

Issue 516 | 8 February 2022

## LexisNexis News

*Did you know that our LexisNexis training webinars are complimentary and most are CPD compliant?*

### **CaseBase & LexCite on Lexis Advance Webinar – Wednesday, 9th of February at 10am**

Have a look under the hood to get more understanding of how CaseBase and LexCite work on Lexis Advance. Understand the sources they draw their information from and how they can aid your legal research and save you time. Duration: 60 min

### **Using Practical Guidance on Lexis Advance Webinar – Tuesday, 15th of February at 1pm**

This session will look at how Practical Guidance operates as a stand alone module and as a partner to the research you may run on Lexis Advance. In Practical Guidance you can find guidance written by experts in different areas of law that lead you to the relevant cases and legislation, forms, checklists and precedents as well as extracts from the key text Lexis publishes in that area. Focus on understanding the use and benefits of Practical Guidance modules for your everyday research. Duration: 45 min

### **CaseBase & LexCite on Lexis Advance Webinar – Wednesday, 23rd of February at 11am**

Have a look under the hood to get more understanding of how CaseBase and LexCite work on Lexis Advance. Understand the sources they draw their information from and how they can aid your legal research and save you time. Duration: 60 min

### **Lexis Advance for Barristers Webinar – Thursday, 24th of February at 4pm**

Improve your research skills and save time using Lexis Advance. In our Bar-focused training session you will learn how to customise your publications; filter your search results; link to your favourite publications; highlight relevant sections of text and make annotations; and create your own work folders and alerts to organise your research results and stay up to date with the latest content. Duration: 60 min

## **Content Webinars**

LexisNexis ONDEMAND webinars are delivered by subject experts and accompanied by a short comprehension quiz. Our current ONDEMAND webinars are as follows:

### **Employment Law Disciplinary Issues and Investigations [ONDEMAND]**

Guidance on the principles and practical issues associated with workplace disciplinary processes and investigations. Duration: 60 min

### **Fairness, Expectation and Reward in Inheritance Disputes [ONDEMAND]**

The webinar looks at the recurring issues of fairness and reward that are commonly encountered during inheritance disputes and provides legal advisors, arbitrators and mediators with tools to advise and manage these when drafting or advising clients on wills, estates and succession. Duration: 60 min

### **Customer Due Diligence Tips and Tricks [ONDEMAND]**

This webinar examines the ongoing challenges of knowing your customer and practicalities of ensuring appropriate customer due diligence in an increasingly digital world in order to meet AML/CFT requirements. Duration: 60 min

### **Letters of Administration on Intestacy: Issues and Solutions [ONDEMAND]**

Applying for a court order to administer a deceased estate when a person dies without a will is often complicated. This webinar appraises the requirements for an application of intestacy; the selection of appropriate evidence in support of the application and the recognition of factors that affect entitlement. Duration: 60 min

### **Letters of Administration with the Will Annexed [ONDEMAND]**

The application process for Letters of Administration with the will annexed differs from probate applications and knowing what matters need to be considered and addressed and supported by evidence, or indeed omitted, when making an application, is not always clear. This webinar provides guidance on recognising the key requirements for the preparation of a valid will and the requirements for making an improperly executed will declared valid. Duration: 60 min

## Commercial

### Textbooks

#### ***Directors' Powers and Duties, 3rd edition***

Peter Watts QC

RRP\*incl GST: \$200.00

ISBN: 9781988546841 (book)

ISBN: 9781988546858 (ebook)

Publication date: 27 December 2021

#### ***Burrows, Finn & Todd on the Law of Contract in New Zealand, 7th edition***

Stephen Todd & Matthew Barber

RRP\*incl GST: ~~\$200.00~~ \$180.00 (pre-order price)

ISBN: 9781988546704 (book)

ISBN: 9781988546711 (ebook)

Publication date: April 2022

## Criminal

### Textbooks

#### ***Criminal Law in Aotearoa New Zealand***

Julia Tomie, Kris Gledhill, Fleur Te Aho & Khylee Quince

RRP\*incl GST: \$175.00

ISBN: 9781927248225 (book)

ISBN: 9781927248553 (ebook)

Publication date: 31 January 2022

## **Employment**

### **Textbooks**

#### ***Employment Law in Aotearoa New Zealand, 3rd edition***

Gordon Anderson & Dawn Duncan

RRP\*incl GST: \$150.00

ISBN: 9781988546582 (book)

ISBN: 9781988546599 (ebook)

Publication date: 17 December 2021

## **Family**

### **Practical Guidance: Family**

Latest legal updates

Impact of brain injuries on domestic violence survivors

### **New Zealand Family Law Journal**

Vol 10 Issue 8 (December 2021) is now available online.

This issue contains articles:

- “Protection of mana tamaiti (tamariki): the right to cultural connectedness” by Alison Cleland
- “Reforming Aotearoa’s approach to intercountry adoption” by Christian Poland
- “Case note: trusts and psychological abuse” by Bill Atkin

## **Textbooks**

### ***Family Law in New Zealand, 20<sup>th</sup> edition***

Mark Henaghan, Bill Atkin, Shonagh Burnhill & Anna Chapman

RRP\*incl GST: \$175.00

ISBN: 9781988546636 (book – two volume set)

Publication date: 18 October 2021

### ***Family Law Legislation, 20<sup>th</sup> edition***

LNNZ

RRP\*incl GST: \$150.00

ISBN: 9781988546889 (book – two volume set)

Publication date: 29 October 2021

## **New Zealand Family Law Reports**

Part 7 Volume 2021 is now available online.

*Clemett v Clemett* – [2021] NZFLR 327

Trusts – Trustees – Removal of trustees – Appointment of corporate trustee – Family trust – Husband and wife trustees now estranged – Husband no longer cooperating over trust – Vesting of trust properties in new trustee – Variation to trust deed – Costs and expenses – Trustee Act 1956, ss 51, 52 and 52(1)(a).

*Cooper v Pinney* – [2021] NZFLR 333

Relationship property – Trusts – Powers under trusts – Powers as relationship property – Fiduciary duties – No power to disregard interests of other beneficiaries – No power to remove all beneficiaries – Application for leave to appeal – Appeal not seeking clarification of law – Property (Relationships) Act 1976, ss 2, 15, 39B and 44 – Senior Courts Act 2016, s 60.

*Re Paora* — [2021] NZFLR 341

Administration — Grant of letters — Discretion of court — Deceased left modest estate — Surviving spouse only person with beneficial interest — Surviving spouse did not seek application — Deceased's son applied for grant — Surviving spouse and deceased's surviving adult children consented to grant — Grant made — Administration Act 1969, s 6.

*White v Brkic* — [2021] NZFLR 344

Real property — Charging and sale orders — Discharge — Land over which orders made owned by applicant in capacity of trustee and not personal capacity — Trust deed included no self-benefit clause — Applicant's ownership as trustee not tantamount to ownership — Inappropriate to apply principles involving relationship property to commercial cases — Orders discharged.

*Lindsay v Commissioner of Inland Revenue* — [2021] NZFLR 351

Child support — Backdated assessment — Judicial review — Procedural unfairness — Application made in 2017 for child support backdated to 2003 — Father not told about application — Original application made in 2003 refused — Proof of paternity not provided — Whether s 19 of Child Support Act 1991 applying to current application — Applicable provision — Act amended in 2013 — Discretion of Commissioner — Whether father should have pursued appeal rights — Relief — Increased costs — Child Support Act 1991, ss 4, 9, 9(1)(b), 14, 17, 17(2), 17(3), 18, 19, 19(a), 19(b), 21, 24, 89, 90 and 91 — Child Support Amendment Act 2013, s 1A and part 1 — High Court Rules 2016, r 14.6(3)(a) — Interpretation Act 1999, s 5(1) — Judicial Review Procedure Act 2016, s 16(3)(a) — New Zealand Bill of Rights Act 1990, s 27(1) — Social Security Act 1964, s 70A.

Judicial review — Child support — Backdated assessment — Procedural unfairness — Application made in 2017 for child support backdated to 2003 — Father not told about application — Original application made in 2003 refused — Proof of paternity not provided — Applicable provision — Act amended in 2013 — Whether s 19 of Child Support Act 1991 applying to current application — Discretion of Commissioner — Whether father should have pursued appeal rights — Relief — Increased costs — Child Support Act 1991, ss 4, 9, 9(1)(b), 14, 17, 17(2), 17(3), 18, 19, 19(a), 19(b), 21, 24, 89, 90 and 91 — Child Support Amendment Act 2013, s 1A and part 1 — High Court Rules 2016, r 14.6(3)(a) — Interpretation Act 1999, s 5(1) — Judicial Review Procedure Act 2016, s 16(3)(a) — New Zealand Bill of Rights Act 1990, s 27(1) — Social Security Act 1964, s 70A.

*RH v AH* – [2021] NZFLR 368

Family violence – Protection orders – Protection of others – Child of applicant’s family – Deeming provision applies without proof and irrespective of age of child living with applicant – Family Violence Act 2018, ss 86 and 87.

Family violence – Protection orders – Final – Discharge – Discharge application cannot be used to relitigate issues determined by earlier decision on temporary protection order absent appeal.

Part 8 Volume 2021 is now available online.

*Hanson v Frank* – [2021] NZFLR 375

Separation order – Parties living and working in Oman – Whether applicant domiciled in New Zealand for purposes of application – Family Proceedings Act 1980, ss 4 and 21.

*Re Toelau* – [2021] NZFLR 378

Adoption – Final adoption order – Child of Nepalese descent – Mother consenting to adoption – Mother coming from strict Bahram caste system – Risk of disinheritance if family found out about child – Welfare and best interests of child – Whether special circumstances for final adoption order – United Nations Convention on Rights of Child – Adoption Act 1955, ss 5, 10, 11, 11(b) and 11(c) – Care of Children Act 2004, s 5.

*Standring (by her litigation guardian Sandra Bürkle) v Evans* – [2021] NZFLR 385

Civil procedure – Deed of settlement – Settlement of claims – Approval of Court – Specified person – Mother suffering dementia – Step-daughter power of attorney for father – Mother claiming breach of fiduciary duties by step-daughter – Transactions prior and subsequent to father’s death – Contract and Commercial Law Act 2017, s 105 – High Court Rules 2016, rr 1.9, 4.29 and 4.37 – Protection of Personal and Property Rights Act 1988, ss 108A, 108B, 108B(3) and 108C.

*King v Police* — [2021] NZFLR 391

Family violence — Protection order — Protection order for benefit of child — No jurisdiction of sentencing court to make protection order for benefit of child — Care of Children Act 2006, s 6 — Crimes Act 1961, s 196 — Criminal Procedure Act 2011, ss 244 and 250 — Domestic Violence Act 1995, ss 3, 9, 14, 27, 48 and 81 — Family Violence Act 2018, ss 62, 63, 65, 66, 74, 91, 94, 103 and 111 — Family Violence (Amendments) Act 2018, s 64 — Interpretation Act 1999, s 5 — Oranga Tamariki Act 1989, s 11 — Sentencing Act 2002 ss 3, 7, 8, 10, 111, 123A, 123B, 123C, 123F, 123G and 123H.

*Rainey v Kwok* — [2021] NZFLR 406

Maintenance — Liability to pay maintenance — Inability to meet reasonable needs — Inability to speak English — Reasonable needs — Calculation of reasonable needs — Reasonable period to assume responsibility for supporting oneself — Delay in resolution of claim — Responsibility for delay — Family Proceedings Act 1980, ss 62, 64, 64A, 65 and 66 — Property (Relationships) Act 1976, s 18B.

*Turner v del la Varis* — [2021] NZFLR 418

Relationship property — Interim distribution — Sale of relationship property — No jurisdiction to sell property owned by third parties — Vesting relationship property in one person as interim order — Inappropriate to vest relationship property in one person — Property (Relationships) Act 1976, ss 10, 25, 33, 34 and 39.

## Procedure

### Textbooks

***Professional Responsibility in New Zealand, 2<sup>nd</sup> edition***

Matthew R S Palmer (editor)

RRP\*incl GST: ~~\$200.00~~ \$180.00 (pre-order price)

ISBN: 9781988546728

Publication Date: May 2022



### ***The Law of Costs in New Zealand***

David Bullock & Tim Mullins

RRP\*incl GST: ~~\$150.00~~ \$135.00 (pre-order price)

ISBN: 9781988546193

Publication Date: April 2022

## **Property**

### **Textbooks**

#### ***Planning Practice in New Zealand, 2<sup>nd</sup> edition***

Caroline Miller & Lee Beattie (editors)

RRP\*incl GST: ~~\$125.00~~ \$112.50 (pre-order price)

ISBN: 9781988546742 (book)

ISBN: 9781988546759 (ebook)

Publication date: March 2022

## **Succession**

### **Practical Guidance: Succession**

Law Commission recommends new succession law

## Trusts

### Textbooks

#### ***Garrow and Kelly Law of Trusts and Trustees, 8th edition***

Chris Kelly, Greg Kelly, Colette McKenzie & Kimberly Lawrence

RRP\*incl GST: ~~\$220.00~~ \$198.00 (pre-order price)

ISBN: 9781988546292 (book)

ISBN: 9781988546308 (ebook)

Publication date: March 2022

## Various

### Textbooks

#### ***Challenge and Change: Judging in Aotearoa New Zealand***

John Burrows and Jeremy Finn (editors)

RRP\*incl GST: ~~\$150.00~~ \$135.00 (pre-order price)

ISBN: 9781988546544 (book)

ISBN: 9781988546551 (ebook)

Publication date: March 2022

#### ***New Zealand Law Dictionary, 10<sup>th</sup> edition***

Peter Spiller (editor)

RRP\*incl GST: ~~\$49.00~~ \$44.10 (pre-order price)

ISBN: 9781988546735 (book)

Publication date: February 2022

***Questions and Answers: Public Law, 4<sup>th</sup> edition***

Nicholas Wood

RRP\*incl GST: ~~\$50.00~~ \$45.00 (pre-order price)

ISBN: 9781988546865 (book)

ISBN: 9781988546872 (ebook)

Publication date: March 2022

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