

Issue 527 | 11 July 2022

LexisNexis News

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

### **Research success with Lexis Advance Webinar – Tuesday, 12th of July at 4pm**

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

### **Focus on Environmental Law Resources on Lexis Advance Webinar – Tuesday, 19th of July at 1pm**

In this session we will focus on LexisNexis' Environmental and Resource Management Law resources, including Practical Guidance, compiled by expert practitioners in their field. Attendees will learn how to work with content in the encyclopedic work Environmental Resource Management Law, comprehensively reviewed by Derek Nolan QC and will gain an understanding of the relevant chapters of the Laws of New Zealand on resource management and climate change, which include leading cases on the subject. In addition, attendees will become familiar with constructing search terms, setting up alerts and folders and saving annotations to enable the most effective and efficient use of available LexisNexis resources when conducting legal research. Duration: 60 min

### **Using Practical Guidance Webinar – Thursday, 21st of July at 1pm**

In Practical Guidance you can find straightforward guidance written by experts in different areas of law. Practical Guidance links you to relevant cases and legislation, forms, checklists and precedents, as well as extracts from the key texts LexisNexis publishes in that area. Attend this session to understand the use and benefits of Practical Guidance modules for your everyday research. Duration: 45 min

## Commercial

### Textbook

#### ***Consumer Law in New Zealand*, 3rd edition**

Kate Tokeley & Victoria Stace (editors)

RRP\*incl GST: ~~\$160.00~~ \$144.00 (pre-order price)

ISBN: 9781988546780 (book)

ISBN: 9781988546797 (ebook)

Publication date: August 2022

## Criminal

#### **Abbott and Thompson District Courts Practice (Criminal)**

Service 100 is now available online.

The Arms Act 1983, Criminal Procedure Act 2011, Criminal Procedure Rules 2012, Films, Videos, and Publications Classification Act 1993, Oranga Tamariki Act 1989, and Search and Surveillance Act 2012 have been updated. Commentary has been updated for the Oranga Tamariki Act 1989 and Search and Surveillance Act 2012. An updated index has been included.

#### **Becroft and Hall's Transport Law**

Service 211 is now available online.

Legislative amendments have been made to the Government Rounding Powers Act 1989, Land Transport (Road User) Rule 2004, Motor Vehicle Sales Act 2003, Road User Charges Act 2012, and Search and Surveillance Act 2012. Commentary regarding the Land Transport Act 1998, New Zealand Bill of Rights Act 1990, and Sentencing Principles and Practice has been updated. An updated index has been included.

## **Garrow and Turkington's Criminal Law**

Service 178 is now available online.

The Criminal Procedure Act 2011, Criminal Procedure Rules 2012, Evidence Regulations 2007, Search and Surveillance Act 2012, and Supreme Court Rules 2004 have been updated. Commentary has been updated for the Search and Surveillance Act 2012 and Appendix 5 – Mens rea. An updated index has been included.

## **Employment**

### **Mazengarb's Employment Law**

Service 270 is now available online.

This service includes updates to Part 2: Preliminary provisions, and Part 9: Personal grievances, disputes, and enforcement of the Employment Relations Act 2000. Under the Health and Safety at Work Act 2015 guidecard, 11 Regulations have been removed from hardcopy. These are still available online.

### **Personal Grievances**

Service 89 is now available online.

This service includes updates to Chapter 2: The grievance process, Chapter 5: Grounds for dismissal, Chapter 6: Aspects of substantive fairness, and Chapter 11: Remedies.

### **New Zealand Employment Law Reports**

Part 8 Volume 18 is now available online.

## Family

### New Zealand Family Law Reports

Part 18 Volume 2021 is now available online.

*Giles v Winkler* — [2021] NZFLR 854

Parenting order — Day-to-day care — Final order — Order preventing removal of children — Protection order — Father violent — Mother leaving South Africa with children to live in New Zealand — Father living in South Africa — Psychological, physical and sexual abuse of mother — Safety of children — Welfare and best interests of children — Views of children — Supervised contact conditions with father — Children's habitual residence recorded as New Zealand — Care of Children Act 2004, ss 4, 5, 6, 77 and 188(2) — Family Violence Act 2018.

Family violence — Protection order — Father violent — Mother leaving South Africa with children to live in New Zealand — Father living in South Africa — Psychological, physical and sexual abuse of mother — Safety of children — Welfare and best interests of children — Views of children — Family Violence Act 2018.

*Mercer v McDaniel* — [2021] NZFLR 860

Practice and procedure — Discovery — Non-party discovery — Child interviews — Expert opinion evidence — Oranga Tamariki — Confidential information — Privacy — Probative value — Opinion rule — Care of Children Act 2004, ss 5, 5(a), 131A and 132 — Evidence Act 2006, ss 4, 5, 7, 8, 23, 24, 25, 53, 68, 69, 69(2), 69(3) and 69(4) — Evidence Regulations 2007 — Family Court Act 1980, s 11D — Family Court Rules 2002, r 143.

*Shu v Huang* — [2021] NZFLR 867

Guardians — Guardianship — Removal of father as guardian — Unwilling to perform duties as guardian — No contact with child for 10 years — Necessity for order — No prejudice if order made — Best interests and welfare of child for order to be made — Domicile — Domicile in New Zealand — Applicant temporarily resident outside New Zealand — Intention to return and remain in New Zealand — Care of Children Act 2004, ss 5, 15, 16, 29 and 126 — Domicile Act 1976, ss 6, 7, 8 and 9.

*McLaughlin v Raymond* — [2021] NZFLR 880

Child support — Estimated income — Estimated income triple actual income — Administrative review — Fair and just that child support be assessed on actual income — Child Support Act 1991, ss 104, 106 and 125.

*Goldstone v Goldstone (as administrator of the estate of Reece Clive Goldstone)* – [2021] NZFLR 883

Bankruptcy – Vesting order – Competing claims – Official assignee disclaiming property – Property formerly family home – Proceedings in Family Court for division of relationship property – Whether property should vest jointly or vest in husband only – Fairness test – Husband dying after High Court proceedings – Estate carrying on claim to property – Jurisdiction of Family Court in respect of property for relationship property proceedings – Fair outcome – Approach to appeal – Application to adduce further evidence – Administration Act 1969 – Insolvency Act 2006, ss 117(1), 119, 119(2) and 119(3) – Property (Relationships) Act 1976, s 9(4).

## Intellectual Property

### Textbook

***Internet.law.nz – selected legal issues for the digital paradigm*, 5th edition**

Dr. David Harvey

RRP\*incl GST: ~~\$180.00~~ \$162.00 (pre-order price)

ISBN: 9781988546919 (book)

ISBN: 9781988546926 (ebook)

Publication date: October 2022

## Procedure

### Textbooks

***The Aotearoa New Zealand Legal System: Structures & Processes*, 7th edition**

Jacinta Ruru, Paul Scott & Duncan Webb

RRP inc GST: ~~\$100.00~~ \$90.00 (pre-order price)

ISBN: 9781988546650 (book)

ISBN: 9781988546667 (ebook)

Publication date: June 2022

## ***Law of Societies in New Zealand, 4th edition***

Mark von Dadelszen

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

ISBN: 9781988546476 (book)

ISBN: 9781988546483 (ebook)

Publication date: November 2022

## **Property**

### **Hinde McMorland & Sim Land Law**

Service 86 is now available online.

This service includes updates to: ch 8 The land transfer system; ch 9 Title by registration; ch 13 Concurrent interests in land; ch 15 Land as security: mortgages and other charges; ch 17 Covenants affecting freehold land and ch 19 Capacity to own and deal with land.

### **Conveyancing Bulletin**

Volume 20 issue 4 is now available online.

This issue includes comment on recent key judgments in the areas of caveats, landlord and tenant, mortgages and sale of land.

### **New Zealand Conveyancing and Property Reports**

Part 12 Volume 22 is now available online.

*Luo v Shiu* — (2021) 22 NZCPR 911

Sale of land — Misrepresentation — Fraudulent misrepresentation — Misleading and deceptive conduct — Qualifying misrepresentation — Damages — Affirmation of contract — Mitigation of loss — Damages to put party back in position that they would have been in — No expectation damages — Contractual and Commercial Law Act 2017, ss 2 and 35 — Contractual Remedies Act 1976, s 6 — Fair Trading Act 1987, ss 9, 43 and 45 — Interest on Money Claims Act 2016, ss 9 and 10.

*Landmark Property Holdings Ltd v Shen Empire Ltd* – (2022) 22 NZCPR 947

Unit titles – Positive covenants – Covenants containing rules for unit title development – Covenant determining apportionment of levies and outgoings – Rules ultra vires Unit Titles Act – Rules relating to legal interest and enjoyment of that interest – Fair and equitable – Property Law Act 1952, ss 62, 126 and 126A – Property Law Act 2007, ss 307, 307A, 307B, 307C, 307D, 307E, 307F, 317 and 367 – Unit Titles Act 1972, ss 3, 4, 37, schs 2 and 3 – Unit Titles Act 2010, ss 72 and 220.

*Tempest Litigation Funders Ltd v Zhang* – (2022) 22 NZCPR 965

Leases – Assignment – Deemed – Application to set aside judgment – Liability for breaches of lease – Change in tenant company's shareholding – Whether change constituted assignment of lease from company to shareholders – Whether new shareholders personally liable for breaches of lease – Non-payment of rent and rates – Failing to maintain premises – Whether substantial ground of defence – Failing to take steps earlier – Whether irreparable harm caused if judgment set aside – High Court Rules 2016, r 15.10.

*Winiata v Steedman* – (2022) 22 NZCPR 976

Profit à prendre – Breach of terms – Application to strike out counterclaim claiming damages for lost profits – Plaintiffs submitted lost profits unrecoverable by counterclaimants because agreement expressly excluded liability for indirect or consequential loss – Consideration of status of second limb of *Hadley v Baxendale* in New Zealand – Application dismissed – High Court Rules 2016, r 15.1.

*NDM Construction Ltd v North Ridge Living No 3 Ltd* – (2022) 22 NZCPR 985

Sale of land – Subdivision consent – Agreement conditional on obtaining – Whether reasonable steps taken to obtain consent – Complex development – Short period of time in which to obtain consent – Evidence of steps taken to obtain consent – No caveat clause – Purpose of no caveat clause – Caveat lodged to protect interest in land – No relevant prejudice if caveat remained – Land Transfer Act 2007, s 143.

## **Textbook**

### ***Student Companion: Land Law, 6th edition***

Monique van Alphen Fyfe

RRP\*incl GST: \$50.00

ISBN: 9781988546803 (book)

ISBN: 9781988546810 (ebook)

Publication date: 31 May 2022

## **Resource Management**

### **New Zealand Resource Management Appeals**

Part 4 Volume 2022 is now available online.

*Port Otago Ltd v Environmental Defence Society Inc* — [2022] NZRMA 165

Regional policy statement — Avoidance policies — King Salmon — Areas of outstanding natural character — Operation of ports — Ports policy — New Zealand Coastal Policy Statement 2010 requiring adverse effects in areas of outstanding natural character be “avoided” — Whether proposed regional policy statement giving effect to Coastal Policy Statement — Proposed regional policy statement providing adverse effects be “avoided, remedied or mitigated” — Effect of King Salmon — Environmental bottom lines — Whether potential for adverse effects to arise contrary to avoidance policies — Resource Management Act 1991, ss 5, 5(2), 6, 32(1)(b)(i), 57, 62(1), 62(3), 63(2), 67, 67(3)(b), 67(3)(c), 87A, 104(1), 104D, 293, parts 2 and 6.

*Ulrich v Attorney-General* — [2022] NZRMA 196

Caveat — Application that caveat not lapse — Whether caveatable interest — Land gifted to Crown for Māori school — Land no longer needed by Crown — Disposal of land to former owners of land — Former owners deceased — Successor offer-back — “Successor” — History of legislation — Māori freehold land — Tikanga — Whenua Māori — Treaty of Waitangi/Te Tiriti o Waitangi — Lands Clauses Consolidation Act 1863, s 100 — Land Transfer Act 2017, s 143(4) — Māori Affairs Act 1953, s 436 — Native Purposes Act 1943, ss 7 and 9 — Public Works Act 1894, s 29(2) — Public Works Act 1908, s 30(b) — Public Works Act 1928, ss 35 and 35(b) — Public Works Act 1981, ss 40, 40(2), 40(5), 41, 41(1), 42, 42(1) and 41(2)(e) — Public Works Amendment Act 1954, s 4(1) — Public Works Acts Compilation Act 1905, s 30(b) — Te Ture Whenua Māori Act 1993, s 134.



Public works — Successor offer-back — Land gifted to Crown for Māori school — Land no longer needed by Crown — Disposal of land to former owners of land — Former owners deceased — “Successor” — Caveatable interest — History of legislation — Māori freehold land — Tikanga — Whenua Māori — Treaty of Waitangi/Te Tiriti o Waitangi — Lands Clauses Consolidation Act 1863, s 100 — Land Transfer Act 2017, s 143(4) — Māori Affairs Act 1953, s 436 — Native Purposes Act 1943, ss 7 and 9 — Public Works Act 1894, s 29(2) — Public Works Act 1908, s 30(b) — Public Works Act 1928, ss 35 and 35(b) — Public Works Act 1981, ss 40, 40(2), 40(5), 41, 41(1), 42, 42(1) and 41(2)(e) — Public Works Amendment Act 1954, s 4(1) — Public Works Acts Compilation Act 1905, s 30(b) — Te Ture Whenua Māori Act 1993, s 134.

Māori land — Public works — Caveatable interest — Land gifted to Crown for Māori school — Land no longer needed by Crown — Disposal of land to former owners of land — Former owners deceased — Successor offer-back — “Successor” — History of legislation — Māori freehold land — Tikanga — Whenua Māori — Treaty of Waitangi/Te Tiriti o Waitangi — Lands Clauses Consolidation Act 1863, s 100 — Land Transfer Act 2017, s 143(4) — Māori Affairs Act 1953, s 436 — Native Purposes Act 1943, ss 7 and 9 — Public Works Act 1894, s 29(2) — Public Works Act 1908, s 30(b) — Public Works Act 1928, ss 35 and 35(b) — Public Works Act 1981, ss 40, 40(2), 40(5), 41, 41(1), 42, 42(1) and 41(2)(e) — Public Works Amendment Act 1954, s 4(1) — Public Works Acts Compilation Act 1905, s 30(b) — Te Ture Whenua Māori Act 1993, s 134.

Part 5 Volume 2022 is now available online.

*Samson Corporation Ltd v Auckland Council* — [2022] NZRMA 217

Public works — Acquisition — Compensation — Auckland rail link — Underground tunnels passing beneath properties — Council acquiring rights to portion of land under properties — Restrictive covenant — Assessment of compensation — Overall approach — Waterview decision — Injurious affection — Diminution of property value — Liberality — Public Works Act 1981, ss 60, 62, 62(1)(b)(ii), 66, 89, 91(1) and 237 — Railways Act 2005, s 73 — Resource Management Act 1991, ss 166, 176, 178 and 179.

*Clutha District Council v Otago Regional Council* — [2022] NZRMA 242

Resource consent — Duration of consent — Taking water from river for distribution to rural and urban destinations — Controlled activity — Use of water — Significant portion of water used by dairy farms for washing down dairy sheds — Whether potential effects of end use of water relevant consideration in determining appropriate duration — Potential for contamination from use of water for dairy shed wash — Whether relevant consideration in deciding to limit duration — Consideration of planning documents — Whether failing to apply relevant authorities for longer duration — Resource Management Act 1991, ss 5, 15, 31, 32, 87A(2), 104, 104(1)(b)(iii), 128, 290(1) and 290(2).

## Various

### Textbooks

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

John Burrows and Jeremy Finn (editors)

RRP\*incl GST: \$150.00

ISBN: 9781988546544 (book)

ISBN: 9781988546551(ebook)

Publication date: 9 May 2022

#### ***New Zealand Women's Law Journal – Te Aho Kawe Kaupapa Ture a ngā Wāhine Special Edition – AUT Law School and NZWLJ Symposium "Law and Gender: Beyond Patriarchy", Volume 6 2022***

NZWLJ Trust (editors)

RRP\*incl GST: \$30.00

ISBN: NZWLJ2022VOL6 (book)

Publication date: 30 June 2022

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