

New Zealand Trust Reports

Volume 1 (Part 1), 1965-2003

Reviewed by Andrew Butler

THE RECENT PUBLICATION OF VOLUME 1 of the New Zealand Trust Reports (NZTR) is to be welcomed.

Published by CCH New Zealand Ltd, the first volume in the paperback report series covers the period 1965 to 2003. At almost 950 pages the volume packs in well over 100 cases, many of which were previously unreported and not readily accessible to practitioners.

For example, the very first case reported in the volume is *Re Estate Whatman*, a decision of the then Supreme Court at Wellington in respect of an ultimately unsuccessful proposed scheme of variation under Part 3 of the Charitable Trusts Act 1957. This decision of Justice Tompkins is often referred to in subsequent cases, but obtaining a copy of it is not straightforward.

Of the cases reported in this volume, by your reviewer's calculation approximately 70 of the cases have been previously

unreported in the New Zealand Law Reports, although a number of those have been reported in some of the specialist report series, such as the various family law reports series. But for trust practitioners, there is real value in having important cases in the trust jurisdiction reported in a single volume. It very much puts relevant New Zealand case law at our fingertips.

Your reviewer understands that reflecting the significant growth in trust-related litigation this millennium, cases decided from 2003 onwards may well require two volumes of the NZTR.

Turning from the comprehensiveness of coverage to quality of the product, as all busy practitioners know, there is a great scourge in the modern phenomenon of the electronic dissemination of all superior court decisions, good, bad and indifferent, involving high principle or no principle. The cascade of judgments available in unvarnished electronic form has increased, rather than decreased, the importance of law reports and the role of good headnoting.


CCH were very fortunate in their choice of editor. John Brown, who has been very active as a trusts practitioner, teacher, and author, has taken on the role of overseeing



the editing of the headnotes and has written many of them himself.

As one would expect, therefore, the quality of the headnotes is excellent. All of them do a good job of identifying key principles articulated in the reported decisions and helpfully summarise how those principles are applied on the facts of each case.

The care and precision with which the headnoting has been done is of real assistance to busy readers who want to get a quick overview for the relevance of a reported decision to their particular circumstances, as well as enabling readers to understand how relevant principles are being articulated in the courts.

To practitioners active in the area of trusts NZTR will be a very welcome addition to the library. And at the GST-inclusive price of \$287.50 it surely represents good value for money. 

New Zealand Trust Reports Volume 1 (Part 1) 1965-2003, CCH New Zealand Ltd, February 2014, ISSN 2324-5123, 944 pages, paperback, \$250.00 (excludes GST and p&h).

Andrew Butler is a partner of Russell McVeagh and is based in Wellington. He is General Editor of Equity and Trusts in New Zealand (Brookers Ltd), the second edition of which was published in 2009, and was a member of the advisory group to the Law Commission's report on the law of trusts.

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The Liberty of Non-citizens BY RAYNER THWAITES

University of Sydney legal academic Rayner Thwaites examines the legality of indefinite detention in Australia, the United Kingdom and Canada. His book analyses the legal context, reasoning and implications of the case law on indefinite detention, arguing that the law of each jurisdiction contains ample resources to support a ruling that indefinite detention is illegal. *Hart Publishing, February 2014, 978-1-849464-31-4, 352 pages, hardback, £55.00 (p&h excluded).*