

Issue 515 | 6 December 2021

## LexisNexis News

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

### **Working Smarter with Lexis Advance Webinar – Monday, 6th of December at 1pm**

Become more skilled and efficient in your research. Join this session to examine methods of conducting searches on Advance, from understanding the algorithm that runs behind the scenes, to applying 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 the platform is working efficiently for your research needs. Duration: 60 min

### **Lexis Advance for Barristers Webinar – Thursday, 9th of December at 4pm**

Improve your research skills and save time using Lexis Advance. In our Bar-focused training session, discover how to customise your publications efficiently, learn how to filter your search results, link to your favourite publications, highlight and make annotations, create your own work folders to organise your research results, and stay up to date with the latest content. Duration: 60 min

## Content Webinars

LexisNexis ONDEMAND webinars are delivered by subject experts and accompanied by a short comprehension quiz. Our current ONDEMAND webinars are as follows:

### **Employment Law Disciplinary Issues and Investigations [ONDEMAND]**

Guidance on the principles and practical issues associated with workplace disciplinary processes and investigations. Duration: 60 min

### **Fairness, Expectation and Reward in Inheritance Disputes [ONDEMAND]**

The webinar looks at the recurring issues of fairness and reward that are commonly encountered during inheritance disputes and provides legal advisors, arbitrators and mediators with tools to advise and manage these when drafting or advising clients on wills, estates and succession. Duration: 60 min

## **Customer Due Diligence Tips and Tricks [ONDEMAND]**

This webinar examines the ongoing challenges of knowing your customer and practicalities of ensuring appropriate customer due diligence in an increasingly digital world in order to meet AML/CFT requirements. Duration: 60 min

## **Letters of Administration on Intestacy: Issues and Solutions [ONDEMAND]**

Applying for a court order to administer a deceased estate when a person dies without a will is often complicated. This webinar appraises the requirements for an application of intestacy; the selection of appropriate evidence in support of the application and the recognition of factors that affect entitlement. Duration: 60 min

## **Letters of Administration with the Will Annexed [ONDEMAND]**

The application process for Letters of Administration with the will annexed differs from probate applications and knowing what matters need to be considered and addressed and supported by evidence, or indeed omitted, when making an application, is not always clear. This webinar provides guidance on recognising the key requirements for the preparation of a valid will and the requirements for making an improperly executed will declared valid. Duration: 60 min

## **Commercial**

### **Textbooks**

#### ***Directors' Powers and Duties, 3<sup>rd</sup> edition***

Peter Watts

RRP\*incl GST: \$200.00 \$180.00 (pre-order price)

ISBN: 9781988546841 (book)

ISBN: 9781988546858 (ebook)

Publication date: 26 December 2021

***Burrows, Finn & Todd on the Law of Contract in New Zealand, 7<sup>th</sup> edition***

Stephen Todd & Matthew Barber

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

ISBN: 9781988546704 (book)

ISBN: 9781988546711 (ebook)

Publication date: 28 February 2022

**Criminal**

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

Service 98 is now available online.

This service provides legislative updates to the Arms Act 1983, Criminal Procedure Act 2011, Oranga Tamariki Act 1989, and Search and Surveillance Act 2012. Commentary for the Criminal Procedure Act 2011, Oranga Tamariki Act 1989, and Search and Surveillance Act 2012 have been updated.

**Becroft and Hall's Transport Law**

Service 208 is now available online.

The Land Transport (Approved Laboratory and Analyst in Charge) Notice 2000, Land Transport (Motor Vehicle Registration and Licensing) Regulations 2011, and Search and Surveillance Act 2012 have been updated. Commentary regarding the Land Transport Act 1998, New Zealand Bill of Rights Act 1990, and Sentencing Principles and Practice have been updated.

**Cross on Evidence**

Service 119 is now available online.

Legislation has been updated for the Search and Surveillance Act 2012. Commentary has been updated for Part 1 of the Evidence Act 2006 and for Chapters 2, 3, and 4 of Evidence Law Outside the Evidence Act. The Practice Material section has also been updated.

## **Textbooks**

### ***Criminal Law in Aotearoa New Zealand***

Julia Tomie, Kris Gledhill, Fleur Te Aho & Khylee Quince

RRP\*incl GST: ~~\$179.00~~ \$161.10 (pre-order price)

ISBN: 9781927248225 (book)

ISBN: 9781927248553 (ebook)

Publication date: 3 February 2022

## **Employment**

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

Service 265 in now available online.

Updates have been made to commentary on the Employment Relations Act 2000; Selected Topics: Contractual Aspects of Employment, and Tort Actions in Employment Law; The Minimum Wage Act 1983; Equal Pay Act 1972; Health and Safety at Work Act 2015; and the Accident Compensation Act 2001. New section-by-section commentary to the Public Service Act 2020 has been added.

## **Textbooks**

### ***Employment Law in Aotearoa New Zealand, 3<sup>rd</sup> edition***

Gordon Anderson & Dawn Duncan

RRP\*incl GST: ~~\$149.99~~ \$135.00 (pre-order price)

ISBN: 9781988546582 (book)

ISBN: 9781988546599 (ebook)

Publication date: 10 December 2021

## Family

### Practical Guidance: Family

Latest Legal Updates

Right to appeal granted to artist against High Court decision giving ex-husband copyright to her artwork

Survey for relationship property lawyers

Chief District Court Judge issues direction on family violence bail applications

Call for changes to Family Court

### New Zealand Family Law Reports

Part 4 Volume 2021 is now available online.

*Johnston v Johnston* – [2021] NZFLR 145

Relationship property – Order restraining disposition of assets – Leave to appeal judgment refusing to rescind restraining order – Statutory interpretation – “in order to defeat the claim or right of any person” – Errors of law – No general or public importance – Appeal relating to one asset would delay wider proceeding – No practical advantage in appeal – Property (Relationships) Act 1976, ss 43 and 44 – Senior Courts Act 2016, s 56.

*Olliver v Sparks* – [2021] NZFLR 152

Relationship property – Nuptial settlement – Distribution of money to family trust from company – Whether nuptial settlement – Husband divesting legal and beneficial interest in trust assets to avoid creditors – Strike out application – Defendant’s summary judgment application – Whether claim brought within reasonable time of dissolution of marriage – Whether claim vexatious or abuse of process – Clayton v Clayton – Family Proceedings Act 1980, s 182 – High Court Rules 2016, rr 12.2(2) and 15.1(1) – Insolvency Act 2006, part 5.

Practice and procedure – Strike out application – Defendant’s summary judgment application – Nuptial settlement – Husband applying for orders as to settled property – Money due from family trust to company owned by husband – Whether nuptial settlement – Whether claim brought within reasonable time of dissolution of marriage – Whether claim vexatious or abuse of process – Family Proceedings Act 1980, s 182 – High Court Rules 2016, rr 12.2(2) and 15.1(1).

*McDonald v District Court at Christchurch* – [2021] NZFLR 190

Judicial review – Statutory power of District Court Registrars to determine bail applications in family violence cases – Directive by District Court prohibiting Registrars determining applications for bail or variation of bail in family violence cases – Lawfulness of directive – Powers of Chief District Court Judge – Whether directive actually issued – Power of Chief District Court Judge to make direction – Whether directions unreasonable – Declaration – Bail Act 2000, ss 21, 27(2) and 30AAA – Criminal Procedure Act 2011 – District Court Act 2016, ss 20, 20(b), 24, 24(3), 24(3)(g), 24(3)(h), 24(3)(i) and 24(3)(l) – Family Violence (Amendments) Act 2018.

## **Textbooks**

### ***Family Law in New Zealand, 20<sup>th</sup> edition***

Mark Henaghan, Bill Atkin, Shonagh Burnhill & Anna Chapman

RRP\*incl GST: \$175.00

ISBN: 9781988546636 (book – two volume set)

Publication date: 18 October 2021

### ***Family Law Legislation, 20<sup>th</sup> edition***

LNNZ

RRP\*incl GST: \$149.99

ISBN: 9781988546889 (book – two volume set)

Publication date: 29 October 2021

## Procedure

### Textbooks

#### ***Professional Responsibility in New Zealand, 2<sup>nd</sup> edition***

Matthew S R Palmer (editor)

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

ISBN: 9781988546728

Publication Date: 22 March 2022

#### ***The Law of Costs in New Zealand***

David Bullock & Tim Mullins

RRP\*incl GST: ~~\$149.99~~ \$135.00 (pre-order price)

ISBN: 9781988546193

Publication Date: 7 April 2022

## Property

### Conveyancing Bulletin

Volume 19 issue 16 is now available online.

This issue includes comment of key recent cases and legislative development in the areas of unit titles, caveats, co-ownership, landlord and tenant and sale of land.

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

Part 3 Volume 22 is now available online.

*Gama Foundation v Fletcher Steel Ltd* – (2021) 22 NZCPR 161

Leases – Repair – Failure to carry out repairs – Rule in *Joyner v Weeks* – Reasonable costs of repair – Expenditure on repairs as claim in debt – Repair notice – Failure to comply with repair notice – Repairs carried out after expiry of lease – Arbitration Act 1996, sch 2 and cl 5 – Landlord and Tenant Act 1927, s 18.

*Melco Property Holdings (NZ) 2012 Ltd v Hall* – (2021) 22 NZCPR 186

Caveats – Application to sustain – Applicant claimed interest as purchaser under agreement for sale of land purportedly cancelled by vendor – Vendor cancelled agreement because purchaser had failed to give notice of fulfilment of due diligence clause by fulfilment date – Purchaser established reasonably arguable case respondent in breach of obligation to provide reasonable access to property to enable purchaser to undertake due diligence – Purchaser failed to establish reasonably arguable case that, had respondent not breached obligation, it could have satisfied its obligation under agreement – Appeal dismissed – Land Transfer Act 2017, s 143.

*Bedford Developments Ltd v Mowat* – (2021) 22 NZCPR 198

Caveats – Application to sustain – Caveatable interest – Party walls – Party wall needing to be demolished and reinstated – No agreement to share costs – Easement – Interest under easement – Not all disputes under easements granting proprietary rights – Land Transfer Act 2017, ss 51, 52, 103, 112, 138, 142 and 143.

*Hawken Lane Development LP v Property Sales Direct Ltd* – (2021) 22 NZCPR 212

Caveats – Application for removal – Caveatable interest – Cancellation of agreement – Equitable interest in land not surviving cancellation of agreement – Purchaser's lien – Deposit held by stakeholder – No caveatable interest in land where purchaser's lien is covered by deposit held by stakeholder – No double security – Land Transfer Act 2017, ss 138 and 142 – Land Transfer Regulations 2018, sch 2.



*Justitiae Trustee Co Ltd v AAL Holdings Ltd* – (2021) 22 NZCPR 218

Cross leases – Staged developments – Interpretation of cross lease – Exclusive possession of leased areas – Registration of leases – Registration of agreements to lease – Covenants running with land – Contract and Commercial Law Act 2017, ss 12 and 17 – Contracts (Privity) Act 1982, s 4 – Declaratory Judgments Act 1908, s 3 – Property Law Act 2007, ss 231, 232, 233, 303 and 339.

## **Textbooks**

### ***Planning Practice in New Zealand, 2<sup>nd</sup> edition***

Caroline Miller & Lee Beattie (editors)

RRP\*incl GST: ~~\$125.00~~ \$112.50 (pre-order price)

ISBN: 9781988546742 (book)

ISBN: 9781988546759 (ebook)

Publication date: 10 February 2022

## **Resource Management**

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

Parts 11–12 Volume 2021 is now available online.

*Aztek Ltd v Attorney-General* – [2021] NZRMA 466

Public works – Disposal to former owner – Owner removed from Companies Register – Intended roading works – Land no longer required – Exemption from offer back – Impracticable – Reasonable inquiries – Removal from Companies Register – Reinstatement – Discretion to deny relief – Public Works Act 1981, ss 40(1) and 40(2).

Statutory interpretation – Statutory purpose – Statutory text – Meaning of “impracticable” – Public Works Act 1981, ss 40(1) and 40(2).

*Tauranga Environmental Protection Society Inc v Tauranga City Council* – [2021] NZRMA 492

Land use consents – Independent hearing commissioners decided to grant consents subject to conditions to re-align electricity transmission line to Transpower – Ngāti Hē and Marae opposed Transpower’s proposal based on significant adverse effects to areas of cultural value – Environment Court affirmed commissioners’ decision because proposal was more appropriate than continuation of status quo – Appeal to High Court – Ngāti Hē’s opposition determinative of question of significant adverse impacts – Environment Court erroneously adopted “overall judgment” approach – Proposal and status quo were among available alternatives, but were not exhaustive thereof – Environment Court erred in failing to carefully analyse and apply hierarchy of planning instruments to proposal – Māori Values of Outstanding Natural Features and Landscapes (ONFL) – Bay of Plenty Regional Coastal Environment Plan (RCEP) – New Zealand Coastal Policy Statement (NZCPS) – National Policy Statement on Electricity Transmission (NPSET) – Resource Management Act 1991, part 2.

## Succession

### Practical Guidance: Succession

Abusive father set up trust in will to prevent his children chasing his assets

## Trusts

### Textbook

***Garrow and Kelly Law of Trusts and Trustees, 8<sup>th</sup> edition***

Chris Kelly, Greg Kelly, Colette McKenzie & Kimberly Lawrence

RRP\*incl GST: ~~\$220.00~~ \$198.00 (pre-order price)

ISBN: 9781988546292 (book)

ISBN: 9781988546308 (ebook)

Publication date: 16 December 2022

## Various

### Textbooks

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

John Burrows QC and Jeremy Finn (editors)

RRP\*incl GST: ~~\$149.99~~ \$135.00 (pre-order price)

ISBN: 9781988546544 (book)

Publication date: February 2022

#### ***New Zealand Law Dictionary, 10<sup>th</sup> edition***

Peter Spiller (editor)

RRP\*incl GST: ~~\$49.00~~ \$44.10 (pre-order price)

ISBN: 9781988546735 (book)

Publication date: 1 January 2022

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