective jurors - view to challenge - increasing availability to personal information online - potentially securing a more impartial jury - providing an independent vehicle for obtaining information - guidelines for lawyers conducting pretrial research around the collection, use, retention and disclosure of information outlined.

Subjects: INTERNET
JURIES
LEGAL RESEARCH
PRE TRIAL PROCEDURE
Jurisdictions: NEW ZEALAND

AGIS No: 20142235
Title: Optimising mobile legal research : supporting the roll out of organisationally supplied tablets for legal research.
Authors: AMAN, Holger
Source: AUSTRALIAN LAW LIBRARIAN 22 (2) 2014 : 106-109
Abstract: Tablet devices as useful tools for legal research - tablets supplied by library's parent organisation - importance of managing distribution and setup - setup options - add legal apps prior to distribution - allow users to setup tablets themselves - distribute blank tablet with online guide for recommended setup - distribute personally taking users through setup process - pros and cons of each option.

Subjects: LAW FIRMS
LEGAL RESEARCH
MOBILE DEVICES

AGIS No: 20142247
Title: Private property in post-secular law : an introductory foray.
Authors: BABIE, Paul
Source: UNIVERSITY OF QUEENSLAND LAW JOURNAL 32 (2) 2013 : 237-251
Abstract: Place and role of religion in law and legal development - plural legal environment - private property - existing models of community - Judaism, Christianity and Islam.

Subjects: LEGAL RESEARCH
RELIGION
SOCIOLOGY
Jurisdictions: AUSTRALIA

AGIS No: 20142237
Title: Rights review in the high court and the cultural limits of judicial power.
Authors: WOODS, Robert
Source: FEDERAL LAW REVIEW 41 (3) 2013 : 585-608
Abstract: High Court's reluctance to move into stronger forms of rights protection - disparity between federalism and rights-based judicial review practices - federal and 'rights' provisions of the Constitution indeterminate - theory of judicial politics sensitive to cultural and political constraint.
Subjects: CONSTITUTIONAL LAW
HIGH COURT
JUDICIAL STATUS AND POWER
LEGAL RESEARCH
Jurisdictions: AUSTRALIA

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Subjects: JUDICIAL OPINIONS
LEGAL ETHICS
LEGAL RESEARCH

Jurisdictions: AUSTRALIA

LEGAL THEORY

AGIS No: 20142201
Title: Accepted doctrine at the time of federation and Kirk v Industrial Court of New South Wales.
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Source: SYDNEY LAW REVIEW 35 (4) December 2013 : 781-807
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Legal Cases: Kirk v Industrial Relations Commission of New South Wales (2010) 239 CLR 531
Legislation: Constitution (CTH)
Subjects: LEGAL REASONING
LEGAL THEORY

Jurisdictions: AUSTRALIA

LEGISLATION

AGIS No: 20142215
Title: Higgins' argument for section 116 of the Constitution.
Authors: BECK, Luke
Source: FEDERAL LAW REVIEW 41 (3) 2013 : 393-415
Abstract: Inclusion of s 116 in the Constitution - provides a limited guarantee of religious freedom in Australia - argument presented by the proponent of the clause, Henry Bournes Higgins - no inferential power to legislate with respect to religion - standard account of Higgins' argument wrong - Higgins' concerns about the Commonwealth's enumerated powers - authorising legislation dealing with religion.

Legal Cases: Church of the Holy Trinity v United States 143 US 457

Legislation: Commonwealth of Australia Constitution Act 1900 (UK)
Constitution (CTH)
Subjects: LEGAL RESEARCH
LEGISLATION
RELIGION
Jurisdictions: AUSTRALIA

AGIS No: 20142225
Title: Is the net cast too wide? An assessment of whether the regulatory design of the 457 visa meets Australia's skill needs.
Authors: HOWE, Joanna
Source: FEDERAL LAW REVIEW 41 (3) 2013 : 443-469
Abstract: Increasing use of skilled temporary migration by employers in Australia - implications for the domestic labour market and for the long-term composition of the Australian population - scheme to alleviate domestic skill shortages - Consolidated Sponsored Occupation List - employer's attestation of a skill shortage - employer-conducted labour market testing for certain occupations and the market salary rates requirement - whether the regulatory mechanisms are effective for ensuring the 457 visa program meets its objectives.

Legislation: Migration Amendment (Temporary Sponsored Visas) Act 2013 (CTH)
Subjects: IMMIGRATION
LEGISLATION
MIGRANT WORKERS
PROFESSIONS
Jurisdictions: AUSTRALIA

AGIS No: 20142310
Title: Is the right to use security or retention amounts in Queensland as secure as you think?
Authors: FERGUSON, Donovan
KAY, Sam
Source: AUSTRALIAN CONSTRUCTION LAW BULLETIN 26 (5) July 2014 : 82-84
Abstract: Queensland Building and Construction Commission Act 1991 (Qld) - section 67J - circumstances associated with the contracted party's performance of the contract - subcontract - amount owed under a contract - case law.

Legal Cases: Beyfield Pty Ltd (t/as East Coast Mechanical Services) v Northbuild Construction Sunshine Coast Pty Ltd [2014] QSC 012
Legislation: Building Services Authority Act 1991 (QLD)
Queensland Building and Construction Commission Act 1991 (QLD)
Subjects: CONSTRUCTION INDUSTRY
CONTRACTS
LEGISLATION
Jurisdictions: AUSTRALIA, Queensland

AGIS No: 20142230

Title: Native title tax reforms : bull's eye or wide of the mark?
Authors: MU, Ian
Source: FEDERAL LAW REVIEW 41 (3) 2013 : 497-524
Abstract: Twenty years on from Mabo v Queensland - change in the tax treatment of native title - reforms exempting Indigenous people from income tax for payments made under native title agreements - implementation difficulties for energy and resources proponents and Indigenous groups - earlier Indigenous Community Fund model - linking tax exemption to outcomes - improving the certainty of tax treatment - better support the intermediary Indigenous benefits management institutions playing a critical role in achieving those outcomes.

Legal Cases: Mabo v State of Queensland (No 2) (1992) 175 CLR 1
Legislation: Native Title Act 1993 (CTH)
Subjects: LEGISLATION
NATIVE TITLE
TAX REFORM
Jurisdictions: AUSTRALIA

AGIS No: 20142253
Title: New Zealand's Accident Compensation scheme and chronic pain syndrome.

Authors: BULL, Juliet
Source: VICTORIA UNIVERSITY OF WELLINGTON LAW REVIEW 45 (1) June 2014 : 53-77

Abstract: Chronic pain syndrome - not currently a physical injury under New Zealand's Accident Compensation scheme - considering correctness of this exclusion - policy factors - integrity of legislation - maintaining the exclusion.

Legal Cases: Allenby v H [2012] NZSC 33
Legislation: Accident Compensation Act 2001 (NZ)
Subjects: ACCIDENTS
COMPENSATION
LEGISLATION
PERSONAL INJURIES
Jurisdictions: NEW ZEALAND

AGIS No: 20142234
Title: Redundancy in the Australian public service : some critical reflections.
Authors: ROLES, Cameron
Source: FEDERAL LAW REVIEW 41 (3) 2013 : 525-555
Abstract: Law concerning dismissal on grounds of redundancy as it applies to the Australian Public Service (APS) - reducing the APS through natural attrition - redundancies inevitable - recent legislative developments concerning dismissal on grounds of redundancy - genuine redundancy exclusion in s 389 of the Fair Work Act 2009 (Cth) (FW Act) - application to APS employment - failure to comply with consultation obligations in an agency enterprise agreement - redeployment obligations in s 389(2) – legal issues with redeployment – tensions between provisions of the FW Act and the devolution of managerial powers under the Public Service Act - reform needed to address these tensions.

Legislation: Fair Work Act 2009 (CTH)
Public Service Act 1999 (CTH)
Subjects: EMPLOYMENT
LEGISLATION
PUBLIC SERVICE
WORKING CONDITIONS
Jurisdictions: AUSTRALIA

AGIS No: 20142261
Title: Role and substantial connections : enforcing Canadian privacy laws against American social networking companies.
Authors: BENNETT, Colin J
PARSONS, Christopher A
MOLNAR, Adam
Source: JOURNAL OF LAW, INFORMATION AND SCIENCE 23 (1) 2014 : 50-74
Abstract: Enforcing Canadian privacy protection law on US-based social networking services (SNS) - jurisdiction of the Personal Information Protection and Electronic Document Act - Office of the Privacy Commissioner of Canada - analysis of the privacy policies of the top 23 SNSs operating in Canada.
Legislation: Personal Information Protection and Electronic Documents Act 2000 (CANADA)
Subjects: DATA PROTECTION
LEGISLATION
PRIVACY
SOCIAL MEDIA
Jurisdictions: CANADA

LIABILITY

AGIS No: 20142299
Title: Just a little bit more : when sports scientists cross the line.
Authors: FOX, Tyler
Source: JOURNAL OF LAW AND MEDICINE 21 (4) June 2014 : 845-858
Abstract: Sports science - role in athlete's career and health - lack of discussion about criminal and civil liability when athletes suffer personal or professional harm - how liability may attach to both sports doctors and sports scientists in the future based on principles from current case law - compliance with the World Anti-Doping Code.
Subjects: LIABILITY
MEDICAL ETHICS
MEDICAL PROFESSION
PROFESSIONAL ETHICS
SPORT
Treaties: International Convention Against Doping in Sport
Jurisdictions: AUSTRALIA

LIBRARIES

AGIS No: 20142223
Title: ALIA Information Online Conference 2013 : trade exhibition.
Authors: DOUGLAS, Jane
Source: ONLINE CURRENTS 27 (5) October 2013 : 252-261
Abstract: Overview of trade exhibitors at the Australian Library and Information Association Online Conference - summary of featured products - library and resource management systems and technologies - publishers, content suppliers and aggregators - professional services - education and training.
Subjects: CONFERENCES
LIBRARIES
TECHNOLOGICAL INNOVATIONS
Jurisdictions: AUSTRALIA

LIQUIDATION

AGIS No: 20142284
Title: Breakdown in corporate relations : winding up on the just and equitable ground.
Authors: BENNETTS, Keith
Source: INSOLVENCY LAW BULLETIN 15 (4) July 2014 : 56-58
Abstract: Winding up order and appointing a liquidator to company - retrievable breakdown of the relationship between persons in control of a company - personal relationship of mutual confidence and trust between incorporators - equitable obligations - 'quasi-partnership' relations underlying corporate structure - alternative approach to quasi-partnership - case law.
Legal Cases: Nassar v Innovative Precasters Group Pty Ltd [2009] NSWSC 513
Re Amazon Pest Control Pty Ltd [2012] NSWSC 1568
Re DJG Securities Pty Ltd [2013] NSWSC 588
Legislation: Corporations Act 2001 (CTH)
Partnership Act 1892 (NSW)
Subjects: CORPORATIONS LAW
LIQUIDATION
PARTNERSHIPS
Jurisdictions: AUSTRALIA

AGIS No: 20142285
Title: Practical trade-on DOCA transition issues : a case for reform.
Authors: PAN, Philip
MEW, Cameron
Source: INSOLVENCY LAW BULLETIN 15 (4) July 2014 : 60-63
Abstract: 'Trade-on' deed of company arrangement (DOCA) - continued trading of the company under the management and control of the directors - creation of a fund to be distributed to creditors by the deed administrator - complex practical and legal issues for insolvency practitioners - areas for reform - power to adjourn second meeting - administration and termination of the DOCA - conflicts and disqualifications - committee of creditors - priorities - powers of the court - issues to be considered when drafting a DOCA.

Legislation: Corporations Act 2001 (CTH)
Personal Property Securities Act 2009 (CTH)
Subjects: COMPANY DIRECTORS
CREDITORS
DEEDS
INSOLVENCY
LIQUIDATION
Jurisdictions: AUSTRALIA

AGIS No: 20142286
Title: Re Guns Plantations Ltd (in liq) (recs & mgrs apptd).
Authors: RICHARDSON, David
Source: INSOLVENCY LAW BULLETIN 15 (4) July 2014 : 64-66
Abstract: Court's approach to a liquidator's request for court approval for their costs and expenses where they relate to a very large amount of work - third-party transactions - liquidators' costs - case law.
Legal Cases: Re Gunns Plantations Ltd (in liq) (recs & mgrs apptd) [2014] VSC 239
Subjects: COSTS
LIQUIDATION
Jurisdictions: AUSTRALIA

LITIGATION

AGIS No: 20142311
Title: Pay now, litigate later : WA Court of Appeal considers challenge to the enforcement of determinations under the Corporations Act.
Authors: BRIGGS, Mathew
DARIAN-SMITH, Mark
Source: AUSTRALIAN CONSTRUCTION LAW BULLETIN 26 (5) July 2014 : 85-87
Abstract: Statutory demand procedure - statutory demand based on a determination - statement of claim in proceedings insufficient to establish that there is an offsetting claim - case law.
Legal Cases: Diploma Construction (WA) Pty Ltd v KPA Architects Pty Ltd [2014] WASCA 91
Legislation: Construction Contracts Act 2004 (WA)
Corporations Act 2001 (CTH)
Subjects: CORPORATIONS LAW
LITIGATION
Jurisdictions: AUSTRALIA, Western Australia

LOCAL GOVERNMENT

AGIS No: 20142212
Title: Integrating social impact assessment into the planning regime of Parramatta City Council.
Authors: MCCAULEY, Kate
HOWITT, Richard

Source: LOCAL GOVERNMENT LAW JOURNAL 19 (2) 2014 : 79-86

Abstract: Integration of Social Impact Assessment (SIA) into development assessment processes by Parramatta City Council - ensuring better informed decision-making as consent authority - mechanism for deeper community involvement in planning process - integration of SIA can increase transparency and accountability - strengthen reliability of responses to State Metropolitan Plan 2036 and reporting on Parramatta Community Strategic Plan 2036.

Legislation: Environment Protection and Biodiversity Conservation Act 1999 (CTH)
Environmental Planning and Assessment Act 1979 (NSW)
Local Government Act 1993 (QLD)

Subjects: LOCAL GOVERNMENT
TOWN PLANNING

Jurisdictions: AUSTRALIA, New South Wales

AGIS No: 20142280

Title: Tax in practice : GST and the supply of a 'Going Concern'.

Authors: HOLLINGSWORTH, Damien

Source: ETHOS (232) June 2014 : 15

Abstract: Sale of a business - cash-flow benefit - stamp duty benefit - government changes to the concession - removing GST-free treatment - introducing a 'reverse charge' - state governments may introduce greater stamp duty liability - conditions to access useful concessions under a New Tax System (Goods and Services Tax) Act 1999.

Legislation: A New Tax System (Goods and Services Tax) Act 1999 (CTH)

Subjects: FEDERAL GOVERNMENT
GOODS AND SERVICES TAX
LOCAL GOVERNMENT
SALES TAX

Jurisdictions: AUSTRALIA

MANAGEMENT

AGIS No: 20142290

Title: Science hubris and insufficient legal safeguards.

Authors: MARTIN, Paul
WILLIAMS, Jacqueline

Source: ENVIRONMENTAL AND PLANNING LAW JOURNAL 31 (4) July 2014 : 311-326

Abstract: Efficient natural resource governance - science-informed regulation - power invested in property owners or technical experts to determine how to govern natural resources - recent developments in science and property based resource governance in water management in Australia - creating mechanisms to guard against the hubris - implications for the human rights of users and stewards of the environment - economic and educational disadvantages - Indigenous and rural communities.

Legislation: Commonwealth of Australia Constitution Act 1900 (UK)
Murray-Darling Basin Act 1993 (CTH)
Water Act 2007 (CTH)

Subjects: MANAGEMENT
NATURAL RESOURCES
REAL PROPERTY
WATER RESOURCES

Jurisdictions: AUSTRALIA

AGIS No: 20142287

Title: Theory to practice : adaptive management of the groundwater impacts of Australian mining projects.

Authors: LEE, Jessica

Source: ENVIRONMENTAL AND PLANNING LAW JOURNAL 31 (4) July 2014 : 251-287

Abstract: Adaptive management of natural resources - natural resource policies and regulatory instruments - adaptive management in the context of groundwater impact management of Australian mines - theoretical model for the practice of adaptive management - legal mechanism required for its effective implementation - United States experience identifying primary legal obstacles to its implementation - case study - legal framework for the improved implementation of adaptive groundwater management at Australian mining projects.

Legislation: Environmental Protection Act 1986 (WA)
Rights in Water and Irrigation Act 1914 (WA)

Subjects: MANAGEMENT
MINES AND MINERALS
NATURAL RESOURCES
WATER RESOURCES

Jurisdictions: AUSTRALIA

MARINE ACCIDENT LIABILITY

AGIS No: 20142242

Title: Tales from The Love Boat : jurisdictional issues for passengers injured on cruises.

Authors: HARVEY, Matthew

Source: PRECEDENT (120) January / February 2014 : 24-27

Abstract: Injured cruise passengers - whether they can sue in Australian court - exclusive foreign jurisdiction clause stated on the cruise ticket - injured passenger bound by the jurisdiction clause - exercise of jurisdiction by an Australian court - whether the proceeding be stayed on the ground that the Australian court is an inappropriate forum - case law.

Legal Cases: Baltic Shipping Co v Dillon (1993) 176 CLR 344
FAI General Insurance Co Ltd v Ocean Marine Mutual Protection and Indemnity Association Ltd (1997) 41 NSWLR 559
Hood v Anchor Lines (Henderson Brothers) Ltd (1918) AC 837
Oceanic Sun Line Special Shipping Co Inc v Fay (1988) 165 CLR 197

Legislation: Supreme Court (Miscellaneous Civil Proceedings) Rules 2008 (VIC)

Subjects: INJURIES
JURISDICTION
MARINE ACCIDENT LIABILITY
MARINE ACCIDENTS
Jurisdictions: AUSTRALIA

MARINE ACCIDENTS

AGIS No: 20142242
Title: Tales from The Love Boat : jurisdictional issues for passengers injured on cruises.

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Legal Cases: Baltic Shipping Co v Dillon (1993) 176 CLR 344
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Hood v Anchor Lines (Henderson Brothers) Ltd (1918) AC 837
Oceanic Sun Line Special Shipping Co Inc v Fay (1988) 165 CLR 197

Legislation: Supreme Court (Miscellaneous Civil Proceedings) Rules 2008 (VIC)
Subjects: INJURIES
JURISDICTION
MARINE ACCIDENT LIABILITY
MARINE ACCIDENTS
Jurisdictions: AUSTRALIA

MARINE RESOURCES

AGIS No: 20142245
Title: How to save a predator.
Authors: KLEIN, Natalie
Source: PRECEDENT (120) January / February 2014 : 38-42
Abstract: International regulation of sharks - shark cull in Western Australia - international legal framework - fishing activity - inability of many coastal states to police their large maritime zones - endangered status of all shark species yet to be determined - conserving and managing shark species - no global treaty and organisation dedicated to shark conservation and management.

Subjects: ANIMAL RIGHTS
ANIMALS
ENVIRONMENTAL PROTECTION
MARINE RESOURCES
Treaties: United Nations Convention on the Law of the Sea
Jurisdictions: AUSTRALIA

MARITIME LAW

AGIS No: 20142243
Title: Are environmental activists pirates?
Authors: RAE, Charlie
Source: PRECEDENT (120) January / February 2014 : 28-31
Abstract: Environmental activism - acts of eco-terrorism on the high seas - Sea Shepherd and Greenpeace protests - allegations of maritime piracy - definition of piracy - definition of 'private ends' - United Nations Convention on the Law of the Sea (UNCLOS).
Subjects: ENVIRONMENTAL PROTECTION
MARITIME LAW
PIRACY
TERRORISM
Treaties: United Nations Convention on the Law of the Sea

AGIS No: 20142241
Title: Are you 'lost at sea'? An overview of maritime safety laws.
Authors: BURGE, Peter
Source: PRECEDENT (120) January / February 2014 : 20-23
Abstract: Maritime standards, rules, conventions and regulations - operational and navigational protocols - differences in maritime regulations between the Australian states and territories - accidents in most instances result from a 'human factor' failure.
Subjects: CARRIAGE OF GOODS BY SEA
MARITIME LAW
Jurisdictions: AUSTRALIA

MARRIAGE

AGIS No: 20142259
Title: Same-sex marriage and religious exemption under the Marriage Act : where does section 29 leave religious objectors?
Authors: WILSON, Simon Matthew
Source: VICTORIA UNIVERSITY OF WELLINGTON LAW REVIEW 45 (1) June 2014 : 213-236
Abstract: Amending the Marriage Act 1955 to allow same-sex couples to marry - legal position of celebrants wishing to refuse to solemnise same-sex marriages on religious grounds - reconciling the celebrants' religious freedoms with the rights of same-sex couples - some celebrants exempted under s 29(2) of the Marriage Act - scope of the exemption.
Legislation: Marriage Act 1955 (NZ)
Subjects: MARRIAGE
RELIGION
SAME SEX MARRIAGE
Jurisdictions: NEW ZEALAND

MEDIA

- AGIS No:** 20142197
Title: An empirical analysis of suppression orders in the Victorian courts : 2008-12.
- Authors:** BOSLAND, Jason
BAGNALL, Ashleigh
- Source:** SYDNEY LAW REVIEW 35 (4) December 2013 : 671-702
- Abstract:** Results of empirical study of all suppression orders distributed to media by Victorian courts - fundamental legal principles of open justice and making of suppression orders - methodology - results show high rate of suppression orders in Victoria - rate appears to be increasing - significant problems with breadth, clarity and duration of orders - exploration of possible reasons for findings - Standing Committee of Attorneys-General model and Open Courts Bill as possible solution.
- Legal Cases:** News Digital Media Pty Ltd v Mokbel (2010) 30 VR 248
- Legislation:** County Court Act 1958 (VIC)
Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 (VIC)
Magistrates Court Act 1989 (VIC)
Public Health and Wellbeing Act 2008 (VIC)
Serious Sex Offenders (Detention and Supervision) Act 2009 (VIC)
- Subjects:** COURT ORDERS
MEDIA
- Jurisdictions:** AUSTRALIA, Victoria
-
- AGIS No:** 20142300
Title: Beauty is only photoshop deep : legislating models' BMIs and photoshopping images.
- Authors:** KRAWITZ, Marilyn
- Source:** JOURNAL OF LAW AND MEDICINE 21 (4) June 2014 : 859-874
- Abstract:** Poor body image and eating disorders due to images of very thin women and photoshopped bodies in the media and advertisements - Israeli Act Limiting Weight in the Modelling Industry (2013) - 'Photoshop Law' - require Israeli models over 18 years old to have a body mass index of 18.5 or higher - Israel first to legislate this issue - Australian Code of Conduct similar to Photoshop Law - not sufficiently binding.
- Subjects:** ETHICS
MEDIA
- Jurisdictions:** AUSTRALIA
ISRAEL
-
- AGIS No:** 20142207
Title: The girl in the cellar : media representations of Natascha Kampusch.
- Authors:** GILMOUR, Fairleigh
- Source:** CURRENT ISSUES IN CRIMINAL JUSTICE 25 (2) November 2013 : 645-666

Abstract: Role of narrative in constructing, defining and delimiting victimhood - examination of kidnapping of Natascha Kampusch in Austria - stereotypical characters and cultural myths in narrating female victim - media struggle to reconcile crime and complex victim within traditional narrative.

Subjects: KIDNAPPING
MEDIA
VICTIMS OF CRIME

AGIS No: 20142254

Title: The new intrusion tort : the news media exposed?

Authors: MCKENZIE, Thomas Levy

Source: VICTORIA UNIVERSITY OF WELLINGTON LAW REVIEW 45 (1) June 2014 : 79-107

Abstract: Common law - tort protecting against intentional intrusions into person's private space - intrusive newsgathering practice - exposing news media to tortious liability - methods in New Zealand and internationally to prevent the news media from breaching individual privacy rights - formulation to be replaced with a one-step reasonable expectation of privacy test - how the intrusion tort should interact with the privacy tort - precise wording of the intrusion tort's formulation.

Legal Cases: C v Holland [2012] NZHC 2155

Legislation: Crimes Act 1961 (NZ)

Subjects: COMMON LAW
MEDIA
PRIVACY
TORTS

Jurisdictions: NEW ZEALAND

MEDICAL ETHICS

AGIS No: 20142296

Title: Hippocratic obligation to shareholder profit? Medical treatment patents and the Australian High Court in Apotex Pty Ltd v Sanofi-Aventis Australia Pty Ltd [2013] HCA 50.

Authors: VINES, Tim

FAUNCE, Thomas A

Source: JOURNAL OF LAW AND MEDICINE 21 (4) June 2014 : 797-809

Abstract: Medical treatment of suffering in patients - patent upholding over a method of using a known drug to prevent or treat condition - medical practitioners to consider whether their basic ethical obligations to patients are secondary to requirement to maximise profit for shareholders in companies holding medical patents - legislative requirements placing practitioners and patients at risk of more costly ineffective or restricted health care - Trans-Pacific Partnership Agreement - mechanism for multinational corporations to challenge offshore, Australian federal and state policy decisions they perceive undercut their investments.

Legal Cases: Apotex Pty Ltd v Sanofi-Aventis Australia Pty Ltd (No 2) (2012) 204 FCR 494

Legislation: Patents Act 1990 (CTH)

Subjects: HEALTH CARE
INVESTMENTS
MEDICAL ETHICS
PATENTS
PATIENTS
SHARES AND SHAREHOLDERS

Jurisdictions: AUSTRALIA

AGIS No: 20142299
Title: Just a little bit more : when sports scientists cross the line.
Authors: FOX, Tyler
Source: JOURNAL OF LAW AND MEDICINE 21 (4) June 2014 : 845-858
Abstract: Sports science - role in athlete's career and health - lack of discussion about criminal and civil liability when athletes suffer personal or professional harm - how liability may attach to both sports doctors and sports scientists in the future based on principles from current case law - compliance with the World Anti-Doping Code.

Subjects: LIABILITY
MEDICAL ETHICS
MEDICAL PROFESSION
PROFESSIONAL ETHICS
SPORT

Treaties: International Convention Against Doping in Sport

Jurisdictions: AUSTRALIA

AGIS No: 20142292
Title: Minor's decision-making capacity to refuse life-saving and life-sustaining treatment : legal and psychiatric perspectives.
Authors: MENDELSON, Danuta
HAYWOOD, Ian
Source: JOURNAL OF LAW AND MEDICINE 21 (4) June 2014 : 762-773
Abstract: Euthanasia and assisted suicide for seriously ill children experiencing 'constant and unbearable suffering' - capacity to request death by lethal injection if they convey a reasonable understanding of the consequences of that request - child's capacity to understand death - prerequisite to the implementation of the request - modern neuropsychological studies - brain's emotional and experiential capacity not fully developed until mid-20s - clinical and legal implications - case law.

Subjects: CHILDREN
EUTHANASIA
MEDICAL ETHICS
SUICIDE
YOUNG PERSONS

Jurisdictions: AUSTRALIA
BELGIUM
NETHERLANDS

AGIS No: 20142302
Title: Patents and the obligation to protect health : examining the significance of human rights considerations in the protection of pharmaceutical patents.
Authors: OWOEYE, Olasupo Ayodeji
Source: JOURNAL OF LAW AND MEDICINE 21 (4) June 2014 : 900-919
Abstract: Human right to health in the context of patent protection and access to medicines - limitations in international human rights law in relation to socioeconomic rights - right to health unenforceable in international law - close association with enforceable rights such as the right to life - legitimate basis for making maximum use of the flexibilities in the international intellectual property regime to protect public health - trade and intellectual property agreements - resolving seeming inconsistency with the right to health.

Subjects: HUMAN RIGHTS
MEDICAL ETHICS
PATENTS
PHARMACEUTICALS
PUBLIC HEALTH
WORLD TRADE ORGANISATION

Treaties: Agreement on Trade Related Aspects of Intellectual Property Rights
General Agreement on Tariffs and Trade
International Covenant on Economic, Social and Cultural Rights
Universal Declaration of Human Rights

AGIS No: 20142306
Title: The spectre of court-sanctioned sacrificial separation of teenage conjoined twins against their will.
Authors: DAVIS, Colleen
Source: JOURNAL OF LAW AND MEDICINE 21 (4) June 2014 : 973-983
Abstract: Recent Indian Supreme Court decision - separation of teenage conjoined twins where both would die if not separated but where the operation could save only one - lack of formal medical information - number of difficult legal and ethical questions that judges would have to consider before authorising sacrificial separation of the non-infant conjoined twins - case law.

Legal Cases: Aarushi Dhasmana v Union of India (2013) 9 SCC 475
Legislation: Majority Act 1875 (IN)
Subjects: HEALTH CARE
MEDICAL ETHICS
MEDICAL EVIDENCE
Jurisdictions: INDIA

MEDICAL EVIDENCE

AGIS No: 20142306
Title: The spectre of court-sanctioned sacrificial separation of teenage conjoined twins against their will.
Authors: DAVIS, Colleen
Source: JOURNAL OF LAW AND MEDICINE 21 (4) June 2014 : 973-983

Abstract: Recent Indian Supreme Court decision - separation of teenage conjoined twins where both would die if not separated but where the operation could save only one - lack of formal medical information - number of difficult legal and ethical questions that judges would have to consider before authorising sacrificial separation of the non-infant conjoined twins - case law.

Legal Cases: Aarushi Dhasmana v Union of India (2013) 9 SCC 475

Legislation: Majority Act 1875 (IN)

Subjects: HEALTH CARE
MEDICAL ETHICS
MEDICAL EVIDENCE

Jurisdictions: INDIA

MEDICAL PROFESSION

AGIS No: 20142299

Title: Just a little bit more : when sports scientists cross the line.

Authors: FOX, Tyler

Source: JOURNAL OF LAW AND MEDICINE 21 (4) June 2014 : 845-858

Abstract: Sports science - role in athlete's career and health - lack of discussion about criminal and civil liability when athletes suffer personal or professional harm - how liability may attach to both sports doctors and sports scientists in the future based on principles from current case law - compliance with the World Anti-Doping Code.

Subjects: LIABILITY
MEDICAL ETHICS
MEDICAL PROFESSION
PROFESSIONAL ETHICS
SPORT

Treaties: International Convention Against Doping in Sport

Jurisdictions: AUSTRALIA

MEDICAL RESEARCH

AGIS No: 20142305

Title: Government databases and public health research : facilitating access in the public interest.

Authors: ADAMS, Carolyn
ALLEN, Judy

Source: JOURNAL OF LAW AND MEDICINE 21 (4) June 2014 : 957-972

Abstract: Access to datasets of personal health information held by government agencies - essential to support public health research and promote evidence-based public health policy development - privacy legislation in Australia - allowing the disclosure of this information for public health research - decisions and decision-making processes of government data custodians subject to increased scrutiny - external review process for denied and unduly delayed access to the datasets.

Legislation: Australian Information Commissioner Act 2010 (CTH)
Freedom of Information Act 1982 (CTH)
Privacy Act 1988 (CTH)

Subjects: DATA PROTECTION
FREEDOM OF INFORMATION
MEDICAL RESEARCH
PUBLIC HEALTH
RESEARCH
Jurisdictions: AUSTRALIA

MENTAL HEALTH

AGIS No: 20142228
Title: Asylum adjudication, mental health and credibility evaluation.
Authors: HUNTER, Jill
PEARSON, Linda
SAN ROQUE, Mehera
STEEL, Zac
Source: FEDERAL LAW REVIEW 41 (3) 2013 : 471-495
Abstract: Central role of credibility assessment in refugee determinations - empirical study Tales of the Unexpected - complex ways in which applicants' poor mental health can affect their capacity to present a 'coherent and plausible' account of their experiences - tendency for decision makers to dismiss expert opinions expressed in reports tendered by applicants from psychologists specialising in cross-cultural mental health assessment

Legal Cases: NADH of 2001 v Minister for Immigration and Multicultural and Indigenous Affairs (2004) 214 ALR 264
Legislation: Migration Act 1958 (CTH)
Subjects: HUMAN RIGHTS
MENTAL HEALTH
REFUGEES
Jurisdictions: AUSTRALIA

AGIS No: 20142304
Title: Transparency in mental health : why mental health tribunals should be required to publish reasons.
Authors: SMITH, Alison
CAPLE, Andrew
Source: JOURNAL OF LAW AND MEDICINE 21 (4) June 2014 : 942-956
Abstract: Need for greater transparency and accountability in Australia's civil commitment system - involuntary detention and treatment of people with mental illness - how transparency and accountability may be addressed by Australia's mental health tribunals publishing reasons more frequently - principles of open justice - therapeutic jurisprudence - human rights - justification for an increase in the publication of reasons - right to privacy - mental health tribunals to provide redacted reasons in all cases.

Legislation: Mental Health (Treatment and Care) Act 1994 (ACT)
Mental Health Act 2007 (NSW)
Mental Health and Related Services Act 1998 (NT)

Subjects: COURTS
DETENTION
FREEDOM OF INFORMATION
HEALTH CARE
MENTAL HEALTH

Jurisdictions: AUSTRALIA

MENTAL ILLNESS

AGIS No: 20142210
Title: Reforming the criminal law on mental incapacity.
Authors: LOUGHNAN, Arlie
Source: CURRENT ISSUES IN CRIMINAL JUSTICE 25 (2) November 2013 : 703-710

Abstract: Critical assessment of NSW Law Reform Commission proposals for reform of the law on 'fitness to be tried' and the insanity/mental illness defence - purpose of the provisions and current construction - conclusion that proposed reforms largely positive - appropriate balance between specific interests of defendants, victims and legal and medical professionals - general social and legal interests of liberty and security.

Legislation: Mental Health (Forensic Provisions) Act 1990 (NSW)
Subjects: CRIMINAL JUSTICE
CRIMINAL LAW REFORM
INSANITY AND CRIME
MENTAL ILLNESS

Jurisdictions: AUSTRALIA, New South Wales

MIGRANT WORKERS

AGIS No: 20142225
Title: Is the net cast too wide? An assessment of whether the regulatory design of the 457 visa meets Australia's skill needs.
Authors: HOWE, Joanna
Source: FEDERAL LAW REVIEW 41 (3) 2013 : 443-469

Abstract: Increasing use of skilled temporary migration by employers in Australia - implications for the domestic labour market and for the long-term composition of the Australian population - scheme to alleviate domestic skill shortages - Consolidated Sponsored Occupation List - employer's attestation of a skill shortage - employer-conducted labour market testing for certain occupations and the market salary rates requirement - whether the regulatory mechanisms are effective for ensuring the 457 visa program meets its objectives.

Legislation: Migration Amendment (Temporary Sponsored Visas) Act 2013 (CTH)
Subjects: IMMIGRATION
LEGISLATION
MIGRANT WORKERS
PROFESSIONS

Jurisdictions: AUSTRALIA

MILITARY LAW

AGIS No: 20142250
Title: Reconsidering summary discipline law.
Authors: CAVANAGH, Bryan
DEVEREUX, John
Source: UNIVERSITY OF QUEENSLAND LAW JOURNAL 32 (2) 2013 : 295-310
Abstract: Service offences in the Australian Defence Force - summary discipline system - system to be updated to more closely align it with the requirement of military discipline - proposed changes - making summary trials inquisitorial in nature - reducing the system's reliance on the principles of criminal law for its operation - set of criteria for an effective summary discipline system - adversarial nature of the current system - principles derived from criminal law - reforming the system.

Legislation: Defence Force Discipline Act 1982 (CTH)
Subjects: ADMINISTRATION OF JUSTICE
MILITARY LAW
Jurisdictions: AUSTRALIA

AGIS No: 20142255
Title: The Nuremberg Trial : procedural due process at the International Military Tribunal.
Authors: MCKEOWN, Tessa
Source: VICTORIA UNIVERSITY OF WELLINGTON LAW REVIEW 45 (1) June 2014 : 109-132
Abstract: Credibility and repercussions of the Nuremberg Trial - London Charter drafted by the Allies outlined the trial procedure to secure a fair trial - history of the fundamental due process rights - how were those rights breached at Nuremberg - compromised integrity of the trial.
Subjects: LEGAL HISTORY
MILITARY LAW
WAR CRIMES TRIALS

MINES AND MINERALS

AGIS No: 20142287
Title: Theory to practice : adaptive management of the groundwater impacts of Australian mining projects.
Authors: LEE, Jessica
Source: ENVIRONMENTAL AND PLANNING LAW JOURNAL 31 (4) July 2014 : 251-287
Abstract: Adaptive management of natural resources - natural resource policies and regulatory instruments - adaptive management in the context of groundwater impact management of Australian mines - theoretical model for the practice of adaptive management - legal mechanism required for its effective implementation - United States experience identifying primary legal obstacles to its implementation - case study - legal framework for the improved implementation of adaptive groundwater management at Australian mining projects.

Legislation: Environmental Protection Act 1986 (WA)
Rights in Water and Irrigation Act 1914 (WA)

Subjects: MANAGEMENT
MINES AND MINERALS
NATURAL RESOURCES
WATER RESOURCES

Jurisdictions: AUSTRALIA

MINORITIES

AGIS No: 20142209

Title: Confidence and trust in police : how sexual identity difference shapes perceptions of police.

Authors: MILES-JOHNSON, Toby

Source: CURRENT ISSUES IN CRIMINAL JUSTICE 25 (2) November 2013 : 685-702

Abstract: Examination of the variations of perceptions of police in heterosexual and lesbian, gay, bisexual, transgender and intersex (LGBTI) communities - whether an individual's sexual identity shapes perceptions of police legitimacy and levels of trust - LGBTI individuals reported more negative opinions than heterosexuals regarding legitimacy, procedural justice, treatment and respect - findings have implications for theories of trust.

Subjects: HOMOSEXUALITY
MINORITIES
POLICE
TRANSSEXUALS

Jurisdictions: AUSTRALIA

MOBILE DEVICES

AGIS No: 20142221

Title: Mobile everything.

Authors: MOORE, Matt
TALL, Kelly

Source: ONLINE CURRENTS 27 (5) October 2013 : 246-251

Abstract: Overview of recent developments in mobile technologies - current mobile usage trends in Australia - range of mobile technologies on the market - different options for information presentation on mobile devices - responsive web design - emerging user behaviours - enterprise applications of mobile devices - key points for information professionals wanting to use mobile devices as part of an information management strategy.

Subjects: MOBILE DEVICES
TECHNOLOGICAL INNOVATIONS

AGIS No: 20142235

Title: Optimising mobile legal research : supporting the roll out of organisationally supplied tablets for legal research.

Authors: AMAN, Holger
Source: AUSTRALIAN LAW LIBRARIAN 22 (2) 2014 : 106-109
Abstract: Tablet devices as useful tools for legal research - tablets supplied by library's parent organisation - importance of managing distribution and setup - setup options - add legal apps prior to distribution - allow users to setup tablets themselves - distribute blank tablet with online guide for recommended setup - distribute personally taking users through setup process - pros and cons of each option.
Subjects: LAW FIRMS
LEGAL RESEARCH
MOBILE DEVICES

MONEY

AGIS No: 20142218
Title: The bitcoin is property.
Authors: MIRZAI, Nicholas
OTTENSOOSER, Johanan C
Source: AUSTRALIAN PROPERTY LAW BULLETIN 29 (5) June 2014 : 94-97
Abstract: Overview of bitcoin - indicators of property at law - bitcoin as property at law - economic indicators of property - classification of bitcoin in other jurisdictions - domestic policy implications.
Subjects: INTERNET
MONEY
Jurisdictions: AUSTRALIA

MOTOR TRAFFIC LAW

AGIS No: 20142203
Title: When the profile becomes the population : examining privacy governance and road traffic surveillance in Canada and Australia.
Authors: WARREN, Ian
LIPPERT, Randy
WALBY, Kevin
PALMER, Darren
Source: CURRENT ISSUES IN CRIMINAL JUSTICE 25 (2) November 2013 : 565-584
Abstract: Use of automated licence/number plate recognition (ALPR/ANPR) technologies - privacy as a technique for governing road traffic surveillance - questioning effectiveness of ALPR/ANPR in reducing road traffic violations - Harcourt's argument against use of rationalised actuarial prediction and 'hit rates' as chief measure of law enforcement activities and effectiveness.
Legislation: Canadian Charter of Rights and Freedoms 1982 (CANADA)
Information Privacy Act 2000 (VIC)
Personal Information Protection and Electronic Documents Act 2000 (CANADA)
Privacy Act 1985 (CANADA)
Privacy Act 1988 (CTH)

Subjects: ELECTRONIC SURVEILLANCE
MOTOR TRAFFIC LAW
PRIVACY
TECHNOLOGICAL INNOVATIONS

Jurisdictions: AUSTRALIA
CANADA

NATIVE TITLE

AGIS No: 20142277

Title: 'For the reasons given in Akiba...': Karpany v Dietman [2013] HCA 47.

Authors: BUTTERLY, Lauren

Source: INDIGENOUS LAW BULLETIN 8 (10) January / February 2014 : 23-26

Abstract: Potential extinguishment of native title rights by fisheries legislation - Indigenous person taking fish 'for his own use' - provisions of the Fisheries Act prohibiting commercial fishing without a licence - broader approach to extinguishment - question of whether exemption under Fisheries Act pursuant to s 211 of Native Title Act - case law.

Legal Cases: Akiba v Commonwealth of Australia [2013] 33
Karpany v Dietman [2013] HCA 47

Legislation: Fisheries Act 1878 (SA)
Fisheries Act 1971 (SA)
Native Title Act 1993 (CTH)

Subjects: FISHERIES
NATIVE TITLE

Jurisdictions: AUSTRALIA, South Australia

AGIS No: 20142230

Title: Native title tax reforms : bull's eye or wide of the mark?

Authors: MU, Ian

Source: FEDERAL LAW REVIEW 41 (3) 2013 : 497-524

Abstract: Twenty years on from Mabo v Queensland - change in the tax treatment of native title - reforms exempting Indigenous people from income tax for payments made under native title agreements - implementation difficulties for energy and resources proponents and Indigenous groups - earlier Indigenous Community Fund model - linking tax exemption to outcomes - improving the certainty of tax treatment - better support the intermediary Indigenous benefits management institutions playing a critical role in achieving those outcomes.

Legal Cases: Mabo v State of Queensland (No 2) (1992) 175 CLR 1

Legislation: Native Title Act 1993 (CTH)

Subjects: LEGISLATION
NATIVE TITLE
TAX REFORM

Jurisdictions: AUSTRALIA

AGIS No: 20142273

Title: Reforming the requirements of proof : the Australian Law Reform Commission's native title inquiry.

Authors: STRELEIN, Lisa

Source: INDIGENOUS LAW BULLETIN 8 (10) January / February 2014 : 6-10

Abstract: Requirement of proof of existence of native title - Australian Law Reform Commission inquiry into proof - requirements of connections - separation from common law - onerous requirements of proof - interpretation of s 223 of the Native Title Act 1993 - use of s 223 as a shield.

Legislation: Native Title Act 1993 (CTH)

Subjects: AUSTRALIAN LAW REFORM COMMISSION
BURDEN OF PROOF
NATIVE TITLE
STATUTORY INTERPRETATION

Jurisdictions: AUSTRALIA

AGIS No: 20142274

Title: What's next for native title compensation : the De Rose decision and the assessment of native title rights and interests.

Authors: SONG, Wanjie

Source: INDIGENOUS LAW BULLETIN 8 (10) January / February 2014 : 11-14

Abstract: Overview of De Rose decision - compensation for the extinguishment or impairment of native title rights and interests - when compensation is payable - assessment of compensation - freehold value - loss of 'right to negotiate' - non-economic loss - compensation under other regimes.

Legal Cases: De Rose v State of South Australia [2013] FCA 988

Legislation: Native Title Act 1993 (CTH)

Subjects: COMPENSATION
NATIVE TITLE

Jurisdictions: AUSTRALIA

NATURAL RESOURCES

AGIS No: 20142290

Title: Science hubris and insufficient legal safeguards.

Authors: MARTIN, Paul
WILLIAMS, Jacqueline

Source: ENVIRONMENTAL AND PLANNING LAW JOURNAL 31 (4) July 2014 : 311-326

Abstract: Efficient natural resource governance - science-informed regulation - power invested in property owners or technical experts to determine how to govern natural resources - recent developments in science and property based resource governance in water management in Australia - creating mechanisms to guard against the hubris - implications for the human rights of users and stewards of the environment - economic and educational disadvantages - Indigenous and rural communities.

Legislation: Commonwealth of Australia Constitution Act 1900 (UK)
Murray-Darling Basin Act 1993 (CTH)
Water Act 2007 (CTH)

Subjects: MANAGEMENT
NATURAL RESOURCES
REAL PROPERTY
WATER RESOURCES
Jurisdictions: AUSTRALIA

AGIS No: 20142287
Title: Theory to practice : adaptive management of the groundwater impacts of Australian mining projects.
Authors: LEE, Jessica
Source: ENVIRONMENTAL AND PLANNING LAW JOURNAL 31 (4) July 2014 : 251-287

Abstract: Adaptive management of natural resources - natural resource policies and regulatory instruments - adaptive management in the context of groundwater impact management of Australian mines - theoretical model for the practice of adaptive management - legal mechanism required for its effective implementation - United States experience identifying primary legal obstacles to its implementation - case study - legal framework for the improved implementation of adaptive groundwater management at Australian mining projects.

Legislation: Environmental Protection Act 1986 (WA)
Rights in Water and Irrigation Act 1914 (WA)

Subjects: MANAGEMENT
MINES AND MINERALS
NATURAL RESOURCES
WATER RESOURCES
Jurisdictions: AUSTRALIA

NEGLIGENCE

AGIS No: 20142294
Title: Was the tragedy of Tovia Laufau caused by an absence of trust?
Authors: GRAY, Ben
GILLET, Grant
Source: JOURNAL OF LAW AND MEDICINE 21 (4) June 2014 : 780-788
Abstract: Importance of trust in the formulation of mutually acceptable regimens of care for difficult and uncertain treatments - understanding of illness and value commitment between parents, patients, and their care givers - cognitive trust - emotional trust - institutional trust.
Legislation: Crimes Act 1961 (NZ)
Subjects: CHILD WELFARE
HEALTH CARE
NEGLIGENCE
PARENTAL NEGLECT
Jurisdictions: SAMOA

OIL POLLUTION

AGIS No: 20142244
Title: Living in Montara's shadow : reported impacts in East Nusa Tenggara, Indonesia.
Authors: MITCHELL, Emily
Source: PRECEDENT (120) January / February 2014 : 32-37
Abstract: Montara oil spill - no investigation into the impacts sustained within Indonesia's exclusive economic zone - no response to claims of damage within Indonesian waters - affected communities in East Nusa Tenggara - 2010 Report of the Montara Commission of Inquiry impacts on local fishing communities - unknown scale of impact - food poisoning - illnesses - death - growth of people smuggling.
Subjects: ENVIRONMENTAL PROTECTION
OIL POLLUTION
Jurisdictions: INDONESIA

ORGANISED CRIME

AGIS No: 20142249
Title: The constitutionality of the Queensland Criminal Organisation Act : Kable, procedural due process and state constitutionalism.
Authors: GUY, Scott
Source: UNIVERSITY OF QUEENSLAND LAW JOURNAL 32 (2) 2013 : 265-294
Abstract: Operation of the Kable principle prior to the series of High Court decisions commencing in 2008 with South Australia v Totani - criminalising motorcycle 'bikie' organisations - detailed examination of decisions in Totani, International Trust Finance, Kirk and Wainohu - implications of these decisions for the Kable principle - newly reconceptualised Kable principle - how the Criminal Organisation Act potentially trenches on the implied rights to freedom of association and freedom of political communication.
Legal Cases: Kable v Director of Public Prosecutions (NSW) (1996) 189 CLR 51
South Australia v Totani (2010) 242 CLR 1
Legislation: Criminal Organisation Act 2009 (QLD)
Subjects: CIVIL PROCEDURE
CONSTITUTIONAL LAW
ORGANISED CRIME
Jurisdictions: AUSTRALIA

PARENTAL NEGLECT

AGIS No: 20142294
Title: Was the tragedy of Tovia Laufau caused by an absence of trust?
Authors: GRAY, Ben
GILLETT, Grant
Source: JOURNAL OF LAW AND MEDICINE 21 (4) June 2014 : 780-788
Abstract: Importance of trust in the formulation of mutually acceptable regimens of care for difficult and uncertain treatments - understanding of illness and value commitment between parents, patients, and their care givers - cognitive trust - emotional trust - institutional trust.

Legislation: Crimes Act 1961 (NZ)
Subjects: CHILD WELFARE
HEALTH CARE
NEGLIGENCE
PARENTAL NEGLECT
Jurisdictions: SAMOA

PARTNERSHIPS

AGIS No: 20142284
Title: Breakdown in corporate relations : winding up on the just and equitable ground.
Authors: BENNETTS, Keith
Source: INSOLVENCY LAW BULLETIN 15 (4) July 2014 : 56-58
Abstract: Winding up order and appointing a liquidator to company - retrievable breakdown of the relationship between persons in control of a company - personal relationship of mutual confidence and trust between incorporators - equitable obligations - 'quasi-partnership' relations underlying corporate structure - alternative approach to quasi-partnership - case law.
Legal Cases: Nassar v Innovative Precasters Group Pty Ltd [2009] NSWSC 513
Re Amazon Pest Control Pty Ltd [2012] NSWSC 1568
Re DJG Securities Pty Ltd [2013] NSWSC 588
Legislation: Corporations Act 2001 (CTH)
Partnership Act 1892 (NSW)
Subjects: CORPORATIONS LAW
LIQUIDATION
PARTNERSHIPS
Jurisdictions: AUSTRALIA

PATENTS

AGIS No: 20142296
Title: Hippocratic obligation to shareholder profit? Medical treatment patents and the Australian High Court in Apotex Pty Ltd v Sanofi-Aventis Australia Pty Ltd [2013] HCA 50.
Authors: VINES, Tim
FAUNCE, Thomas A
Source: JOURNAL OF LAW AND MEDICINE 21 (4) June 2014 : 797-809
Abstract: Medical treatment of suffering in patients - patent upholding over a method of using a known drug to prevent or treat condition - medical practitioners to consider whether their basic ethical obligations to patients are secondary to requirement to maximise profit for shareholders in companies holding medical patents - legislative requirements placing practitioners and patients at risk of more costly ineffective or restricted health care - Trans-Pacific Partnership Agreement - mechanism for multinational corporations to challenge offshore, Australian federal and state policy decisions they perceive undercut their investments.
Legal Cases: Apotex Pty Ltd v Sanofi-Aventis Australia Pty Ltd (No 2) (2012) 204 FCR 494
Legislation: Patents Act 1990 (CTH)

Subjects: HEALTH CARE
INVESTMENTS
MEDICAL ETHICS
PATENTS
PATIENTS
SHARES AND SHAREHOLDERS

Jurisdictions: AUSTRALIA

AGIS No: 20142302

Title: Patents and the obligation to protect health : examining the significance of human rights considerations in the protection of pharmaceutical patents.

Authors: OWOEYE, Olasupo Ayodeji

Source: JOURNAL OF LAW AND MEDICINE 21 (4) June 2014 : 900-919

Abstract: Human right to health in the context of patent protection and access to medicines - limitations in international human rights law in relation to socioeconomic rights - right to health unenforceable in international law - close association with enforceable rights such as the right to life - legitimate basis for making maximum use of the flexibilities in the international intellectual property regime to protect public health - trade and intellectual property agreements - resolving seeming inconsistency with the right to health.

Subjects: HUMAN RIGHTS
MEDICAL ETHICS
PATENTS
PHARMACEUTICALS
PUBLIC HEALTH
WORLD TRADE ORGANISATION

Treaties: Agreement on Trade Related Aspects of Intellectual Property Rights
General Agreement on Tariffs and Trade
International Covenant on Economic, Social and Cultural Rights
Universal Declaration of Human Rights

PATIENTS

AGIS No: 20142296

Title: Hippocratic obligation to shareholder profit? Medical treatment patents and the Australian High Court in Apotex Pty Ltd v Sanofi-Aventis Australia Pty Ltd [2013] HCA 50.

Authors: VINES, Tim
FAUNCE, Thomas A

Source: JOURNAL OF LAW AND MEDICINE 21 (4) June 2014 : 797-809

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Legal Cases: Apotex Pty Ltd v Sanofi-Aventis Australia Pty Ltd (No 2) (2012) 204 FCR 494
Legislation: Patents Act 1990 (CTH)
Subjects: HEALTH CARE
INVESTMENTS
MEDICAL ETHICS
PATENTS
PATIENTS
SHARES AND SHAREHOLDERS
Jurisdictions: AUSTRALIA

PATIENTS RIGHTS

AGIS No: 20142303
Title: "Best interests" and withholding and withdrawing life-sustaining treatment from an adult who lacks capacity in the parens patriae jurisdiction.
Authors: WILLMOTT, Lindy
WHITE, Ben
SMITH, Malcolm K
Source: JOURNAL OF LAW AND MEDICINE 21 (4) June 2014 : 920-941
Abstract: Disputes about withdrawing and withholding life-sustaining treatment - increased number of cases in Australia - test 'what is in the patient's best interest' - test unclear - suggested approach for assessing best interests that could be adopted by Australian Supreme Courts - more structured and systematic decision-making process that better promotes the best interests of the patient - case law.

Legal Cases: Airedale National Health Service Trust v Bland (1993) AC 789
Australian Capital Territory v JT (2009) 4 ACTLR 68
Secretary, Department of Health and Community Services v JWB and SMB (1992) 175 CLR 218
Legislation: Mental Capacity Act 2005 (UK)
Subjects: HOSPITAL LIFE SUPPORT SYSTEMS
HUMAN RIGHTS
JURISDICTION
PATIENTS RIGHTS
Jurisdictions: AUSTRALIA
UNITED KINGDOM

PEOPLE TRAFFICKING

AGIS No: 20142312
Title: Help-seeking strategies of victim/survivors of human trafficking involving partner migration.
Authors: RICHARDS, Kelly
LYNEHAM, Samantha
Source: TRENDS AND ISSUES IN CRIME AND CRIMINAL JUSTICE (468) February 2014 : 10p

Abstract: Victim/survivors of human trafficking partner migration - importance of educating the community and professionals from a wide range of health and welfare sectors - legal and law enforcement services - human trafficking - help-seeking strategies of victims/survivors - supporting victims to leave exploitative situations - research study - understanding the help-seeking strategies important to effectively support victims to exit exploitative situations.

Legislation: Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Act 2013

Subjects: IMMIGRATION
PEOPLE TRAFFICKING
VICTIMS OF CRIME

Jurisdictions: AUSTRALIA

AGIS No: 20142204

Title: Trafficking in people, 20 years on : sex, migration and crime in the global anti-trafficking discourse and the rise of the 'global trafficking complex'.

Authors: MILIVOJEVIC, Sanja
PICKERING, Sharon

Source: CURRENT ISSUES IN CRIMINAL JUSTICE 25 (2) November 2013 : 585-604

Abstract: Analysis of trafficking frameworks used by global anti-trafficking interventions - emergence of anti-trafficking framework in developed world - formation of 'global trafficking complex' - network of institutions and actors engaging in global anti-trafficking debate - chronological analysis mapping trajectory of global network engaged in combating trafficking - exploration of failures of engagement - future of global anti-trafficking intervention - proposal to deconstruct current global anti-trafficking response and revise anti-trafficking policies - need for greater accountability of all participants in global trafficking complex.

Subjects: PEOPLE TRAFFICKING

PEOPLE WITH DISABILITIES

AGIS No: 20142307

Title: Judicial virtues and decision-making in the VCAT Guardianship List.

Authors: POLKINGHORN, Richard

Source: JOURNAL OF LAW AND MEDICINE 21 (4) June 2014 : 984-1003

Abstract: Theory of virtue jurisprudence - desired operation of Australian tribunals - attributes of "good" tribunal members - guidance on how legal disputes should be decided - fundamental virtues relevant to tribunal practice in the Guardianship List of the Victorian Civil and Administrative Tribunal (VCAT) - disadvantage nature of the tribunal primary client group - tribunal members to undertake a fact-finding – inquisitorial role – support and advisory role – fundamental breaches of human rights that occur when tribunal members fail to execute their tasks.

Legislation: Guardianship and Administration Act 1986 (VIC)

Subjects: ADMINISTRATIVE PROCEDURE
ADMINISTRATIVE TRIBUNALS
PEOPLE WITH DISABILITIES

Jurisdictions: AUSTRALIA, Victoria

AGIS No: 20142295
Title: Legal capacity in a health care context : an opportunity to review.
Authors: FORRESTER, Kim
Source: JOURNAL OF LAW AND MEDICINE 21 (4) June 2014 : 789-796
Abstract: Australian government signatory to the United Nations Convention on the Rights of Persons with Disabilities - inquiry to examine and report on the laws and legal frameworks within the Commonwealth jurisdiction that deny or diminish the rights of persons with disabilities to equal recognition before the law - opportunity for all State and Territory jurisdictions to examine their legislative provisions.

Subjects: HEALTH CARE
PEOPLE WITH DISABILITIES
PUBLIC INQUIRIES
Treaties: Convention on the Rights of Persons with Disabilities
Jurisdictions: AUSTRALIA

PERSONAL INJURIES

AGIS No: 20142253
Title: New Zealand's Accident Compensation scheme and chronic pain syndrome.

Authors: BULL, Juliet
Source: VICTORIA UNIVERSITY OF WELLINGTON LAW REVIEW 45 (1) June 2014 : 53-77

Abstract: Chronic pain syndrome - not currently a physical injury under New Zealand's Accident Compensation scheme - considering correctness of this exclusion - policy factors - integrity of legislation - maintaining the exclusion.

Legal Cases: Allenby v H [2012] NZSC 33
Legislation: Accident Compensation Act 2001 (NZ)
Subjects: ACCIDENTS
COMPENSATION
LEGISLATION
PERSONAL INJURIES
Jurisdictions: NEW ZEALAND

PHARMACEUTICALS

AGIS No: 20142301
Title: Medical use of cannabis in Australia : "medical necessity" defences under current Australian law and avenues for reform.

Authors: MARTIN, Charles
Source: JOURNAL OF LAW AND MEDICINE 21 (4) June 2014 : 875-899
Abstract: Explanation of the role and rationale of Australia drug laws - review of evidence for medical uses of cannabis - scope of defences argued on the basis of necessitous medical use - common law defence of necessity - legal and practical operation of medical cannabis regimes in other jurisdictions - suitability to Australia - recommended reforms.

Legislation: Drug Misuse and Trafficking Act 1985 (NSW)
Drugs Misuse Act 1986 (QLD)
Drugs, Poisons and Controlled Substances (Volatile Substances) Act 1981 (VIC)
Public Entertainments Licensing (Drugs Misuse) Act 1997 (UK)
Therapeutic Goods Act 1989 (CTH)

Subjects: DRUG CONTROL
PHARMACEUTICALS
PUBLIC HEALTH

Jurisdictions: AUSTRALIA
UNITED KINGDOM

AGIS No: 20142302

Title: Patents and the obligation to protect health : examining the significance of human rights considerations in the protection of pharmaceutical patents.

Authors: OWOEYE, Olasupo Ayodeji

Source: JOURNAL OF LAW AND MEDICINE 21 (4) June 2014 : 900-919

Abstract: Human right to health in the context of patent protection and access to medicines - limitations in international human rights law in relation to socioeconomic rights - right to health unenforceable in international law - close association with enforceable rights such as the right to life - legitimate basis for making maximum use of the flexibilities in the international intellectual property regime to protect public health - trade and intellectual property agreements - resolving seeming inconsistency with the right to health.

Subjects: HUMAN RIGHTS
MEDICAL ETHICS
PATENTS
PHARMACEUTICALS
PUBLIC HEALTH
WORLD TRADE ORGANISATION

Treaties: Agreement on Trade Related Aspects of Intellectual Property Rights
General Agreement on Tariffs and Trade
International Covenant on Economic, Social and Cultural Rights
Universal Declaration of Human Rights

PIRACY

AGIS No: 20142243

Title: Are environmental activists pirates?

Authors: RAE, Charlie

Source: PRECEDENT (120) January / February 2014 : 28-31

Abstract: Environmental activism - acts of eco-terrorism on the high seas - Sea Shepherd and Greenpeace protests - allegations of maritime piracy - definition of piracy - definition of 'private ends' - United Nations Convention on the Law of the Sea (UNCLOS).

Subjects: ENVIRONMENTAL PROTECTION
MARITIME LAW
PIRACY
TERRORISM

Treaties: United Nations Convention on the Law of the Sea

POLICE

AGIS No: 20142209

Title: Confidence and trust in police : how sexual identity difference shapes perceptions of police.

Authors: MILES-JOHNSON, Toby

Source: CURRENT ISSUES IN CRIMINAL JUSTICE 25 (2) November 2013 : 685-702

Abstract: Examination of the variations of perceptions of police in heterosexual and lesbian, gay, bisexual, transgender and intersex (LGBTI) communities - whether an individual's sexual identity shapes perceptions of police legitimacy and levels of trust - LGBTI individuals reported more negative opinions than heterosexuals regarding legitimacy, procedural justice, treatment and respect - findings have implications for theories of trust.

Subjects: HOMOSEXUALITY
MINORITIES
POLICE
TRANSSEXUALS

Jurisdictions: AUSTRALIA

AGIS No: 20142262

Title: Police and user-led investigations on social media.

Authors: TROTTIER, Daniel

Source: JOURNAL OF LAW, INFORMATION AND SCIENCE 23 (1) 2014 : 75-96

Abstract: Emerging forms of surveillance and policing - using social media platforms - Facebook - Twitter - top-down and ground-up policing - emergence of top-down scrutiny of social media platforms by police - examples of forms of policing on social media - policing by the public.

Subjects: CRIMINAL INVESTIGATION
LAW ENFORCEMENT
POLICE
SOCIAL MEDIA

Jurisdictions: CANADA

POLLUTION

AGIS No: 20142213

Title: Cleaning up pollution fair and square : the duty to afford procedural fairness in the issue of clean-up notices in NSW.

Authors: PACKHAM, Alison

Source: LOCAL GOVERNMENT LAW JOURNAL 19 (2) 2014 : 87-94

Abstract: Clean-up Notice (CNS) regime - current state of Australian law on the duty to afford procedural fairness in administrative decision making - issues arising from duty to afford procedural fairness in CNS - allowance for flexibility dependent on specific factual scenario - CNS vital to ensure prompt and adequate response to pollution incidents.

Legal Cases: Lismore City Council v Ihalainen [2013] NSWLEC 149
Liverpool City Council v Cauchi [2005] NSWLEC 675
Twist v Randwick Municipal Council (1976) 136 CLR 106

Legislation: Protection of the Environment Operations Act 1997 (NSW)

Subjects: ADMINISTRATIVE LAW
POLLUTION

Jurisdictions: AUSTRALIA, New South Wales

PRE TRIAL PROCEDURE

AGIS No: 20142257

Title: Jurors on trial : lawyers using the internet to research prospective jurors.

Authors: O'HAGAN, Lydia

Source: VICTORIA UNIVERSITY OF WELLINGTON LAW REVIEW 45 (1) June 2014 : 166-184

Abstract: Use of the internet to research prospective jurors - view to challenge - increasing availability to personal information online - potentially securing a more impartial jury - providing an independent vehicle for obtaining information - guidelines for lawyers conducting pretrial research around the collection, use, retention and disclosure of information outlined.

Subjects: INTERNET
JURIES
LEGAL RESEARCH
PRE TRIAL PROCEDURE

Jurisdictions: NEW ZEALAND

PREROGATIVE WRITS

AGIS No: 20142271

Title: The prerogative writs and the origins of English administrative law.

Authors: LANGFORD, Clare

Source: AUSTRALIAN LAW JOURNAL 88 (8) August 2014 : 567-588

Abstract: Development of prerogative writs - writs of prohibition, certiorari, mandamus and habeas corpus - contribution of writs to the shape of Anglo-Australian administrative law - writs during the politico-legal struggles of 16th and 17th centuries - common law courts - keeping sources of official power in check.

Subjects: ADMINISTRATIVE LAW
PREROGATIVE WRITS

Jurisdictions: AUSTRALIA
ENGLAND

PRISONERS

AGIS No: 20142208
Title: More important than guns or grog : the role of television for the health and wellbeing of Australian Aboriginal prisoners.
Authors: GRANT, Elizabeth
JEWKES, Yvonne
Source: CURRENT ISSUES IN CRIMINAL JUSTICE 25 (2) November 2013 : 667-683
Abstract: Provision of television in the South Australian prison system - importance to identity, health, wellbeing and ontological security of Aboriginal prisoners - impact on incarcerated audiences extends beyond role as 'electronic babysitter' or time filler - in-cell television - access to in-cell television important factor in agreement with prison accommodation - potential of in-cell television to reduce incidents of suicide and self-harm - adoption as best practice principle for Aboriginal prisoners.
Subjects: ABORIGINES
PRISONERS
TELEVISION BROADCASTING
Jurisdictions: AUSTRALIA

PRIVACY

AGIS No: 20142246
Title: A workplace drug testing act for Australia.
Authors: ALLEN, Jason Grant
PRICHARD, Jeremy
GRIGGS, Lynden
Source: UNIVERSITY OF QUEENSLAND LAW JOURNAL 32 (2) 2013 : 219-236
Abstract: Testing employees on a mandatory basis for alcohol and illicit drugs in the workplace - workplace testing justified for reasons of employer productivity, safety and the integrity - employee privacy concerns - workplace drug testing parameters - when, how and what can be tested - what can be done with the results - law to set those limits.
Legislation: Anti-Discrimination Act 1991 (ACT)
Fair Work Act 2009 (CTH)
Subjects: DRUG CONTROL
EMPLOYMENT
PRIVACY
Jurisdictions: AUSTRALIA

AGIS No: 20142265
Title: Facebook code : social network sites platform affordances and privacy.
Authors: ADAMS, Andrew A
Source: JOURNAL OF LAW, INFORMATION AND SCIENCE 23 (1) 2014 : 158-168
Abstract: Social Network Sites (SNS) - implications of their use on the privacy of users - significant social and legal concerns - significant amount of personal information provided directly and voluntarily to these sites - claims made that such usage should be regarded as voluntary and not subject to privacy controls - greater regulatory control needed.

Subjects: INTERNET
PRIVACY
RESEARCH
SOCIAL MEDIA

AGIS No: 20142263

Title: Online privacy in Thailand : public and strategic awareness.

Authors: RAMASOOTA, Pirongrong
PANICHPAPIBOON, Sopark

Source: JOURNAL OF LAW, INFORMATION AND SCIENCE 23 (1) 2014 : 97-136

Abstract: Study in current state of awareness of privacy in Thailand - methodologies - general online users - leading members of civil society - no data protection law - information surveillance practices administered mainly through the security state - study based on survey and in-depth interviews - patterns of privacy perception depending on socio-demographics and cultural factors - lack of fair information practice principles - role of public education along with the use of human rights discourse within an international legal framework.

Subjects: INTERNET
PRIVACY
PUBLIC INTEREST ACTIONS

Jurisdictions: THAILAND

AGIS No: 20142266

Title: Privacy and social media : an analytical framework.

Authors: CLARKE, Roger

Source: JOURNAL OF LAW, INFORMATION AND SCIENCE 23 (1) 2014 : 169-191

Abstract: Social media services - interaction, publishing, sharing - exposing users' personal information - terms of services are privacy-hostile - distrust influencers - analytical framework whereby designers of social media services can overcome user distrust.

Subjects: INTERNET
PRIVACY
SOCIAL MEDIA

AGIS No: 20142261

Title: Role and substantial connections : enforcing Canadian privacy laws against American social networking companies.

Authors: BENNETT, Colin J
PARSONS, Christopher A
MOLNAR, Adam

Source: JOURNAL OF LAW, INFORMATION AND SCIENCE 23 (1) 2014 : 50-74

Abstract: Enforcing Canadian privacy protection law on US-based social networking services (SNS) - jurisdiction of the Personal Information Protection and Electronic Document Act - Office of the Privacy Commissioner of Canada - analysis of the privacy policies of the top 23 SNSs operating in Canada.

Legislation: Personal Information Protection and Electronic Documents Act 2000 (CANADA)

Subjects: DATA PROTECTION
LEGISLATION
PRIVACY
SOCIAL MEDIA

Jurisdictions: CANADA

AGIS No: 20142260

Title: Sheherezade and the 101 data privacy laws : origins, significance and global trajectories.

Authors: GREENLEAF, Graham

Source: JOURNAL OF LAW, INFORMATION AND SCIENCE 23 (1) 2014 : 4-49

Abstract: Sweden's Data Act 1973 - basic set of data protection principles - trends in global privacy laws development - definition of data privacy law - global analysis of data privacy laws - international agreements - Data Protection Authorities (DPAs) - interlocking associations - accelerating growth in the number of data privacy laws - expected to be found in almost all economically more significant countries within a decade.

Legislation: Data Act 1973 (SWEDEN)
Fair Credit Reporting Act 1976 (US)

Subjects: DATA PROTECTION
PRIVACY

Treaties: Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data

AGIS No: 20142264

Title: Social attitudes of young people in Japan towards online privacy.

Authors: MURATA, Kiyoshi
ORITO, Yohko
FUKUTA, Yasunori

Source: JOURNAL OF LAW, INFORMATION AND SCIENCE 23 (1) 2014 : 137-157

Abstract: Study exploring the attitudes of young Japanese people towards online privacy as customers of online shopping sites - surveys and follow-up interviews - contradictory responses - results useful for businesses developing appropriate personal information and privacy protection policies and schemes - implementing government policies - enforcement of legal regulations - development of proper educational programmes concerning personal information and privacy protection.

Subjects: ELECTRONIC COMMERCE
INTERNET
PRIVACY
RESEARCH
SOCIOLOGY
YOUNG PERSONS

Jurisdictions: JAPAN

AGIS No: 20142254

Title: The new intrusion tort : the news media exposed?

Authors: MCKENZIE, Thomas Levy
Source: VICTORIA UNIVERSITY OF WELLINGTON LAW REVIEW 45 (1) June 2014 : 79-107

Abstract: Common law - tort protecting against intentional intrusions into person's private space - intrusive newsgathering practice - exposing news media to tortious liability - methods in New Zealand and internationally to prevent the news media from breaching individual privacy rights - formulation to be replaced with a one-step reasonable expectation of privacy test - how the intrusion tort should interact with the privacy tort - precise wording of the intrusion tort's formulation.

Legal Cases: C v Holland [2012] NZHC 2155

Legislation: Crimes Act 1961 (NZ)

Subjects: COMMON LAW
MEDIA
PRIVACY
TORTS

Jurisdictions: NEW ZEALAND

AGIS No: 20142203

Title: When the profile becomes the population : examining privacy governance and road traffic surveillance in Canada and Australia.

Authors: WARREN, Ian
LIPPERT, Randy
WALBY, Kevin
PALMER, Darren

Source: CURRENT ISSUES IN CRIMINAL JUSTICE 25 (2) November 2013 : 565-584

Abstract: Use of automated licence/number plate recognition (ALPR/ANPR) technologies - privacy as a technique for governing road traffic surveillance - questioning effectiveness of ALPR/ANPR in reducing road traffic violations - Harcourt's argument against use of rationalised actuarial prediction and 'hit rates' as chief measure of law enforcement activities and effectiveness.

Legislation: Canadian Charter of Rights and Freedoms 1982 (CANADA)
Information Privacy Act 2000 (VIC)
Personal Information Protection and Electronic Documents Act 2000 (CANADA)
Privacy Act 1985 (CANADA)
Privacy Act 1988 (CTH)

Subjects: ELECTRONIC SURVEILLANCE
MOTOR TRAFFIC LAW
PRIVACY
TECHNOLOGICAL INNOVATIONS

Jurisdictions: AUSTRALIA
CANADA

PRIVY COUNCIL

AGIS No: 20142199

Title: The legacy of the Makin case 120 years on : legal fictions, circular reasoning and some s

Authors: COSSINS, Annie
Source: SYDNEY LAW REVIEW 35 (4) December 2013 : 731-759
Abstract: Analysis of the Makin case - definitions of evidence used in case - 'tendency/propensity' or 'similar fact/coincidence' evidence - criticisms of Privy Council's decision in Makin - application of heuristic-systematic processing model to Privy Council decision - admission of similar fact evidence in murder cases - controls on similar fact evidence - relevance controls - recommendations for reform.

Legal Cases: Makin v Attorney-General (NSW) (1894) AC 57
Perry v R (1982) 150 CLR 580
Pfennig v R (1995) 182 CLR 461
R v Makin and Wife (1893) 14 LR (NSW) 1

Legislation: Criminal Justice Act 2003 (UK)

Subjects: EVIDENCE
HOMICIDE
PRIVY COUNCIL

Jurisdictions: AUSTRALIA

PRODUCTS LIABILITY

AGIS No: 20142229
Title: Levelling the playing field : product liability in South Africa.
Authors: MONTY, Simone
Source: COMPETITION AND CONSUMER LAW NEWS 30 (5) June 2014 : 65-67
Abstract: Product liability under common law in South Africa - previous fault-based system - law of delict - provisions of the Consumer Protection Act amending common law principles previously applied to product liability - different between South African consumer protection legislation and other common law jurisdictions.

Legislation: Consumer Protection Act 2008 (SOUTH AFRICA)

Subjects: CONSUMER PROTECTION
PRODUCTS LIABILITY

Jurisdictions: SOUTH AFRICA

PROFESSIONAL ETHICS

AGIS No: 20142299
Title: Just a little bit more : when sports scientists cross the line.
Authors: FOX, Tyler
Source: JOURNAL OF LAW AND MEDICINE 21 (4) June 2014 : 845-858
Abstract: Sports science - role in athlete's career and health - lack of discussion about criminal and civil liability when athletes suffer personal or professional harm - how liability may attach to both sports doctors and sports scientists in the future based on principles from current case law - compliance with the World Anti-Doping Code.

Subjects: LIABILITY
MEDICAL ETHICS
MEDICAL PROFESSION
PROFESSIONAL ETHICS
SPORT

Treaties: International Convention Against Doping in Sport

Jurisdictions: AUSTRALIA

PROFESSIONS

AGIS No: 20142225

Title: Is the net cast too wide? An assessment of whether the regulatory design of the 457 visa meets Australia's skill needs.

Authors: HOWE, Joanna

Source: FEDERAL LAW REVIEW 41 (3) 2013 : 443-469

Abstract: Increasing use of skilled temporary migration by employers in Australia - implications for the domestic labour market and for the long-term composition of the Australian population - scheme to alleviate domestic skill shortages - Consolidated Sponsored Occupation List - employer's attestation of a skill shortage - employer-conducted labour market testing for certain occupations and the market salary rates requirement - whether the regulatory mechanisms are effective for ensuring the 457 visa program meets its objectives.

Legislation: Migration Amendment (Temporary Sponsored Visas) Act 2013 (CTH)

Subjects: IMMIGRATION
LEGISLATION
MIGRANT WORKERS
PROFESSIONS

Jurisdictions: AUSTRALIA

AGIS No: 20142298

Title: Legal risk management and injury in the fitness industry : the outcomes of focus group research and a national survey of fitness professionals.

Authors: KEYZER, Patrick
COYLE, Ian R
DIETRICH, Joachim
AND, others

Source: JOURNAL OF LAW AND MEDICINE 21 (4) June 2014 : 826-844

Abstract: Australian Fitness Industry Risk Management (AFIRM) Project - exploration of operation of rules and regulation for the delivery of safe fitness services - summary of results of focus group research and national survey of risk management - competency of fitness professionals - effectiveness of pre-exercise screening and management of de-conditioned clients - poor supervision of fitness service users and incorrect use of equipment - fitness trainers failing to remain within their scope of practice - poor fitness training environments - Australian fitness industry survey identified similar concerns - developing and monitoring safety policy - improving education and training of fitness instructors.

Subjects: HEALTH SERVICES
PROFESSIONS
PUBLIC HEALTH
RESEARCH
SPORTING INJURIES
Jurisdictions: AUSTRALIA

AGIS No: 20142232
Title: Middle world : moving forward.
Authors: COHEN, Alicia
MARTIN, Cindy
Source: AUSTRALIAN LAW LIBRARIAN 22 (2) 2014 : 98-100
Abstract: Middle career professionals - discussions and interviews with professionals from law, government, university and health libraries and publishers - career journeys of librarians - key learnings from conversations.
Subjects: LAW LIBRARIES
PROFESSIONS

PROPERTY LAW

AGIS No: 20142216
Title: New regime for property agents and residential property sales in Queensland : Property Occupations Act 2014.
Authors: CHRISTENSEN, Sharon
Source: AUSTRALIAN PROPERTY LAW BULLETIN 29 (5) June 2014 : 86-90
Abstract: Splitting of legislation regulating licensing for motor traders, real estate agents auctioneers and commercial agents in to four separate Acts - overview of Acts affecting property agents and residential property sales - property agent licensing and appointments - sales of residential property - trust accounts and the claim fund.
Legislation: Agents Financial Administration Act 2014 (QLD)
Property Agents and Motor Dealers Act 2001 (QLD)
Property Occupations Act 2014 (QLD)
Subjects: LAW REFORM
PROPERTY LAW
REAL PROPERTY
Jurisdictions: AUSTRALIA, Queensland

PUBLIC HEALTH

AGIS No: 20142305
Title: Government databases and public health research : facilitating access in the public interest.
Authors: ADAMS, Carolyn
ALLEN, Judy
Source: JOURNAL OF LAW AND MEDICINE 21 (4) June 2014 : 957-972

Abstract: Access to datasets of personal health information held by government agencies - essential to support public health research and promote evidence-based public health policy development - privacy legislation in Australia - allowing the disclosure of this information for public health research - decisions and decision-making processes of government data custodians subject to increased scrutiny - external review process for denied and unduly delayed access to the datasets.

Legislation: Australian Information Commissioner Act 2010 (CTH)
Freedom of Information Act 1982 (CTH)
Privacy Act 1988 (CTH)

Subjects: DATA PROTECTION
FREEDOM OF INFORMATION
MEDICAL RESEARCH
PUBLIC HEALTH
RESEARCH

Jurisdictions: AUSTRALIA

AGIS No: 20142298

Title: Legal risk management and injury in the fitness industry : the outcomes of focus group research and a national survey of fitness professionals.

Authors: KEYZER, Patrick
COYLE, Ian R
DIETRICH, Joachim
AND, others

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Abstract: Australian Fitness Industry Risk Management (AFIRM) Project - exploration of operation of rules and regulation for the delivery of safe fitness services - summary of results of focus group research and national survey of risk management - competency of fitness professionals - effectiveness of pre-exercise screening and management of de-conditioned clients - poor supervision of fitness service users and incorrect use of equipment - fitness trainers failing to remain within their scope of practice - poor fitness training environments - Australian fitness industry survey identified similar concerns - developing and monitoring safety policy - improving education and training of fitness instructors.

Subjects: HEALTH SERVICES
PROFESSIONS
PUBLIC HEALTH
RESEARCH
SPORTING INJURIES

Jurisdictions: AUSTRALIA

AGIS No: 20142301

Title: Medical use of cannabis in Australia : "medical necessity" defences under current Australian law and avenues for reform.

Authors: MARTIN, Charles

Source: JOURNAL OF LAW AND MEDICINE 21 (4) June 2014 : 875-899

Abstract: Explanation of the role and rationale of Australia drug laws - review of evidence for medical uses of cannabis - scope of defences argued on the basis of necessitous medical use - common law defence of necessity - legal and practical operation of medical cannabis regimes in other jurisdictions - suitability to Australia - recommended reforms.

Legislation: Drug Misuse and Trafficking Act 1985 (NSW)
Drugs Misuse Act 1986 (QLD)
Drugs, Poisons and Controlled Substances (Volatile Substances) Act 1981 (VIC)
Public Entertainments Licensing (Drugs Misuse) Act 1997 (UK)
Therapeutic Goods Act 1989 (CTH)

Subjects: DRUG CONTROL
PHARMACEUTICALS
PUBLIC HEALTH

Jurisdictions: AUSTRALIA
UNITED KINGDOM

AGIS No: 20142302

Title: Patents and the obligation to protect health : examining the significance of human rights considerations in the protection of pharmaceutical patents.

Authors: OWOEYE, Olasupo Ayodeji

Source: JOURNAL OF LAW AND MEDICINE 21 (4) June 2014 : 900-919

Abstract: Human right to health in the context of patent protection and access to medicines - limitations in international human rights law in relation to socioeconomic rights - right to health unenforceable in international law - close association with enforceable rights such as the right to life - legitimate basis for making maximum use of the flexibilities in the international intellectual property regime to protect public health - trade and intellectual property agreements - resolving seeming inconsistency with the right to health.

Subjects: HUMAN RIGHTS
MEDICAL ETHICS
PATENTS
PHARMACEUTICALS
PUBLIC HEALTH
WORLD TRADE ORGANISATION

Treaties: Agreement on Trade Related Aspects of Intellectual Property Rights
General Agreement on Tariffs and Trade
International Covenant on Economic, Social and Cultural Rights
Universal Declaration of Human Rights

PUBLIC INQUIRIES

AGIS No: 20142295

Title: Legal capacity in a health care context : an opportunity to review.

Authors: FORRESTER, Kim

Source: JOURNAL OF LAW AND MEDICINE 21 (4) June 2014 : 789-796

Abstract: Australian government signatory to the United Nations Convention on the Rights of Persons with Disabilities - inquiry to examine and report on the laws and legal frameworks within the Commonwealth jurisdiction that deny or diminish the rights of persons with disabilities to equal recognition before the law - opportunity for all State and Territory jurisdictions to examine their legislative provisions.

Subjects: HEALTH CARE
PEOPLE WITH DISABILITIES
PUBLIC INQUIRIES

Treaties: Convention on the Rights of Persons with Disabilities

Jurisdictions: AUSTRALIA

PUBLIC INTEREST ACTIONS

AGIS No: 20142263

Title: Online privacy in Thailand : public and strategic awareness.

Authors: RAMASOOTA, Pirongrong
PANICHPAPIBOON, Sopark

Source: JOURNAL OF LAW, INFORMATION AND SCIENCE 23 (1) 2014 : 97-136

Abstract: Study in current state of awareness of privacy in Thailand - methodologies - general online users - leading members of civil society - no data protection law - information surveillance practices administered mainly through the security state - study based on survey and in-depth interviews - patterns of privacy perception depending on socio-demographics and cultural factors - lack of fair information practice principles - role of public education along with the use of human rights discourse within an international legal framework.

Subjects: INTERNET
PRIVACY
PUBLIC INTEREST ACTIONS

Jurisdictions: THAILAND

PUBLIC SAFETY

AGIS No: 20142206

Title: Australian domestic violence protection order legislation : a comparative quantitative content analysis of victim safety provisions.

Authors: JEFFRIES, Samantha
BOND, Christine E W
FIELD, Rachael

Source: CURRENT ISSUES IN CRIMINAL JUSTICE 25 (2) November 2013 : 627-643

Abstract: Analysis of victim safety focus of domestic violence protection order legislation in Australian states and territories - comparative quantitative content analysis - findings show Northern Territory, South Australia and Victoria have highest victim safety focus - scope for improvement in all jurisdictions in terms of victim safety focus in legislation and considerations of legislative inconsistency between jurisdictions.

Legislation: Crimes (Domestic and Personal Violence) Act 2007 (NSW)
Domestic and Family Violence Act 2007 (NT)
Domestic and Family Violence Protection Act 2012 (QLD)
Domestic Violence and Protection Orders Act 2008 (ACT)
Family Violence Act 2004 (TAS)
Family Violence Protection Act 2008 (VIC)
Intervention Orders (Prevention of Abuse) Act 2009 (SA)
Restraining Orders Act 1997 (WA)

Subjects: DOMESTIC VIOLENCE
PUBLIC SAFETY
VICTIMS OF CRIME

Jurisdictions: AUSTRALIA

AGIS No: 20142256
Title: The Public Safety (Public Protection Orders) Bill 2012 : is post-sentence detention of sex offenders consistent with human rights?
Authors: MORAN, Jasmin
Source: VICTORIA UNIVERSITY OF WELLINGTON LAW REVIEW 45 (1) June 2014 : 133-159

Abstract: Human rights consistency of the Public Safety (Public Protection Orders) Bill 2012 - new scheme to detain recidivist sex offenders beyond the expiration of their finite sentences if considered likely to reoffend - human rights concerns - Attorney General's statement contending the Bill was consistent with the New Zealand Bill of Rights Act 1990 - form of civil committal - different to prison detention.

Legal Cases: R v Wilson (1996) 3 WLR 125
Legislation: New Zealand Bill of Rights Act 1990 (NZ)
Subjects: HUMAN RIGHTS
PUBLIC SAFETY
SEXUAL OFFENCES

Jurisdictions: NEW ZEALAND

PUBLIC SERVICE

AGIS No: 20142234
Title: Redundancy in the Australian public service : some critical reflections.
Authors: ROLES, Cameron
Source: FEDERAL LAW REVIEW 41 (3) 2013 : 525-555
Abstract: Law concerning dismissal on grounds of redundancy as it applies to the Australian Public Service (APS) - reducing the APS through natural attrition - redundancies inevitable - recent legislative developments concerning dismissal on grounds of redundancy - genuine redundancy exclusion in s 389 of the Fair Work Act 2009 (Cth) (FW Act) - application to APS employment - failure to comply with consultation obligations in an agency enterprise agreement - redeployment obligations in s 389(2) – legal issues with redeployment – tensions between provisions of the FW Act and the devolution of managerial powers under the Public Service Act - reform needed to address these tensions.

Legislation: Fair Work Act 2009 (CTH)
Public Service Act 1999 (CTH)

Subjects: EMPLOYMENT
LEGISLATION
PUBLIC SERVICE
WORKING CONDITIONS

Jurisdictions: AUSTRALIA

RACIAL DISCRIMINATION

AGIS No: 20142276

Title: Balancing freedoms and creating a fair marketplace of ideas : the value of 18C of the Racial Discrimination Act.

Authors: ISKANDER, Marie

Source: INDIGENOUS LAW BULLETIN 8 (10) January / February 2014 : 19-22

Abstract: Proposed changes to the Racial Discrimination Act to 'restore free speech laws to their full power' - protection of racial and ethnic minorities from unnecessary offensive and insulting speech - role of s 18C in enhancing political discourse - correcting misconceptions about s 18C.

Legal Cases: Eatock v Bolt [2011] FCA 1103

Legislation: Racial Discrimination Act 1975 (CTH)

Subjects: FREEDOM OF SPEECH
RACIAL DISCRIMINATION

Jurisdictions: AUSTRALIA

REAL PROPERTY

AGIS No: 20142216

Title: New regime for property agents and residential property sales in Queensland : Property Occupations Act 2014.

Authors: CHRISTENSEN, Sharon

Source: AUSTRALIAN PROPERTY LAW BULLETIN 29 (5) June 2014 : 86-90

Abstract: Splitting of legislation regulating licensing for motor traders, real estate agents auctioneers and commercial agents in to four separate Acts - overview of Acts affecting property agents and residential property sales - property agent licensing and appointments - sales of residential property - trust accounts and the claim fund.

Legislation: Agents Financial Administration Act 2014 (QLD)
Property Agents and Motor Dealers Act 2001 (QLD)
Property Occupations Act 2014 (QLD)

Subjects: LAW REFORM
PROPERTY LAW
REAL PROPERTY

Jurisdictions: AUSTRALIA, Queensland

AGIS No: 20142290

Title: Science hubris and insufficient legal safeguards.

Authors: MARTIN, Paul
WILLIAMS, Jacqueline

Source: ENVIRONMENTAL AND PLANNING LAW JOURNAL 31 (4) July 2014 : 311-326

Abstract: Efficient natural resource governance - science-informed regulation - power invested in property owners or technical experts to determine how to govern natural resources - recent developments in science and property based resource governance in water management in Australia - creating mechanisms to guard against the hubris - implications for the human rights of users and stewards of the environment - economic and educational disadvantages - Indigenous and rural communities.

Legislation: Commonwealth of Australia Constitution Act 1900 (UK)
Murray-Darling Basin Act 1993 (CTH)
Water Act 2007 (CTH)

Subjects: MANAGEMENT
NATURAL RESOURCES
REAL PROPERTY
WATER RESOURCES

Jurisdictions: AUSTRALIA

REFUGEES

AGIS No: 20142228

Title: Asylum adjudication, mental health and credibility evaluation.

Authors: HUNTER, Jill
PEARSON, Linda
SAN ROQUE, Mehera
STEEL, Zac

Source: FEDERAL LAW REVIEW 41 (3) 2013 : 471-495

Abstract: Central role of credibility assessment in refugee determinations - empirical study Tales of the Unexpected - complex ways in which applicants' poor mental health can affect their capacity to present a 'coherent and plausible' account of their experiences - tendency for decision makers to dismiss expert opinions expressed in reports tendered by applicants from psychologists specialising in cross-cultural mental health assessment

Legal Cases: NADH of 2001 v Minister for Immigration and Multicultural and Indigenous Affairs (2004) 214 ALR 264

Legislation: Migration Act 1958 (CTH)

Subjects: HUMAN RIGHTS
MENTAL HEALTH
REFUGEES

Jurisdictions: AUSTRALIA

RELIGION

AGIS No: 20142215

Title: Higgins' argument for section 116 of the Constitution.

Authors: BECK, Luke

Source: FEDERAL LAW REVIEW 41 (3) 2013 : 393-415

Abstract: Inclusion of s 116 in the Constitution - provides a limited guarantee of religious freedom in Australia - argument presented by the proponent of the clause, Henry Bournes Higgins - no inferential power to legislate with respect to religion - standard account of Higgins' argument wrong - Higgins' concerns about the Commonwealth's enumerated powers - authorising legislation dealing with religion.

Legal Cases: Church of the Holy Trinity v United States 143 US 457

Legislation: Commonwealth of Australia Constitution Act 1900 (UK)
Constitution (CTH)

Subjects: LEGAL RESEARCH
LEGISLATION
RELIGION

Jurisdictions: AUSTRALIA

AGIS No: 20142247

Title: Private property in post-secular law : an introductory foray.

Authors: BABIE, Paul

Source: UNIVERSITY OF QUEENSLAND LAW JOURNAL 32 (2) 2013 : 237-251

Abstract: Place and role of religion in law and legal development - plural legal environment - private property - existing models of community - Judaism, Christianity and Islam.

Subjects: LEGAL RESEARCH
RELIGION
SOCIOLOGY

Jurisdictions: AUSTRALIA

AGIS No: 20142259

Title: Same-sex marriage and religious exemption under the Marriage Act : where does section 29 leave religious objectors?

Authors: WILSON, Simon Matthew

Source: VICTORIA UNIVERSITY OF WELLINGTON LAW REVIEW 45 (1) June 2014 : 213-236

Abstract: Amending the Marriage Act 1955 to allow same-sex couples to marry - legal position of celebrants wishing to refuse to solemnise same-sex marriages on religious grounds - reconciling the celebrants' religious freedoms with the rights of same-sex couples - some celebrants exempted under s 29(2) of the Marriage Act - scope of the exemption.

Legislation: Marriage Act 1955 (NZ)

Subjects: MARRIAGE
RELIGION
SAME SEX MARRIAGE

Jurisdictions: NEW ZEALAND

RESEARCH

AGIS No: 20142265

Title: Facebook code : social network sites platform affordances and privacy.

Authors: ADAMS, Andrew A

Source: JOURNAL OF LAW, INFORMATION AND SCIENCE 23 (1) 2014 : 158-168

Abstract: Social Network Sites (SNS) - implications of their use on the privacy of users - significant social and legal concerns - significant amount of personal information provided directly and voluntarily to these sites - claims made that such usage should be regarded as voluntary and not subject to privacy controls - greater regulatory control needed.

Subjects: INTERNET
PRIVACY
RESEARCH
SOCIAL MEDIA

AGIS No: 20142305

Title: Government databases and public health research : facilitating access in the public interest.

Authors: ADAMS, Carolyn
ALLEN, Judy

Source: JOURNAL OF LAW AND MEDICINE 21 (4) June 2014 : 957-972

Abstract: Access to datasets of personal health information held by government agencies - essential to support public health research and promote evidence-based public health policy development - privacy legislation in Australia - allowing the disclosure of this information for public health research - decisions and decision-making processes of government data custodians subject to increased scrutiny - external review process for denied and unduly delayed access to the datasets.

Legislation: Australian Information Commissioner Act 2010 (CTH)
Freedom of Information Act 1982 (CTH)
Privacy Act 1988 (CTH)

Subjects: DATA PROTECTION
FREEDOM OF INFORMATION
MEDICAL RESEARCH
PUBLIC HEALTH
RESEARCH

Jurisdictions: AUSTRALIA

AGIS No: 20142298

Title: Legal risk management and injury in the fitness industry : the outcomes of focus group research and a national survey of fitness professionals.

Authors: KEYZER, Patrick
COYLE, Ian R
DIETRICH, Joachim
AND, others

Source: JOURNAL OF LAW AND MEDICINE 21 (4) June 2014 : 826-844

Abstract: Australian Fitness Industry Risk Management (AFIRM) Project - exploration of operation of rules and regulation for the delivery of safe fitness services - summary of results of focus group research and national survey of risk management - competency of fitness professionals - effectiveness of pre-exercise screening and management of de-conditioned clients - poor supervision of fitness service users and incorrect use of equipment - fitness trainers failing to remain within their scope of practice - poor fitness training environments - Australian fitness industry survey identified similar concerns - developing and monitoring safety policy - improving education and training of fitness instructors.

Subjects: HEALTH SERVICES
PROFESSIONS
PUBLIC HEALTH
RESEARCH
SPORTING INJURIES

Jurisdictions: AUSTRALIA

AGIS No: 20142264

Title: Social attitudes of young people in Japan towards online privacy.

Authors: MURATA, Kiyoshi
ORITO, Yohko
FUKUTA, Yasunori

Source: JOURNAL OF LAW, INFORMATION AND SCIENCE 23 (1) 2014 : 137-157

Abstract: Study exploring the attitudes of young Japanese people towards online privacy as customers of online shopping sites - surveys and follow-up interviews - contradictory responses - results useful for businesses developing appropriate personal information and privacy protection policies and schemes - implementing government policies - enforcement of legal regulations - development of proper educational programmes concerning personal information and privacy protection.

Subjects: ELECTRONIC COMMERCE
INTERNET
PRIVACY
RESEARCH
SOCIOLOGY
YOUNG PERSONS

Jurisdictions: JAPAN

RISK MANAGEMENT

AGIS No: 20142220

Title: An introduction to the Bail Act 2013.

Authors: WHITE, Christopher

Source: JUDICIAL OFFICERS BULLETIN 26 (1) February 2014 : 1-4

Abstract: Outline of significant changes to the bail regime by the Bail Act 2013 - process for determining bail - implementation of unacceptable risk test for bail decisions - bail applications - seeking reconsideration of a bail decision - other provisions.

Legislation: Bail Act 2013 (NSW)

Subjects: BAIL
LAW REFORM
RISK MANAGEMENT
Jurisdictions: AUSTRALIA, New South Wales

SALES TAX

AGIS No: 20142280
Title: Tax in practice : GST and the supply of a 'Going Concern'.
Authors: HOLLINGSWORTH, Damien
Source: ETHOS (232) June 2014 : 15
Abstract: Sale of a business - cash-flow benefit - stamp duty benefit - government changes to the concession - removing GST-free treatment - introducing a 'reverse charge' - state governments may introduce greater stamp duty liability - conditions to access useful concessions under a New Tax System (Goods and Services Tax) Act 1999.
Legislation: A New Tax System (Goods and Services Tax) Act 1999 (CTH)
Subjects: FEDERAL GOVERNMENT
GOODS AND SERVICES TAX
LOCAL GOVERNMENT
SALES TAX
Jurisdictions: AUSTRALIA

SAME SEX MARRIAGE

AGIS No: 20142259
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Authors: WILSON, Simon Matthew
Source: VICTORIA UNIVERSITY OF WELLINGTON LAW REVIEW 45 (1) June 2014 : 213-236
Abstract: Amending the Marriage Act 1955 to allow same-sex couples to marry - legal position of celebrants wishing to refuse to solemnise same-sex marriages on religious grounds - reconciling the celebrants' religious freedoms with the rights of same-sex couples - some celebrants exempted under s 29(2) of the Marriage Act - scope of the exemption.
Legislation: Marriage Act 1955 (NZ)
Subjects: MARRIAGE
RELIGION
SAME SEX MARRIAGE
Jurisdictions: NEW ZEALAND

SENTENCING

AGIS No: 20142278
Title: Casenote : Bugmy v R (2013) 302 ALR 192.
Authors: JACKSON, Lucy
Source: INDIGENOUS LAW BULLETIN 8 (10) January / February 2014 : 27-30

Abstract: Relevance of offender background to the application of sentencing principles - High Court decision holding that offenders background of deprivation relevant factor in sentencing - effects of background of significant deprivation did not diminish over time - separate judgment holding that weight given to effect of history of deprivation to be determined in each individual case rather than categorical principle.

Legal Cases: Bugmy v R (2013) 302 ALR 192
R v Bugmy [2012] NSWCCA 223
R v Fernando (1992) 76 A Crim R 58

Legislation: Crimes Act 1900 (NSW)

Subjects: CRIMINAL OFFENDERS
SENTENCING

Jurisdictions: AUSTRALIA

SEXUAL OFFENCES

AGIS No: 20142256

Title: The Public Safety (Public Protection Orders) Bill 2012 : is post-sentence detention of sex offenders consistent with human rights?

Authors: MORAN, Jasmin

Source: VICTORIA UNIVERSITY OF WELLINGTON LAW REVIEW 45 (1) June 2014 : 133-159

Abstract: Human rights consistency of the Public Safety (Public Protection Orders) Bill 2012 - new scheme to detain recidivist sex offenders beyond the expiration of their finite sentences if considered likely to reoffend - human rights concerns - Attorney General's statement contending the Bill was consistent with the New Zealand Bill of Rights Act 1990 - form of civil committal - different to prison detention.

Legal Cases: R v Wilson (1996) 3 WLR 125

Legislation: New Zealand Bill of Rights Act 1990 (NZ)

Subjects: HUMAN RIGHTS
PUBLIC SAFETY
SEXUAL OFFENCES

Jurisdictions: NEW ZEALAND

SHARES AND SHAREHOLDERS

AGIS No: 20142296

Title: Hippocratic obligation to shareholder profit? Medical treatment patents and the Australian High Court in Apotex Pty Ltd v Sanofi-Aventis Australia Pty Ltd [2013] HCA 50.

Authors: VINES, Tim
FAUNCE, Thomas A

Source: JOURNAL OF LAW AND MEDICINE 21 (4) June 2014 : 797-809

Abstract: Medical treatment of suffering in patients - patent upholding over a method of using a known drug to prevent or treat condition - medical practitioners to consider whether their basic ethical obligations to patients are secondary to requirement to maximise profit for shareholders in companies holding medical patents - legislative requirements placing practitioners and patients at risk of more costly ineffective or restricted health care - Trans-Pacific Partnership Agreement - mechanism for multinational corporations to challenge offshore, Australian federal and state policy decisions they perceive undercut their investments.

Legal Cases: Apotex Pty Ltd v Sanofi-Aventis Australia Pty Ltd (No 2) (2012) 204 FCR 494

Legislation: Patents Act 1990 (CTH)

Subjects: HEALTH CARE
INVESTMENTS
MEDICAL ETHICS
PATENTS
PATIENTS
SHARES AND SHAREHOLDERS

Jurisdictions: AUSTRALIA

SOCIAL MEDIA

AGIS No: 20142265

Title: Facebook code : social network sites platform affordances and privacy.

Authors: ADAMS, Andrew A

Source: JOURNAL OF LAW, INFORMATION AND SCIENCE 23 (1) 2014 : 158-168

Abstract: Social Network Sites (SNS) - implications of their use on the privacy of users - significant social and legal concerns - significant amount of personal information provided directly and voluntarily to these sites - claims made that such usage should be regarded as voluntary and not subject to privacy controls - greater regulatory control needed.

Subjects: INTERNET
PRIVACY
RESEARCH
SOCIAL MEDIA

AGIS No: 20142262

Title: Police and user-led investigations on social media.

Authors: TROTTIER, Daniel

Source: JOURNAL OF LAW, INFORMATION AND SCIENCE 23 (1) 2014 : 75-96

Abstract: Emerging forms of surveillance and policing - using social media platforms - Facebook - Twitter - top-down and ground-up policing - emergence of top-down scrutiny of social media platforms by police - examples of forms of policing on social media - policing by the public.

Subjects: CRIMINAL INVESTIGATION
LAW ENFORCEMENT
POLICE
SOCIAL MEDIA

Jurisdictions: CANADA

AGIS No: 20142266
Title: Privacy and social media : an analytical framework.
Authors: CLARKE, Roger
Source: JOURNAL OF LAW, INFORMATION AND SCIENCE 23 (1) 2014 : 169-191
Abstract: Social media services - interaction, publishing, sharing - exposing users' personal information - terms of services are privacy-hostile - distrust influencers - analytical framework whereby designers of social media services can overcome user distrust.
Subjects: INTERNET
PRIVACY
SOCIAL MEDIA

AGIS No: 20142261
Title: Role and substantial connections : enforcing Canadian privacy laws against American social networking companies.
Authors: BENNETT, Colin J
PARSONS, Christopher A
MOLNAR, Adam
Source: JOURNAL OF LAW, INFORMATION AND SCIENCE 23 (1) 2014 : 50-74
Abstract: Enforcing Canadian privacy protection law on US-based social networking services (SNS) - jurisdiction of the Personal Information Protection and Electronic Document Act - Office of the Privacy Commissioner of Canada - analysis of the privacy policies of the top 23 SNSs operating in Canada.
Legislation: Personal Information Protection and Electronic Documents Act 2000 (CANADA)
Subjects: DATA PROTECTION
LEGISLATION
PRIVACY
SOCIAL MEDIA
Jurisdictions: CANADA

SOCIAL WELFARE

AGIS No: 20142251
Title: To whom will ye liken me, and make me equal? Reformulating the role of the comparator in the identification of discrimination.
Authors: EMANUEL, Asher Gabriel
Source: VICTORIA UNIVERSITY OF WELLINGTON LAW REVIEW 45 (1) June 2014 : 1-25
Abstract: Use of comparator groups in establishing breach of s 19 of the New Zealand Bill of Rights Act 1990 - lack of clear methodology in formulation of comparator groups - arbitrary and inconsistent decision-making - reliance on intuitive rather than analytical reasoning - framework guiding the formulation of the comparator needed - case law.
Legal Cases: B v Chief Executive of the Ministry of Social Development [2012] NZHC 3165
GB (as executor of estate EB of Whangarei) v Chief Executive of the Ministry of Social Development [2013] NZCA 410
Ministry of Health v Atkinson [2012] NZCA 184

Legislation: New Zealand Bill of Rights Act 1990 (NZ)
Subjects: ADMINISTRATION OF JUSTICE
BILL OF RIGHTS
HUMAN RIGHTS
SOCIAL WELFARE
Jurisdictions: NEW ZEALAND

SOCIOLOGY

AGIS No: 20142247
Title: Private property in post-secular law : an introductory foray.
Authors: BABIE, Paul
Source: UNIVERSITY OF QUEENSLAND LAW JOURNAL 32 (2) 2013 : 237-251
Abstract: Place and role of religion in law and legal development - plural legal environment - private property - existing models of community - Judaism, Christianity and Islam.
Subjects: LEGAL RESEARCH
RELIGION
SOCIOLOGY
Jurisdictions: AUSTRALIA

AGIS No: 20142264
Title: Social attitudes of young people in Japan towards online privacy.
Authors: MURATA, Kiyoshi
ORITO, Yohko
FUKUTA, Yasunori
Source: JOURNAL OF LAW, INFORMATION AND SCIENCE 23 (1) 2014 : 137-157
Abstract: Study exploring the attitudes of young Japanese people towards online privacy as customers of online shopping sites - surveys and follow-up interviews - contradictory responses - results useful for businesses developing appropriate personal information and privacy protection policies and schemes - implementing government policies - enforcement of legal regulations - development of proper educational programmes concerning personal information and privacy protection.
Subjects: ELECTRONIC COMMERCE
INTERNET
PRIVACY
RESEARCH
SOCIOLOGY
YOUNG PERSONS
Jurisdictions: JAPAN

SPORT

AGIS No: 20142299
Title: Just a little bit more : when sports scientists cross the line.

Authors: FOX, Tyler
Source: JOURNAL OF LAW AND MEDICINE 21 (4) June 2014 : 845-858
Abstract: Sports science - role in athlete's career and health - lack of discussion about criminal and civil liability when athletes suffer personal or professional harm - how liability may attach to both sports doctors and sports scientists in the future based on principles from current case law - compliance with the World Anti-Doping Code.
Subjects: LIABILITY
MEDICAL ETHICS
MEDICAL PROFESSION
PROFESSIONAL ETHICS
SPORT
Treaties: International Convention Against Doping in Sport
Jurisdictions: AUSTRALIA

SPORTING INJURIES

AGIS No: 20142298
Title: Legal risk management and injury in the fitness industry : the outcomes of focus group research and a national survey of fitness professionals.
Authors: KEYZER, Patrick
COYLE, Ian R
DIETRICH, Joachim
AND, others
Source: JOURNAL OF LAW AND MEDICINE 21 (4) June 2014 : 826-844
Abstract: Australian Fitness Industry Risk Management (AFIRM) Project - exploration of operation of rules and regulation for the delivery of safe fitness services - summary of results of focus group research and national survey of risk management - competency of fitness professionals - effectiveness of pre-exercise screening and management of de-conditioned clients - poor supervision of fitness service users and incorrect use of equipment - fitness trainers failing to remain within their scope of practice - poor fitness training environments - Australian fitness industry survey identified similar concerns - developing and monitoring safety policy - improving education and training of fitness instructors.
Subjects: HEALTH SERVICES
PROFESSIONS
PUBLIC HEALTH
RESEARCH
SPORTING INJURIES
Jurisdictions: AUSTRALIA

STATUTE LAW

AGIS No: 20142267
Title: Setting aside statutory demands : a walk in the park, or along the precipice?
Authors: HASSALL, Marcus
Source: ETHOS (232) June 2014 : 8-10

Abstract: Procedure for making a 'statutory demand' contained in Part 5.4 of the Corporations Act 2001 (Cth) - legislative framework - when is the procedure available - procedural requirements for making and challenging a statutory demand - what happens if the set-aside application is dismissed - getting a statutory demand set aside - supporting affidavit - form and substance - what establishes a 'genuine' dispute or counterclaim.

Legislation: Corporations Act 2001 (CTH)

Subjects: CORPORATIONS LAW
STATUTE LAW

Jurisdictions: AUSTRALIA

STATUTORY AUTHORITIES

AGIS No: 20142240

Title: Enforcement of Australian aviation law.

Authors: WHEELER, Joseph

Source: PRECEDENT (120) January / February 2014 : 14-19

Abstract: Civil Aviation Safety Authority (CASA) regulatory oversight functions - Australia's international obligations - CASA's principal mechanism for enforcing air safety legislation on civil aviation authorisation holders - case law.

Legal Cases: Civil Aviation Safety Authority v Barrier Aviation Pty Ltd [2013] FCA 227
Civil Aviation Safety Authority v Bell [2008] FCA 1049

Legislation: Civil Aviation Act 1988 (CTH)

Subjects: AIR TRANSPORT
LAW ENFORCEMENT
STATUTORY AUTHORITIES

Treaties: Convention on International Civil Aviation

Jurisdictions: AUSTRALIA

STATUTORY INTERPRETATION

AGIS No: 20142273

Title: Reforming the requirements of proof : the Australian Law Reform Commission's native title inquiry.

Authors: STRELEIN, Lisa

Source: INDIGENOUS LAW BULLETIN 8 (10) January / February 2014 : 6-10

Abstract: Requirement of proof of existence of native title - Australian Law Reform Commission inquiry into proof - requirements of connections - separation from common law - onerous requirements of proof - interpretation of s 223 of the Native Title Act 1993 - use of s 223 as a shield.

Legislation: Native Title Act 1993 (CTH)

Subjects: AUSTRALIAN LAW REFORM COMMISSION
BURDEN OF PROOF
NATIVE TITLE
STATUTORY INTERPRETATION

Jurisdictions: AUSTRALIA

SUICIDE

AGIS No: 20142292
Title: Minor's decision-making capacity to refuse life-saving and life-sustaining treatment : legal and psychiatric perspectives.
Authors: MENDELSON, Danuta
HAYWOOD, Ian
Source: JOURNAL OF LAW AND MEDICINE 21 (4) June 2014 : 762-773
Abstract: Euthanasia and assisted suicide for seriously ill children experiencing 'constant and unbearable suffering' - capacity to request death by lethal injection if they convey a reasonable understanding of the consequences of that request - child's capacity to understand death - prerequisite to the implementation of the request - modern neuro-psychological studies - brain's emotional and experiential capacity not fully developed until mid-20s - clinical and legal implications - case law.
Subjects: CHILDREN
EUTHANASIA
MEDICAL ETHICS
SUICIDE
YOUNG PERSONS
Jurisdictions: AUSTRALIA
BELGIUM
NETHERLANDS

SUPREME COURT

AGIS No: 20142282
Title: ACT Law Week 2014 : The Blackburn Lecture : the individual judge.
Authors: KIEFEL, Susan
Source: ETHOS (232) June 2014 : 22-26
Abstract: Edited version of the lecture given by the Hon Justice Susan Kiefel AC in Canberra on 13 May 2014 - lecture in memory of Sir Richard Blackburn - judge of Supreme Courts of the Northern Territory and the ACT - judicial independence - 'institutional responsibility' of judges regarding the Court's judgements - history of the High Court - Australian judges - justice system - writing judgements - current High Court practice regarding judgements - drafting judgments.
Subjects: JUDGES TENURE
JUDGMENTS
LEGAL DRAFTING
LEGAL HISTORY
SUPREME COURT
Jurisdictions: AUSTRALIA

TAX REFORM

AGIS No: 20142230
Title: Native title tax reforms : bull's eye or wide of the mark?
Authors: MU, Ian

Source: FEDERAL LAW REVIEW 41 (3) 2013 : 497-524

Abstract: Twenty years on from Mabo v Queensland - change in the tax treatment of native title - reforms exempting Indigenous people from income tax for payments made under native title agreements - implementation difficulties for energy and resources proponents and Indigenous groups - earlier Indigenous Community Fund model - linking tax exemption to outcomes - improving the certainty of tax treatment - better support the intermediary Indigenous benefits management institutions playing a critical role in achieving those outcomes.

Legal Cases: Mabo v State of Queensland (No 2) (1992) 175 CLR 1

Legislation: Native Title Act 1993 (CTH)

Subjects: LEGISLATION
NATIVE TITLE
TAX REFORM

Jurisdictions: AUSTRALIA

TECHNOLOGICAL INNOVATIONS

AGIS No: 20142223

Title: ALIA Information Online Conference 2013 : trade exhibition.

Authors: DOUGLAS, Jane

Source: ONLINE CURRENTS 27 (5) October 2013 : 252-261

Abstract: Overview of trade exhibitors at the Australian Library and Information Association Online Conference - summary of featured products - library and resource management systems and technologies - publishers, content suppliers and aggregators - professional services - education and training.

Subjects: CONFERENCES
LIBRARIES
TECHNOLOGICAL INNOVATIONS

Jurisdictions: AUSTRALIA

AGIS No: 20142221

Title: Mobile everything.

Authors: MOORE, Matt
TALL, Kelly

Source: ONLINE CURRENTS 27 (5) October 2013 : 246-251

Abstract: Overview of recent developments in mobile technologies - current mobile usage trends in Australia - range of mobile technologies on the market - different options for information presentation on mobile devices - responsive web design - emerging user behaviours - enterprise applications of mobile devices - key points for information professionals wanting to use mobile devices as part of an information management strategy.

Subjects: MOBILE DEVICES
TECHNOLOGICAL INNOVATIONS

AGIS No: 20142203

Title: When the profile becomes the population : examining privacy governance and road traffic surveillance in Canada and Australia.

Authors: WARREN, Ian
LIPPERT, Randy
WALBY, Kevin
PALMER, Darren

Source: CURRENT ISSUES IN CRIMINAL JUSTICE 25 (2) November 2013 : 565-584

Abstract: Use of automated licence/number plate recognition (ALPR/ANPR) technologies - privacy as a technique for governing road traffic surveillance - questioning effectiveness of ALPR/ANPR in reducing road traffic violations - Harcourt's argument against use of rationalised actuarial prediction and 'hit rates' as chief measure of law enforcement activities and effectiveness.

Legislation: Canadian Charter of Rights and Freedoms 1982 (CANADA)
Information Privacy Act 2000 (VIC)
Personal Information Protection and Electronic Documents Act 2000 (CANADA)
Privacy Act 1985 (CANADA)
Privacy Act 1988 (CTH)

Subjects: ELECTRONIC SURVEILLANCE
MOTOR TRAFFIC LAW
PRIVACY
TECHNOLOGICAL INNOVATIONS

Jurisdictions: AUSTRALIA
CANADA

TELEVISION BROADCASTING

AGIS No: 20142208

Title: More important than guns or grog : the role of television for the health and wellbeing of Australian Aboriginal prisoners.

Authors: GRANT, Elizabeth
JEWKES, Yvonne

Source: CURRENT ISSUES IN CRIMINAL JUSTICE 25 (2) November 2013 : 667-683

Abstract: Provision of television in the South Australian prison system - importance to identity, health, wellbeing and ontological security of Aboriginal prisoners - impact on incarcerated audiences extends beyond role as 'electronic babysitter' or time filler - in-cell television - access to in-cell television important factor in agreement with prison accommodation - potential of in-cell television to reduce incidents of suicide and self-harm - adoption as best practice principle for Aboriginal prisoners.

Subjects: ABORIGINES
PRISONERS
TELEVISION BROADCASTING

Jurisdictions: AUSTRALIA

TERRORISM

AGIS No: 20142243

Title: Are environmental activists pirates?

Authors: RAE, Charlie
Source: PRECEDENT (120) January / February 2014 : 28-31
Abstract: Environmental activism - acts of eco-terrorism on the high seas - Sea Shepherd and Greenpeace protests - allegations of maritime piracy - definition of piracy - definition of 'private ends' - United Nations Convention on the Law of the Sea (UNCLOS).
Subjects: ENVIRONMENTAL PROTECTION
MARITIME LAW
PIRACY
TERRORISM
Treaties: United Nations Convention on the Law of the Sea

TORTS

AGIS No: 20142254
Title: The new intrusion tort : the news media exposed?
Authors: MCKENZIE, Thomas Levy
Source: VICTORIA UNIVERSITY OF WELLINGTON LAW REVIEW 45 (1) June 2014 : 79-107
Abstract: Common law - tort protecting against intentional intrusions into person's private space - intrusive newsgathering practice - exposing news media to tortious liability - methods in New Zealand and internationally to prevent the news media from breaching individual privacy rights - formulation to be replaced with a one-step reasonable expectation of privacy test - how the intrusion tort should interact with the privacy tort - precise wording of the intrusion tort's formulation.
Legal Cases: C v Holland [2012] NZHC 2155
Legislation: Crimes Act 1961 (NZ)
Subjects: COMMON LAW
MEDIA
PRIVACY
TORTS
Jurisdictions: NEW ZEALAND

TOWN PLANNING

AGIS No: 20142212
Title: Integrating social impact assessment into the planning regime of Parramatta City Council.
Authors: MCCAULEY, Kate
HOWITT, Richard
Source: LOCAL GOVERNMENT LAW JOURNAL 19 (2) 2014 : 79-86
Abstract: Integration of Social Impact Assessment (SIA) into development assessment processes by Parramatta City Council - ensuring better informed decision-making as consent authority - mechanism for deeper community involvement in planning process - integration of SIA can increase transparency and accountability - strengthen reliability of responses to State Metropolitan Plan 2036 and reporting on Parramatta Community Strategic Plan 2036.

Legislation: Environment Protection and Biodiversity Conservation Act 1999 (CTH)
Environmental Planning and Assessment Act 1979 (NSW)
Local Government Act 1993 (QLD)

Subjects: LOCAL GOVERNMENT
TOWN PLANNING

Jurisdictions: AUSTRALIA, New South Wales

TRAFFIC ACCIDENTS

AGIS No: 20142281

Title: The lifetime care and support scheme : what you need to know.

Authors: CROWE, Dan
SMIT, Jacob

Source: ETHOS (232) June 2014 : 16-17

Abstract: Lifetime Care and Support scheme for victims of catastrophic injuries sustained in motor vehicle accidents (MVAs) - first no-fault indemnity insurance scheme in ACT - impacts on the current MVA compensation regime - overview of the new Act - eligibility - treatment covered - preventing 'double dipping'.

Legislation: Lifetime Care and Support (Catastrophic Injuries) Act 2014 (ACT)
Motor Accidents (Lifetime Care and Support) Act 2006 (NSW)

Subjects: HEALTH CARE
INJURIES
INSURANCE
TRAFFIC ACCIDENTS

Jurisdictions: AUSTRALIA, Australian Capital Territory

TRANSSEXUALS

AGIS No: 20142209

Title: Confidence and trust in police : how sexual identity difference shapes perceptions of police.

Authors: MILES-JOHNSON, Toby

Source: CURRENT ISSUES IN CRIMINAL JUSTICE 25 (2) November 2013 : 685-702

Abstract: Examination of the variations of perceptions of police in heterosexual and lesbian, gay, bisexual, transgender and intersex (LGBTI) communities - whether an individual's sexual identity shapes perceptions of police legitimacy and levels of trust - LGBTI individuals reported more negative opinions than heterosexuals regarding legitimacy, procedural justice, treatment and respect - findings have implications for theories of trust.

Subjects: HOMOSEXUALITY
MINORITIES
POLICE
TRANSSEXUALS

Jurisdictions: AUSTRALIA

TREATIES

- AGIS No:** 20142272
Title: Does true reconciliation require a treaty?
Authors: WILLIAMS, George
Source: INDIGENOUS LAW BULLETIN 8 (10) January / February 2014 : 3-5
Abstract: Treaties as a means of reaching settlement between Indigenous peoples and settlers - Australia only Commonwealth nation that does not have a treaty with Indigenous peoples - Australian Constitution - consideration of the necessity of a treaty with Indigenous Australians - recognition of Indigenous sovereignty.
- Legislation:** Constitution (CTH)
Subjects: INDIGENOUS PEOPLE
TREATIES
Jurisdictions: AUSTRALIA
- AGIS No:** 20142238
Title: Liability of international airlines for the death of or injury to passengers.
Authors: MCILWAINE, Russell
Source: PRECEDENT (120) January / February 2014 : 4-7
Abstract: Modernising the rules relating to the liability of international air carriers for the death of or injury to passengers in the course of international commercial air travel - Australia amended the Civil Aviation (Carriers Liability) Act 1959 (Cth) - overview of the Montreal 99 treaty - countries signed the treaty - definitions of accident, embarking, disembarking, bodily injury - damages recoverable.
- Subjects:** AIR TRANSPORT
AIRCRAFT ACCIDENT LIABILITY
TREATIES
Treaties: Montreal Convention on the Unification of Certain Rules for International Carriage by Air

UNCONSCIONABLE CONDUCT

- AGIS No:** 20142226
Title: ACCC v Coles : Coles's lucky day.
Authors: BRADLEY, Michael
MARSHALL, Hannah
Source: COMPETITION AND CONSUMER LAW NEWS 30 (5) June 2014 : 58-59
Abstract: ACCC investigations of major supermarkets - proceedings commenced against Coles - Active Retail Collaboration program - rebate paid by suppliers to Coles for improvements in supply chain - unconscionable conduct in the Australian Consumer Law - misuse of market power - undue influence on suppliers.
- Subjects:** AUSTRALIAN COMPETITION AND CONSUMER COMMISSION
UNCONSCIONABLE CONDUCT
Jurisdictions: AUSTRALIA

VICTIMS OF CRIME

- AGIS No:** 20142206
- Title:** Australian domestic violence protection order legislation : a comparative quantitative content analysis of victim safety provisions.
- Authors:** JEFFRIES, Samantha
BOND, Christine E W
FIELD, Rachael
- Source:** CURRENT ISSUES IN CRIMINAL JUSTICE 25 (2) November 2013 : 627-643
- Abstract:** Analysis of victim safety focus of domestic violence protection order legislation in Australian states and territories - comparative quantitative content analysis - findings show Northern Territory, South Australia and Victoria have highest victim safety focus - scope for improvement in all jurisdictions in terms of victim safety focus in legislation and considerations of legislative inconsistency between jurisdictions.
- Legislation:** Crimes (Domestic and Personal Violence) Act 2007 (NSW)
Domestic and Family Violence Act 2007 (NT)
Domestic and Family Violence Protection Act 2012 (QLD)
Domestic Violence and Protection Orders Act 2008 (ACT)
Family Violence Act 2004 (TAS)
Family Violence Protection Act 2008 (VIC)
Intervention Orders (Prevention of Abuse) Act 2009 (SA)
Restraining Orders Act 1997 (WA)
- Subjects:** DOMESTIC VIOLENCE
PUBLIC SAFETY
VICTIMS OF CRIME
- Jurisdictions:** AUSTRALIA
-
- AGIS No:** 20142312
- Title:** Help-seeking strategies of victim/survivors of human trafficking involving partner migration.
- Authors:** RICHARDS, Kelly
LYNEHAM, Samantha
- Source:** TRENDS AND ISSUES IN CRIME AND CRIMINAL JUSTICE (468) February 2014 : 10p
- Abstract:** Victim/survivors of human trafficking partner migration - importance of educating the community and professionals from a wide range of health and welfare sectors - legal and law enforcement services - human trafficking - help-seeking strategies of victims/survivors - supporting victims to leave exploitative situations - research study - understanding the help-seeking strategies important to effectively support victims to exit exploitative situations.
- Legislation:** Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Act 2013
- Subjects:** IMMIGRATION
PEOPLE TRAFFICKING
VICTIMS OF CRIME
- Jurisdictions:** AUSTRALIA

AGIS No: 20142207
Title: The girl in the cellar : media representations of Natascha Kampusch.
Authors: GILMOUR, Fairleigh
Source: CURRENT ISSUES IN CRIMINAL JUSTICE 25 (2) November 2013 : 645-666

Abstract: Role of narrative in constructing, defining and delimiting victimhood - examination of kidnapping of Natascha Kampusch in Austria - stereotypical characters and cultural myths in narrating female victim - media struggle to reconcile crime and complex victim within traditional narrative.

Subjects: KIDNAPPING
MEDIA
VICTIMS OF CRIME

WAR CRIMES TRIALS

AGIS No: 20142291
Title: Fitness to stand trial under international criminal law : the historical context.

Authors: FRECKELTON, Ian
KARAGIANNAKIS, Magda

Source: JOURNAL OF LAW AND MEDICINE 21 (4) June 2014 : 747-760

Abstract: Fitness to stand trial - fundamental to the integrity of a criminal justice system - jurisprudence relating to fitness to stand trial under international criminal law - Nuremberg and Tokyo tribunals - how trial systems should respond to unwellness - whether persons should participate meaningfully in their own trials - dealing with temptation for persons accused of serious crimes against humanity and genocide to malingering, exaggerate symptomatology and to generate delays for strategic objectives.

Subjects: INTERNATIONAL CRIMINAL LAW
WAR CRIMES TRIALS

AGIS No: 20142255
Title: The Nuremberg Trial : procedural due process at the International Military Tribunal.

Authors: MCKEOWN, Tessa

Source: VICTORIA UNIVERSITY OF WELLINGTON LAW REVIEW 45 (1) June 2014 : 109-132

Abstract: Credibility and repercussions of the Nuremberg Trial - London Charter drafted by the Allies outlined the trial procedure to secure a fair trial - history of the fundamental due process rights - how were those rights breached at Nuremberg - compromised integrity of the trial.

Subjects: LEGAL HISTORY
MILITARY LAW
WAR CRIMES TRIALS

AGIS No: 20142297
Title: Unfitness to stand trial decision-making in the Extraordinary Chambers in the Courts of Cambodia.

Authors: FRECKELTON, Ian
KARAGIANNAKIS, Magda

Source: JOURNAL OF LAW AND MEDICINE 21 (4) June 2014 : 813-825

Abstract: Accused persons' fitness to stand trials for the crimes during the Khmer Rouge government between 1975 and 1979 at the Extraordinary Chambers in the Courts of Cambodia - expert evaluations - making significant efforts to render an accused person fit for trial - continuing to monitor their mental state - precedent for future occasions under international criminal law when issues of fitness to stand trial and how they should be handled arise - case law - Khieu Samphan - Nuon Chea.

Subjects: WAR CRIMES TRIALS

Jurisdictions: CAMBODIA

WATER RESOURCES

AGIS No: 20142290

Title: Science hubris and insufficient legal safeguards.

Authors: MARTIN, Paul
WILLIAMS, Jacqueline

Source: ENVIRONMENTAL AND PLANNING LAW JOURNAL 31 (4) July 2014 : 311-326

Abstract: Efficient natural resource governance - science-informed regulation - power invested in property owners or technical experts to determine how to govern natural resources - recent developments in science and property based resource governance in water management in Australia - creating mechanisms to guard against the hubris - implications for the human rights of users and stewards of the environment - economic and educational disadvantages - Indigenous and rural communities.

Legislation: Commonwealth of Australia Constitution Act 1900 (UK)
Murray-Darling Basin Act 1993 (CTH)
Water Act 2007 (CTH)

Subjects: MANAGEMENT
NATURAL RESOURCES
REAL PROPERTY
WATER RESOURCES

Jurisdictions: AUSTRALIA

AGIS No: 20142287

Title: Theory to practice : adaptive management of the groundwater impacts of Australian mining projects.

Authors: LEE, Jessica

Source: ENVIRONMENTAL AND PLANNING LAW JOURNAL 31 (4) July 2014 : 251-287

Abstract: Adaptive management of natural resources - natural resource policies and regulatory instruments - adaptive management in the context of groundwater impact management of Australian mines - theoretical model for the practice of adaptive management - legal mechanism required for its effective implementation - United States experience identifying primary legal obstacles to its implementation - case study - legal framework for the improved implementation of adaptive groundwater management at Australian mining projects.

Legislation: Environmental Protection Act 1986 (WA)
Rights in Water and Irrigation Act 1914 (WA)

Subjects: MANAGEMENT
MINES AND MINERALS
NATURAL RESOURCES
WATER RESOURCES

Jurisdictions: AUSTRALIA

WHALING

AGIS No: 20142268

Title: Killing whales : Japan's scientific research no longer putting food on the table.

Authors: PIOTROWICZ, Ryszard

Source: AUSTRALIAN LAW JOURNAL 88 (8) August 2014 : 543-545

Abstract: Arbitration between Australia and Japan in the International Court of Justice - dispute over interpretation of Japan's obligations in relation to the protection of whales in the Southern Ocean - breach of obligations in implementation of JARPA II program - whaling in the Antarctic - lawfulness of JARPA II - catch limitations - overview of judgment.

Legal Cases: Whaling in the Antarctic (Australia v Japan : New Zealand intervening) [2014] ICJ 1

Subjects: INTERNATIONAL ARBITRATION
INTERNATIONAL COURT OF JUSTICE
WHALING

Treaties: International Convention for the Regulation of Whaling

Jurisdictions: AUSTRALIA
JAPAN

WITNESSES

AGIS No: 20142211

Title: An overview of current initiatives to improve child witness interviews about sexual abuse.

Authors: POWELL, Martine B

Source: CURRENT ISSUES IN CRIMINAL JUSTICE 25 (2) November 2013 : 711-720

Abstract: Overview of main barriers to eliciting quality evidence from child witnesses in sexual abuse cases - recent attempts to overcome barriers - recommendations - adoption of narrative framework - quality of training - interview workplace climate - prosecutor feedback - ongoing case tracking - recommendations can also apply to other vulnerable witnesses and adults.

Subjects: CHILD SEXUAL ABUSE
CHILDRENS EVIDENCE
WITNESSES

Jurisdictions: AUSTRALIA

WOMEN AND THE LAW

AGIS No: 20142283
Title: ACT Law Week 2014 : women and the law.
Authors: SULLIVAN, Tamara
Source: ETHOS (232) June 2014 : 28-29
Abstract: The Women Lawyers' Association of the ACT - guest speaker at the 2014 Law Week Dinner - Hon J Helen Murrell, Chief Justice of the ACT Supreme Court - women and the law - women in the profession generally.
Subjects: LEGAL PROFESSION
WOMEN AND THE LAW
Jurisdictions: AUSTRALIA

WORKING CONDITIONS

AGIS No: 20142234
Title: Redundancy in the Australian public service : some critical reflections.
Authors: ROLES, Cameron
Source: FEDERAL LAW REVIEW 41 (3) 2013 : 525-555
Abstract: Law concerning dismissal on grounds of redundancy as it applies to the Australian Public Service (APS) - reducing the APS through natural attrition - redundancies inevitable - recent legislative developments concerning dismissal on grounds of redundancy - genuine redundancy exclusion in s 389 of the Fair Work Act 2009 (Cth) (FW Act) - application to APS employment - failure to comply with consultation obligations in an agency enterprise agreement - redeployment obligations in s 389(2) – legal issues with redeployment – tensions between provisions of the FW Act and the devolution of managerial powers under the Public Service Act - reform needed to address these tensions.
Legislation: Fair Work Act 2009 (CTH)
Public Service Act 1999 (CTH)
Subjects: EMPLOYMENT
LEGISLATION
PUBLIC SERVICE
WORKING CONDITIONS
Jurisdictions: AUSTRALIA

WORLD TRADE ORGANISATION

AGIS No: 20142302
Title: Patents and the obligation to protect health : examining the significance of human rights considerations in the protection of pharmaceutical patents.
Authors: OWOEYE, Olasupo Ayodeji
Source: JOURNAL OF LAW AND MEDICINE 21 (4) June 2014 : 900-919
Abstract: Human right to health in the context of patent protection and access to medicines - limitations in international human rights law in relation to socioeconomic rights - right to health unenforceable in international law - close association with enforceable rights such as the right to life - legitimate basis for making maximum use of the flexibilities in the international intellectual property regime to protect public health - trade and intellectual property agreements - resolving seeming inconsistency with the right to health.

Subjects: HUMAN RIGHTS
MEDICAL ETHICS
PATENTS
PHARMACEUTICALS
PUBLIC HEALTH
WORLD TRADE ORGANISATION

Treaties: Agreement on Trade Related Aspects of Intellectual Property Rights
General Agreement on Tariffs and Trade
International Covenant on Economic, Social and Cultural Rights
Universal Declaration of Human Rights

YOUNG PERSONS

AGIS No: 20142292

Title: Minor's decision-making capacity to refuse life-saving and life-sustaining treatment : legal and psychiatric perspectives.

Authors: MENDELSON, Danuta
HAYWOOD, Ian

Source: JOURNAL OF LAW AND MEDICINE 21 (4) June 2014 : 762-773

Abstract: Euthanasia and assisted suicide for seriously ill children experiencing 'constant and unbearable suffering' - capacity to request death by lethal injection if they convey a reasonable understanding of the consequences of that request - child's capacity to understand death - prerequisite to the implementation of the request - modern neuro-psychological studies - brain's emotional and experiential capacity not fully developed until mid-20s - clinical and legal implications - case law.

Subjects: CHILDREN
EUTHANASIA
MEDICAL ETHICS
SUICIDE
YOUNG PERSONS

Jurisdictions: AUSTRALIA
BELGIUM
NETHERLANDS

AGIS No: 20142264

Title: Social attitudes of young people in Japan towards online privacy.

Authors: MURATA, Kiyoshi
ORITO, Yohko
FUKUTA, Yasunori

Source: JOURNAL OF LAW, INFORMATION AND SCIENCE 23 (1) 2014 : 137-157

Abstract: Study exploring the attitudes of young Japanese people towards online privacy as customers of online shopping sites - surveys and follow-up interviews - contradictory responses - results useful for businesses developing appropriate personal information and privacy protection policies and schemes - implementing government policies - enforcement of legal regulations - development of proper educational programmes concerning personal information and privacy protection.

Subjects: ELECTRONIC COMMERCE
INTERNET
PRIVACY
RESEARCH
SOCIOLOGY
YOUNG PERSONS

Jurisdictions: JAPAN