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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, 17th of May 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 Employment Law Resources on Lexis Advance Webinar – Monday, 22nd of May at 12pm

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

Finding Case law and Commentary with CaseBase and LexCite Webinar – Tuesday, 23rd of May at 12pm

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

Research Success with Lexis Advance Webinar – Monday, 29th 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

Commercial

Practical Guidance Business

Latest Legal Updates

MyMahi appeals for accessible banking for teenagers

ASB warns Kiwis that recession could go longer than expected

business.govt.nz provides guidance on employers' responsibilities for Fair Pay Agreement

Commerce Commission takes legal actions against Bachcare over cancellation policies

Government implements additional measures in improving credit access safety

Criminal

Textbook

Questions and Answers: Criminal Law, 5th edition

Dr Brenda Midson

RRP*incl GST: \$50.00

ISBN: 9781988546766 (book)

ISBN: 9781988546773 (ebook)

Publication date: 21 March 2023

Employment

Mazengarb's Employment Law

Service 275 is now available online

This service includes updates on the following Parts of the Employment Relations Act 2000 commentary: Part 1: Key provisions; Part 2: Preliminary provisions; Part 5: Collective bargaining; Part 8: Strikes and lockouts; Part 9: Personal grievances, disputes and enforcement; and Part 9A: Additional provisions relating to enforcement of employment standards. Other areas updated in this service are: the Minimum Wage Act 1983; Wages Protection Act 1983; Equal Pay Act 1972; and the Health and Safety at Work Act 2015.

New commentary has been created for Parts 1 and 2 of the Fair Pay Agreements Act 2022, as well as an Introduction to the Act. There is also new commentary for the Fair Pay Agreements Regulations 2022.

New Zealand Employment Law Reports

Part 11 Volume 18 is now available online.

E Tū Inc v Mount Cook Airline Ltd — (2022) 18 NZELR 814

Minimum wage — Overnight stay — Part-time airline cabin crew — Absence from home — Whether working overnight while away from home — Constraints on employees while away — Duties or responsibilities to perform — Benefits to employer — Minimum Wage Act 1983, s 6.

Minimum wage — Statutory interpretation — Minimum Wage Order — Whether part-time cabin crew salary complying with minimum wage legislation — Pro-rata salary — History of legislation — Unit of time — Declarations — Industrial Conciliation and Arbitration Amendment Act 1936, s 3 — Minimum Wage Act 1983, ss 6 and 7(2) — Minimum Wage Amendment Act 1947 — Minimum Wage Order 2021, cl 4.

NZDSOS Inc v Minister for COVID-19 Response — (2022) 18 NZELR 833

Bill of rights — Limit upon fundamental rights — Order imposing mandate upon workers in health and disability, and education, sectors that they be vaccinated against COVID-19 — Order promulgated during prevalence of Delta variant and before emergence of Omicron variant — Order limited right to refuse medical treatment — Limit on that right demonstrably justified — New Zealand Bill of Rights Act 1990, ss 5 and 11 — COVID-19 Public Health Response Act 2020 — COVID-19 Public Health Response (Vaccinations) Order 2021 — COVID-19 Public Health Response (Vaccinations) Amendment Order (No 3) 2021.

Southern Pallet Recycling Ltd v WorkSafe New Zealand – (2022) 18 NZELR 873

Health and safety at work – Appeal against conviction – Miscarriage of justice – Officially-induced error of law – Failing to ensure health and safety of workers – Safe use of saw – Saw cutting off employee's hand – Whether abuse of process to pursue charge – WorkSafe previously approving machinery subject of charge – Whether officially-induced error should be recognised as grounds for staying prosecution – Criminal Procedure Act 2011, ss 147 and 232 – Health and Safety at Work Act 2015, ss 36(1)(a), 48(1) and 48(2)(c).

Criminal procedure – Appeal against conviction – Miscarriage of justice – Officially-induced error of law – Whether officially-induced error should be recognised as ground for staying prosecution – Criminal Procedure Act 2011, ss 147 and 232.

Sandhu v Gate Gourmet New Zealand Ltd – (2021) 18 NZELR 889

Wages – Minimum wage – Whether minimum wage only payable for time actually worked – Deductions from wages for time lost – Whether minimum wage payable for hours agreed to be worked but not worked at direction of employer – COVID-19 pandemic – Agricultural Workers Act 1936, ss 14(1) and 14(5) – Employment Relations Act 2000, s 137 – Holidays Act 2003 – Minimum Wage Act 1983, ss 6 and 7(2) – Minimum Wage Act 1945, ss 2(1) and 2(5) – Minimum Wage-Fixing Machinery Convention 1928.

Family

New Zealand Family Law Reports

Part 6 is now available online.

Osterhaus v Maulalo – [2022] NZFLR 251

Family violence – Protection order – Final protection order application – Adjournment application – Respondent facing criminal charges – Prejudice to respondent – Self-incrimination – Whether evidence given in present hearing could be used against respondent in criminal hearing – Waiver – Domestic Violence Act 1995 – Evidence Act 2006, ss 60, 60(1), 60(2), 65 and 65(3).

NA v LO – [2022] NZFLR 253

Personal rights – Jurisdiction to order person to be provided with medical treatment – Application made for order that Court provide consent to termination of pregnancy of woman who lacked capacity to give that consent herself – Proper approach to exercise of power to make order – Protection of Personal and Property Rights Act 1988, s 10(1)(f).

Hudson v Gough – [2022] NZFLR 269

Relationship property – Family home – Sale of family home – Purchase at agreed value – Special association with home – Parties unlikely to agree on sales process – Clean break principle – Occupation rent – Delays in obtaining division of relationship property – Low interest rates – Vehicles – Value of vehicles – Market value not trade in value – Post separation contributions – No double recovery where child support has been assessed – Property (Relationships) Act 1976, ss 2G, 18, 18B, 25 and 33.

Almarzooqi v Salih (Proper Law of Contract) – [2022] NZFLR 282

Marriage – Contract of marriage – Sharia law – Payment of Mahr – Conflict of laws – Proper law of contract – Place marriage contract was solemnised – Breach of marriage contract – Federal Law No 28 of 2005 on Personal Status, arts 117, 118, 119 and 120.

Mitchell v R – [2022] NZFLR 291

Family violence – Protection order – Breach and attempted breach of protection order – Appeal against conviction and sentence – 80 previous similar convictions – Letters sent from prison and received by protected persons – Other letters intercepted by prison mail system – Knowledge of protection order – Whether consent to contact by protected person – Knowledge of letters by person initially protected – Lack of evidence from person initially protected – Sentence close to maximum – Lack of remorse – Effect on victims – Persistently failing to comply with Court order – Propensity evidence – Domestic Violence Act 1995, ss 19 and 20 – Family Violence Act 2018, ss 90, 91(1), 94(1) and 96 – Sentencing Act 2002, s 8(d).

Mitchell v R – [2022] NZFLR 302

Family violence – Protection order – Application for leave to appeal – Breach and attempted breach of protection order – Appealing against conviction and sentence – Fact specific – Numerous previous convictions – Whether of general or public importance – Whether substantial miscarriage of justice – Sentence close to maximum – Evidence Act 2006, s 139 – Sentencing Act 2002, ss 8(d), 8(g), 10A, 83, 84 and 85.

Practical Guidance Family

Latest Legal Update

Justice Minister Kiri Allan introduces bill to prevent litigation abuse in family litigation proceedings

Intellectual Property

Practical Guidance Intellectual Property

Latest Legal Updates

Resale Royalty Right for visual artists on the horizon

Clarity on trade mark law from High Court

Commerce Commission publishes guidelines

Procedure

Textbook

Insurance Claims in New Zealand, 2nd edition

Paul Michalik & Chris Boys

RRP inc GST: \$160.00

ISBN: 9781988598192 (book)

ISBN: 9781988598208 (ebook)

Publication date: 3 April 2023

Property

Adams' Land Transfer

Service 108 is now available online

This service includes updates to the following Parts of the Land Transfer Act 2017: Part 2 Land title and registration – Subpart 1 Land title register; Part 3 Dealings in estates and interests in land – Subpart 2 Leases, Subpart 3 Mortgages and Subpart 7 Caveats.

Textbook

McMorland on Easements, Covenants and Licences, 5th edition

D W McMorland

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

ISBN: 9781988598550 (book)

Publication date: May 2023

Public Law

Textbook

Electoral Law in Aotearoa New Zealand, 3rd edition

Andrew Geddis

RRP inc GST: ~~\$165.00~~ \$148.50 (pre-order price)

ISBN: 9781988598031 (book)

ISBN: 9781988598048 (ebook)

Publication date: June 2023

Resource Management

New Zealand Resource Management Appeals

Part 2 is now available online.

Poutama Kaitiaki Charitable Trust v Heritage New Zealand Pouhere Taonga — [2023] NZRMA 46

Costs — Exploratory investigation of site — Appeal against grant of archaeological authority — Merits of case — Whether appellant tangata whenua holding manu whenua over site — Conduct of case — Whether appellant unnecessarily lengthened hearing — Costs incurred — Quantum — Disparity in available resources — District Court Rules 2014, r 14.6 — Heritage New Zealand Pouhere Taonga Act 2014, ss 46 and 56 — Resource Management Act 1991, ss 274, 285 and 286.

Auckland Council v Teddy and Friends Ltd — [2023] NZRMA 55

Enforcement order — Breach of resource consent — Operation of dog daycare service and boarding facility — Preliminary issue — Interpretation of definition in Auckland Unitary Plan — “Animal breeding or boarding” — Effect of interpretation on standards in Plan applying to activity — No standard referring expressly to daycare centres for dogs — Whether standards for animal breeding or boarding applied to dog daycare centre — Whether discretionary activity requiring consent — Legislation Act 2019, ss 10(1) and 18 — Resource Management Act 1991, ss 9(1)(b), 18, 32, 76(2) and 279(1).

Cornelius v Western Bay of Plenty District Council — [2023] NZRMA 63

Resource consent appeals — Application to commence consent early — Resource Management Act 1991, s 116.

Young v Attorney-General — [2023] NZRMA 84

Tort — Trespass and nuisance — Claim for remediation or damages — Earthquake prone land.

Succession

Practical Guidance Succession

Latest Legal Update

Wording of a will leads to “hostile” family dispute

Disclaimer: This service is intended to provide a summary of information recently made available on the LexisNexis online legal platform. The contents of Summing Up does not purport to be professional advice on any particular matter. The publishers therefore accept no liability for any claim or other action that may arise from the use of the information provided in this publication.

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