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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, 6th of July at 3pm

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

Property Law Resources on Lexis Advance Webinar – Wednesday, 7th of July at 12pm

In this 60 minute webinar focusing on the land and property law resources available in Lexis Advance, we will show you how to quickly and efficiently find up to date commentary, case law, forms and precedents and the relevant legislation on the ever-changing landscape of New Zealand property law. Our key texts in this area include Hinde McMorland and Sims's Land Law in New Zealand, Adam's Land Transfer and the Practical Guidance Property Law module. Learn to set up alerts on relevant topics and publications and keep track of your documents for future reference, saving you valuable time in your day. Duration: 60 min

Getting Started with Lexis Red Webinar – Tuesday, 13th of July at 4pm

This session shows you how to browse and search your digital versions of your key LexisNexis publications. We show you how to quickly find, highlight and annotate content for effective offline use of publications when you are out of the office, offline or for deep reading in a user-friendly format. Duration: 60 min

Lexis Advance for Barristers Webinar – Thursday, 15th of July at 4pm

Barristers! 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 relevant sections of text and make annotations; and create your own work folders and alerts to organise your research results and stay up to date with the latest content. This session will make research easier for you! Duration: 60 min

New Zealand Forms & Precedents on Lexis Advance Webinar – Friday, 16th of July at 10am

Available in full on Lexis Advance, New Zealand Forms and Precedents was the first loose-leaf, modern precedents resource created specifically for New Zealand. This wide ranging, encyclopedic text is designed to provide a precedent for every ordinary legal transaction and some extraordinary ones, that are not simply Academic or Court documents. Its authoritative and comprehensive coverage will give you a greater ability to provide forms and precedents appropriate for your clients' needs and save time with drafting. The authors of the titles are specialists in their field and use a modern drafting approach, making the precedents very user-friendly. This session will show you how to access and use the forms, investigate recent updates and provide an opportunity for you to learn what you need to know about this iconic resource on Lexis Advance. Duration: 60 min

Getting Started with Lexis Advance Webinar – Tuesday, 20th of July at 3pm

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

Working Smarter with Lexis Advance Webinar – Thursday, 22nd of July at 12pm

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

Working Smarter with Lexis Advance Webinar – Tuesday, 27th of July at 4pm

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

Practical Guidance on Lexis Advance Webinar – Friday, 30th of July at 12pm

This session will look at how Practical Guidance operates as a stand-alone module, and as a partner to the research you run on Lexis Advance. In Practical Guidance, you can find guidance written by experts in different areas of law that link you to relevant cases and legislation, forms, checklists and precedents, as well as extracts from the key that text LexisNexis publishes in that area. Understand the use and benefits of Practical Guidance modules for your everyday research. 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.

Criminal

Becroft and Hall's Transport Law

Service 206 is now available online.

Commentary regarding the Land Transport Act 1998 and Sentencing Principles and Practice have been updated. The Index has also been updated.

Employment

Mazengarb's Employment Law

Service 262 – June 2021 is now available online.

This service includes updated commentary to the Health and Safety at Work Act 2015, pts 2, 5, 6 and 8 of the Employment Relations Act 2000, and the Human Rights Act 1993, as well as the contractual aspects of employment topic.

New Zealand Employment Law Reports

Part 3 of Volume 18 is now available online.

Samuels v Employment Relations Authority – (2020) 18 NZELR 155

Employee advocate – Right to natural justice – Employment Relations Act 2000, s 173(1)(a).

A Labour Inspector of the Ministry of Business, Innovation and Employment v New Zealand Fusion International Ltd (in admin) – (2020) 18 NZELR 165

Compensation order – Against third party – Employment Relations Act 2000, ss 142J and 142L.

Concrete Structures (NZ) Ltd v Ward – (2020) 18 NZELR 170

Remedies – Unjustified dismissal – Vulnerable employee – Employment Relations Act 2000, ss 123(1)(c)(i), 124 and 128.

Wills v Farmlands Co-Operative Society Ltd – (2020) 18 NZELR 182

Personal grievance – Leave to raise out of time – Clarity of instructions to agent – Employment Relations Act 2000, ss 114 and 115(b).

Arachchige v Rasier New Zealand Ltd – (2020) 18 NZELR 189

Employment status – Whether “uber driver” employee – Employment Relations Act 2000, s 6.

Gate Gourmet New Zealand Ltd v Sandhu – (2020) 18 NZELR 214

Minimum wage – Work cancelled during pandemic – Payment for “time lost” by employees – Minimum Wage Act 1983, ss 6 and 7(2).

Family

Practical Guidance: Family

Latest legal update

Review of adoption law released for public submissions by 31 August 2021.

New Zealand Family Law Reports

Parts 14 and 15 of Volume 2020 is now available online.

Luyk v Luyk – [2020] NZFLR 617

Maintenance – Interim spousal maintenance – Disagreement over spousal maintenance sum – Husband earning over million dollars a year – Wife’s reasonable expenses – Wife’s inability to work – Parties aged in their 60s – Whether legal costs and accounting fees should be included in sum – Contracting out agreement – Wife living in family home – Wife’s grown son and family living in family home – Whether spousal maintenance subsidising son – Family Proceedings Act 1980, ss 63, 64, 64A, 82 and 82(4).

Occupation orders – Tenancy orders – Notice to vacate – Wife seeking occupation or tenancy order for family home – Home owned by husband’s family trust – Husband earning over million dollars a year – Wife unable to work – Parties aged in their 60s – Desirability of finality and releasing capital – Rent-free accommodation – Outgoings – Improvement of accommodation – Connection between home and business – Property (Relationships) Act 1976, ss 21, 27, 28, 28(1) and 32.

Keen v Bradford – [2020] NZFLR 638

Guardianship – Direction as to schooling – Appeal – Direction that child attend Catholic primary school – Father wanting child to be enrolled as non-Catholic or attend non-Catholic school – Best interests of child – Parents not sharing common faith – Whether alienation of father if child attending Catholic school – Whether breach of natural justice by Family Court – Procedural direction – Submission only hearing in Family Court – Conduct of Family Court Judge – Bias – Change in circumstances since Family Court decision – Child currently attending Catholic primary school – Whether more advantage in keeping status quo – Care of Children Act 2004, ss 4, 5, 6, 16(5), 46R, 133 and 143 – Family Court Rules 2002 – New Zealand Bill of Rights Act 1990, s 13.

Cole v Hartman – [2020] NZFLR 667

Child support – Confirmation of provisional maintenance order – Order made in United Kingdom – Quantum – Arrears – Whether maintenance order should be modified – Father moving to New Zealand – Remarried with two children – Lower income in New Zealand – Extraordinary costs – Access to children in UK – Cost of travel to UK to see children – Relocation costs – New Zealand formula – Child Support Act 1991 – Children Act 1989, sch 1 – Family Proceedings Act 1980, ss 138, 138(7) and 148 – New Zealand Bill of Rights Act 1990.

Cleveland v Commissioner of Inland Revenue – [2020] NZFLR 677

Child support – Departure order – Dismissal of proceedings – Appeal against assessment – No appearance by appellant – Whether proceedings should be dismissed as frivolous or vexatious application – Child Support Act 1991, s 102 – Family Court Rules 2002, rr 194 and 194(b).

Remnant v Mills – [2020] NZFLR 680

Relationship property – Settlement agreement – Debt due by husband under agreement – Summary judgment application by wife – Husband seeking to set aside agreement – Whether reasonably arguable that husband’s application to set aside agreement would succeed – Whether agreement unfair in light of all circumstances at time it was made – Mental impairment of husband at time of signing – Husband seriously ill and on medication – Fairness – Reasonableness – Whether agreement conferred benefit on wife greater than her legal entitlement – Discretion of Court – High Court Rules 2016, rr 4.29, 4.36 and 12.2(1) – Interest on Money Claims Act 2016, s 25(1) – Family Proceedings Act 1980, s 182 – Property (Relationships) Act 1976, ss 21A, 21D, 21F, 21J, 21J(4), 44 and 44C.

Preston v Preston – [2020] NZFLR 696

Relationship property – Trusts – Nuptial settlement – Increase in value to separate property – Property sharing agreement – Whether deed amending trust nuptial settlement – Trust assets acquired before parties met – Whether amending deed made in contemplation of marriage – Discretion to award relief – Purchase of property under property sharing agreement – Pre-emptive buy-out right – Whether value of property should be at time buy-out right exercised – Increase in value of single share – Whether relationship property – Family Proceedings Act 1980, ss 182 and 182(1) – Property (Relationships) Act 1976, ss 9A, 15, 15A, 17, 44 and 44C.

Trusts – Relationship property – Nuptial settlement – Whether deed amending trust a nuptial settlement – Trust assets acquired before parties met – Whether amending deed made in contemplation of marriage – Family Proceedings Act 1980, ss 182 and 182(1) – Property (Relationships) Act 1976, ss 9A, 15, 15A, 17, 44 and 44C.

Property

Conveyancing Bulletin

Volume 19 issue 12 is now available online.

This issue covers comment on recent key cases in the areas of sale of land, caveats and freehold covenants, including the Supreme Court judgment in *Synlait Milk Ltd v New Zealand Industrial Park Ltd* on application for modification of a freehold covenant.

Practical Guidance: Property

Latest legal update

Phasing out of bank cheques – proposed new conveyancing guidelines

New Zealand Conveyancing and Property Reports

Parts 9 and 10 of Volume 21 is now available online.

North Shore Aero Club Inc v Black River Trustees Ltd – (2020) 21 NZCPR 639

Caveat – Application to sustain – Settlement agreement – Equitable interest in land by virtue of agreement – Caveat not lodged before land sold – Indefeasibility – Fraud – Whether purchaser acquired property through fraud – Whether equitable interest surviving – Land Transfer Act 2017, ss 6, 6(2), 51, 52 and 143 – Overseas Investment Act 2005.

Kirkwood v Kirkwood – (2020) 21 NZCPR 650

Possession – Order for administration of estates – “Unlawful occupier” – Executor of estate seeking possession of deceased’s house – Daughter of deceased living in house – Daughter beneficiary with nowhere else to live – Need for finality – Ability for family to resolve matters themselves before formal orders taking effect – High Court Rules 2016, rr 12.2, 13.1, 13.7, parts 12 and 13.

Body Corporate Number 203780 v Bell – (2020) 21 NZCPR 655

Unit titles – Remediation scheme – Validity of Body Corporate resolution – Whether ultra vires and invalid – Weathertightness issues – Remedial work to be carried out by Body Corporate – Resolution to remove balconies where owner requesting removal of balcony – Not all owners wanting to remove balcony – Whether balconies should be repaired or rebuilt in order to maintain appearance of development as whole – Whether body corporate able to permit unit owners to alter own unit in way materially affecting exterior appearance of development – Unit Titles Act 2010, ss 3, 5(1), 74, 79, 79(e), 80, 80(1)(g), 80(1)(h), 80(1)(i), 108, 109, 138, 138(1)(d), 138(5) and 210.

Synlait Milk Ltd v New Zealand Industrial Park Ltd – (2020) 21 NZCPR 672

Freehold covenants – Application for modification – Burdened land restricted to use for farming and forestry operations – Benefited land potential quarry site – Land subdivided – Dairy factory partly built on burdened land – Whether modifying covenants would substantially injure owner of benefited land – Changes since creation of covenant – Changes to land and surrounding areas – Changes in zoning – Whether covenant impeding reasonable use of land – Discretion – Compensation – Costs – High Court Rules 2016, r 14.6(4)(e) – Property Law Act 2007, ss 316, 317, 317(1), 317(1)(a)(i), 317(1)(a)(ii), 317(1)(a)(iii), 317(1)(b), 317(1)(d), 317(1)(e), 317(1)(f) and 317(2) – Property Law Act 1952, ss 126G and 127 – Property Law Amendment Act 1986 – Resource Management Act 1991, ss 104, 104(3)(a)(ii) and 104C.

Ward v Metcalfe – (2020) 21 NZCPR 721

Oral agreement – Agency – Breach of contract – Part performance – Specific performance – Equitable damages – Contracts Enforcement Act 1956, s 2 – Judicature Act 1908, s 16A.

Re Application by Body Corporate 31428 – (2020) 21 NZCPR 736

Unit titles – Cancellation of unit plan – Sale of timeshare units – Dissolution of body corporate – Timeshare resort – Whether just and equitable to cancel unit plan and dissolve body corporate – Rights and interests of creditors and persons with interest in unit or land – Lack of opposition – Support for proposal – Unit Titles Act 2010, ss 177, 187, 187(2), 188, 188(2) and 205.

Lu Trustee Ltd v Parklane Infrastruct Ltd – (2020) 21 NZCPR 740

Caveat – Area of land caveated – Power to amend caveat – Land in process of being subdivided into three lots – Alleged agreement to grant equitable easement over whole of land – Agreement in place for sale of lot 2 – Alleged agreement to grant easement taking place after agreement to sell lot 2 – Power to amend caveat to reduce area of land included in caveat – Land Transfer Act 1952, ss 143(1) and 143(2) – Land Transfer Act 2017, ss 142, 143, 143(4), 143(4)(b) and 146 – Property Law Act 2007, s 24.

Anderson v De Marco – (2020) 21 NZCPR 758

Sale of land – Cancellation – Misrepresentation – Breach of contractual warranty – Weathertightness issues – Positive building inspection report provided by vendor – Vendor aware of issues with property – Building work undertaken to property without building consent – Whether breach of standard vendor warranty provisions – Whether purchaser validly cancelling agreement – Whether deposit forfeit – Remedies – Compensation – Building Act 2004, sch 1 – Contract and Commercial Law Act 2017, ss 35, 37, 37(2)(a), 37(2)(b) and 43 – High Court Rules, r 11.2(a).

Bank of New Zealand v Padamati – (2020) 21 NZCPR 784

Division – Order of sale and division of proceeds – Co-owners – One co-owner adjudicated bankrupt – Mortgagee wishing to exercise power of sale – Proceeds of sale to be divided among co-owners – Property Law Act 2007, ss 185(1)(a), 185(1)(b), 185(1)(c), 339, 339(1)(a), 341(2) and 342.

Mortgage – Mortgagee sale – Division of property – Co-owners – One co-owner adjudicated bankrupt – Mortgagee wishing to exercise power of sale – Proceeds of sale to be divided among co-owners – Property Law Act 2007, ss 185(1)(a), 185(1)(b), 185(1)(c), 339, 339(1)(a), 341(2) and 342.

Resource Management

New Zealand Resource Management Appeals

Part 6 of Volume 2021 is now available online.

Minister of Conservation v Northland Regional Council – [2021] NZRMA 226

Regional plan – Proposed plan – Allocation and use of water – Water quantity – Rootstock survival allocation – Activity status for takes outside allocation limits and below minimum flows – Supplementary takes – Regime to be adopted for takes above medium flow – Alternative minimum flows – Dune Lakes levels – Appropriate level for lakes – COVID-19 Recovery (Fast-track Consenting) Act 2020 – Resource Management Act 1991, ss 6, 6(c), 14(3)(b), 32, 32AA and part 2.

Bay of Islands Maritime Park Inc v Northland Regional Council – [2021] NZRMA 256

Declaration – Interpretation of new Regulations – Application of Regulations to wetlands – Whether Resource Management (National Environmental Standards for Freshwater) Regulations 2020 applying to wetlands in coastal marine area – “Natural wetlands” – Whether intended to cover all wetlands – Whether interpretation affecting Court’s jurisdiction – Fisheries Act 1996 – Interpretation Act 1999, s 5 – Resource Management Act 1991, ss 2, 43, 43(1)(a)(ii), 43A, 43A(6), 43B, 43B(1), 43B(2), 43B(3), 43B(6), 43B(6A), 44, 46A, 46A(3)(b), 47, 51 and 80A – Resource Management (National Environmental Standards for Freshwater) Regulations 2020, regs 3, 10(3)(c), 13(4)(c), 24(1)(b), 34(1)(b), 37, 38, 40, 42, 43, 50, 51, 52, 54 and part 3.

Succession

Practical Guidance: Succession

Latest legal update

High Court held Turk's Poultry founder had capacity to exclude son from his will

Textbook

Law of Family Protection and Testamentary Promises, 5th edition

Bill Patterson

RRP*incl GST: \$200.00

ISBN: 9781988546506 (book)

ISBN: 9781988546513 (ebook)

Publication date: 26 May 2021

Trusts

Practical Guidance: Trusts

Latest legal update

Application for Beddoe orders appealed in trusts case

Textbook

Garrow and Kelly Law of Trusts and Trustees, 8th 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: October 2021

Various

Textbooks

Burrows and Carter Statute Law in New Zealand, 6th edition

Ross Carter

RRP*incl GST: \$180.00

ISBN: 9780947514983 (book)

ISBN: 9780947514990 (ebook)

Publication date: 26 May 2021

Burrows and Cheer Media Law in New Zealand, 8th edition

Ursula Cheer

RRP*incl GST: \$200.00

ISBN: 9781988546117 (book)

ISBN: 9781988546124 (ebook)

Publication date: 23 February 2021

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