



Library
KeyNews
03.2015

This month's theme:

Partnering for Success

Also in this issue:

Australian Uniform Evidence

Corporations Law Case Analyser

Australian Commercial Arbitration

Banking and Finance Law of Australia

Capital Monitor Case Study

ASX Listing Alerts



➤ Australian Uniform Evidence

To complement our well-respected portfolio of civil procedure, criminal law and evidence works, we are launching a new online service - *Australian Uniform Evidence* (AUE). Using the Evidence Act 1995 (Cth) as its core, AUE will provide practitioners operating in the Federal, NSW and Victorian jurisdictions with greater clarity on the differences in the way the uniform regime is applied between the jurisdictions.

The author team, **Justice Geoffrey Bellew** of the **Supreme Court of New South Wales** and **John Arthur**, Barrister and member of the **Victorian Bar**, has annotated the legislation in detail, providing legal analysis addressing the scope and application of each provision and the relevant case law. The structured approach to annotations will make the work an intuitive entry point for new practitioners and generalists, while the extensive cross-referencing to the highly renowned title *Cross on Evidence* will give experienced practitioners access to the depth they need.

The service will also be a valuable resource for practitioners in Tasmania, the Australian Capital Territory and the Northern Territory, due to the close alignment between the Evidence Acts in those jurisdictions and the uniform regime.

➤ Corporations Law Case Analyser - Your essential tool for case law research

Corporations Law Case Analyser is an online subscription service providing a stream of concise practical analysis of selected corporations law cases with high precedential value. Cases are organised by theme with further research links to *LexisNexis*® corporations law products.

Corporations Law Case Analyser saves research time by providing guidance on recent key cases and identifying and organising case law by topic. Cases are drawn from the State Supreme Courts, the Federal Court, and the High Court.

Corporations Law Case Analyser provides commentary on the practical impact of recent cases in the area of corporations law by providing:

- links to primary materials through *LawNow*® and *CaseBase*®;
- structured alphabetically by key topics so relevant material can be quickly located according to the user's query;
- the work can be used in conjunction with other *LexisNexis* Corporations Law commentary titles, including *Fords Principles of Corporations Law* and *Australian Corporation Law Principles and Practice*.

The cases have been analysed by authors across bar, large law and academia who are overseen by the General Editor, **Dr Oren Bigos**, Barrister, a highly regarded expert in the area of corporations law.

Corporations Law Case Analyser contains 113 case analysers, covering 18 topics and subtopics. Cases will be added monthly, with 12 services per year to ensure currency.

For more information visit www.lexisnexis.com.au/CLCA

03.2015
March 2015

▶ Banking and Finance Law of Australia

Howatson, G; Chen, W L; Assaf, F; Boxall, L; Emmett, J; McGill, D; Gray, S; Menzies, P; Trinca, P

Banking and Finance Law of Australia is a concise, practical and easy-to-navigate resource on the relevant principles of law and their application to issues that commonly arise in this dynamic area. In particular it covers:

- the legal principles that govern the relationship between financial institutions and their customers;
- different types of securities and guarantees;
- regulation of the Australian financial system; and
- the practical aspects of different types of retail finance.

Banking and Finance Law of Australia provides lawyers with a thorough understanding of the relevant principles, informs them of the common or likely issues that arise in practice, flags considerations to be taken into account and highlighting traps or tips with easily identifiable key practice points.

It helps transactional lawyers to identify potential problems before they occur, and positions dispute resolution lawyers to understand the legal position if problems have already arisen

It complements a number of LexisNexis subscription services in this area on specific topics in banking and finance law, such as *Australian Corporate Finance Law*, *Personal Property Securities in Australia* and *Anti-Money Laundering and Financial Crime* service.

Welcome to the first edition of KeyNews for 2015. We have launched the year with a flurry of new offerings, enhancements, events and behind the scenes work to develop and deepen the value we can add to your business.

I would also like to take this opportunity to introduce myself as the newly-appointed General Manager for LexisNexis Australia. It is with excitement that I will continue to evolve our collaborative approach to delivering optimum workflow and productivity solutions partnered with our premium content, as well as continue our work in promoting and supporting the rule of law.

This month, LexisNexis will be hosting the Australian 'Business for Rule of Law Workshop'; a global initiative by the *United Nations Global Compact* that seeks to engage the business community in mobilising support for the rule of law. I have the unique opportunity to facilitate this important workshop that aims to develop action points that can be taken to advance the rule of law and raise awareness of the impact that business can have in promoting this universal construct. Our findings will be a contribution to the global framework that is to be launched by the UNGC in mid-2015.

We are also pleased to introduce a number of new subscription services and guidance tools for 2015: *Corporations Law Case Analyser*, *Estate Planning*, *Banking and Finance Law of Australia*, *ASX Listing Alerts* and more. In addition we are also introducing a new (and commonly requested) feature for our award-winning mobile platform – *LexisNexis Red*[®] – where books will be gradually available, in addition to existing digital looseleaf and annotation services.

In an ever-changing legal industry there is increasing demand for enhanced efficiency, streamlined services and commercial outcomes. We continue to strive to offer new enhancements, solutions, texts and services which enable our partners to remain competitive and achieve better outcomes. I am looking forward to another exciting year ahead!

Kind regards,

Joanne Beckett
General Manager
LexisNexis Australia





➤ **Australian Commercial Arbitration** - Navigate your way through commercial arbitration

Croft, C; Hockley J; Ho, W; Hickie, K

Australian Commercial Arbitration is an online subscription service that provides detailed annotations to the Uniform Commercial Arbitration Act with extensive case references, analysis and commentary outlining the legal principles, procedural matters and practical issues arising out of the harmonised legislation.

Australian Commercial Arbitration analyses the principles and practice underpinning the harmonised commercial arbitration legislation in clear, concise terms. Key section annotations provide practitioners the knowledge and confidence to give accurate, reliable advice on commercial arbitration, and a competitive advantage in resolving commercial disputes.

The authors' definitive analysis of relevant case law and legislation guides the reader through the legal principles, procedures and practical issues that arise in commercial arbitration. Justice Croft is the Judge in charge of the Arbitration List for the Commercial Court of the Supreme Court of Victoria, and provides commanding insight into the legislation. In addition, an easy-to-use comparative table helps practitioners in every state and territory to navigate the legislative regime.

For more information visit
www.lexisnexis.com.au/Comarb

➤ **Estate Planning** - Expert guidance on the legal, financial, tax and accounting issues in estate planning, in one place

Monahan, R; Gell, P; Dymond, J; Hor, B; Peiros, K; Smith, A; Telan, M

Estate Planning is an in-depth and highly practical subscription service providing guidance on the set-up phase of structuring and managing wealth. It goes beyond planning for the event of a person's death; it also deals with tax and accounting considerations, superannuation, business succession and the management of businesses on an ongoing basis.

It draws together the legal and financial expertise required to develop informed strategies on wealth and asset management. The work:

- complements related Succession Law resources providing complete practice area coverage.
- delivers commentary on practice workflow and client/case management which will assist estate practitioners conduct day-to-day work efficiently and accurately.
- provides value added content with examples, case studies, checklists, precedents and key summaries of each chapter.

For more information visit
www.lexisnexis.com.au/EstatePlanning





➤ Upcoming titles



Australian Corporations Legislation, 2015 edition *LexisNexis*

ISBN: 9780409339833
RRP*incl. GST: \$79.00

ISBN (eBook):
9780409339840
RRP*incl. GST: \$79.00

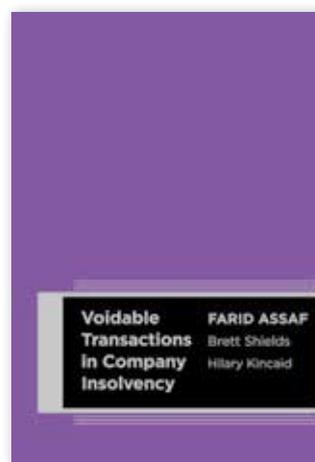
Published: 1 January 2015

Australian Corporations Legislation 2015 provides a comprehensive **single-volume** collection of key corporations and related legislation. This edition includes **expert annotations** to key provisions of the Corporations Act 2001, and extensive editorial and historical notes. This text will give you practical, in-depth assistance and guide you through some of the most complex pieces of Australian legislation.

The material in this 2015 edition includes the latest legislative amendments and is **current as at 1 January 2015**.

This 2015 edition incorporates the following features to assist you in your day-to-day practice:

- **Summarised annotations** by **Dr Robert Austin**, Challis Lecturer at the University of Sydney and Senior Consultant to **Minter Ellison** and **Justice Ashley Black** of the New South Wales Supreme Court extracted from the authoritative title *Austin & Black's Annotations to the Corporations Act*.
- **Overview** of 2014 written by **Justice Ashley Black** highlighting important developments in the area of corporations law over the past 12 months.
- **Reliable indexing** of ASIC Class Orders and Regulatory Guides, cross references to relevant sections in the Corporations Act.
- **Shaded tabs** at chapter level and **shaded annotations** to enhance ease-of-use and navigability.



Voidable Transactions in Company Insolvency

Farid Assaf, Brett Shields and Hilary Kincaid

ISBN (hard cover):
9780409331707
RRP*incl. GST: \$285.00

ISBN (eBook):
9780409331714
RRP*incl. GST: \$285.00

Expected Release:
Available NOW

Voidable Transactions in Company Insolvency written by **Farid Assaf**, **Hilary Kincaid** and **Brett Shields** is a clear, thorough and practical work. This book guides practitioners through the complex voidable transaction provisions of the Corporations Act 2001 (Cth) and the myriad of cases dealing with voidable transactions.

All aspects of the voidable transaction provisions contained in Part 5.7 of the Corporations Act are discussed in meticulous detail while at the same time maintaining a practical outlook. In addition to chapters on various types of voidable transactions, there are individual chapters specially dedicated to practice and procedure in voidable transaction cases, the Personal Property Securities Act 2009 (Cth) and cross-border insolvency aspects of voidable transactions.

Complete with checklists and precedents, *Voidable Transactions in Company Insolvency* is a must for the busy practitioner practising in insolvency law.

To purchase books, contact your Relationship Manager or visit www.lexisnexis.com.au/store



➤ LexisNexis Capital Monitor Case Study: Herbert Smith Freehills

Maintaining an effective research and information monitoring program for hundreds of lawyers is a daunting task, especially when new legislation so often changes the foundations on which major decisions are made.

For **Katie Albright**, Research Librarian at the Knowledge Centre of law firm **Herbert Smith Freehills**, delivering research materials to the firm's many lawyers requires a wide net to capture information, and sweeping analytical capabilities to dissect it.

Herbert Smith Freehills is a global law firm with offices across Australia, Europe, North and Latin America, south-east Asia, China, South Korea and Japan, Africa and the Middle East.

In Australia, it boasts a local client list with many of Australia's Top100 listed companies, as well as numerous international organisations. The company has 190 partners and about 800 lawyers based in offices around the country in Sydney, Melbourne, Brisbane and Perth.

With expertise covering a comprehensive range of practice areas, including commerce, government, finance, and social services, it is imperative that Herbert Smith Freehills has constant access to information prepared by political and parliamentary departments, lobby groups and business sector associations. With the volume of information produced daily, it is difficult to monitor and appropriately filter.

Herbert Smith Freehills has relied on *LexisNexis Capital Monitor* for over ten years to provide a reliable, fast and accurate source of research material that it can count on to inform its partners. That successful relationship continues to this day, ensuring that Herbert Smith Freehills' lawyers are promptly and comprehensively updated on relevant new developments.

LexisNexis Capital Monitor provides political and parliamentary, legislative, regulatory and judicial news and information to subscribers – as it happens. An expert team, situated in the heart of the Parliamentary press gallery in Canberra, alerts *LexisNexis Capital Monitor* subscribers by email as new information becomes available.



SUCCESS STORY

These alerts can contain information relating to Parliamentary papers and reports, Bills, Acts, regulations, as well as Second Reading speeches, explanatory memoranda and digests. Also included are Hansard, rulings, determinations, ministerial directions and gazettes for commonwealth, state and territory governments.

By utilising the efficiencies of *LexisNexis Capital Monitor* database and alerts, Herbert Smith Freehills is able to receive relevant alerts of information from targeted sources as it is released, and track research resources as required to suit areas of interest to its legal staff.

Herbert Smith Freehills has relied on *LexisNexis Capital Monitor* for over ten years, and it is easily accessible to all staff.

Katie Albright commented, *"It's a really straightforward database, and is quite easy to use. We've been using it for over 10 years now because it's always been reliable at keeping legislation material and all the lobbying that has happened in that time – material that may otherwise have been removed from government and industry bodies' websites."*

"The material that's included and the scope of the database are excellent. In terms of searching, the time saving factor, current awareness, alerting functions and being kept on top of things – they are all on a level that you wouldn't get elsewhere," said Ms Albright.

"It's imperative that we know what's happening in the areas we work in, and Capital Monitor is a good awareness model."

"It's a great service; there really isn't anything else like it."

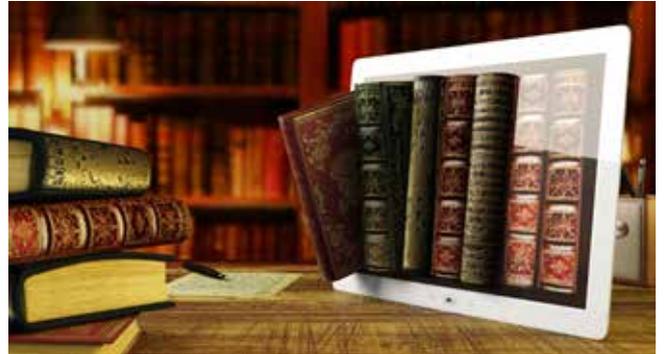
For more information of *LexisNexis Capital Monitor*, contact your Relationship Manager or visit www.lexisnexis.com.au/CapitalMonitor/



UPDATES AND ENHANCEMENTS



Books on LexisNexis Red



You will soon be able to access a range of practitioner books via *LexisNexis Red*, in particular 2015 releases and a selection of prominent recent releases such as *R v Milat A Case Study in Cross Examination*, *Statutory Interpretations in Australia* 8th edition and *Social Media and The Law*.

LexisNexis Red is our easy to use, award winning app that lets legal practitioners annotate and access up-to-date legal information wherever and whenever needed. The book titles will be available via the loan facility on *LexisNexis Red Digital Library*.

You will hear more about practitioner books on *LexisNexis Red* over the coming weeks in the lead up to their release. Until then please feel free to contact your Relationship Manager to discuss the available titles.



ASX Listing Rules – Alerts

Subscribers to the *ASX Listing Rules* can now sign up to receive a notification each time the *ASX Listing Rules* is updated. Listed entities and their legal advisers will receive an email notification from *LexisNexis* which will outline the amendments made to the *ASX Listing Rules*. The notification will contain links which will take subscribers straight to the new or amended chapters or guidance notes. The notification will also allow subscribers to access the update notice that accompanies each amendment.

For more information or to register your interest, please email siti.muhammad@lexisnexis.com.au or telephone Siti Muhammad at +61 2 9422 2482.

LexisNexis is the authorised publisher of the ASX Listing Rules.



➤ Franchising Law and Practice

Due to the recent commencement of the Competition and Consumer (Industry Codes – Franchising) Regulation 2014 on 1 January 2015, which has replaced the old Franchising Code of Conduct, *Franchising Law and Practice* has had a number of recent updates to reflect these changes. These include updated commentary in chapters 1, 2, 3, 6, 14, 15, 16 and 17, which provides readers with all the relevant information they need to know on the new Code and its implications for franchisors and franchisees.

The precedents have also been updated, including an updated version of the Franchise Agreement and Master Franchise Agreement, and a new Disclosure Document and Prospective Franchisee Advice Statement. These precedents are extremely useful for those setting up a franchise as they encompass the requirements set out in the new Code.

In addition, *Franchising Law and Practice* includes a comprehensive annotated version of the new Code, providing subscribers with a thorough analysis of various sections of the Code. These updates are extremely useful to all lawyers working in the franchising industry and will be an invaluable resource for those looking to stay on top of all the recent changes in the area of franchising law.

Find out what author **Stephen Giles, Partner, Norton Rose Fulbright Australia** has to say about complying with the new Franchising Code of Conduct – visit www.lexisnexis.com.au/FranchisingCode to read a complimentary article.

➤ Evidence

Improvements to customer experience when accessing *Cross on Evidence* on the *LexisNexis® AU* and *LexisNexis Red* platforms will be completed in the first quarter of 2015. Over the last year we have streamlined and improved the heading structure and each paragraph now has a title in addition to a number. Both these enhancements give online users a better browsing experience; make tables of contents easier to navigate on LexisNexis AU and for LexisNexis Red users helps to link new views as customers move around the structure.

➤ Legal Costs

The recent developments sections of both the *Legal Costs Victoria* and the *Legal Costs New South Wales* services are keeping a watch on the new – common – Legal Profession Act which will bring New South Wales and Victoria into line with the planned Australia-wide Legal Profession Uniform Law. The New South Wales and Victorian Governments have executed an Intergovernmental Agreement (IGA) formalising their joint participation in the new regulatory scheme.

In each service extracts of the new Act relating to costs are shown and commentary on the progress toward commencement is given. Rules of Court will be required prior to commencement of the new scheme in each state. These are also being monitored via the Recent Developments guide card in each publication.

Once commenced the new professional requirements will move into the main body of each service.

Meanwhile, *Legal Costs South Australia* has taken in extracts of the new Fast Track Rules 2014 which commenced on 1 October 2014. The extracts cover legal costs related rules and forms etc. The extracts for both the Supreme Court and the District Court will be housed within a special Fast Track guidecard and the Principles and Practice of Costs commentary will keep subscribers up-to-date with the new system.

Hardcopy customers have received two new, larger, binders at the end of last year to better house their South Australian and Federal Companion service.



UPDATES AND ENHANCEMENTS

➤ Criminal Practice and Procedure NSW

Over the final three months of 2014 we updated annotations in 12 guidecards for *Criminal Practice and Procedure NSW* and inserted over 45 legislative amendments. Updates to annotations written by **Rod Howie QC** and **Justice Peter Johnson** have published with every print service for more than the last three years.

➤ Carter's Criminal Law of Queensland

We have published updates to annotations written by **Judge Michael Shanahan**, **Soraya Ryan QC**, **Magistrate John Costanzo** and others with every print service for more than the last three years. Annotations updated in 11 guidecards and over 55 legislative amendments were also inserted in the last three months of 2014.

➤ Criminal Law of South Australia

New Rules behind the *Procedural Legislation* guidecard have been inserted including: the Supreme and District Court Criminal Rules 2014, Supreme and District Court Criminal Supplementary Rules 2014 and Supreme and District Court Special Applications Rules 2014.

Material behind the *Commonwealth Legislation* guidecard has been comprehensively reviewed. Thus salient extracts (eg regarding terrorism, serious drug offences and money laundering) for the Criminal Code 1995 are now newly introduced. The whole of Pt 1B of the Crimes Act 1914 is now extracted with no omissions to ease the navigation experience. To continue improving navigation the whole of the Service and Execution of Process Act 1992 and the Telecommunications (Interception and Access) Act 1979 are now reproduced with no omissions.

Annotations written by **Judge Tilmouth**, **Master Peter Norman** and **Tim Heffernan** were updated in six guidecards in the final three months of 2014 with over 25 legislative amendments.

➤ Law of Superannuation in Australia

Leading specialists **Michael Chaaya, Partner, Corrs Chambers Westgarth** and **Noel Davis, Barrister** have undertaken an intensive program of chapter updates ensuring the exacting currency of *Law of Superannuation in Australia's* legislative and case law commentary. Fourteen chapters have recently been updated with the remaining chapters scheduled for progressive update over the next few services.

➤ Motor and Traffic Law Victoria

Motor and Traffic Law Victoria was expanded into a third volume to incorporate significant legislation materials. This was captured in service updates 94 and 95 that went to press in November and December 2014 respectively.

The new Volume 3 included the following legislative materials:

- Schedule of the Heavy Vehicle National Law Act 2012 of Queensland;
- Heavy Vehicle (Vehicle Standards) National Regulation 76 of 2013;
- Heavy Vehicle (Mass, Dimension and Loading) National Regulation 77 of 2013;
- Heavy Vehicle (Fatigue Management) Regulation 78 of 2013;
- Heavy Vehicle (General) National Regulation 79 of 2013;
- Heavy Vehicle National Law Regulation 2014.

Detailed annotations of the Act and Regulations will be added progressively over time. The new Act and Regulations will be published online and on our digital platform *LexisNexis Red*.



➤ Bankruptcy Law and Practice

Bankruptcy Law and Practice (BANK) is proud to announce that **Michael Murray**, the highly respected Legal Director of the *Australian Restructuring Insolvency & Turnaround Association* (ARITA) and **Brenton Devanny, Barrister, Lonsdale Chambers** have joined our team of expert authors. Michael has recently rewritten the chapter on Cross-border Insolvency, now renamed Cross-border Bankruptcy. Former author, **Carlo Fini, Special Counsel, Bannermans Lawyers** has returned to BANK and we welcome him back warmly.

In the last six months, BANK's team of authors, led by Reviewing Editor **Garry Bigmore QC**, have updated more than a dozen chapters, and are working on updating a dozen or more in the next six months, ensuring the highest level of currency for subscribers.

➤ Financial Services

Under the leadership of **Richard Batten, Partner, Minter Ellison**, a strong team of the firm's expert authors has been selected to comprehensively restructure and update commentary across the full spectrum of Financial Services areas.

➤ Australian Superannuation Law Bulletin

Leading superannuation lawyer, **Michael Vrisakis**, has initiated a new column in *Australian Superannuation Law Bulletin* (SLB), titled 'Ask the Expert'. Michael as SLB's General Editor, poses a question to another 'expert' in the field on a specific issue relating to superannuation law, who then draws on their expertise and experience to reply in great depth. Topics covered so far include 'Investing is a lottery'; 'SMSFs and residency requirements'; and 'SMSFs and Bitcoins'. Subscribers are welcome to put their own questions to the super experts!

➤ Australian Tenancy Practice and Precedents

Sixteen years ago Australia's first "super tribunal" commenced in Victoria. Several years later Queensland, Western Australia and the Australian Capital Territory introduced super tribunals. In 2014 NCAT commenced operation in New South Wales. Twenty two specialised tribunals were consolidated into one super tribunal. As a result, NCAT's Consumer and Commercial Division is now responsible for dealing with all residential tenancy disputes. In 2015 it is expected that the resolution of residential tenancy disputes in South Australia and the Northern Territory will transfer to SACAT and NTCAT. As such, Tasmania will be the only jurisdiction without a super tribunal.

With the advent of super tribunals in all but one jurisdiction it is very important that a practitioner understands how to conduct a matter in the relevant civil and administrative tribunal. Over the last year highly respected author **Derek Cassidy QC** has progressively updated *Australian Tenancy Practice and Precedents* to include a whole chapter on residential tenancies. The service now includes detailed commentary for all jurisdictions on the application of the residential tenancy legislation, granting a tenancy, termination, assignment and subletting, rent, bonds, dispute resolution and offences.

➤ Civil Procedure Western Australia Magistrates Court

In the last services for 2014 two new guide cards have been included in the publication. They are an Appeals guide card providing the legislation relevant to an Appeal as well as a procedural guide to running an appeal. The second guide card included was a Precedents guide card. This guide card contains notable forms required by the Court and demonstrates how they should be completed. In coming months this guide card will be expanded with further content.



UPDATES AND ENHANCEMENTS

➤ 8th Annual **Managing Partners Forum**

LexisNexis recently sponsored the Managing Partners Forum in Gold Coast. The event was well received by the Managing Partners, and provided an excellent networking opportunity. The presentations are always excellent and they provide great insight to some of the challenges and priorities of Managing Partners in large firms.—

Frank McKenna, Head of Product Strategy APAC, **LexisNexis Pacific**, presented “Productivity 2.0: It’s about to get personal”. If you would like to view his presentation, please contact your Relationship Manager, and we hope you find it valuable.

➤ **Upcoming Events**

March

Topic	Date
Queensland Law Society Symposium	20-Mar-15
Law Institute Victoria CPD Intensive 2015	26-Mar-15

➤ **Upcoming Knowledge Network Webinars**

March

What is Nexis®? (Basic)

Friday 20th at 12pm

Family Scenario Session – Maximise your time and Minimise risk when researching

Tuesday 24th 1pm – 2pm

Setting up LexisNexis Alerting Services (Basic)

Monday 30th at 1pm

Advanced Scenario Training - Family Law

Tuesday 31st at 11am

LexisNexis AU featuring CaseBase® (Advanced)

Tuesday 31st at 1pm

April

Introduction to Lexis® for Microsoft® Office

Thursday 16th at 12.30pm

Please note webinar times shown are for AEDST Sydney Daylight Saving Time.

For webinar times, and to register, visit www.lexisnexis.com.au/publicwebinars





TRAINING TIP OF THE MONTH

“

Judicial Consideration of Words and Phrases in Cases Tab

”



This will look for unreported, law reports and CaseBase records.

There are a number of cases where there has been consideration of words and phrases but it is not important enough case to go into CaseBase so you may be missing vital cases if you only use the words and phrases box in CaseBase

In the top search box type the string below. It is best to put the phrase in quotation marks to reduce false results

Words pre/2 phrases pre/15 “your word or phrase”



Guess the library



The **Los Angeles Central Library** in California, USA, was the library featured on the cover of the last edition of Library KeyNews. If you know the library on this edition cover, then let us know by emailing:

✉ librarykeynews@lexisnexis.com.au



FEEDBACK?

Let us know what you would like to hear about in the next Library Key News. Email: librarykeynews@lexisnexis.com.au

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