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LexisNexis News

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

The Laws of New Zealand on Lexis Advance Webinar – Thursday, 5th of May at 4pm

The Laws of New Zealand is an encyclopedic work providing a comprehensive comment on New Zealand law. Updated regularly it provides a reliable statement of the whole of the law of New Zealand – statutory, regulatory and judicial. Laws of New Zealand includes extensive cross-referencing to Halsbury's Laws of England and Halsbury's Laws of Australia. Authors of this prestigious work include judges, academics, and senior members of the profession. The authors give the publication its authority through their specialist and practical knowledge of New Zealand law. Attend this session to learn about the 150+ titles contained in LONZ and how to work with these efficiently during your legal research.

Duration: 60 min

Research Success on lexis Advance Webinar – Monday, 9th of May at 12pm

Become more skilled and efficient in your research. Join this session to explore effective methods of conducting searches on Advance to find commentary, legislation and case law, understand the algorithm that runs behind the scenes, and apply advanced filters to generate effective results. Learn to set up alerts and folders, share documents, and customise your publications pod and favourites to ensure that your use of the platform is meeting your research needs.

Duration: 60 min

Finding Cases, Commentary and Legislation on Lexis Advance Webinar – Tuesday, 17th of May at 1pm

Attend this session to learn how to link directly to commentary and relevant cases on every section of legislation with LexCite. Having attended this session you will better understand how CaseBase and LexCite work as case law and legislation citators, and benefit from your improved understanding of how to use Casebase to review the case summary and access other cases that have a similar facts and argument.

Duration: 60 min

Focus on Employment Law Resources on Lexis Advance Webinar – Thursday, 26th of May at 4pm

Attend this session to learn how LexisNexis's suite of employment law publications sets you up with authoritative resources to power your employment practice. You'll get insight into our range of expert employment commentary, including publications such as Mazengarb's Employment Law, the Employment Law Bulletin, the New Zealand Law Journal, Privacy Law and Practice, the Laws of New Zealand Employment titles and the Practical Guidance module on Employment. We'll also explore case law and legislation resources, including our powerful citators LexCite and CaseBase.

Duration: 60 min

Commercial

Textbook

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

Stephen Todd & Matthew Barber

RRP*incl GST: \$200.00

ISBN: 9781988546704 (book)

ISBN: 9781988546711 (ebook)

Publication date: 21 April 2022

Criminal

Abbott and Thompson District Courts Practice (Criminal)

Service 99 is now available online.

This service provides legislative updates to various legislation by the Secondary Legislation Act 2021 and Sexual Violence Legislation Act 2021.

Hall's Sentencing

Service 183 is now available online.

Commentary has been updated for Introduction: Principles of Sentencing; Sentencing Act 2002; Criminal Procedure Act 2011; Parole Act 2002; Sentencing Levels; and Appendices I, II, V and VII.

Employment

New Zealand Employment Law Reports

Part 6 Volume 18 is now available online.

Sarginson v Civil Aviation Authority — (2020) 18 NZELR 409

Health and safety — Duties — Offences — Reckless conduct in respect of duty — Duties of officers and workers — No requirement that risk to be eliminated or minimised must arise from or be connected with particular business or undertaking — No immunity because category of risk arises from activity not specific to work — Proof of failure to comply with duty under Act element of offence — Health and Safety at Work Act 2015, ss 44, 47 and 48.

Wanaka Pharmacy Ltd v McKay — (2021) 18 NZELR 453

Holidays — Calculation of holiday pay owed — Holiday entitlement — Holidays actually taken — Whether employee worked while on holiday — Nature of work undertaken — Employee answering calls and inquiries — Social media — Whether 13-year delay impacting claim — Employee's role as part owner of businesses — Interest — Employment Relations Act 2000, s 157, sch 3 and cl 14 — Holidays Act 2003, s 3(a) — Interest on Money Claims Act 2016, sch 2.

20 District Health Boards v New Zealand Nurses Organisation — (2021) 18 NZELR 465

Strike action – Public sector health workers – Code of good faith for public health sector – Patient safety – Union members lawful right to strike – Employer obligated to provide “life preserving services” during industrial action – Request by employer for assistance by union members during strike – Resolution of request – Formation and status of life preserving services agreement – Whether agreement legally binding – Availability of compliance order – Whether refusal to comply with agreement breach of Code and of duty of good faith – Union seeking “best endeavours” term in agreement – Whether refusal to enter agreement unless “best endeavours” term included was breach of obligations under Code – Jurisdiction – Employment Relations Act 2000, ss 4, 4(2), 4A, 18, 18(1), 18(3), 81(1), 81(3), 82A(2), 82B, 85, 90, 100A, 100D, 100D(2)(a), 100D(4), 137, 137(2), 149, 161, 161(1)(f), 161(1)(r), 161(1)(v), 236, 238, parts 1, 8A and sch 2 cl 1.

WN v Auckland International Airport Ltd – (2021) 18 NZELR 486

Jurisdiction – Employment Relations Authority – Interim orders – Compliance orders – Proposed termination of employee – Anticipatory breach of employment contract – Whether Employment Relations Authority’s minute containing determination – Authority’s jurisdiction to make interim orders restraining company from terminating employment – Jurisdiction to make compliance orders against anticipatory breach – Unjustifiably disadvantaged – Failure to follow fair and reasonable process – Declarations – Non-publication order – COVID-19 Public Health Response (Vaccinations) Order 2021 – Employment Relations Act 2000, ss 103A, 122, 127, 174E, 179, 179(1), 179(5), 183, part 9 and sch 3 cl 12 – Employment Relations Authority Regulations 2000, sch 1 – New Zealand Bill of Rights Act 1990.

Family

New Zealand Family Law Reports

Part 14 Volume 2021 is now available online.

GS v LM – [2021] NZFLR 673

Family violence – Final protection order – Psychological abuse – Persistently visiting residence – Threats – Dealings with family trust – Sending abusive messages when both parties overseas – Whether conduct meeting threshold for family violence – Whether final protection order necessary – Standard condition revoking firearms licence – Whether Court should have varied or removed condition – Rifle manufacturer – Whether Judge breached natural justice in conduct of hearing – Bias – Crimes Act 1961, s 6 – Criminal Procedure Act 2011, s 147 – Family Violence Act 2018, ss 11, 62(2)(a), 63, 75, 83, 111, 157, 157(2) and 159.

Blake v Blake – [2021] NZFLR 696

Relationship property – Economic disparity – Key person discount – Assessment of future personal earning capacity – Disparity based on actual earning capacity of companies – Effect of illness on earning ability – Calculation of disparity – Interest – Interest for time Court decision was reserved – Need to claim interest at outset – Family Proceedings Act 1980, s 182 – Property (Relationships) Act 1976, ss 9A and 15.

Procedure

Textbook

The Law of Costs in New Zealand

David Bullock & Tim Mullins

RRP*incl GST: \$150.00

ISBN: 9781988546193

Publication Date: 20 April 2022

Property

New Zealand Conveyancing Property Reports

Part 10 Volume 22 is now available online.

Advanced Design and Build Ltd v Porter — (2021) 22 NZCPR 742

Caveats — Application to sustain — Building contract — Equitable mortgage — Amount outstanding under contract — Whether reasonably arguable interest in property to sustain caveat — Agreement to mortgage contained in building contract — Whether contract represented caveatable agreement to mortgage — Discretion to remove caveat — Conditions on sustaining caveat — Land Transfer Act 2017.

PNL Alliance Ltd v Glenview Holiday Park Ltd — (2021) 22 NZCPR 756

Caveats — Application to sustain — Sale and purchase agreement — Purchase of holiday park business and lease of land — Amendments to agreement — Purported cancellation of agreement by vendor — Property on-sold to third party — Whether agreement cancelled for non-fulfilment of finance condition by due date — Whether amendments to agreement operated as waiver of finance condition — Part-performance by purchaser — Building work completed to meet conditions in agreement — Undertaking as to damages — High Court Rules 2016, r 7.54.

Liu v Future Sustainable Development Ltd — (2021) 22 NZCPR 767

Sale of land — Waiver — Overseas Investment Act condition — Unilateral waiver of Overseas Investment Act condition by purchaser — Whether clause able to be waived unilaterally — Condition benefitting both parties — Unilateral waiver not possible.

Sale of land — Overseas Investment Act condition — Purported avoidance by vendor — Caveat lodged by purchaser — Whether avoidance valid — Removal of caveat.

Caveats — Application for removal — Sale and purchase agreement — Purported avoidance by vendor — Purported unilateral waiver of Overseas Investment Act condition by purchaser — Whether clause able to be waived unilaterally — Vendor subsequently avoiding agreement — Whether avoidance valid — Overseas Investment Act 2005, ss 7, 8, 10(1)(a) and 12.

Whai Rawa Railway Lands LP v Body Corporate 201036 – (2021) 22 NZCPR 776

Unit titles – Administrator – Appointment of administrators over body corporate – Application for appointment by lessor – Ground rent – Non-payment of ground rent – Priority of payment of ground rent – Obligation on Body Corporate to collect ground rent – Whether body corporate is dysfunctional – Core function and responsibility of body corporate – Impropriety of conduct – Illegitimate purpose – Legislation Act 2019, s 10 – Unit Titles Act 1972, ss 28, 40 and 46 – Unit Titles Act 2010, ss 3, 84, 87, 115, 116, 117, 118, 119, 120, 141, 163 and 165 – Unit Titles Regulations 2011, reg 29.

Wila Developments (Ormiston) LP v Lu – (2021) 22 NZCPR 802

Caveats – Application for removal – Five titles to properties in subdivision – Title to property not issuing by sunset clause date – Vendor cancelling sale and purchase agreements – Purchaser and nominated purchaser lodging caveat over titles – Constructive trust – Purchaser lien – Vendor later re-selling properties – Entitlement to sustain caveat over all titles – Return of deposits – Resource Management Act 1991, s 224(c).

Body Corporate 210106 v Respondents as set out in Schedule 1 to the Application – (2022) 22 NZCPR 808

Unit titles – Cancellation of unit plan – Sale of land and division of proceeds – Apartment complex suffering weathertightness defects – Cost of repair prohibitive – Seeking to sell complex and divide proceeds between unit owners – Whether just and equitable to cancel unit plan – Rights and interests of affected parties – Appropriateness of order for sale – Property Law Act 2007, ss 339 and 342 – Unit Titles Act 2010, ss 177, 187, 188 and 188(3)(c).

Restaurant Brands Ltd v QST Ltd – (2021) 22 NZCPR 815

Leases – Interpretation – Sublease – Sublease of stratum estate – Rent valuation – Rent as per cent of value of undeveloped freehold land – Defined terms – Uncertainty in defined terms – Inferred common intention of parties – Arbitration – Leave to appeal arbitral award on question of law – Strongly arguable – Capable of serious argument – Arbitration Act 1996, sch 2 and cl 5 – Immigration Act 2009, s 245.

Textbooks

Planning Practice in New Zealand, 2nd edition

Caroline Miller & Lee Beattie (editors)

RRP*incl GST: \$125.00

ISBN: 9781988546742 (book)

ISBN: 9781988546759 (ebook)

Publication date: 10 March 2022

Student Companion: Land Law, 6th edition

Monique van Alphen Fyfe

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

ISBN: 9781988546803 (book)

ISBN: 9781988546810 (ebook)

Publication date: May 2022

Resource Management

New Zealand Resource Management Appeals

Part 3 Volume 2022 is now available online.

O’Keeffe v New Plymouth District Council – [2022] NZRMA 105

Judicial review – Resource consent – Council decision not to require limited notification of application – Redevelopment of cathedral – Whether effects on neighbouring residents would be “less than minor” – Whether Council had adequate information to make resource consent decision – Whether decision was lawfully made – Special events – Traffic consequences of special events – Alleged errors in relation to visual impact of relocation of vicarage – Resource Management Act 1991, ss 10, 92, 95A, 95B, 95B(9), 95E, 104, 104(1), 104(1)(b)(vi), 104(3)(d), 104D and 108.

Ngāti Paoa Trust Board v Heritage New Zealand Pouhere Taonga – [2022] NZRMA 124

Heritage sites – Maori Pa – Wahi tapu – Recorded archaeological site – Granting of authority to carry out exploratory investigation – Granting of archaeological authority – Whether correct to issue authorities in light of impact on sites – Rebuilding of road by Auckland Transport – Memorial park – Building of house by landowners – Consultation – Cultural heritage values – Whether applications were sufficient – Effects on archaeological values – Whether conditions appropriate – Procedural issue – Relationship of Maori and their culture with sites – Heritage New Zealand Pouhere Taonga Act 2014, ss 3, 4, 6, 26, 42, 42(1), 44, 44(a), 44(b), 45, 45(2), 46(2), 46(2)(g), 47(5), 48, 56, 56(1)(b), 56(2), 56(3)(a), 59(1) and part 3 sub-part 2 – Historic Places Act 1993, s 84 – Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 – Resource Management Act 1991, s 270.

Poutama Kaitiaki Charitable Trust v Heritage New Zealand Pouhere Taonga – [2022] NZRMA 140

Archaeological site – Archaeological authority to modify or destroy site – Appeal against granting of archaeological authority – Tangata whenua status – Works to remove redundant section of Kāpuni gas pipeline – Statutory framework – Whether holding tangata whenua status over site – Whether should have been consulted – Whether “directly affected” party – Disturbance of wāhi tapu/mokos grave – Heritage New Zealand Pouhere Taonga Act 2014, ss 3, 4, 4(c), 4(d), 6, 6(e), 42(1), 44(b), 46, 47(5), 48, 49, 50, 51, 52, 58 and 59(1) – Resource Management Act 1991.

Succession

Practical Guidance: Succession

Latest legal updates

Brother fails in High Court application that his deceased sister’s house should go to him and not to the Catholic Church

Court orders brother to share inherited Māori land with his sisters

Trusts

Practical Guidance Trusts

Latest legal update

Transferring residential property out of trust can reset the bright-line test

Textbook

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

Chris Kelly, Greg Kelly, Colette McKenzie & Kimberly Lawrence

RRP*incl GST: \$220.00

ISBN: 9781988546292 (book)

ISBN: 9781988546308 (ebook)

Publication date: 3 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: April 2022

Questions and Answers: Public Law, 4th edition

Nicholas Wood

RRP*incl GST: \$50.00

ISBN: 9781988546865 (book)

ISBN: 9781988546872 (ebook)

Publication date: 23 March 2022

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