

# addlib

the newsletter of the Queensland Law Society Members' Library



## members' library

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## Family Court — new appeals procedure

New rules bringing in a new regime for appeals to the Family Court commence on 11 August 2003.

Notably, the amendments set out separate procedures depending on whether the appeal is to the Full Court of the Family Court, or to a single judge from the Federal Magistrates Court of a court of summary jurisdiction.

Under the new rules, applications may be instituted by email (check with the local registry for the correct email address). Amendments to appeals may also be made by email, and if the amendment is made before the date of the directions hearing, leave is not required.

Time limits are changed, generally requiring documents to be filed and served sooner than previously. The new time limits include:

- **instituting an appeal** within 28 days after the day on which the decree appealed from was made (was 1 month)
- **filing further evidence by appellant** within 21 days before the start of the appeal sittings (was 14 days before hearing)
- **filing of further evidence by other party** 7 days before the start of the appeal sittings (was 24 hours before hearing)
- **application for dismissal** 14 days before return day for the application (was 28 days)

- **filing summary of arguments for a special case (case stated)** 14 days before commencement of sittings (was 5 days before hearing).

### New Pre-argument statements and directions hearing

For appeals to the Full Court, new rules will be inserted to require pre-argument statements to be filed and a directions hearing to be set. A pre-argument statement, concisely stating the issues to be raised at the hearing of the appeal, must be filed within 14 days after instituting an appeal, and served on each other party.

Procedure will be laid out for the fixing of a directions hearing, to be conducted by a judge or regional appeal registrar. A settlement conference may be conducted at the hearing. If the issues remain unresolved, the index to appeal papers must be settled.

### Forms amendments

Minor amendments will be made to Forms 41C, 42, 42A, 42B, 42C, 43, to insert the new rule numbers.

Form 67 is amended in the Notice, to distinguish whether the application is before a Judge of the Appeal Division or before a single judge.

**CCH** [www.cch.com.au](http://www.cch.com.au)  
15 July 2003

## Thumbs-up for drug court program

An Australian Institute of Criminology evaluation has found the State Government's Drug Court has been a success in breaking the cycle of drug-related crime.

The AIC report states that from the data available, the level of recidivism is 'significantly reduced for those who successfully complete the Drug Court program'.

The Institute highlights the enormous challenge in overcoming addiction but found that the Drug Court program was making 'impressive headway'.

It also points out that 'Drug Court requirements accept that drug dependent offenders will relapse in the first phase of the program and this is a normal part of treating those with a chronic drug problem'.

Attorney General and Minister for Justice, Rod Welford, said the evaluation offered the Government constructive advice on measures to further improve the Drug Court program.

**Findlaw** [www.findlaw.com.au](http://www.findlaw.com.au)  
17 July 2003

## Standards Australia releases five-part governance series

Standards Australia has published five new standards on corporate governance, which the organisation says are designed to compliment existing corporate governance guidelines produced by IFSA and the ASX Corporate Governance Council.

The five-part series cover a number of topics, including corruption, corporate governance principles, codes of conduct for organisations, corporate social responsibility and whistleblower protection.

**Australian Standard AS 8000: Good Governance Principles** defines aspects of good governance, provides an outline of the major objectives and gives guidance on how to apply the principles.

**Australian Standard AS 8001: Fraud and corruption control** was developed to combat issues such as the falsification of financial statements, excessive payment of remuneration and a crisis of confidence of global equity markets, and is designed to help reduce the estimated \$3 billion corporate fraud costs the Australian economy each year.

**Australian Standard AS 8002: Organisational Codes of Conduct** was developed to address issues such as conflict of interest, insider trading, political contributions and the improper use of company information.

**Australian Standard AS 8003: Corporate and social responsibility** has been developed to aid companies to implement an effective corporate social responsibility program. In order to achieve this, Standards Australia claims that organisations should consider issues such as employment, health and safety, environmental impacts and communication with stakeholders and the local community.

**Australian Standard AS 8004: Whistleblower protection programs for entities** suggests companies should appoint a whistleblowing protection officer and implement a hotline to maintain the confidentiality of whistleblowers.

Source: Standards Australia media releases, 3/7/2003

**CCH [www.cch.com.au](http://www.cch.com.au)  
9 July 2003**

## Taxation of discretionary trusts - replacement of section 109UB

The Treasurer, Peter Costello, has announced details of the new provisions dealing with distributions from trusts that the Government intends to introduce in place of section 109UB of the Income Tax Assessment Act 1936.

Full details of the proposed changes are outlined in the Treasurer's Press Release, No 055/03, 25 June 2003, available at [www.treasurer.gov.au/tsr/content/pressreleases/2003/055.asp](http://www.treasurer.gov.au/tsr/content/pressreleases/2003/055.asp)

## Queensland body corporate and community management

The Office of the Queensland Commissioner for Body Corporate and Community Management is now part of the Department of Tourism, Racing and Fair Trading (DTRFT), effective 1 July 2003. Administration of the Body Corporate and Community Management Act 1997 (BCCM Act) has also been transferred to the DTRFT.

The new email address for the Office of the Commissioner for Body Corporate and Community Management is [bccm@dtrft.qld.gov.au](mailto:bccm@dtrft.qld.gov.au). The postal and street addresses and the telephone and facsimile numbers will remain the same. However, all cheques should now be made payable to the DTRFT.

The forms under the BCCM Act are now available from [www.dtrft.qld.gov.au](http://www.dtrft.qld.gov.au). Forms are also available from the Office of the Commissioner for Body Corporate and Community Management. Please note that a number of the forms, including the Form 14 Contract Warning (version 4), have been amended to reflect the transfer of the administration of the BCCM Act to the DTRFT and recent amendments to the BCCM Act and regulation modules.

Source: Department of Tourism, Racing and Fair Trading website

**CCH [www.cch.com.au](http://www.cch.com.au)  
17 July 2003**

## Report on self-represented litigants in the Family Court

Research indicates that 30–40 per cent of Family Court matters involve self represented litigants.

The Family Court of Australia, recognising the challenge represented by the increasing numbers of self-represented litigants, initiated a project to look into the surrounding issues. The project has now completed the first phase of its operations and has reported on its findings.

Key outcomes from the report:

- The work of the project team has helped to ensure that self represented litigants are now a recognised and accepted client group of the Family Court

- The project team has developed programs, procedures and brochures aimed at enabling clients who represent themselves to have a “fair go” at doing a reasonable job for themselves.

- Most Registries around Australia have taken these on board and have developed and implemented local programs to assist self represented litigants.

The full text of the report is available in PDF format at [www.familycourt.gov.au/litigants/pdf/challenge.pdf](http://www.familycourt.gov.au/litigants/pdf/challenge.pdf)

**Findlaw [www.findlaw.com.au](http://www.findlaw.com.au)  
18 July 2003**

## Release of charities definition exposure draft

In a press release issued on 22 July 2003, Treasurer Peter Costello announced the release of an exposure draft of legislation defining a charity for the purposes of all Commonwealth legislation.

The Treasurer stated that ‘the legislative definition of a charity closely follows the definition that has been determined by over four centuries of common law, but will provide greater clarity and transparency for charities. It explicitly allows not-for-profit child care available to the public, self-help bodies that have open and non-discriminatory membership and closed or contemplative religious orders that offer prayerful intervention for the public, to be charities.’

The legislation is expected to begin on 1 July 2004.

The draft legislation has been referred to the Board of Taxation for consultation with the charitable sector.

The Treasurer’s Press Release, No 059/03, 22 July 2003, is available at [www.treasurer.gov.au/tsr/content/pressreleases/2003/059.asp](http://www.treasurer.gov.au/tsr/content/pressreleases/2003/059.asp)

## New consumer law centre established in Queensland

People who have ripped off Queenslanders will fund a new body established to research issues affecting consumers, Queensland Fair Trading Minister Merri Rose announced yesterday.

The Queensland Consumer Law Centre will be established with funding allocated from the Consumer Credit Fund - made up of fines imposed for breaches of the Consumer Credit Code and court costs awarded to the Office of Fair trading.

“The centre will be established with funding of \$135,000 per annum for three years,” Ms Rose said.

Ms Rose said the Centre will:

- conduct research into credit and financial services and issues affecting Queensland consumers;
- develop policy proposals on consumer credit issues;
- coordinate consumer group input into government and industry policy development in these areas; and
- advocate on behalf of consumers.

The Consumer Law Centre will be run in partnership with Griffith University.

**Findlaw [www.findlaw.com.au](http://www.findlaw.com.au)  
25 July 2003**

## Federal Government - spam will be banned

The Australian Government will move to ban electronic junk mail ('spam') and enforce this ban through the Australian Communications Authority (ACA) in legislation that will be introduced to Parliament later this year.

Senator Alston, the Minister responsible, said that Cabinet had yesterday agreed to anti-spam legislation including fines, along with a raft of other measures aimed at reducing the influx of spam into Australian e-mail inboxes.

The anti-spam measures that the Australian Government will introduce include:

- National legislation, to be enforced by the ACA, banning the sending of commercial electronic messaging without the prior consent of end-users unless there is an existing customer-business relationship (an opt-in regime);
- Civil sanctions for unlawful conduct including financial penalties, an infringement notice scheme and the ability to seek enforceable undertakings and injunctions;
- The requirement for all commercial electronic messaging to contain accurate details of the sender's name and physical addresses and a functional 'unsubscribe' facility to enable people to opt-out;
- Banning the distribution and use of e-mail 'harvesting' or list-generating software, and
- Working together with international organisations to develop global guidelines and cooperative mechanisms to combat the global spam problem.

**Findlaw [www.findlaw.com.au](http://www.findlaw.com.au)  
24 July 2003**

## Consultation on review of copyright reforms

Four issues papers have been released as part of an independent analysis of the Government's Digital Agenda copyright reforms.

The issues papers have been prepared by law firm Phillips Fox in consultation with the Attorney-General's Department.

Major amendments to the Copyright Act, which came into effect in March 2001, were introduced to meet the challenges posed by the Internet and other new communications technologies, and to place Australia at the forefront of international developments in online copyright law reform.

Phillips Fox were appointed on 1 April 2003 to analyse key aspects of the Government's reforms from legal, economic and technical points of view.

The analysis will form part of the Government's broader review of these reforms.

The issues papers released today cover:

- Libraries, Archives and Educational Copying;
- Carrier and Carriage Service Providers;
- Technology and Rights;
- Circumvention Devices and Services, Technological Protection Measures and Rights Management Information.

Copies of the issues papers are available from the Phillips Fox website [www.phillipsfox.com/whats\\_on/Australia/DigitalAgenda/DigitalAgenda.asp](http://www.phillipsfox.com/whats_on/Australia/DigitalAgenda/DigitalAgenda.asp)

**Findlaw [www.findlaw.com.au](http://www.findlaw.com.au)  
4 August 2003**

## Guidelines for expert witnesses in Family Court

The Family Court has issued a Practice Direction containing guidelines for expert witnesses in the Family Court.

Practice Direction No 2 of 2003: Guidelines for Expert Witnesses and those instructing them in proceedings in

the Family Court of Australia, dated 1 August 2003 can be found at [www.familycourt.gov.au/html/22003.html](http://www.familycourt.gov.au/html/22003.html)

**CCH [www.cch.com.au](http://www.cch.com.au)  
5 August 2003**

### Public liability and professional indemnity insurance monitoring report

The Australian Competition and Consumer Commission's (ACCC) public liability and professional indemnity insurance monitoring report - July 2003 has been released.

The report was commissioned by the Federal Government as a result of a commitment made by the Commonwealth to a Ministerial Meeting on Insurance Issues held in May 2002. The report follows on from two Insurance Industry Market Pricing Reviews undertaken by the ACCC, released in March and September 2002, and is the first in a series of four reports to be produced during the next two years.

The report confirms that the cost of providing public liability and professional indemnity insurance has increased over the past five years and that the major driver behind these increased costs and associated premium hikes is an increase in the cost of claims. The report was based on data received from insurers for the year ending 31 December 2002 and concludes that, at this point of time, it is too early to determine the full impact that law reform will have on lowering insurers' costs and the extent which insurers will pass on any costs savings to consumers.

The report found that:

- public liability insurance premiums rose by an average of 19% in 2001 and 44% in 2002
- professional indemnity premiums rose by an average of 31% in 2001 and 36% in 2002

The report also indicated that underwriting conditions have become more favourable for insurers:

- in 2001, for every \$100 that insurers received in premiums for public liability insurance, they paid out \$121 in claims costs and other expenses. In 2002, for every \$100 in premium, insurers paid out \$96.
- in 2001, for every \$100 that insurers received in premiums for professional indemnity insurance, they paid out \$114 in claims costs and other expenses. In 2002, for every \$100 in premium, insurers paid out \$85.

The report is available on the ACCC's website [www.accc.gov.au](http://www.accc.gov.au).

Source: Minister for Revenue and Assistant Treasurer and Parliamentary Secretary to the Treasurer joint media release C76/03 dated 4 August 2003; ACCC media release 162/03 dated 4 August 2003

**CCH [www.cch.com.au](http://www.cch.com.au)  
5 August 2003**

## net navigation

### Property Law Act forms

Forms under the Property Law Act 1974 are now available from the Department of Justice website

The forms are available in MS Word and PDF format

[www.justice.qld.gov.au/forms.htm](http://www.justice.qld.gov.au/forms.htm)

## **De Reus v Gray [2003] VSCA 84 (27 June 2003)**

**Damages** - For mental harm and distress as a result of "strip-search" at police station - Jury asked and awarding damages for different causes of action when those causes of action pleaded as alternatives and the injury for which damages were claimed was the same - Jury verdicts as to both general and exemplary damages conflicting and inconsistent - Whether aggravated compensatory damages can be assessed differentially against two or more joint tortfeasors who are liable in respect of the same damage - Nature of exemplary and aggravated damages discussed - Court exercising power under s.14 *Supreme Court Act 1986* to re-assess damages.

[www.austlii.edu.au/au/cases/vic/VSCA/2003/84.html](http://www.austlii.edu.au/au/cases/vic/VSCA/2003/84.html)

## **Kelrit Investments Pty Ltd v Transform Composites Holdings Pty Ltd [2003] FCA 662 (3 July 2003)**

**Contract** - oral representation to exercise lease option - reliance on offer - whether oral contract operated as variation of lease - conformity with writing requirements of s 23C and s 54A of *Conveyancing Act 1919 (NSW)*

**Trade and Commerce** - *Trade Practices Act 1974 (Cth)* - conduct that is misleading or deceptive (s 52) - damages under s 82 - whether loss or damage suffered as a result of reliance on representation

**Damages** - inconsistent remedies

[www.austlii.edu.au/cgi-bin/disp.pl/au/cases/cth/federal%5fct/2003/662.html](http://www.austlii.edu.au/cgi-bin/disp.pl/au/cases/cth/federal%5fct/2003/662.html)

## **Ahluwalia v Robinson [2003] NSWCA 175 (3 July 2003)**

**Negligence** - Duty of care of landlord to guest of tenant - Injury from glass shower screen - Whether landlord should have installed safety glass - History of problems with electric wiring, plumbing and drainage - Whether landlord should have commissioned expert report on safety of premises.

[www.austlii.edu.au/cgi-bin/disp.pl/au/cases/nsw/NSWCA/2003/175.html](http://www.austlii.edu.au/cgi-bin/disp.pl/au/cases/nsw/NSWCA/2003/175.html)

## **Fairfield City Council (trading as Prairiewood Leisure Centre) v Petro [2003] NSWCA 150 (19 June 2003)**

**Negligence** - Breach of duty of care - Public swimming pool

[www.austlii.edu.au/au/cases/nsw/NSWCA/2003/150.html](http://www.austlii.edu.au/au/cases/nsw/NSWCA/2003/150.html)

## **White v Bini [2003] FCA 669 (4 July 2003)**

**Legal Practitioners** - lien - untaxed costs - costs incurred in advising on lien - extinguishment - parting with possession - court order - claiming wrong cause or amount

[www.austlii.edu.au/au/cases/cth/federal\\_ct/2003/669.html](http://www.austlii.edu.au/au/cases/cth/federal_ct/2003/669.html)

## **Cosentino v Medich [2003] NSWSC 606 (7 July 2003)**

**Nuisance** - erection of wall adjacent to plaintiff's property - loss of city views - loss of sunlight - radiated heat - reflection of glare - whether Council negligent - damages awarded.

[www.austlii.edu.au/au/cases/nsw/supreme\\_ct/2003/606.html](http://www.austlii.edu.au/au/cases/nsw/supreme_ct/2003/606.html)

## **GEC Marconi Systems Pty Ltd v BHP Information Technology Pty Ltd [2003] FCA 688 (14 July 2003)**

**Interest** - s 51A of the *Federal Court of Australia Act 1976 (Cth)* - rate of interest - the Court's usual practice - the purposes of prejudgment interest awards - "ordinary commercial rates" - difference between investment and borrowing bases of compensation.

**Costs** - purported Calderbank offer - offer inclusive of interest and costs - practice of Court in relation to such offers.

**Costs** - discounting costs of successful party - unsuccessful on a number of issues.

[www.austlii.edu.au/cgi-bin/disp.pl/au/cases/cth/federal%5fct/2003/688.html](http://www.austlii.edu.au/cgi-bin/disp.pl/au/cases/cth/federal%5fct/2003/688.html)

## **Sidbent Pty Ltd & Anor v Reinisch [2003] QSC 203 (15 July 2003)**

**Procedure** - Supreme Court Procedure - Queensland - Practice under Rules of Court - summary judgment - where buyer alleged failure to comply with requirements of *Body Corporate and Community Management Act 1997 (Qld)* and *Property Agents and Motor Dealers Act 2000 (Qld)* - where buyer purported to terminate contracts - whether defendant has no real prospect of successfully defending plaintiff's claim

[www.courts.qld.gov.au/qjudgment/QSC%202003/QSC03-203.pdf](http://www.courts.qld.gov.au/qjudgment/QSC%202003/QSC03-203.pdf)

## please note

Most of these cases can be found on the Internet via Austlii ([www.austlii.edu.au](http://www.austlii.edu.au)), Findlaw ([www.findlaw.com.au](http://www.findlaw.com.au)) or Qld Courts ([www.courts.qld.gov.au](http://www.courts.qld.gov.au)). Not all catchwords of all cases are included and are drawn from different sources.

If you request any of these cases from the library, provide the case name, citation and date of judgment on the *library request form*. Please also indicate on the form that the case you are requesting was referred to in *addlib*.

### ***Cattanach v Melchior* [2003] HCA 38 (16 July 2003)**

**Negligence**- Medical negligence - Negligent advice following sterilisation procedure - Birth of child - Damages - Whether damages recoverable for past and future costs of raising and maintaining child until the age of 18 years - Whether award of damages should be reduced through reference to benefits and pleasures derived, or to be derived, from child.

**Damages** - Whether recovery limited to damages for pain, suffering, inconvenience and costs of pregnancy and childbirth - Whether additional damages recoverable for past and future costs of raising and maintaining child until the age of 18 years - Whether absence of physical injury to father of child indicates that damage amounts to pure economic loss - Whether unplanned pregnancy constitutes injury to mother - Applicable rules governing recovery in such a case - Whether award of damages should be reduced through reference to benefits and pleasures derived, or to be derived, from child - Whether recovery limited to cases involving extra costs caused by disability of parent or child.

[www.austlii.edu.au/au/cases/cth/high\\_ct/2003/38.html](http://www.austlii.edu.au/au/cases/cth/high_ct/2003/38.html)

### ***Collins v Carey & Ors* [2003] QCA 291 (18 July 2003)**

**Damages** - Measure and remoteness of damages in actions for tort - foreseeability of damage - personal injuries - particular cases - where plaintiff was a furniture removalist - where plaintiff bitten by first defendants' dog whilst working at first defendants' premises - where dog chained in back yard - where dog was a cattle dog cross-breed - where evidence adduced that cattle dog crosses are the most likely breed to attack people - whether first defendants' ought to have appreciated that there was a real risk that their dog may attack one of removalists

**Torts** - Negligence - contributory negligence - where plaintiff in vicinity of tethered dog - where plaintiff had back turned and was bent over - whether plaintiff contributorily negligent for Injury

**Animals**- liability of owners and keepers in respect of injuries by animals - liability in the absence of scienter - foreseeability of risk - where trial judge found that prior to the incident, first defendants had no knowledge of any dangerous propensity of the dog - whether in absence of such knowledge, first defendants ought to have foreseen risk of injury and therefore could be liable in negligence

[www.courts.qld.gov.au/qjudgment/QCA%202003/QCA03-291.pdf](http://www.courts.qld.gov.au/qjudgment/QCA%202003/QCA03-291.pdf)

### ***Watt v Mahoney* [2003] QDC 164 (18 July 2003)**

**Negligence** - personal injuries - Where plaintiff fell through exposed stairwell void

**Duty of Care** - extent of duty of care of owner occupier - where plaintiff employed by independent contractor

**Contributory Negligence** - whether the plaintiff failed to take due care for his safety

[www.courts.qld.gov.au/qjudgment/QDC%202003/QDC03-164.pdf](http://www.courts.qld.gov.au/qjudgment/QDC%202003/QDC03-164.pdf)

### ***Klewer v Coffs Harbour City Council* [2003] NSWSC 637 (21 Jul 2003)**

**Identification and registration of companion animal** - responsibilities for control of dogs - procedures for dealing with seized animals

[www.austlii.edu.au/au/cases/nsw/supreme\\_ct/2003/637.html](http://www.austlii.edu.au/au/cases/nsw/supreme_ct/2003/637.html)

### ***Urban Properties Pty Ltd v Brisbane City Council* [2003] QPEC 031 (23 July 2003)**

**Code Assessable Development** - increase in height of building - adjoining heritage building - whether view of heritage building impaired

[www.courts.qld.gov.au/qjudgment/QPEC%202003/QPEC03-031.pdf](http://www.courts.qld.gov.au/qjudgment/QPEC%202003/QPEC03-031.pdf)

### ***KN and SD and Secretary, Department of Immigration & Indigenous & Multicultural Affairs* [2003] FamCA 610 (29 July 2003)**

**Family Law** - Appeals - Interaction between *Family Law Act 1975 (Cth)* and *Migration Act 1958 (Cth)* - whether the meaning of "reasonably practicable" in s.198(6) of the *Migration Act 1958* is to be construed having regard to the objects expressed in s.60B of the *Family Law Act 1975* - whether the Family Court of Australia can restrain the Secretary, Department of Immigration & Multicultural & Indigenous Affairs from deporting an unlawful non-citizen parent on the basis of the principles expressed in s.60B of the *Family Law Act 1975* and/or the *United Nations Convention on the Rights of the Child* confer fundamental rights upon children to have contact with their parents and that fundamental rights in this sense are to be found in international instruments as well as the common law

[www.familycourt.gov.au/judge/2003/pdf/kn.pdf](http://www.familycourt.gov.au/judge/2003/pdf/kn.pdf)

### ***Coleman v Kinbacher and Anor* [2003] QDC 231 (30 July 2003)**

*Vagrants Gaming and Other Offences Act 1931* - disorderly conduct - sufficiency of particulars - implied protection of political communications to the public.

[www.courts.qld.gov.au/qjudgment/QDC%202003/QDC03-231.pdf](http://www.courts.qld.gov.au/qjudgment/QDC%202003/QDC03-231.pdf)

### ***Mainchime Pty Ltd trading as Inala Plaza News v Inala Plaza Pty Ltd* [2003] QSC 250 (5 August 2003)**

**Contracts** - particular parties - principal and agent - relations between principal and third persons - rights and liabilities of principal in respect of contracts of agent - in general - no actual or ostensible authority to conclude Agreement for Lease

[www.courts.qld.gov.au/qjudgment/QSC%202003/QSC03-250.pdf](http://www.courts.qld.gov.au/qjudgment/QSC%202003/QSC03-250.pdf)

### **James & Anor v The Body Corporate Aarons Community Title Scheme 11476 [2003] QCA 329 (1 August 2003)**

**Statutes** - Acts of Parliament – statutory powers and duties - construction – where appellants are owners of a lot in community titles scheme - where there was evidence of water leaking through the top of the building penetrating into units and common property - where s 223 *Body Corporate and Community Management Act 1997 (Qld)* provides that

adjudicator may order a body corporate to have repairs carried out - where s 227 of the Act provides that an adjudicator may order a person responsible to have repairs carried out, provided the cost of repairs is not more than \$75,000 - where estimated cost of repairs was \$659,280 - whether relief sought by appellants is an order of a kind which an adjudicator could make under s.227

[www.courts.qld.gov.au/qjudgment/QCA%202003/QCA03-329.pdf](http://www.courts.qld.gov.au/qjudgment/QCA%202003/QCA03-329.pdf)

### **CMC Cairns Pty Ltd v Macrossan & Anor [2003] QSC 249 (1 August 2003)**

**Contract** - construction and interpretation of contracts - penalties and liquidated damages - where the contract provided for the application of liquidated damages for delay in completion of the contracted works - whether a GST component is payable as part of the contract sum and is relevant for the determination of liquidated damages payable under the contract

[www.courts.qld.gov.au/qjudgment/QSC%202003/QSC03-249.pdf](http://www.courts.qld.gov.au/qjudgment/QSC%202003/QSC03-249.pdf)

## articles

### **Construction Law**

Thomas, B "Apportionment of liability in the construction industry – truth or illusion?", *Australian Construction Law Newsletter*, Issue 90, May/June 2003, pp 10-30

### **Corporations**

Knox, A "One size does not fit all" (new corporate governance regulations), *Australian Corporate Lawyer*, Vol 13, No 2, June 2003, pp 6-8

Murray, M "Duties of directors of insolvent companies – recent cases", *Insolvency Law Bulletin*, Vol 3, No 10, July 2003, pp 169; 171-174

### **Criminal Law**

Colvin, E "Sentencing principles in the High Court and the PSA" (Penalties and Sentences Act 1992 (Qld)), *Queensland University of Technology Law and Justice Journal*, Vol 3, No 1, 2003, pp 86-103

### **Employment**

Coyle, A "Email and internet surveillance – do employees have a right to privacy?", *Internet Law Bulletin*, Vol 6, No 3, pp 31-33

Dent, K "The intoxicating and titillating effect of employment policies: what conduct can employers regulate and how?", *Keeping Good Companies*, Vol 55, No 7, August 2003, pp 420-423

Selleck, S & Moore, B "Labour hire – some controversies", *Employment Law Bulletin*, Vol 9, No 3, June 2003, pp 25-30

Gibson, S & Wallin, V "Employers beware – IT intellectual property ownership, employees and contractors", *Employment Law Bulletin*, Vol 9, No 4, July 2003, pp 41-44

### **Environmental Law**

McGrath, C "A system under strain: the regulation of gene technology", *National Environmental Law Review*, Number 2, June 2003, pp 32-37

### **Finance Law**

Skelton, S "Resisting the advance of creditors" (acting for a debtor company), *Australian Banking and Finance Law Bulletin*, Vol 18, No 10, May 2003, pp 134-137

### **Health Law**

Hirsch, D "PD v Harvey: revisiting a doctor's duty of care to sexual partners", *Australian Health Law Bulletin*, Vol 11, No 10, July 2003, pp 109-112

### **Intellectual Property**

Eade, L "Looking at smells and sounds: graphical representation of new trademarks", *Australian Intellectual Property Law Bulletin*, Vol 16, No 3, July 2003, pp 33-35

### **Landlord and Tenant**

Mason, C "Tenancy laws updated", *REIQ Journal*, August 2003, pp 16-17

Harvey, K "GST & property – landlord and tenant", *Taxation in Australia*, Issue 38, No 2, August 2003, pp 85-91

### **Local Government**

Ratneser, R & Trevelyan, N "Telecommunications facilities on local government land", *Local Government Reporter*, Vol 1, No 10, July 2003, pp 153-156

### **Migration**

Evans, S "Privative clauses and time limits in the High Court", *Constitutional Law and Policy Review*, Vol 5, No 4, June 2003, pp 61-67; 77

### **Privacy**

Rice, D "Jurisdiction over privacy issues on the internet", *IPBA Journal*, No 29, March 2003, pp 27-34

Greenleaf, G "District Court finds privacy tort: an Australian first". *Privacy Law and Policy Reporter*, Vol 10, No 3, July 2003, pp 41-42

### **Product Liability**

Hawke, F & Klein, R "Document management and litigation – Part 2", *Australian Product Liability Reporter*, Vol 14, No 5, July 2003, pp 73-79

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