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introduces clients to bank, assisting them to fill in bank's forms — agent subsequently secures appointment as agent for bank to promote and sell Mortgage Power — "Investors" persons inexperienced in investing, property trusts and negative gearing, and of relatively low income — investors unable to sustain interest on both Mortgage Power facility and on borrowing from insurance group — investors claim to be suffering losses — insurer settles and then seeks contribution from bank as person coordinately liable with insurer to investors as a result of statements made by common agent — vicarious liability of principal for tortious statements made by selling agent — difference between "agent" and "mere introducer of business" — whether principal vicariously liable for statements made by sub-agents not in direct agency relationship with principal — dual agency — whether same agent can make one statement as representative of two principals (not jointly) so as to give rise to coordinate vicarious liability — right of principal rendered vicariously liable by statements of agent to be indemnified by agent — contribution as between two principals rendered coordinately vicariously liable by statements of common agent — extent of respective responsibilities for loss suffered

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Immigration — appeal — Immigration Appeal Tribunal — approach to be taken by tribunal in considering political and legal situation in foreign country in recurrent classes of applications for asylum (United Kingdom)

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Practice and procedure — open justice — hearing in camera — hearing in chambers — whether different — significance of private hearing — whether judgment to be given in open court after private hearing

Practice and procedure — open justice — right to fair and public hearing — hearing in camera — trust proceedings — circumstances in which proceedings should be heard in camera — confidentiality of private trusts — prejudice to process of criminal justice — national security of friendly foreign state — embarrassment of party — unfair prejudice — Trusts (Jersey) Law 1984, Art 47 — Convention for the Protection of Human Rights and Fundamental Freedoms 1950, Art 6(1) (Jersey)

*Jersey Evening Post Ltd v Al-Thani and Others* [2004] 2 LRC 1 (Royal Court)

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Evidence — proof — standard of proof — electronic communication

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*News Ltd and Others v South Sydney District Rugby League Football Club Ltd* 200 ALR 157 (High Court of Australia)

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*Australian Competition and Consumer Commission v 4WD Systems Pty Ltd* (200 ALR 491) (Federal Court of Australia)

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Trade and commerce — trade practices — restrictive trade practices — non-competition provisions preventing both acquisition of goods from and supply of services to certain third parties — whether s. 45(6) applied to remove making of contract or arrangement from prohibition in s. 45(2)(a)(i) — (CTH) Trade Practices Act 1974 ss. 4D, 45(2)(a)(i), 45(6), 47

Words and phrases — “provision” (Australia)

*Visy Paper Pty Ltd And Others v Australian Competition and Consumer Commission* 201 ALR 414 (High Court of Australia)

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Agency — insurer devises and, through its agents, promotes negative gearing arrangement involving investment in units in property trust — borrowing of 80% of cost of investment from fund associated with insurer, remaining 20% found by investor, 80% to be secured by mortgage over all units — agent of insurer devises scheme in which investor funds 20% by borrowing on bank's revolving credit facility on security of mortgage over investor's home (Mortgage Power) — agent promotes scheme and

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- Bushford v Information Australia (Newsletters) Pty* (204 ALR 193) (High Court of Australia) 217
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- The Gleaner Co Ltd and Another v Abrahams* [2004] 1 LRC 384 (Privy Council) 219
- Libel and slander — parties — right to sue — corporation — foreign corporation — right to freedom of expression — common law presumption of damage under English law once publication of libel established — whether right to freedom of expression modifying common law presumption in relation to foreign corporation — Human Rights Act 1998, Sch 1, Pt I, Art 10(2) (United Kingdom)
- Jameel and Another v Wall Street Journal Europe SPRL* [2004] 2 All ER 92 (Queen's Bench Division) 220
- Nuisance — escape in consequence of non-natural use of land — non-natural use — pipe carrying water from mains to storage tanks in block of flats belonging to local authority for domestic purposes of residents — escape of water by prolonged leakage causing collapse of embankment supporting gas main — whether non-natural use of land — whether local authority bringing onto land something likely to cause danger or mischief on escaping (United Kingdom)
- Transco plc (formerly BG plc and BG Transco plc) v Stockport Metropolitan Borough Council* [2004] 1 All ER 589 (House of Lords) 222
- Tort — negligence — vicarious liability — state liability for acts of police officer — officer threatening and assaulting third party — police officer having access to firearm — police officer taking firearm — police officer discharging firearm and injuring victim — whether state liable for police officer's actions — appropriate test — relevant considerations
- Tort — negligence — duty of care — foreseeability — police — liability of police authorities — police officer having access to firearm — police officer discharging firearm and injuring victim — whether police authority negligent in allowing officer access to firearm (British Virgin Islands)
- Attorney General v Hartwell* [2004] LRC 458 (Privy Council) 222
- Tort — intentional tort — corporation sole — liability — sexual abuse — church — hierarchical structure — statute creating ecclesiastical corporation sole — purpose and effect of incorporation — boys sexually abused by priest — whether

Environmental law — environmental protection — environmental impact assessment (EIA) — purpose of EIA — requirements of EIA — deficiencies of EIA — effect — government department granting environmental clearance for construction of dam following acceptance of EIA by expert advisory body — Errors and omissions in EIA — whether such deficiencies rendering EIA inadequate and invalid — whether rendering approval of project unlawful — Environmental Protection Act 1992, s. 20(7) — Environmental Impact Assessment Regulations 1995, SI 1995/107, regs 5(f), 19(b), 22(1), 23

Environmental law — environmental protection — environmental impact assessment (EIA) — public hearing — government department, on recommendation of expert advisory body, having discretion to order public hearing — department granting environmental clearance without ordering public hearing, despite errors and omissions in EIA — whether decision not to hold public hearing irrational and invalid — whether requirement to hold public hearing prior to approval of project — Environmental Impact Assessment Regulations 1995, reg 24

Administrative law — judicial review — bias — government entering into contract for construction of dam — government department granting clearance for project — whether department displaying bias — whether department exercising judicial or political function — whether bias relevant — appropriate test — relevant considerations — Environmental Protection act 1992 — Environmental Impact Assessment Regulations 1995 (Belize)

*Belize Alliance of Conservation Non-Governmental Organisations v Department of the environment* (No. 2) [2004] 3 LRC 94 (Privy Council)

Public law — remedies — breach of statutory duty — damages — arrest and detention — right of detainee to consult solicitor on request — police empowered to delay compliance with request — reasons for such delay to be given — police authorising delay before request — no reasons given — whether breach of duty — whether damages recoverable — whether proof of injury, loss or harm necessary — whether judicial review available and effective — Northern Ireland (Emergency Provisions) Act 1987, s. 15 — Police and Criminal Evidence Act 1984, s. 58 — Human Rights Act 1998, s. 8 — Convention for the Protection of Human Rights and Fundamental Freedoms 1950, Arts 5, 6 — Criminal Procedure (Scotland) Act 1995, s. 14(2). (United Kingdom)

*Cullen v Chief Constable of the Royal Ulster Constabulary* [2004] 3 LRC 231 (House of Lords)

claimed benefits were referable to services provided by taxpayer — whether benefits constituted “income” — (CTH) Income Tax Assessment Act 1936 s. 25(1)

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Evidence — admissibility — communications made at meeting between taxpayer and taxation office — whether communications inadmissible — whether parties in dispute — whether court would be misled — (CTH) Evidence Act 1995 ss. 131(1), 131(2)(g) (Australia)

*Brown v Commissioner of Taxation* (2002) 187 ALR 714 (Federal Court of Australia)

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*John Fairfax Publications Pty Ltd v Rivkin* 201 ALR 77 (High Court of Australia)

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Negligence — duty of care — whether holder of certificate of registration of vessel had sufficient control over vessel to found duty of care to persons killed when vessel sank — whether statute and regulations conferred power of control — vicarious liability — whether holder of certificate of registration of vessel had sufficient control to found vicarious liability for negligence of person in charge of vessel at time of accident — (NSW) Water Traffic Regulations reg 11 (Australia)

*Frost and Others v Warner* (2002) 186 ALR 1 (High Court of Australia)

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Defamation — defences — common law defence of qualified privilege — report of court proceedings — whether matter published on occasion of qualified privilege — whether defamatory matter sufficiently connected to privileged occasion — whether defence of qualified privilege unavailable where report of court proceedings not fair and accurate (Australia)

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International law — sovereign immunity — foreign state — recognition — Taiwan — statute — executive having power to issue certificate recognising foreign state — such certificate conclusive evidence for purpose of immunity — civil proceedings against Taiwan government agency — agency claiming immunity without certificate — executive declaring itself unable to issue certificate — whether amounting to refusal to issue certificate — whether determinative of status of Taiwan — whether court having power to grant immunity — whether Taiwan a state within meaning of statute — State Immunity Act 1985, s. 18

International law — sovereign immunity — foreign state — recognition — de jure and de facto recognition — Taiwan — state practice — agreements and co-operation between government departments and corresponding Taiwan entities — whether amounting to evidence of de facto recognition of Taiwan by conduct — appropriate test — relevant considerations

International law — sovereign immunity — foreign state — unrecognised entity — capacity — *locus standi* — Taiwan — entity not recognised as a foreign state for purposes of state immunity — whether to be treated as a foreign state for other purposes — whether capable of being a party to proceedings (Singapore)

*Civil Aeronautics Administration v Singapore Airlines Ltd*  
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International law — Special Court for Sierra Leone — status — court established by international agreement — whether international criminal tribunal — United Nations Charter 1945, Ch VII — agreement between the United Nations and the Government of Sierra Leone on Establishment of a Special Court for Sierra Leone 2002

International law — sovereign immunity — head of state — Special Court for Sierra Leone — court having status of international criminal court — statute of court providing that official position of head of state not relieving him of criminal responsibility — accused, at time of indictment, head of state — whether subject to criminal proceedings before court — whether provision of statute contrary to peremptory norm of international law — United Nations Charter 1945, Art 7 — Charter of the International Military Tribunal 1945 (the Nuremberg Charter), Art 7 — Statute of the International Criminal Tribunal for the former Yugoslavia 1993, Art 7(2) — Statute of the International Criminal Tribunal for Rwanda 1994, Art 6(2) — Statute of the

- International Criminal Court 1998, Art 27 — Statute of Special Court for Sierra Leone 2002, Art 6(2)
- Practice and Procedure — International tribunal — sovereign immunity — head of state — claim — jurisdiction — submission to jurisdiction — rules of court requiring initial appearance prior to making of preliminary motion — whether requirement applicable to head of state claiming immunity — whether Appeals Chamber of court having discretionary power to permit application prior to appearance — Rules of Procedure and Evidence of the Special Court of Sierra Leone, rr 66, 72, 73
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- Prosecutor v Taylor* [2004] 5 LRC 590 (Special Court for Sierra Leone (Appeals Division)) 207
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Words and phrases — “know” — “statement” (Australia)

*Permanent Trustee Australia Co Ltd and Another v FAI General Insurance Co Ltd* (2002) 187 ALR 380 (Court of Appeal)

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*Muscat v Lee and Others* (2004) 204 ALR 335 (Federal Court of Australia)

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- Judiciary — Court of Appeal — panel — disqualification — appellant convicted of offence — Court of Appeal dismissing appeal — appellant filing motions seeking retrial — appeal to Court of Appeal from dismissal of motions — whether first judges in Court of Appeal hearing disqualified from hearing new appeal — relevant considerations (Singapore)
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*Shaik v Minister of Justice and Constitutional Development* [2004] 4 LRC 379 (Constitutional Court)

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Constitutional law — fundamental rights — life, liberty and security of the person — fundamental justice — protection of children — corrective force administered to child by schoolteacher, parent or person standing in place of parent — exemption from criminal sanction — whether violation of right to security of the person — Canadian Charter of Rights and Freedoms 1982, s. 7 — Criminal Code RSC 1985 (c C-46), s. 43

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Human rights — right to life — state's obligation to investigate death — death occurring in 1982 — whether state obliged to investigate death occurring before statute incorporating human rights

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*Clarke v R* [2004] 3 LRC 298 (Privy Council)

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Criminal procedure — trial — judge and jury — conduct of trial — directions by judge — jury not removed for discussion by judge with counsel about defence — judge's directions containing comments adverse to defence case — whether lacking balance — whether prejudicial — whether misdirection — whether rendering verdict unsafe — whether proviso applicable — Supreme Court of Judicature Act 1962, s. 44

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Criminal procedure — sentencing — imprisonment — duration — calculation — time in custody pending appeal — whether to be included in calculation of duration of sentence — Supreme Court of Judicature Act 1962, s. 49 (Trinidad and Tobago)

*Skeet v State* [2004] 1 LRC 650 (Privy Council)

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*Evans v Amicus Healthcare Ltd and Others* [2004] 3 All ER 1025 (Court of Appeal)

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*Christian and Others v R* [2004] 5 LRC 706 (Court of Appeal)

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Constitutional law — fundamental rights — right not to be subjected  
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Volume 30

2004

**SPECIAL COMMEMORATIVE EDITION  
30 YEARS OF THE CLB**



Commonwealth Secretariat

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