

Issue 497 | 29 March 2021

**LexisNexis News**

## **Welcome to the Knowledge Network**

We've made some improvements to the LexisNexis Knowledge Network to help you along your legal research journey. Our redesigned home page lists how-to videos, user guides and release notes by solution, and directs you to our public webinar schedule and learning options in a snap! You can also easily request training or contact your learning consultant directly for sessions tailored to your firm's needs.

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

### **NZ Bar Webinar – Tuesday, 30th of March at 4pm**

NZBA members—Improve your skills and save time researching with Lexis Advance. In our Bar-focused training session, discover how to make the most of the big red search box, filter your search results, create links to your favourite publications, highlight and annotate content, create your own work folders to organise your research. Makes researching easy for you.

Duration: 60 min

### **Lexis Advance for Academic Users Webinar – Tuesday, 30th of March at 1pm**

Join this practical session on using Lexis Advance effectively to get the information you need for your law studies. Duration: 60 min

### **Getting Started with Lexis Advance Webinar – Tuesday, 6th of April 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

### **CaseBase and LexCite on Lexis Advance Webinar – Monday, 12th of April at 12pm**

Have a look under the hood of Lexis Advance to get a better understanding of how CaseBase and LexCite work as our caselaw and legislation citators. Understand the sources from which they draw their information and how they can be used to aid your legal research and save you time. Duration: 60 min

### **Getting Started with Lexis Red Webinar – Tuesday, 13th of April 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

### **Focus on The Laws of New Zealand: Lexis Advance and Lexis Red Webinar – Wednesday, 14th of April at 12pm**

Regularly updated and available in its entirety on Lexis Advance and Lexis Red, The Laws of New Zealand is an encyclopaedic work providing a reliable statement of the whole of the law of New Zealand—statutory, regulatory and judicial, including extensive cross-referencing to Halsbury's Laws of England and Halsbury's Laws of Australia. Authors of this prestigious work include Judges, academics, and senior members of the profession. Learn how to use key words and browse features when accessing it on either Lexis Advance or Lexis Red to improve your research efficiency, collate your research results and save time. Duration: 60 min

### **Getting Started with Lexis Draft Webinar – Tuesday, 20th of April at 3pm**

Lexis Draft is a legal drafting solution. It is a Microsoft Word and Microsoft Outlook add-in ribbon that helps you draft faster and more efficiently. Lexis Draft contains legal proofreading, editorial review, research and analytical tools for accurate, consistent and efficient drafting. It checks for inconsistencies in documents, flags areas that need your attention and links directly to your LexisNexis services without leaving Word – saving you time. Duration: 60 min

## **Focus on The Laws of New Zealand: Lexis Advance and Lexis Red Webinar – Thursday, 22nd of April at 4pm**

Regularly updated and available in its entirety on Lexis Advance and Lexis Red, The Laws of New Zealand is an encyclopaedic work providing a reliable statement of the whole of the law of New Zealand—statutory, regulatory and judicial, including extensive cross-referencing to Halsbury's Laws of England and Halsbury's Laws of Australia. Authors of this prestigious work include Judges, academics, and senior members of the profession. Learn how to use key words and browse features when accessing it on either Lexis Advance or Lexis Red to improve your research efficiency, collate your research results and save time. Duration: 60 min

## **Working Smarter with Lexis Advance Webinar – Tuesday, 27th of April 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

## **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

## **Criminal**

### **Cross on Evidence**

Service 116 is available online.

This service provides legislative updates to the Search and Surveillance Act 2012. Commentary has been updated for Parts 1 – 4 of the Evidence Act 2006 and for Chapters 2 – 4 of Evidence Law Outside the Evidence Act.

### **Textbook**

#### ***Cross on Evidence*, 11<sup>th</sup> edition**

The Honourable Justice Downs (editor)

RRP\*incl. GST: \$99.99

ISBN: 9781988546384

Publication date: December 2020

## Employment

### Mazengarb's Employment Law

Service 259 is available online.

This service provides commentary updates for Part 2: Key provisions, Part 5: Collective bargaining, Part 6: Individual employees' terms and conditions of employment, Part 9: Personal grievances, disputes and enforcement and Part 10: Institutions of the Employment Relations Act 2000. Commentary on the Minimum Wage Act 1983, the Wages Protection Act 1983, the Health and Safety at Work Act 2015, the Health and Safety At Work (Adventure Activities) Regulations 2016, the WorkSafe New Zealand Act 2013 and the Accident Compensation Act 2001 is also included in this service update.

### Practical Guidance: Employment

Latest legal update

First vaccinations received by more than half of border workforce

## Family

### Practical Guidance: Family

Latest legal updates

Calls for change to surrogacy laws

United Nations committee reports that New Zealand has failed to protect domestic violence victims in Family Court

50 new Family Court Navigator positions introduced

Divorced women struggle to re-enter high priced housing market

COVID-19 updates: Surrogacy protocol extended to 23 September 2021

### New Zealand Family Law Reports

Part 8 of Volume 2020 is now available online.

*Commissioner of Inland Revenue v Winfield* – [2020] NZFLR 339

Child support – Community work – Conditions on community work – Child Support Act 1991, ss 190, 195 and 196.

*Beck v Wilkerson* – [2020] NZFLR 342

Relationship property – Cryptocurrency – Inability to determine quantity of cryptocurrency possessed by parties – Delay in selling family home – No compensation for delay in selling family home – Post separation contributions – Inadequacy of child support payments – Post separation contributions not to be used to cover inadequacy of child support – Lump sum child support payment – Future property – Jurisdiction of court not extending to future property – Child Support Act 1991, ss 105, 108, 109 and 110 – Matrimonial Property Act 1976, s 2 – Property (Relationships) Act 1976, ss 18B, 18C, 32, 33 and 34.

*EL v TG* – [2020] NZFLR 365

Enduring power of attorney – Review of decisions made by attorney – Discovery – Discovery of financial records – Discovery of financial records prior to enduring power of attorney coming into effect – Discovery of medical records – Protection of Person and Property Rights Act 1988, ss 102, 103 and 106 – Family Court Rules r 141.

*Te Hei v Bradford* – [2020] NZFLR 371

Relationship property – De facto relationship – Relationship of short duration – Significant contributions – Serious injustice – Land purchased during relationship – Separation of property – Property Law Act 2007, ss 339 and 343 – Property (Relationships) Act 1976, ss 14A and 18.

*Kingi v Police* – [2020] NZFLR 376

Domestic violence – Protection order – Breach of protection order – Sentence – Appeal against sentence – Intensive supervision – Rehabilitative programmes – Requirement for suitable address to reside in – No suitable addresses available – Imprisonment – Cultural identity – Criminal Procedure Act 2011, ss 244 and 250 – Sentencing Act 2002, s 27.

## **New Zealand Law Reports**

### **[2020] 2 NZLR Part 5**

The following cases are included in Part 5:

- *X v R* - [2020] 2 NZLR 590 - 18 March 2020
- *LRR v COL* - [2020] 2 NZLR 610 - 3 June 2020
- *Church of Jesus Christ of Latter-Day Saints Trust Board v Commissioner of Inland Revenue* - [2020] 2 NZLR 647 - 6 May 2020
- *Kerr v Police* - [2020] 2 NZLR 663 - 23 June 2020
- *Accident Compensation Corporation v Ng* - [2020] 2 NZLR 683 - 7 July 2020
- *Peters v Bennett* - [2020] 2 NZLR 699 - 20 April 2020

## **Property**

### **Conveyancing Bulletin**

Volume 19 issue 9 is now available online.

This issue includes comment on key recent cases in the areas of unit titles (minority relief), caveats, freehold covenants, indefeasibility of title, landlord and tenant and sale of land.

### **Adams' Land Transfer**

Service 100 – March 2021

Service 100 is available online.

This service provides legislative updates to the Residential Tenancies Act 1986, the Property Law Act 2007, Te Ture Whenua Maori Act 1993 and the Unit Titles Act 2010. Commentary has been updated for the annotated Land Transfer Act 2017.

## **Resource Management**

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

Part 1 of Volume 2021 is now available.

*Rangitira Developments Ltd v Royal Forest and Bird Protection Society of New Zealand Inc* – [2021] NZRMA 1

Reserves – Mining – Access arrangement – Development of mine on public reserve – Application for access over reserve land – Competing legislation – Statutory interpretation – Whether council bound to decide application under Crown Minerals Act 1991 (Crown Minerals Act) in accordance with Reserves Act 1977 (Reserves Act) – Whether Reserves Act factor to be taken into account under Crown Minerals Act – Legislative history – Whether mining legislation having primacy over reserves legislation – Role of Reserves Act in decisions under Crown Minerals Act – Coal Mines Act 1979, ss 20, 21 and 21(4) – Coal Mines Amendment Act 1950, s 8 – Coal-mines Act 1925, s 4(1)(b) – Crown Minerals Act 1991, ss 9, 11(2), 25, 47, 48, 50, 54(2), 55(2)(a), 60, 60(2), 61, 66 and 66(1)(b) – Interpretation Act 1999, s 22(2) – Land Act 1948, s 167 – Local Government Act 2002, ss 10, 12(2) and 13 – Mining Act 1926 – Mining Act 1971, s 26 – Public Reserves, Domains, and National Parks Act 1928, s 9 – Reserves Act 1977, ss 16(1), 16(8), 23, 23(2)(a), 23(2)(b), 40(1), 109, 109(1) and 109(2) – Town and Country Planning Act 1953.

*Hauraki Coromandel Climate Action Inc v Thames-Coromandel District Council* – [2021] NZRMA 22

Judicial review – Council decision to not approve signing of Local Government Leaders' Climate Change Declaration – Political document – Significant decision – Effect of decision – Effect on citizens and ratepayers – Legitimate expectation – Whether decision reviewable – Whether decision unreasonable – Heightened scrutiny on climate change decisions – Whether decision-making process lawful – Council's climate change strategy – Relief – Declaration – High Court Rules 2016, r 15.1 – Judicature Amendment Act 1972 – Judicial Review Procedure Act 2016, ss 3, 4, 5, 5(2)(b), 13, 14 and 17 – Local Government Act 2002, ss 5, 10, 14, 41, 41A, 76, 76AA, 77, 78, 78(2), 79, 79(2), 80, 82, part 6 sub-parts 1 and 2.

Climate change – Judicial review – Council decision to not approve signing of Local Government Leaders' Climate Change Declaration – Heightened scrutiny on climate change decisions – Political document – Effect of decision – Whether Council's decision reviewable – Whether Council's decision unreasonable – Council's climate change strategy – Whether Council's decision-making process lawful – Relief – High Court Rules 2016, r 15.1 – Judicature Amendment Act 1972 – Judicial Review Procedure Act 2016, ss 3, 4, 5, 5(2)(b), 13, 14 and 17 – Local Government Act 2002, ss 5, 10, 14, 41, 41A, 76, 76AA, 77, 78, 78(2), 79, 79(2), 80, 82, part 6 sub-parts 1 and 2.



## Succession

### Wills and Succession

Service 75 – March 2021

Service 75 is available online. The Te Ture Whenua Māori (Succession, Dispute Resolution, and Related Matters) Amendment Act 2020, which came into force on 6 February 2021, made a number of significant changes to the law relating to Māori estates. This Act is discussed in Chapter 16 (Māori estates). There is case commentary in this service and also references to the Trusts Act 2019 have been updated throughout the commentary, replacing references to the repealed Trustee Act 1956.

### Textbooks

#### ***Nevill's Will Drafting Handbook, 8<sup>th</sup> edition***

Sarah Parsons

RRP\*incl GST: \$160.00

ISBN: 9781988546254

Publication date: December 2020

#### ***Law of Family Protection and Testamentary Promises, 5<sup>th</sup> edition***

Bill Patterson

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

ISBN: 9781988546506 (book)

ISBN: 9781988546513 (ebook)

Publication date: May 2021

## Trusts

### Practical Guidance: Trusts

Latest legal update

Court of Appeal preserves trust assets acquired before marriage

### Textbook

#### ***Nevill's Trusts Drafting Handbook, 3<sup>rd</sup> edition***

Sarah Parsons

RRP\*incl GST: \$160.00

ISBN: 9781988546278

Publication date: December 2020

## Laws of New Zealand

Service 98 (updated to 1 July 2020) is now available online.

Service 98 features significant updates to:

- the "Agriculture" title as a result of the Farm Debt Mediation Act 2019, the remainder of which came into force on 1 July 2020;
- the "Information" title as a result of the Privacy Act 2020, of which Part 3 Subpart 2 (ss 32 - 38) and ss 213 - 215 came into force on 1 July 2020;
- the "Public Safety" title, as a result of the provisions of the Arms Legislation Act 2020 that came into force on 25 June 2020;
- the "Transport" title as a result of the Land Transport (Rail) Legislation Act 2020, which came into force on 1 July 2020;

Stop Press has been updated to include a summary of the following decisions of the Supreme Court:

- *D (SC 31/2019) v Police* [2021] NZSC 2
- *Synlait Milk Ltd v New Zealand Industrial Park Ltd* [2020] NZSC 157
- *Woods v Police* [2020] NZSC 141
- *Southern Response Earthquake Services Ltd v Ross* [2020] NZSC 126
- *Ortmann v United States of America* [2020] NZSC 120
- *Brougham v Regan* [2020] NZSC 118
- *Savvy Vineyards 4334 Ltd v Weta Estate Ltd* [2020] NZSC 115
- *International Consolidated Business Pty Ltd v SC Johnson & Son Inc* [2020] NZSC 110
- *Madsen-Ries v Cooper* [2020] NZSC 100

## Commercial

### Commercial Law in New Zealand

Service 69 is available online

This service provides updates for Part Two: General Principles of Contract and Quasi-Contract, Part Four: Specific Contracts, Part Five: Competition Law, Part Six: Insolvency, Part Seven: Dispute Resolution and Part Eight: Secured Transactions and Hire Purchase.

## **Company and Securities Law Bulletin**

Issue 12 is now available online.

Issue 12 features headnotes on *International Consolidated Business Pty Ltd v SG Johnson & Son Inc*; *Savvy Vineyards 4334 Ltd v Weta Estate Ltd* and *Financial Markets Authority v PTT Ltd (in liq)*.

Issue 1 & 2 are now available online.

Issue 1 & 2 feature headnotes on *Khurana Trustee Ltd v Castle Backpacker K Road Ltd*; *Meltzer v Amstar New Zealand Ltd* and *Zindia Ltd v Arapawa Island Forestry Partnership*.

## **Business Law Practical Guidance**

Latest legal updates

NEP Cleared to acquire Sky's outside broadcasting assets

Public holiday surcharges must be clearly disclosed by businesses

The Commerce Commission issues compliance advice to Unison Networks for contravening quality standards

The Commerce Commission issues warning letter to Horizon Energy for failing to meet good industry practice on lines network

Chorus' Proposal to spend \$1.6 billion during first period of new fibre regulatory regime is now open for consultation

ANZ admits misrepresentations over credit card insurance charges

The Commerce Commission warns Auckland Council over lending failures

The Commerce Commission fines Homes Funding Group Ltd \$400,000

The Commerce Commission releases Statement of Preliminary Issues on the application by Taranaki By-Products to increase shareholding in Lowe joint ventures

Moola agrees to \$2.8m settlement with the Commerce Commission

Michael Reps sentenced to detention and community work for FSPR breach

## Intellectual Property Law

### Intellectual Property Law Practice Guidance

Latest legal update

New Zealand signs Regional Comprehensive Economic Partnership Agreement

## Various

### Textbooks

#### ***Roth's Companion to the Privacy Act 2020***

Paul Roth & Blair Stewart

RRP\*incl GST: \$200.00

ISBN: 9781988546469

Publication date: December 2020

#### ***Burrows and Cheer Media Law in New Zealand, 8<sup>th</sup> edition***

Ursula Cheer

RRP\*incl GST: \$200.00

ISBN: 9781988546117 (book)

ISBN: 9781988546124 (ebook)

Publication date: February 2021

#### ***Burrows and Carter Statute Law in New Zealand, 6<sup>th</sup> edition***

Ross Carter

RRP\*incl GST: ~~\$180.00~~ \$162.00 (pre-order price)

ISBN: 9780947514983 (book)

ISBN: 9780947514990 (ebook)

Publication date: April 2021

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