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LexisNexis News

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

Working Smarter with Lexis Advance Webinar – Tuesday, 25th of May 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

NZ Bar Webinar – Friday, 28th of May at 10am

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

Getting Started with Lexis Advance Webinar – Thursday, 3rd of June 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

Getting Started with Lexis Red Webinar – Tuesday, 8th of June 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

Getting Started with Lexis Draft Webinar – Tuesday, 15th of June 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

Working Smarter with Lexis Advance Webinar – Tuesday, 22nd of June 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

Criminal

Hall's Sentencing

Service 178 is now available online.

The Child Protection (Child Sex Offender Government Agency Registration) Act 2016, Criminal Procedure Act 2011 and Sentencing Act 2002 have been amended. Commentary has been updated for Sentencing Act 2002 and Sentencing Levels.

Employment

Mazengarb's Employment Law

Service 261 is now available online.

This includes commentary updates on Part 9 of the Employment Relations Act 2000, Selected Topic: Contractual Aspects of Employment, Selected Topic: Wages, Selected Topic: Tort actions in employment law, Parental Leave and Employment Protection Act 1983, Equal Pay Act 1972, and the Accident Compensation Act 2001. Legislative amendments have been incorporated to update the Public Service Act 2020, Holidays Act 2003 and the Accident Compensation Act 2001.

Privacy Law and Practice

Service 114 is now available online.

This includes additions to commentary on the Privacy Act 2020. Commentary in the Codes of Practice, Banking and Finance, Business and Administration Practices and International tabs has also been updated in this service. Legislative amendments from the Privacy Act 2020 and the Mental Health and Wellbeing Commission Act 2020 have also been incorporated.

Practical Guidance: Employment

Latest legal updates

Drought support expands as dry conditions continue

Franz Josef flood protection project approved

Family

Family Law Service

Service 202 is now available online.

This includes legislative amendments made by the Child Support Amendment Act 2021 (2021 No 6). This service also includes updated case commentary in the areas of Adoption, Care and Protection, Day to day care and contact, Family law practice and procedure, Family Protection Act 1955, Guardianship, Hague Convention, Intellectual disability, International, Paternity, Relationship property, Relocation, Sexual abuse cases in the Family Court and Youth justice.

Practical Guidance: Family

Latest legal updates

Court orders two children into guardianship of Oranga Tamariki to get measles vaccine

Government announces adoption law reform

New measures planned to make registering sex changes on birth certificates easier

Rape charges dismissed under s 322 of the Oranga Tamariki Act 1989 due to decades-long delay in laying charges

New Zealand Family Law Reports

Part 11 of Volume 2020 is now available online.

Vinson v Commissioner of Inland Revenue – [2020] NZFLR 479

Child support – Liability to pay – Appeal – Child not in care of parents – Child living with another couple – Whether couple “carers” or employers – Child now 18 years of age – Whether child employed and financially independent – Whether child enrolled at and attending school – Available benefit through Work and Income – Child Support Act 1991, ss 2, 4, 4(j), 5, 5(1)(c), 5(2) and 15 – Education Act 1989, ss 3, 7(1), 25, 28(1)(b) and 152 – Interpretation Act 1999, s 5(1).

Holland v Dollard – [2020] NZFLR 491

Relationship property – Division of property – Exception to equal division – De facto relationship – Application for extension of time – Duration of relationship – Whether extension of time required – Whether extraordinary circumstances making equal sharing repugnant to justice – Financial and non-financial contributions – Child care – Misconduct of partner – Domestic violence – Alcoholism – Post-separation contributions – Compensation – Child support – Oranga Tamariki intervention – Care of Children Act 2004, s 132 – Child Support Act 1980 – Domestic Violence Act 1995 – Property (Relationships) Act 1976, ss 1M, 2D, 2D(2), 11, 13, 18, 18A, 18B, 24 and 32.

Booth v Booth – [2020] NZFLR 509

Relationship property – Settled property – Post-nuptial settlement – Variation of settlement to remedy injustice – Inter-generational family arrangement – Younger generation taking over farming business – Deed of debt – Whether family intended debt not to be repaid as long as parties remained married – Parties separating – Existence of post-nuptial settlement – Connection to marriage – Jurisdiction – Court of Appeal (Civil) Rules 2005, r 33 – Family Court Act 1980, s 14 – Family Proceedings Act 1980, ss 160, 160(2), 182 and 182(1) – Property (Relationships) Act 1976, ss 10, 38A and 38A(2)(b).

Part 12 of Volume 2020 is now available online.

Quinn v Quinn – [2020] NZFLR 524

Relationship property – Division of relationship property – UK pension plan – Whether lump sum payment or payment of future annuities – Equal sharing – Chattels – Compensation for loss of use of capital – Post-separation contributions – Economic disparity – Wife suffering chronic illness and unable to work – Spousal maintenance – Family Proceedings Act 1980, ss 63, 64, 64(2)(a), 65, 65(2), 69, 69(1), 69(2) and 70 – Property (Relationships) Act 1976, ss 1, 2, 11, 15(1), 18B, 20D, 24, 32 and 32(2)(a) – Social Security Act 2018, s 388.

Benjamin v Benjamin – [2020] NZFLR 541

Marriage – Dissolution of marriage – Jewish marriage – Rabbinical law – “Get” – COVID-19 restrictions – Date of separation – Living apart for two years – Family Proceedings Act 1980.

Saunders v Sloan – [2020] NZFLR 544

Relationship property – Division of relationship property – Post-separation contributions – Qualifying contributions – Occupation rent – Wife living in family home – Family home requiring repairs before sale – Property (Relationships) Act 1976, ss 1N, 18, 18(1), 18(2), 18B and 33.

Marshall v Singleton – [2020] NZFLR 556

Wills – Validity – Will unsigned – Testamentary capacity – Whether testamentary capacity at relevant time – Testamentary intention – Whether unsigned document represented testator’s unconditional testamentary intention – Testator wishing to explain changes in letter to children – Administration Act 1969, s 19(1) – Wills Act 2007, ss 11, 11(4), 13, 13(2), 14, 14(1) and 14(2).

Part 13 of Volume 2020 is now available online.

Butler v Commissioner of Inland Revenue – [2020] NZFLR 572

Child support – Court orders – Interpretation of Court orders – Vague Court orders – Care of children – Late objections to assessments – Child Support Act 1991, s 91.

Radley v Radley – [2020] NZFLR 578

Relationship property – Respondent barred from taking further steps – Role of Court where one party has taken no steps – Division of relationship property – Value of relationship property diminished by actions of one party – Use of family home to manufacture methamphetamine – Costs – Solicitor client costs – Property (Relationships) Act 1976, ss 26 and 32.

Wihongi v Broad – [2020] NZFLR 585

Relationship property – Judicial settlement conference – Consent order made at conference – Application to set aside consent order – Jurisdiction of Family Court – Implied jurisdiction – Limits on implied jurisdiction – Fundamental error of process – Exceptional circumstances – Family Court Act 1980, s 11 – Family Proceedings Act 1980, s 182 – Property (Relationships) Act 1976, ss 21 and 21J – Senior Courts Act 2016, s 12 – District Court Rules 2014, r 209 – Family Court Rules 2002, rr 88, 175, 178, 179, 193 and 198 – High Court Rules 2016, r 186.

Johnston v Johnston – [2020] NZFLR 594

Relationship property – Protest as to jurisdiction – New Zealand realty – Movable located in and out of New Zealand – Discretion of court as to movables outside New Zealand – Forum – Service – Electronic service – Exceptional circumstances – Property (Relationships) Act 1976, ss 7, 9, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32 and 33 – District Court Rules 2014, r 6.27 – High Court Rules 2016, rr 1.5, 6.8, 6.23, 6.27, 6.28, 6.29 and 6.32.

Smith v Smith – [2020] NZFLR 609

Domestic violence – Protection order – Application for rehearing – No misconduct in case – Conditions on protection order – Unduly onerous condition – Condition onerous, but not unduly so – District Court Act 2016, ss 124 and 127 – Domestic Violence Act 1995, ss 3, 7 and 14 – Family Court Act 1980, ss 14 and 16 – Family Violence Act 2018, sch 1 – Family Court Rules, rr 209 and 210 – High Court Rules 2016, r 20.18.

Property

New Zealand Conveyancing and Property Reports

Part 8 of Volume 21 is now available online.

Kamo v Minister of Conservation – (2020) 21 NZCPR 563

Maori Land – Vesting of land – Declaratory judgment – Mana Whenua – Proposal to vest land in Moriori – Dispute over mana whenua – Appropriateness of declaratory procedure – Whether breach of appellants’ right to property, culture and free movement to vest land in Moriori – Whether appellants’ property rights engaged – Consistency of proposed vesting with New Zealand Bill of Rights Act 1990 – Consistency of vesting with Treaty of Waitangi – Conservation Act 1987, s 4 – New Zealand Bill of Rights Act 1990, ss 18, 20 and 21 – Reserves Act 1977, s 26 – Treaty of Waitangi.

Ngui v Ngui – (2020) 21 NZCPR 573

Division – Order of purchase or sale – Siblings inheriting property from mother in equal shares – Son living in property with family before and after mothers death – Whether son having right to subdivide property and own subdivided land – Asserted agreement signed by mother as to subdivision – Son seeking specific performance of agreement – Whether sale of property should be ordered – Whether son should be provided opportunity to purchase property – Rent payable by son for occupation of property – Whether sisters should pay rates and insurance on property – Administration Act 1969, s 49(1)(a) – Property Law Act 2007, ss 24, 339, 339(1), 339(1)(a), 339(1)(c), 339(3), 339(4), 341(2), 342(1) and 343.

Topa Partners Ltd v JWL International Group Ltd – (2020) 21 NZCPR 591

Caveat – Application to sustain – Equitable mortgage – Agreement to mortgage as security for payment of any amount owing under building contract – Electrical work carried out on large construction – Dispute over payment – Whether reasonably arguable interest – Reservation of title clause – Whether retaining ownership of goods supplied until paid for – Goods incorporated into building – Whether Court should exercise discretion to remove caveat – Conditions of maintaining caveat – Construction Contracts Act 2002 – Land Transfer Act 2017, ss 138(1)(a) and 143.

Arriessgado v Gallagher Family Investments Ltd – (2020) 21 NZCPR 607

Unit titles – Independent dealings with accessory units – Temporary transfer of accessory units to plaintiffs' principal unit title – Accessory titles never transferred back – Original owner of accessory units disappearing – Whether agreement transferring accessory units null and void – Whether agreement to purchase accessory units back validly cancelled – Contract and Commercial Law Act 2017, ss 71 and 73 – Land Transfer Act 2017 – Unit Titles Act 2010, ss 18, 53 and 53(7).

Kinara Trustee Ltd v Infinity Enterprises NZ Ltd – (2020) 21 NZCPR 616

Land Transfer Act – Fraud – Easement – Unregistered access way – Leave to appeal application – Entitlement to use driveway – Whether enforceable easement by implied grant – In personam claim – Estoppel by silence – Duty to speak out.

Body Corporate 172108 v Flat Bush Finance Ltd – (2020) 21 NZCPR 622

Caveat – Application to sustain – Competing equitable interests – Claimed caveatable interest subject to interests of first respondent in property – Priority of competing interests – Whether equitable mortgage having temporal priority – Whether temporal priority should be displaced – Residual discretion to lapse caveat – Post-hearing memoranda – Companies Act 1993, s 214(4)(a) – High Court Rules 2016, r 11.8A – Land Transfer Act 2017, ss 138 and 143 – Property Law Act 2007, ss 347 and 348 – Trustee Act 1956, s 38(2) – Unit Titles Act 1972, s 48 – Unit Titles Act 2010, s 147(4).

Resource Management

Resource Management Bulletin

The latest issue of the Resource Management Bulletin is now online. This month's issue features an article on native title to freshwater under New Zealand common law by Nicky McIndoe and Max Bramwell and an article which considers New Zealand's nationally determined contribution, looking at the process for developing it and what it means in terms of our commitment to responding to the global climate change emergency, written by Prue Taylor and Ellen Sanders. It also includes an editorial on the Climate Change Commission's advice on future policy direction by Dr Trevor Daya-Winterbottom.

New Zealand Resource Management Appeals

Part 5 of Volume 2021 is now available online.

Ngāti Maru Trust v Ngāti Whātua Ōrākei Whaia Maia Ltd – [2021] NZRMA 179

Resource consents – Conditions on consent – Appeal against conditions – Preliminary question – Reformulation of preliminary question at hearing – Mana whenua – Primary mana whenua – Tikanga based rights – Environment Court jurisdiction to determine tikanga based rights – Determination of tikanga based rights in resource management context – Relationships between iwi – Interpretation Act 1999, s 5 – District Court Rules 2014, rr 10.20 and 10.21 – Resource Management Act 1991, ss 2, 5, 6, 7, 8, 32, 33, 35A, 36B, 39, 58D, 58H, 58L, 58M, 58N, 58R, 61, 62, 104, 108, 108AA, 251, 252, 253, 254, 255, 269, 276, schs 1, 1A, 1B and 3B.

Waikato Regional Council v Lockwood – [2021] NZRMA 215

Sentencing – Permitting discharge of farm animal effluent – Repeat offending – Two incidents 10 months apart – Careless behaviour – Gravity of offending more than moderately serious – Culpability more than moderately serious – Reluctance and want of care to address infrastructure deficiencies – Fine – Resource Management Act 1991, ss 3, 15(1)(b) and 342 – Sentencing Act 2002, ss 7, 8 and 85.

Succession

Textbooks

Nevill's Will Drafting Handbook, 8th edition

Sarah Parsons

RRP*incl GST: \$160.00

ISBN: 9781988546254 (book)

ISBN: 9781988546261 (ebook)

Publication date: December 2020

Law of Family Protection and Testamentary Promises, 5th edition

Bill Patterson

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

ISBN: 9781988546506 (book)

ISBN: 9781988546513 (ebook)

Publication date: May 2021

Trusts

Textbooks

Nevill's Trusts Drafting Handbook, 3rd edition

Sarah Parsons

RRP*incl GST: \$160.00

ISBN: 9781988546278 (book)

ISBN: 9781988546285 (ebook)

Publication date: December 2020

Garrow and Kelly Law of Trusts and Trustees, 8th edition

Chris Kelly, Greg Kelly, Collette Mckenzie & Kimberly Lawrence

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

ISBN: 9781988546292 (book)

ISBN: 9781988546308 (ebook)

Publication date: August 2021

Various

Kennedy-Grant and Weatherall on Construction Law

April updates are now available online.

A review and update has been carried out on chapters 5-8 covering the statutory controls on the construction process, including the Resource Management Act 1991 and the Building Act 2004.

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, 8th 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, 6th edition

Ross Carter

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

ISBN: 9780947514983 (book)

ISBN: 9780947514990 (ebook)

Publication date: May 2021

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