

eleven wentworth bulletin

Foreword to the Eleven Wentworth Bulletin

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Welcome to the second issue of what is now called the Eleven Wentworth Bulletin.

The slight change in title is in anticipation of the impending change to the Floor's name.

The Eleventh Floor will undergo a substantial refurbishment over the Christmas Holiday period, part of which will involve closure of the Selborne reception area.

The Floor as a whole will then be known as Eleven Wentworth.

The two case notes in this issue of the Bulletin are particularly interesting.

John Maconachie's insightful analysis of the Court of Appeal's decision in *Yearworth* highlights a novel application of the law of possession and bailment to the "ever expanding frontiers of medical science".

Henry El-Hage's intriguing discussion of the High Court's decision in *Pape* focuses on the role of Parliamentary appropriation and the limits on the Executive's expenditure of public money. In *Pape*, the Court rejected a constitutional challenge to the legislation providing for the Commonwealth Government's "tax bonus" payments.

The Short Notes & Recent Developments section of the Bulletin includes some useful pointers from recent cases.

And for cricket fanatics, the report on the Wentworth Wombats tour of England is a must read. It records the heroic efforts of the Wentworth Wombats, who managed to surpass all expectations and win 5 out of the 7 matches on tour.

The Bulletin is available on the Floor's website and is also distributed by email. If you would like to be on the distribution list for future issues of the Bulletin, please contact the Floor Librarian, Janelle Moser by [email](#) or by telephone on (61 2) 9232 7609.

We welcome suggestions as to how we might improve this Bulletin. Please provide comments or suggestions to Janelle Moser.

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Swimming into deep waters – ownership of bodily fluids and personal injury

Yearworth v North Bristol National Health Service Trust [2009] 3 WLR 118

“The appeals raise interesting questions about the application of common law principles to the ever expanding frontiers of medical science. In particular they raise a novel question about the ability to sue in tort and/or in bailment in respect of damage to bodily substances, namely semen which the men had produced for their possible later use and which the trust had promised meanwhile to freeze and to store.”

So said Lord Judge CJ at the commencement of the judgment of the Court of Appeal of England and Wales in *Yearworth v North Bristol National Health Service Trust* [2009] 3 WLR 118.

Cancer patients due to undergo chemotherapy treatment caused sperm to be stored in liquid nitrogen by the defendant trust for possible later use in the event that chemotherapy compromised their fertility.

The stored sperm was allowed to thaw, rendering it irretrievably perished.

The men (or the legal personal representatives of the men) sued.

A number of interesting issues were debated including whether or not the bodily fluids, damaged after removal for storage purposes, could constitute bodily or “personal” injury; whether the bodily fluids were capable of being owned or possessed for the purpose of a claim in negligence and/or bailment; and whether damages should be awarded on a basis reflecting that the arrangements between the parties were closely akin to contracts which had, as their object, the provision of peace of mind or other non-pecuniary personal or family benefits.

At first instance breach of duty was admitted by the defendant trust potentially giving rise to liability for what we would call pure mental harm; but liability was denied, in part upon the basis that the loss of the sperm constituted

neither personal-injury nor damage to property and therefore the loss could not qualify as the sort of damage which is a necessary constituent of an action in negligence. The defendant succeeded on preliminary issues identified at first instance.

In the Court of Appeal the case was also argued on the basis that the defendant was liable on a bailment count. No claim was advanced in contract.

Personal injury

The plaintiffs' attractive argument was based on German authority, and by analogy, with an English failed sterilisation/wrongful birth case involving a woman who underwent an unsuccessful tubal ligation -- essentially the argument was that the failed tubal ligation was not found to be the relevant injury, but the subsequent pregnancy was; the Court deciding that case had conferred “a degree of elasticity” on the word “injury”; but the Court of Appeal in the present case thought the plaintiffs' argument needed to demonstrate elasticity with respect to the words “personal” or “physical”. The tubal ligation case was of no assistance, the court thought, because the pregnancy was a physical event within the woman's body.

The German authority was distinguished on the basis that the decision relied on turned on the construction of a section of the German Civil Code.

At paragraph 23 of the judgment the Court of Appeal held “it would be a **fiction** to hold damage to a substance generated by a person's body, inflicted after its removal for storage purposes, constituted a bodily or ‘personal’ injury to him.” (my emphasis)

In obiter, the court dealt with, and rejected, some fascinating arguments based on such things as the semen remaining “in essence biologically active” and intended to be kept for a use functionally identical to “natural” semen, a proposition which the court thought might cause “the law (to) swim into deep waters.....”, an interesting metaphor in the circumstances of the case.

Damage to property

Legal ownership of or a possessory title to property at the

time of loss was an essential ingredient in a cause of action in negligence for loss or damage to property (the *Aliakmon Shipping* case [1986] AC 785, at 809E). That was necessarily the starting point, it seems, for the plaintiffs' argument on this branch of the case.

The Court then examined some of the timeless difficulties with the idea or concept of ownership and/or possession. In its analysis, the Court referred to Professor Honore's 1961 essay on "Ownership", Coke's Institutes, Blackstone's Commentaries, the decision of the High Court of Australia in *Doodeward v Spence* (1908) 6 CLR 406 (in which by majority the High Court held that the body of a stillborn two headed baby preserved in spirits and displayed for profit as a curiosity could be relevantly the subject of possession – *who said study of the law is boring?*), American authority and English legislation dealing with the use of human tissue and the regulation of, essentially, artificial insemination of humans.

At paragraph 45 of the judgment their Lordships come to their conclusion on "ownership" (in which they include possession) by reference to basic principles rather than to common-law authority identified and articulated in cases such as *Doodeward*. They conclude that for the purposes of their claims in negligence the plaintiffs had ownership of their sperm. Detailed reasons for that conclusion are given.

Bailment

Their Lordships disclosed that it was they who invited argument on bailment "independently of an action in tort".

The principles of the law of bailment are helpfully and conveniently summarised by their Lordships and they conclude, without hesitation, at paragraph 50, that there was a bailment and (subject to outstanding factual issues being later determined) the trust was liable under the law of bailment as well as under that of tort.

Damages

Having come to the conclusion, based on the above findings and decisions, that the men were entitled to recover for psychiatric injury consequent upon the breach of duty and breach of bailment found, their Lordships

turned to the question of damages.

Their Lordships came to the conclusion that the arrangements between the plaintiffs on the one hand and the defendant on the other were "closely akin to contracts and should fall within the ambit of these principles" (paragraph 57).

They also make the point that the arrangements were not in any way commercial and, inferentially, to be viewed conceptually as analogous to loss of the benefit of a contract to provide a relaxing holiday, as in *Jarvis v Swans Tours*. The analogy is delicious.

It is interesting to note that their Lordships' conclusion on the damages/bailment point was "fortified" by a decision of the late Justice Kelly of the Supreme Court of the ACT in 1989.

Comment

The analysis of some of the novel problems in this case, and in particular the "ownership/property" of bodily fluids, and the examination of the law of bailment is very instructive; well worth a read I think.

One should be careful about direct application of what is said by the Court of Appeal to similar problems in New South Wales; there is both Commonwealth and State legislation dealing with human fertilisation and the use of human tissue; for example, in New South Wales the *Human Tissues Act 1983* defines "tissue":

"tissue" includes an organ, or part, of a human body and a substance extracted from, or from a part of, the human body.

The Act then creates among other things offences for "trading" in tissue.

A careful examination and analysis of Australian legislation that might be relevant would be essential before one could be confident of the direct application of what is said by the Court of Appeal in this most interesting case.

J E Maconachie

Appropriation of Commonwealth moneys – not a licence to spend

Pape v Commissioner of Taxation [2009] HCA 23

The *Tax Bonus for Working Australians Act (No 2) 2009* (Cth) ("the Tax Bonus Act"), was the Act which provided for the payment of the "tax bonus", a key component of the Commonwealth Government's fiscal stimulus strategy. Within two weeks of its enactment, Mr Bryan Pape commenced proceedings in the High Court, challenging the constitutional validity of the legislation.

The proceedings were heard in late March 2009. The Court made orders on 3 April 2009 upholding the validity of the Act, by a majority of 4:3. However, the Court's reasons for judgment were delivered in early July.

The importance of the judgment in upholding the validity of the Tax Bonus Act is obvious enough. Just as significant was the Court's treatment of the appropriation provisions in ss. 81 and 83 of the Constitution, in particular, the Court's rejection of the Commonwealth's argument that those provisions were a substantive source of power to expend public money.

Tax bonus payments - the legislation

The Tax Bonus Act was enacted and received the Royal Assent on 18 February 2009. The Act provided for the payment of a tax bonus.. The expenditure of moneys in this way was critical to the Government's strategy of a short-term fiscal stimulus to offset the adverse effects of the global financial crisis on the economy.

The Act contained 9 sections. Section 3 provided for the Act to be administered by the Commissioner of Taxation. In turn, the Tax Bonus Act was a "taxation law" for the purposes of the *Taxation Administration Act 1953* (Cth) ("TA Act").

Entitlement to a tax bonus payment was dependent upon an individual satisfying the criteria in s. 5. In essence, an individual was required to have an adjusted tax liability greater than nil for the 2007-2008 income year and to have earned \$100,000 or less during that income year. By s. 6, a tax bonus amount of \$250, \$600 or \$900 was payable, depending on the person's taxable income for the 2007-2008 income year.^[1] Section 7 imposed an obligation on the Commissioner to pay the tax bonus to a

person who satisfied the eligibility criteria in s. 5.

The Tax Bonus Act did not contain an express provision appropriating the Consolidated Revenue Fund for the purposes of making the tax bonus payments. Instead, s. 16 of the TA Act was engaged. That section provided a standing appropriation for any amount the Commissioner was required or permitted to pay under a "taxation law" (subject to 2 exceptions). As noted above, the Tax Bonus Act was a "taxation law".

The constitutional setting

The Executive power of the Commonwealth is conferred by s. 61 of the Constitution. By s. 51(xxxix) of the Constitution, the Commonwealth Parliament has legislative power with respect to matters incidental to, *inter alia*, the power vested by the Constitution in the Commonwealth Parliament or in the Government of the Commonwealth ("the incidental power").

Section 81 of the Constitution provides:

"All revenues or moneys raised or received by the Executive Government of the Commonwealth shall form one Consolidated Revenue Fund, to be appropriated for the purposes of the Commonwealth in the manner and subject to the charges and liabilities imposed by this Constitution."

By s. 83, no "money shall be drawn from the Treasury of the Commonwealth except under appropriation made by law".

Generally, there are annual appropriations and special (or standing) appropriations. The annual appropriations comprise the Commonwealth budget. The standing appropriations (to the extent they remain in force) are permanent and provide for appropriation from time to time: French CJ, at [64].

The Commonwealth – Act supported by the appropriation provision

The Commonwealth relied on a number of alternative grounds to support the Tax Bonus Act. One of the Commonwealth's primary arguments was that the Act, read together with s. 16 of the TA Act, was supported by s. 81 of the Constitution read together with the incidental

power. That argument was essentially as follows. Section 81 of the Constitution was a grant of “legislative power” to make laws appropriating the Consolidated Revenue Fund for the “purposes of the Commonwealth”. The effect of an appropriation under that section was to provide Parliamentary authority for the Executive to withdraw money from the Treasury and prescribe the purpose for which that money may be applied. In this case, the appropriation was to be found in s. 16 of the TA Act. In turn, the incidental power was a source of power incidental to the execution of the “power of appropriation” in s. 81. To that extent, the incidental power supported a law which imposed a duty on an officer of the Executive to withdraw and apply money which had been validly appropriated under s. 81. The Tax Bonus Act was such a law.

In addition, the Commonwealth relied on the incidental power read together with s. 61 and ss. 81 and 83 of the Constitution. Reliance was also placed on the trade and commerce power, the external affairs power, as well as the taxation power.

The Court - validity not supported by ss. 81 and 83 of the Constitution

The Commonwealth’s argument based on s. 81 of the Constitution was not accepted. All members of the Court agreed that s. 81 of the Constitution could not be relied on as a substantive source of power to expend public money.

According to the judgments in *Pape*, s. 81 operated as a means by which Parliament is able to confer authority upon the Executive to spend public moneys. A Parliamentary appropriation is, in effect, no more than an earmarking of money for expenditure by the Executive. An appropriation by its own force does not permit the Commonwealth to actually engage in expenditure or carry out activities. The expenditure or activities which follow must in themselves be supported by a source of power found elsewhere in the Constitution: Gummow, Crennan and Bell JJ, at [176]-[178].

To support that conclusion, the Court relied on dicta in previous authorities where ss. 81 and 83 have been considered, including Mason J’s reasoning in *Victoria v The Commonwealth and Hayden* (1975) 134 CLR 338 (“AAP case”) and the analyses of Brennan J and McHugh J in *Northern Suburbs General Cemetery Reserve Trust v*

The Commonwealth (1993) 176 CLR 555.

Six of the Judges^[2] also relied on the Convention Debates, as well as Imperial and colonial history concerning the raising and expenditure of public moneys: see Gummow, Crennan and Bell JJ, at [187]. This aspect of the Court’s reasoning, which included an examination of the origins of the control of public revenue, the historical aspects of the concept of a Consolidated Revenue Fund and the importation of Imperial practices and traditions into the colonies, is particularly interesting. The Court’s historical analysis highlighted the role of appropriations as a means by which Parliament controlled the Executive’s expenditure of public funds. The function of the Parliament in this respect was “financial, not regulative” and was not in any way directed to the creation of rights or imposition of duties.

The appropriation provisions & the Tax Bonus Act

Applying those principles, all members of the Court, with the exception of Heydon J who did not need to decide this point, accepted that s. 16 of the TA Act provided the necessary appropriation under s. 81 of the Constitution to support the payments by the Commissioner under the Tax Bonus Act. However, the Commonwealth could not rely on s. 81 as a source of power to support the validity of the Act, ie, as a source of power to support the actual expenditure of money by the payment of the tax bonus.

By a majority of 4:3 (French CJ and Gummow, Crennan and Bell JJ; Hayne, Kiefel and Heydon JJ dissenting) the Court accepted that the Tax Bonus Act was supported by the Executive power in s. 61 of the Constitution ie, that section provided the requisite source of power to support the expenditure of moneys appropriated under s. 16 of the TA Act. Without determining the outer limits of the Executive power, the majority accepted that it encompassed the power to engage in “enterprises and activities peculiarly adapted to the government of a nation and which cannot otherwise be carried on for the benefit of the nation”: as per Mason J, in the *AAP* case. Applying that principle, the majority were prepared to accept, albeit with a note of caution (see French CJ at [10]) that Executive power extends to “...short-term fiscal measures to meet adverse economic conditions affecting the nation as a whole, where such measures are on their face

peculiarly within the capacity and resources of the Commonwealth Government” (as French CJ put it, at [133]). In turn, the Tax Bonus Act, in so far as it provided for the implementation of such measures through the creation of a right to receive the tax bonus payment, was supported by the incidental power.

Having upheld the validity of the Tax Bonus Act on that basis, French CJ and Gummow, Crennan and Bell JJ found it unnecessary to consider whether the Tax Bonus Act could be supported by the trade or commerce power or the external affairs power. Nonetheless, Gummow, Crennan and Bell JJ considered the Commonwealth’s argument based on the taxation power and concluded that the taxation power could not support the Act as it stood.

Hayne and Kiefel JJ were unwilling to accept that the Executive power extended to supporting the making of the tax bonus payments. Their Honours concluded that the Act could be supported by the taxation power, provided it was read down so that its operation would be limited, in effect, to the making of bonus payments as a means of offsetting existing tax liability. Hayne and Kiefel JJ (as well as Heydon J) considered the trade and commerce as well as the external affairs powers and concluded that these heads of power could not be relied on to support the validity of the Act.

In his dissent, Heydon J held that the Act could not be supported by any of the powers relied on by the Commonwealth.

Comment

The Court’s rejection of the Commonwealth’s argument concerning the appropriation provisions is significant. The Commonwealth’s position effectively meant that the Executive could spend money for *any* purpose which the Parliament by its appropriation treated as a purpose of the Commonwealth (as per the terms of s. 81 of the Constitution). That view was obliterated in *Pape*. The Executive’s expenditure of moneys appropriated must be justified by a source of power in the Constitution.

To that extent, the Executive’s ability to spend public moneys is effectively limited to the Commonwealth’s areas

of responsibility under the Constitution.

Henry El-Hage

[1] At the time, Mr Pape was a potential recipient of a \$250 tax bonus payment. However, the Court accepted that Mr Pape had sufficient standing to challenge the validity of the Tax Bonus Act in its application to other persons.

[2] French CJ, Gummow, Crennan and Bell JJ and Hayne and Kiefel JJ.

Short Notes & Recent Developments

Warning - privilege against self-incrimination: Supreme Court Practice Note 14 – Freezing Orders

In the usual case, an application brought in the Supreme Court for ex parte freezing and disclosure orders involves seeking orders modelled on the form of orders at the end of Practice Note SC Gen 14 – Freezing Orders. Paragraph 9 of those orders deals with the privilege against self-incrimination and qualifies the usual form of disclosure orders in [8]. In its current terms, [9] is based on s. 87 of the *Civil Procedure Act 2005* (NSW). However, the privilege against self-incrimination in the context of disclosure orders is also dealt with in s. 128A of the *Evidence Act 1995* (NSW). On at least one occasion, the Court has taken the view that the relevant part of any freezing and disclosure orders which deals with the privilege against self-incrimination should be based on the provisions of s. 128A rather than s. 87 of the CPA: see *WRCA v Frey*, Supreme Court, McDougall J, 17 July 2009, unreported.

For the Common Lawyer – does statute inform common law duty?

In *Leighton Contractors Pty Ltd v Fox; Calliden Insurance Limited v Fox* [2009] HCA 35, handed down on 2 September 2009, the High Court cautioned against translating statutory obligations into a common law duty of care (at [49]):

The obligation imposed on Leighton under the Regulation, while not founding an action for breach of statutory duty, is central to the Court of Appeal's conclusion that a common law duty existed. While it is true that obligations under statutory or other enactments have relevance to determining the existence and scope of a duty, it is necessary to exercise caution in translating the obligations imposed on employers, principal contractors and others under the OHS Act and the Regulation into a duty of care at common law. This is because, as Gummow J explained in Roads and Traffic

Authority (NSW) v Dederer, “whatever their scope, all duties of care are to be discharged by the exercise of reasonable care. They do not impose a more stringent or onerous burden.” (emphasis added)

Expert Witnesses – Duties to the Court

The South Australian Supreme Court's judgment in *James v Keogh* [2008] SASC 156 (a case involving an appeal from a finding by the Medical Board of South Australia that Dr James was guilty of unprofessional conduct arising from evidence he gave as an expert witness) contains a useful summary of the duties of an expert witness (at [67]-[72], per Debelle J):

67. *As will be apparent from the examination that follows, the duties of an expert witness are the same in criminal and in civil trials. The question whether the expert witness has discharged those duties will be determined by reference to the context of the forensic issues at the trial as well as by reference to the obligation of the expert to disclose all relevant material. I will now examine the relevant principles and then consider whether, by reference to those principles, James failed to comply with them.*

68. *The duties and responsibilities of an expert witness in civil trials were identified by Cresswell J in National Justice Compania Naviera SA v Prudential Assurance Co Ltd (The Ikarian Reefer) [1993] 2 Lloyd's Rep 68 at 81-82. He said:*

The duties and responsibilities of expert witnesses in civil cases include the following:

1. *Expert evidence presented to the Court should be, and should be seen to be, the independent product of the expert uninfluenced as to form or content by the exigencies of litigation.....*

2. *An expert witness should provide independent assistance to the Court by way of objective unbiased opinion in relation to matters within his expertise (see [Polivitte Ltd v Commercial Union Assurance Co plc [1987] 1 Lloyd's Rep 379 at 386 per Garland J] and [Re J (child abuse: expert evidence) [1991] FCR 193 per Cazalet J]). An expert witness in the High Court should never assume the role of an advocate.*
3. *An expert witness should state the facts or assumption upon which his opinion is based. He should not omit to consider material facts which could detract from his concluded opinion ([Re JJ]).*
4. *An expert witness should make it clear when a particular question or issue falls outside his expertise.*
5. *If an expert's opinion is not properly researched because he considers that insufficient data is available, then this must be stated with an indication that the opinion is no more than a provisional one ([Re JJ]). In cases where an expert witness who has prepared a report could not assert that the report contained the truth, the whole truth and nothing but the truth without some qualification, that qualification should be stated in the report*
6. *If, after exchange of reports, an expert witness changes his view on a material matter having read the other side's expert's report or for any other reason, such change of view should be communicated (through legal representatives) to the other side without delay and when appropriate to the Court.*
7. *Where expert evidence refers to photographs, plans, calculations, analyses, measurements, survey*

reports or other similar documents, these must be provided to the opposite party at the same time as the exchange of reports (see 15.5 of the Guide to Commercial Court Practice).

Those principles were followed and applied by Collins J at first instance in Meadow v General Medical Council [2006] EWHC Admin 146; [2006] 2 All ER 329 at [20] and by the Court of Appeal in Meadow v General Medical Council (supra) at [21], [70] and [204]. At first instance Collins J had added to the list of Cresswell J the observation that the expert witness will know that he must give evidence honestly and in good faith and must not deliberately mislead the court. He will not expect to receive protection if he is dishonest or malicious or deliberately misleading. In Meadow at [204] and at [250], the Court of Appeal held that these principles also applied in criminal trials, a conclusion affirmed later by the Court of Appeal in R v Harris [2006] 1 Cr App R 5.

69. *These principles have been followed by courts in this country including appellate courts.....*
70. *In Meadow at [17] and at [201], it was stressed that it is of the utmost importance that an expert should only give evidence of an opinion which is within the expert's particular expertise and, if the expressed opinion is outside his expertise, the expert should expressly say so. That principle was of particular importance in that case. It has no application in the circumstances of this appeal.*
71. *The Court of Appeal also held that, when reviewing an expert's conduct, it is not appropriate to judge an experienced and eminent expert more harshly because of that experience and eminence: Meadow at [72], [213] and [275].*

For present purposes, the most relevant of these duties is that an expert witness must give evidence honestly and in good faith and must not deliberately mislead the court. An expert giving evidence to the court has an obligation to the court to assist it by giving evidence objectively. That obligation includes making full disclosure of all relevant material no matter whether it assists or is detrimental to the cause of the client of the expert. That is because the obligation of the expert to the court overrides the obligation of the expert to the client

Wentworth Wombats England Cricket Tour 2009

2009 has not been a good year for the Australian Ashes team but that is not the case with the alternative national side, the Wentworth Wombats. The Wombats, featuring a core of Eleventh Floor barristers together with WAGS, won 5 of their 7 fixtures played in early July on grounds in or around Oxford, Cambridge and London (never far from NHS Hospitals in case of injury).

Most brilliant of the many stars with bat and ball, were Durack the Elder (a commanding century against the London Bar); Free (hitting a polaris missile drive for 4 off the last ball of the game for victory against the Sir Peter Gross XI) and Gyles (a ringer from the 10th Floor) who in the family tradition made a pugnacious century against the Longstowe Village XI. Bell's batting average would have matched his age save for the cruel dismissal in his last match when he was run out (without much complaint) by an unnamed teammate. Sullivan's rigorous fitness training paid dividends in the last game at Greenwich when he hit a dashing 33 not out in only 5 overs.

Collins' bowling showed no signs of the age and injuries underlying it, and others to perform solidly with the ball were Climpson and White (another ringer from the 6th Floor). Pike put in a solid all-round performance, not the least with his stunning sports photography. Poulos, not playing this time, also made a significant contribution with his landscapes and caricatures.

Holmes and Griffiths made contributions commensurate with their ages.

For those interested and who can't wait for the movie, full details of the Tour together with eagle-eye observations by Susie Bunting can be found at wombatrambles.shutterfly.com.

FLOOR NEWS

New Floor Member: the Floor is pleased to announce that Caroline Spruce accepted an offer of a single room on the Floor. Caroline was called to the Bar in May 2008 and was a reader on the Floor until June 2009. She has a wide ranging practice, including administrative and constitutional law, employment law and environmental planning and property law.

PUBLICATIONS AND EVENTS

Margaret Allars presented a paper on the High Court's decision in *Shi v Migration Agents Registration Authority* (2008) 235 CLR 286, entitled "A Bold Vision Realised: The Merits Review Function of the Administrative Appeals Tribunal", at a Joint Administrative Appeals Tribunal and Law Council of Australia seminar on the AAT, held in Melbourne on 25 June 2009.

International Sports Arbitration course: Several Floor members were involved in the presentation of an intensive post-graduate course on International Sports Arbitration held at Gonville & Caius College, Cambridge, UK between 11 and 14 July 2009. The course was offered by the Law School of the University of Sydney as part of the "2009 Sydney Law School in Europe Programme". The course was taught by Malcolm Holmes QC with guest lectures from Bruce Collins QC, Alan Sullivan QC, John Griffiths SC, Andrew Bell SC and Stephen Free.

LIBRARIAN'S CORNER

New additions of texts added to the Eleventh Floor Library

Commercial Issues in Contract Law, edited by Greg Tolhurst and Elisabeth Peden, 2008.

Company Directors and Corporate Social Responsibility: UK and Australian Perspectives, edited by R.P. Austin, 2007.

Law of International Business in Australasia, by Robin Burnett and Vivienne Bath, 2009.

Private Equity and Corporate Control Transactions, edited by R.P. Austin and A.F. Tuch, 2007.

Schemes, Takeovers and Himalayan Peaks: the use of schemes of arrangement to effect change of control transactions, by Tony Damian and Andrew Rich, 2004.

Chitty on Contracts, 30th edition, 2008.

Macken's Law of Employment, by Carolyn Sappideen and Paul O'Grady and Geoff Warburton, 6th edition, 2009.

Gale on Easements, 18th edition by Jonathan Gaunt, 2008.

Gatley on Libel and Slander, 11th edition, 2008.

Scrutton on Charterparties and Bills of Lading, 21st edition, 2008.

Chalmers and Guest on Bills of Exchange, Cheques and Promissory Notes, 17th edition by A.G. Guest, 2009.

Goode on Payment Obligations in Commercial and Financial Transactions, 2nd edition edited by Charles Proctor, 2009.

Australian Civil Procedure by Bernard Cairns, 8th edition, 2009.

Goode on Legal problems of Credit and Security, 4th edition edited by Louise Gullifer, 2008.

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