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LexisNexis News

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

Getting Started with Lexis Advance® Webinar – Wednesday, 16th of November at 12pm

In this session we provide an orientation to Lexis Advance. Learn to harness the power of the Lexis Advance search engine to find commentary, case law, legislation, forms and precedents, and practical guidance on all different areas of law. This session will enable you to find what you need quickly and save you time. Duration: 60 min

Focus on Property Law Resources on Lexis Advance Webinar – Tuesday, 22nd of November at 1pm

Attend this session and find out how to access commentary, case law and legislation on the ever-changing landscape of New Zealand land law and get up to date with the relevant resources available in Lexis Advance. As well as enabling you to carry out more effective research, we will take you through the key LexisNexis works in this area including Hinde McMorland and Sims's Land Law in New Zealand, Adam's Land Transfer and the Practical Guidance Property Law module. In addition, you will learn to set up alerts on relevant topics and publications and keep track of your documents for future reference to save you valuable time. Duration: 60 min

Focus on Civil Litigation Resources on Lexis Advance Webinar – Tuesday, 22nd of November at 4pm

Improve your research skills and save time using Lexis Advance. Attend this session to review specific resources of relevance to Civil litigators including District and High Court Rules, Abbott and Thompson District Courts Practice and New Zealand's leading law report series, the New Zealand Law Reports. Duration: 60 min

Commercial

Company and Securities Law Bulletin

Issue 6 of 2022 is now available online.

This issue includes headnotes on notable, recent commercial cases including *Du Val Capital Partners Ltd v Financial Markets Authority* and *Criffel Deer Ltd v ANZ Bank New Zealand Ltd*.

Commercial Law in New Zealand

Service 76 is now available online. This service includes updated commentary on fair trading, specific contracts, insolvency, dispute resolution and secured transactions and hire purchase.

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: December 2022

Criminal

Textbooks

Questions and Answers: Criminal Law, 5th edition

Dr Brenda Midson

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

ISBN: 9781988546766 (book)

ISBN: 9781988546773 (ebook)

Publication date: February 2023

Crimes Act 1961, 26th edition

LNNZ

RRP*incl GST: ~~\$65.00~~ \$58.50 (pre-order price)

ISBN: 9781988546643 (book)

Publication date: December 2022

Employment

Mazengarb's Employment Law

Service 273 is now available online

This service includes updates to the Holidays Act 2003; the Policing Act 2008; the Health and Safety at Work Act 2015; and the Smokefree Environments and Regulated Products Act 1990.

Practical Guidance: Employment

Latest Legal Update

Fair Pay Agreements Bill passes final reading in Parliament

Family

Practical Guidance: Family

Latest Legal Updates

Mother who won significant ruling in Hague Convention case continues legal fight

High Court Judge rules on which school child should attend

Campaign to change New Zealand's "brutal" Family Court

Family lawyer says abusive messages through bank transfers have become "increasingly common"

New Zealand Family Law Reports

Parts 3-4 Volume 2022 is now available online.

Newton v Family Court at Auckland – [2022] NZFLR 102

Care of children – Judicial review – Judicial review of interim decision under Care of Children Act 2004 – Views of child – When views of child required to be taken into account – Judicial review of order to obtain psychologist's report – Judicial review available only in rare cases – Bias – Predetermination – Fair-minded layperson test – Efficiency and experience not predetermination – Lawyer for children – Reports by lawyer for children not judicially reviewable – Removal of documents from court record – Evidence – Expert evidence – Expert opinion about New Zealand law inadmissible – Care of Children Act 2004, ss 3, 4, 5, 6, 7, 7AA, 47, 48, 133, 134, 139 and 143 – Children's Commissioner Act 2003, s 12 – Evidence Act 2006, ss 6 and 25 – Family Court Act 1980, ss 9B, 11B, 11C and 12A – Judicial Review Procedure Act 2016, ss 4 and 5 – Family Court (Supporting Children

in Court) Legislation Act 2021, s 2 – Public Records Act 2005, s 17 – Family Court Rules 2002, rr 416X, 416Z and 416ZA.

McHugh v McHugh – [2022] NZFLR 168

Guardianship – Special guardianship orders – Correct approach to special guardianship of tamariki Māori – Maternal grandparents – Principles, purposes and directives of Oranga Tamariki Act 1989 – Whether failing to apply paramountcy principle properly – Effect of special guardianship – Lack of any paternity identity – Best interests of child – Need for cultural report on child's needs and interests – Care of Children Act 2004, ss 27 and 48 – Children, Young Persons, and Their Families Act 1989, ss 67, 110 and 110(1) – District Court Act 2016, ss 124, 126, 127, 128 and 129 – High Court Rules 2016, r 20.18 – Oranga Tamariki Act 1989, ss 4(1)(g), 4(1)(h), 4A, 5, 5(1)(b), 5(1)(c), 7, 7(2)(c)(iv), 7AA, 7AA(2)(b), 13, 13(2), 13(2)(b)(ii), 13(2)(j)(ii), 13(2)(j)(iii), 78, 83, 101, 110(2), 110(4), 113A, 113A(1), 113A(1)(a), 113A(1)(b), 113B, 125, 341, 346, 388A(1), 388A(2) and 396 – Treaty of Waitangi/te Tiriti o Waitangi – United Nations Convention on the Rights of the Child, art 9.3.

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: November 2022

Property

New Zealand Conveyancing and Property Reports

Part 3 Volume 23 is now available online.

Forster (as trustees of the Link Trust (No 1)) v Haines – (2022) 23 NZCPR 163

Caveats – Application that caveat not lapse – Fraud – Indefeasibility – Intertwining of personal and business affairs – Guarantee over loans – Property used as security – Second mortgage over property – Mortgagee sale – Mortgagor requesting mortgagee to transfer mortgage to nominated person – Transactions entered into to avoid first mortgagee exercising power of sale – Transactions ultimately prejudicing applicants – Fiduciary relationship – Property Law Act 2007, ss 102, 119, 121, 121(2)(d), 178(1)(e) and 178(2).

Practice and procedure – Interim injunction – Fraud – Seeking to restrain disposal of property or security arrangement being entered into in respect of property – Whether serious question to be tried – High Court Rules 2016, r 7.54.

Sutich v Granich – (2022) 23 NZCPR 180

Caveats – Application that caveat not lapse – Auction – Whether contract formed at auction – Post auction negotiations with agent – Only auctioneer having authority to bind vendor – Part performance – Attempt to pay deposit not part performance – Estoppel – Vendor not estopped from refusing to sign contract based on oral statements from agent – Fair Trading Act 1986, ss 36X, 36ZA and 36ZE – Property Law Act 2007, s 24.

Van Der Byl v Van Der Byl – (2022) 23 NZCPR 195

Co-owners – Division of property – Purchase or sale of property – Hardship – Elderly mother and son co-owners of property – Mother living in property – Son living in Australia in straitened circumstances – Son wishing to extract capital from property – Son's interest in property – Personal circumstances of mother and son – Emotional toll on mother leaving property – Mandatory factors – Lost rental – Occupation fee – Property Law Act 2007, ss 342, 342(d) and 343.

Milne (as trustees of the Great Chelsea Garden Trust) v Brownlee – (2022) 23 NZCPR 207

Caveats – Unit titles – Subdivision of accessory units from principal unit – Subsidiary unit title development – Arguable case – Special resolutions of body corporate – Relief against decision by special resolution – Discretion – Legitimate interests – Land Transfer Act 2017, s 143 – Public Works Act 1981, s 18 – Unit Titles Act 2010, ss 4, 5, 20, 53, 65, 68, 98, 208, 210, 211, 212, 213, 214, 215 and 216.

BA Trustees Ltd v Druskovich – (2022) 23 NZCPR 221

Easements – Right of way – Trespass – Breach of use of right of way – Three adjacent lots of land – Access to Lot 2 – Whether right of way allowing access to Lot 2 – Expired right of way allowing access to Lot 2 – Whether current right of way used to access Lot 2 in breach – Declaration – Injunction – Costs – High Court Rules 2016, r 14.6 – Property Law Act 1952, s 129B.

Titterton v Dynasty Capital Ltd – (2022) 23 NZCPR 229

Caveats – Application to sustain caveat – Sale and purchase agreement – Land and building package – Vendor purporting to cancel agreement through sunset clause – Whether vendor breaching obligation to take reasonable steps to complete construction – Delay in obtaining code compliance – Reasons for delay – Vendor raising issues of delay shortly after commencing building – Whether delays in code compliance due to breach of vendor obligations – Entitlement to invoke sunset clause.

Kahu v Westpac New Zealand Ltd – (2022) 23 NZCPR 239

Trusts – Rent-to-buy property agreement – Transfer of title – Property owned by company removed from Companies Register – Whether property held by company on trust at time removed from Companies Register – Whether title able to be transferred – Inherent jurisdiction of High Court – Trusts Act 2019, ss 8(1) and 8(2) – Trustee Act 1956, s 52(1)(h).

Resource Management

New Zealand Resource Management Appeals

Part 9 Volume 2022 is now available online.

Minister of Conservation v Mangawhai Harbour Restoration Society Inc – [2022] NZRMA 424

Standards, policy statements and plans – National environmental standards – Freshwater – Proper approach to construction of standards – Whether Freshwater Standards apply to all “natural wetlands” in coastal marine area – Resource Management Act 1991, ss 6, 12, 43, 43A and 80A – Resource Management (National Environmental Standards for Freshwater) Regulations 2020.

Aotearoa Water Action Inc v Canterbury Regional Council – [2022] NZRMA 451

Resource consent – Use of water – Water bottling – Regional plan – Whether consent to “use” water could be granted without associated application to take water for same use – Historical take and use consents granted for freezing works and wool scour – Use consent changed to bottling water – New use consent amalgamated with existing take consent – Whether lawful to grant consent for water bottling activities without granting new consents to take water – Whether water bottling involving “use” of water – “Water” – Whether applications for take and use to be considered together – Effects on cultural values arising from water bottling activity – Water fully allocated in relevant catchment – Resource Management Act 1991, ss 14, 14(2), 14(3)(a), 15(1), 15B, 30, 30(1)(e), 30(1)(f), 42A, 87, 88, 95A, 95B, 105, 127, 136, 136(2)(a), 136(3), part 5 sub-part 3 and sch 4 cl 6(1) – Water and Soil Conservation Act 1967, s 21(3).

Succession

Practical Guidance: Succession

Latest Legal Update

Sisters who claimed to be abused by their father rejected his will

Trusts

Textbook

Nevill's Law of Trusts, Wills and Administration, 14th edition

Dr Lindsay Breach

RRP inc GST: ~~\$200.00~~ \$180 (pre-order price)

ISBN: 9781988598017 (book)

ISBN: 9781988598024 (ebook)

Publication date: January 2023

Various

Textbook

New Zealand Women's Law Journal – Te Aho Kawe Kaupapa Ture a ngā Wāhine, Volume 7

NZWLJ Trust

RRP inc GST: \$30.00

ISBN: NZWLJ2022VOL7 (book)

Publication date: November 2022

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