



Forthcoming Events & Updates

Construction Law

Building Dispute Practitioners' Society Discussion Night, 19 June 2013. Topic: Risk Shifting in Building Contracts: Does it really Work? Speaker: Alastair Oxbrough, MolinoCahill Lawyers. Details: www.bdps.com.au

The Society of Construction Law's 3rd National Conference in Sydney, 2-4 August 2013. Details: www.socla2013.com.au

Sports Law Section

'Governance principles and the race for Olympic funds'; panel discussion with Michael Johnston of the ASC (other panel speakers to be confirmed), jointly hosted by CommBar and the Law Institute of Victoria, Monday 1 July 2013 at 5.15pm.

Melbourne University Sports Law Conference: '*past, present and future*'. Melbourne University, 12 July 2013.

Banking and Finance	Competition & Consumer Law	Construction Law
Corporations & Securities	Insolvency Law	Intellectual Property
Publius	Practice & Procedure	Sports Law

President's Report



The Chairman of the Superannuation Section of CommBar, Paul Cosgrave SC, has been appointed as a Judge of the County Court. CommBar congratulates his Honour upon his appointment.

During the quarter, Ray Finkelstein QC and I met with the Dean of Monash University, Bryan Horrigan, to discuss ways in which the Bar and Monash can work together in CLE areas.

I also met with Chief Justice Allsop. The Chief Justice has kindly agreed to make the Federal Court available for the hosting of Federal Court/CommBar/Monash University seminars.

Carolyn Sparke SC has agreed to be the new Chairman of the Superannuation Section. CommBar nominated Roslyn Kaye and Christine Melis to the Law Council of Australia's Rising Stars Workshop in October this year.

In light of Will Alstergren SC's heavy workload on the Bar Council, Will has stood down from the Executive Committee of CommBar and been replaced on the Committee by Daniel Crennan.

The Asian Law Section of CommBar, headed by William Lye, and members of the Bar Council and the CommBar Executive, hosted a delegation from the Beijing Lawyers Association on 26 April 2013. The Beijing Law Association is interested in establishing closer relationships with the Bar, and the Law Institute of Victoria.

Between 12 and 19 May 2013 a CommBar/Vicbar delegation comprising Martin Scott SC, Caroline Kirton SC, Michael Whitten and Colin King visited Guangzhou and Shenzhen in Guangdong Province, China. The delegation was received by the Guangdong Lawyers Association, Shenzhen Lawyers Association, China's largest arbitration institution CIETAC, the Shenzhen International Arbitration Court, and influential local educational institutions with responsibility for mandatory legal training of public officials.

Following presentations by the delegation to the lawyers associations on the potential for direct contact, it was invited to meet privately with firms representing Chinese interests involved in cross-border commerce in particular with Australia. The consensus from every meeting was that CommBar barristers directly working together with Chinese lawyers was an appropriate development in a rapidly changing legal services market.

This was the first visit by any Australian legal professional body to any of these institutions and a rare visit by any foreign professional body delegation. The delegation was both warmly received and invited to return later this year for further discussions on the development of closer contact between lawyers in China and Australia directly.

The delegation has reported that there was clear recognition that close relationships are vital given the very substantial trade between Guangdong and Australia.

I am delighted to introduce readers to the mysterious Publius. Publius has contributed a piece to this newsletter dealing with "bracket creep". I am hopeful that Publius can be persuaded to make regular contributions to the newsletter.

This edition of the newsletter also features an interview with Justice Judd and Marcus Findlay (Commercial Court Registrar and Practice Court Co-Ordinator) conducted by James Barber and Sergio Freire about changes to the Commercial Court.

In addition to the regular seminars organised by the Sections, CommBar ran a number of interesting seminars this quarter, including sessions on:

- a. the new Supreme Court procedures for appeals from Associate Justices, and the new Costs

- Rules, conducted by Associate Justices Mukhtar and Wood and chaired by David Turner.
- b. "VCAT - The Way Ahead", on reforms at VCAT, presented by the President of VCAT, Justice Garde, and chaired by Caroline Kirton SC; and
 - c. "International Regulation of Foreign Bribery and Corruption – Current Trends", organised in conjunction with The Institute of Chartered Accountants in England and Wales, chaired by Claire Harris, and presented by Gerard Forlin QC of the English Bar.

A note to all members to please keep a look out for two seminars in particular, to be held in August 2013. The first will be a session on preparing and running a commercial trial, and the second will be a session on Public Law issues for commercial barristers. The sessions will be presented by senior members of the Bench and Bar.

Philip Crutchfield SC

President
Commercial Bar Association of Victoria

Publius

[Bracket \("Bracket"\) Creep](#)

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Practice and Procedure



Interview with Justice J and M Finlay by James Barber and Sergio Freire

[Changes to the Commercial Court and the procedure for listing urgent matters](#)

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Banking and Finance



Case Note by Samantha Cipriano

[Violet Home Loans Pty Ltd v Schmidt \[2013\] VSCA 56](#)

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Competition and Consumer Law

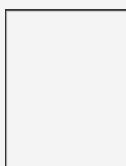


Case Note by Daniel Clough

[PIPE Networks Pty Ltd v Commonwealth Superannuation Corporation \[2013\] FCA 444, Tracey J.](#)

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Construction Law



Case Notes by Andrew Downie

[Maxstra Constructions Pty Ltd v Joseph Gilbert & Ors \[2013\] VSC 243, 10 May 2013, Vickery J](#)

[Hunt & Hunt Lawyers v Mitchell Morgan Nominees Pty Ltd \[2013\] HCA 10, 3 April 2013](#)

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Corporations and Securities

Case Note by Roslyn Kaye

[*Australian Securities and Investments Corporation v Ingleby* \[2013\] VSCA 49](#)

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Insolvency Law

Case Notes by Andrea Mapp



[*Oswal v Burrup Fertilisers Pty Ltd v Carson, McEvoy and Theobald* \[2013\] FCA 357](#)

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Intellectual Property

Case Notes by Tom Cordiner and Alan Nash

[*Eli Lilly and Company Limited v Apotex Pty Ltd* \[2013\] FCA 214 \(15 March 2013\)](#)

[*Connect TV Pty Ltd v All Rounder Investments Pty Ltd \(No 3\)* \[2013\] FCA 98 \(19 February 2013\)](#)

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Sports Law



Monitor's Report by Andrew Downie

[Sports Law Round-Up](#)

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