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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 – Tuesday, 15th of August at 11am

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

Using Practical Guidance on Lexis Advance Webinar – Tuesday, 22nd of August at 12pm

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: 60 min

Research Success with Lexis Advance Webinar – Tuesday, 5th of September 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

Training webinars for LexisNexis authors

The following training sessions are being run especially for LexisNexis authors. If you write for LexisNexis and would like to brush up on your research skills and learn new time-saving tips for using Lexis Advance, please sign up for one of the sessions below.

Wednesday, 9th of August at 4pm Duration: 60 min

Thursday, 24th of August at 3pm Duration: 60 min

Commercial

Practical Guidance: Business Law

Latest Legal Updates

Government takes further steps on coal technology restrictions

United Kingdom fintech firm Revolut launches in New Zealand

Commerce Commission appoints the first grocery commissioner in New Zealand

Criminal

Becroft and Hall's Transport Law

Service 217 is now available online.

The Land Transport Act 1998, Sentencing Act 2002 and Summary Proceedings Act 1957 have been amended. Commentary regarding the Land Transport Act 1998, New Zealand Bill of Rights Act 1990, and Sentencing Principles and Practice have been updated.

Intellectual Property

Practical Guidance: Intellectual Property

Latest Legal Updates

Fonterra's effort to trade mark te reo was criticised as "milking Māori"

Honey industry abuzz over Trans-Tasman dispute

New Zealand copyright and artificial intelligence (AI)

The Plant Variety Rights Journal – July 2023

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

Hinde McMorland & Sim Land Law

Service 90 is now available online.

This service includes updates to the following chapters: Chapter 8 The Land Transfer System; Chapter 9 Title by Registration; Chapter 12 Residential Tenancies and Dwellinghouses; Chapter 13 Concurrent interests in land; Chapter 14 Unit titles and cross-leases and Chapter 15 Land as Security: Mortgages and Other Charges.

Conveyancing Bulletin

Volume 20 issue 13 is now available online.

This issue include expert analysis of the latest key cases in the areas of landlord and tenant, caveats, freehold covenants and unit titles.

Textbook

McMorland on Easements, Covenants and Licences, 5th edition

D W McMorland

RRP inc GST: \$200.00

ISBN: 9781988598550 (book)

Publication date: 1 June 2023

New Zealand Conveyancing and Property Reports

Volume 24 part 1 is now available online.

Tadd Management Ltd v Weine (as trustees of the Ruth Weine Family Trust) – (2023) 24 NZCPR 1

Contracts – Misrepresentation – Remedies – Damages – Defendants owned building – Defendants engaged consultant engineer to conduct, and report on, seismic assessment of building – Defendants produced initial seismic assessment (ISA) for defendants – ISA indicated 60 per cent new building standard (NBS) rating – Defendants sold building at auction – Defendants marketed building as having “Good NBS rating” – Defendants caused ISA and covering letter to be distributed to potential purchasers – Plaintiff was successful bidder to purchase building at auction – Plaintiff caused two detailed seismic assessment (DSA) to be completed – First DSA indicated 10 per cent NBS – Second DSA indicated 30 per cent NBS – Plaintiff elected to strengthen building to 100 per cent NBS – Plaintiff sued defendants for misrepresentation as to per cent NBS of building – ISA contained statements of fact, not opinion, so were representations – Defendants’ distribution of ISA and covering letter to prospective purchasers represented 60 per cent NBS and “good” NBS rating – Representations were false – Defendants intended prospective purchasers to be induced to purchase building by those representations – Plaintiff was so induced – Contributory negligence not applicable because plaintiff’s claim not premised on contractual clause that depended on negligence – Plaintiff’s due diligence did not impact upon defendants’ liability in misrepresentation – Contract and Commercial Law Act 2017, s 35 – Contributory Negligence Act 1947, s 3.

Contracts – Contractual mistake – Common mistake – Plaintiff alleged parties to contract for purchase of building under common mistake that building had 60 per cent NBS rating – Defendants were also influenced by same mistake in entering into contract – Mistake was as to essential nature of contract – Contract and Commercial Law Act 2017, s 24.

Contracts – Breach of contract – Damages – Assessment – Distinction between “actual loss” and “difference in value” approach – Court could not ascertain actual NBS rating of property – Difference in value approach preferred.

Negligence – Standard of care – Consultant engineer and property vendor – Skill and competence of ordinary member of engineering profession – Consultant engineer not negligent in production of ISA or covering letter.

Fair trading – Misleading and deceptive conduct – Contracting out – Contract between consultant engineer and property vendor – Limitation of liability clause – Clause constituted contracting out of statute – Fair and reasonable that parties bound by clause – Fair Trading Act 1986, s 5C.

MacFarlane v Informed House Inspections Ltd – (2023) 24 NZCPR 60

Fair trading – Misleading and deceptive conduct – “In trade” – Defendants carried on business of providing expert pre-purchase property inspections report – Defendants were “in trade” – Defendants made misstatements in report and verbal advice – Misstatements were apt to mislead, and did mislead, plaintiff – Plaintiff entitled to damages for loss – Plaintiff entitled to general damages for distress and inconvenience – Fair Trading Act 1986, s 9.

Negligence – Negligent misstatement – Defendants carried on business of providing expert pre-purchase property inspection reports – Defendants inspected, and reported on, property purchased by plaintiff – Defendants engaged by vendor to prepare and provide report – Plaintiff discussed report with second defendant and obtained further verbal advice – Misstatements made in report and in verbal advice – Disclaimers in agreement between vendor and first defendant not made known to plaintiff – Second defendant did not limit verbal advice – Defendants owed duty of care to plaintiff – Defendants breached duty of care by making misstatements – Plaintiff suffered loss by reason of breach including remediation works and alternative accommodation during remediation works – Plaintiff entitled to damages for loss.

Public Law

Textbook

Electoral Law in Aotearoa New Zealand, 3rd edition

Andrew Geddis

RRP inc GST: \$165.00

ISBN: 9781988598031 (book)

ISBN: 9781988598048 (ebook)

Publication date: 15 June 2023

Resource Management

New Zealand Resource Management Appeals

Volume 2023 part 7 is now available online.

Te Rūnanga o Ngāti Awa v Bay of Plenty Regional Council — [2023] NZRMA 280

Resource consent — Bottling spring water — Appeal against granting consent — Expansion of existing spring water extraction and bottling operation — Whether effects on environment from export and use of plastic bottles consideration in assessment of consent — Relevance of evidence on discarding of plastic bottles to decision to grant consent — Whether planning instruments adequately reflected purposes and principles of Resource Management Act 1991 — Treaty of Waitangi/Te Tiriti o Waitangi principles — Cultural effects — Assessment of “sustainability” — Whether activity discretionary “rural processing activity” or noncomplying “industrial activity” including manufacturing — Application for expansion of existing land use rather than for new activity — Litter Act 1979 — Resource Management Act 1991, ss 2(1)(a)(i), 3, 6(e), 7(a), 7(b), 8, 9, 15, 15B, 30, 88, 104, 104(1)(a), 108, 108(1), 127, 127(3), 127(4), 269(1), 276(1)(a), 299, 308 and part 2 — Resource Management Amendment Act 2003, s 53.

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