



## Forthcoming Events & Updates

### Society of Construction Law

The Society of Construction Law's 3rd National Conference in Sydney, 2-4 August 2013. Further information [www.scl.org](http://www.scl.org)

### Building Dispute Practitioner's Society

Annual Dinner, 7 August 2013. Further information [www.bdps.com.au](http://www.bdps.com.au)

Arbitration & ADR	Banking & Finance	Competition & Consumer
Construction Law	Corporations & Securities	Insolvency Law
Insurance & Professional Negligence	Intellectual Property	Property & Probate
Public Law	Sports Law	

## President's Report



In the period since the last newsletter there have been three appointments to the Melbourne Registry of the Federal Court: Justices Davies and Pagone formerly of the Supreme Court, and former CommBar member Debbie Mortimer SC. CommBar congratulates each of them on their appointment.

Caroline Kirton SC and I, along with many other members of our Bar, Judges of the Federal, Supreme and County Courts, attended the Australian Bar Association conference in Rome.

The organisers of the ABA conference, and in particular Dan O'Connor (Deputy President Queensland Industrial Relations Commission) and Justice Glenn Martin of the Supreme Court of Queensland again brought together a tremendous array of high profile speakers. Their largely unheralded efforts in organising these events ought not go unacknowledged.

Caroline Kirton SC has contributed a detailed report on the conference (and also the Bologna leg of the conference) in these pages. Caroline makes some persuasive arguments as to why serious consideration ought be given to holding at least some future ABA conferences closer to our shores.

In May 2013 the Bar successfully obtained registration of the trade marks: "COMMBAR", the CommBar seal, and the seal in conjunction with the tagline *Strategic Advice – Effective Advocacy*. This makes CommBar, so far as we are aware, the only Commercial Bar Association to have achieved trade mark registration of its name and logo. We are grateful to James Samargis for guiding us through this process. We are now entitled to use the symbol ® and will do so as appropriate.

Although it makes for a busy week with other CommBar seminars scheduled for the evenings of 7 and 8 August, at lunchtime on 8 August Geraldine Andrews QC of the English Bar\* will speak in the Essoign Club on guarantees. Geraldine is the co-author of the "Law of Guarantees" (published by Thomson, Sweet & Maxwell). This text is widely regarded as the leading textbook on the subject. All CommBar members are welcome to attend. The seminar is co-branded by CommBar in conjunction with Dever's List. Thanks are due to Dr Josh Wilson SC for his efforts in organising this seminar.

In this newsletter, Publius has contributed a piece on specialisation. This is topical as French CJ has recently delivered a paper on the dangers of overspecialisation. The Chief Justice's paper, entitled "The Future is not what it used to be", was delivered to the Australian Law Students' Association Conference in Perth on 15 July 2013. It is available on the High Court website and is recommended reading. Overspecialisation can be limiting and enervating.

As French CJ says about superannuation law: "*On its face it sounds like a narrow field of practice. In truth it requires a generalist's skills. It straddles private and public law. It involves the application of equitable doctrines, particularly the law relating to trusts and fiduciary obligations. It involves contractual relations between employers and employees and is affected by statutory regimes specific to superannuation and of more general application. Its development has been linked to that of industrial relations law. From time to time it engages with the Constitution. Overlapping regulatory arrangements affect the administration of superannuation funds and impact on the rights and duties of trustees and beneficiaries. The relevant regulators include the Australian Prudential Regulatory Authority, the Australian Securities and Investments Commission and the Commissioner of Taxation. The exercise of their powers may attract the application of that branch of administrative law which involves judicial review.*"

Lastly, I remind all members of CommBar that the association exists for your benefit. If you wish to participate in the activities of CommBar, or have any ideas as to how our services might be better presented or made available, please contact any member of the Executive Committee.

\* Geraldine Andrews QC was appointed a Judge of the High Court of England and Wales on 24 July 2013, effective from 1 October 2013.

Philip Crutchfield SC

President  
Commercial Bar Association of Victoria

## Australian Bar Association Conferences June & July 2013



Article by Caroline Kirton SC

['Why Rome and Not Hong Kong?'](#)

[Return to menu](#)

## Publius

[Specialisation](#)

[Return to menu](#)

## Arbitration and ADR



Article by Albert Monichino SC

[When High Risk Strategies Are 'Worth A Go'](#)

Article by Eugenia Levine

[Singapore International Arbitration Centre Introduces New Rules](#)

[Return to menu](#)

## Banking and Finance



Case Note by Garry Moffatt

[Goldsmith v Macquarie Leasing Pty Ltd and Anor \[2013\] VSC](#)

[Return to menu](#)

## Competition and Consumer Law



Case Note by Richard Scheelings and Daniel Clough

[Norcast S.ár.L v Bradken Limited \(No 2\) \[2013\] FCA 235](#)

[Return to menu](#)

## Construction Law



Case Note by Andrew Downie

[Lucas Drilling Pty Limited v Armour Energy Limited \[2013\] QCA 111 \(14 May 2013\)](#)

[Return to menu](#)

## Corporations and Securities

Case Notes by Roslyn Kaye

[Tamar Rivqa Beck v Amiram David Weinstock \[2013\] HCA 15](#)

**Case Note by Samuel Gifford**

[Director of Commonwealth Prosecutions \(Cth\) v JM HCA 30](#)

[Return to menu](#)

**Insolvency Law**



**Case Note by Carrie Rome-Sievers**

[Extension of time for PPS registration of circulating security interest where pending insolvency: In the matter of Apex Gold Pty Ltd \[2013\] NSWSC 881](#)

[Return to menu](#)

**Insurance and Professional Negligence**

**Case Note by Kieren Mihaly**

[Rosa v Galbally & O'Bryan \[2013\] VSCA 116](#)

**Case Note by Kylie Weston-Scheuber**

[Kyriackou v ACE Insurance Ltd \[2013\] VSCA 150 \(20 June 2013, Harper and Tate JJA and Kyrou AJA\)](#)

[Return to menu](#)

**Intellectual Property**

**Case Notes by Tom Cordiner and Alan Nash**

[Insight SRC Pty Ltd v The Australian Council for Education Research Limited \[2013\] FCAFC 62](#)

[Knott Investments Pty Ltd v Winnebago Industries, Inc \[2013\] FCAFC 59](#)

[REA Group Ltd v Real Estate 1 Ltd \[2013\] FCA 559](#)

[Foster's Australia Limited v Cash's \(Australia\) Pty Ltd \[2013\] FCA 527](#)

[Kismet International Pty Ltd v Guano Fertilizer Sales Pty Ltd \[2013\] FCA 375](#)

[Ranbaxy Laboratories Limited v AstraZeneca AB \[2013\] FCA 368](#)

[Return to menu](#)

**Property and Probate**



**Article by James Catlin**

[Family Provision Paper](#)

[Return to menu](#)

**Public Law**

**Case Notes by Alexander Solomon-Bridge**

[Victoria Police Toll Enforcement v Taha; State of Victoria v Brookes \[2013\] VSCA 37](#)

[Plaintiff S10/2011 v Minister for Immigration and Citizenship \[2013\] HCA 31](#)

[Minister for Immigration and Citizenship v Li \[2013\] HCA 18](#)

[Waddington v Magistrates' Court of Victoria and Kha \[2013\] VSC 101 and Lysaght Building](#)

[Solutions Pty Ltd v Blanalko Pty Ltd \[2013\] VSCA 158](#)

[Return to menu](#)

**Sports Law**

[Sports Law Round-Up](#)

[Return to menu](#)

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