



Forthcoming Events & Updates

CPD Seminars

'Disruption Claims', David McAndrew, Wednesday 24 April 2013 - 5:15pm.

'Security of Payment in Victoria - Payment Claims, Adjudication and Court Intervention: an introduction and update', Caroline Kirton SC and Adam Rollnik, Tuesday 21 May 2013 - 5:15pm.

Society of Construction Law Australia

3rd National Conference, *'Construction, Technology and the Law'*, 2 – 4 August 2013, InterContinental, Sydney

Arbitration & ADR

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IP & Trade Practices

Sports Law

President's Report



This is the first CommBar Newsletter for 2013, and the first since the appointment of our former President to the Supreme Court of Victoria.

A new Executive Committee has been appointed, and the various Sections of CommBar have been busy organising CPD sessions for members.

CommBar's activities this year include:

- (i) Continuing provision of CPD to members. CommBar aims to run between 25-30 seminars for its members each year; and
- (ii) Considering different ways of delivering CPD to CommBar members; and
- (iii) Submissions to Government on law reform. In that regard, in February the Sports Law Committee made a submission to the Senate on the proposed Australian Sports Anti-Doping Legislation. At least according to press reports, the Sports Anti-Doping Authority will not now be given the all-encompassing investigative powers it had been seeking. Tony Nolan SC personally appeared before the Senate to argue against such powers. If passed, the Bill apparently will now protect athletes' right to silence. CommBar thanks Tony Nolan SC and the Sports Law Committee for their work; and
- (iv) The running of seminars specifically aimed at more junior members of the Bar, including seminars being organised by Kathleen Foley on how to run a trial. These seminars will involve a panel of senior members of the Bar, and members of the judiciary. CommBar also intends to run introductory seminars in relation to the basics of international commercial arbitration. The Chair of the Bar, Fiona McLeod SC, has noted that there was much interest in this topic at the Bar's weekend CPD conference held this month; and
- (v) A seminar on Wednesday 8 May 2013 to be presented by Judge Kennedy and chaired by Ian Percy on the workings of the Commercial List of the County Court; and
- (vi) A seminar to be presented by the President of VCAT, Justice Garde, and chaired by Caroline Kirton SC on Wednesday 17 April 2013 on reform at VCAT; and
- (vii) Drinks on Wednesday 13 March 2013 to celebrate the appointment of Justice Digby, and the appointment of the new silks; and
- (viii) A dinner is planned to farewell Justice Habersberger and thank him for his long and distinguished service to the Bench and Bar. Members will be advised details after Easter.

The above list is far from exhaustive. For example, Martin Scott SC is attending the China Legal Connection Conference from 4-7 May 2013 in Guangzhou Province in China. Martin will be representing both the Bar and CommBar's Arbitration and ADR section.

I wish all CommBar members a satisfying and enjoyable 2013.

Philip Crutchfield SC

President
Commercial Bar Association of Victoria

Arbitration & ADR



Case Note by Albert Monichino SC

High Court unanimously rejects constitutional challenge to *International Arbitration Act 1974* (Cth)

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Banking and Finance



Monitor's Report by Garry Moffatt

***Sharpe & Ors v PSAL Ltd* [2012] QCA 371**

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Construction Law



Case Notes by Andrew Downie

***Bonarrigo v DSF Pty Ltd trading as La Rosa Tiling Company* (Domestic Building) [2012] VCAT 1404, 19 September 2012, Member M. Farrelly**

***Meier v Balbin* (Domestic Building) [2013] VCAT 57, 22 January 2013 Member M.**

Farrelly

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Corporations & Securities



Update by Roslyn Kaye

***Mansfield v The Queen; Kirzon v The Queen* (2012) 293 ALR 1**

***Corporations Act 2001* (Cth) - Insider trading provisions - definition and interpretation of 'information'**

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Insolvency Law



Case Note by Andrea Mapp

***Oswal v Burrup Fertilisers Pty Ltd (Receivers and Managers Appointed)* [2013]**

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IP & Trade Practices

Case Notes by Tom Cordiner and Alan Nash
Correspondents for South Australia, Victoria and Western Australia

***Paul's Retail Pty Ltd v Lonsdale Australia Limited* [2012] FCAFC 130**

***Vivo International Corporation Pty Ltd v Tivo Inc* [2012] FCAFC 159**

***Seafolly Pty Ltd v Madden* [2012] FCA 1346**

Note: Where either correspondent was involved in a case reported below and the matter is still running, the other correspondent has taken the role of reporting that case.

[Read More](#)



Case Note by Richard Scheelings

Google Inc v Australian Competition and Consumer Commission [2013] HCA 1

Trade practices - Misleading or deceptive conduct - Google search engine and sponsored links

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Sports Law



Andrew Downie

Sports Law Report



Update by Peter Caillard

Crimes Amendment (Integrity in Sports) Bill 2013



Case Note by Elizabeth Brimer

XZTT and Anti-Doping Rule Violation Panel [2012] AATA 728

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