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(articles and book review included in this part are linked to the LexisNexis platform)

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Articles

[Fiduciary duties and conflicts of interest in Queensland strata title](#)

— *Neil Hope and Dane Weber*

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This article addresses the question as to whether the principle of conflict of interest applies in general meetings of body corporates in Queensland. Presently, adjudicators (the dispute resolution decision-makers in Queensland body corporate law) do not accept that the general law of fiduciary duties applies to general meetings as lot owners are entitled to vote in their own interests. This article will challenge that conclusion. Lot owners and committee members and their conduct at general meetings will be specifically discussed, and the article will deal with the principle that unless expressly excluded or modified by statute, the general law with respect to fiduciaries, fiduciary duties and conflicts of interest is not displaced, and concludes that any perception that the principle of conflict of interest does not apply at general meetings of a body corporate is misconceived.

[Commercial landlords & uncollected goods](#)

— *Adam Waldman*

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This article explores the position of commercial landlords with unwanted possession of uncollected goods. Part I considers when this is likely to be of commercial significance, and identifies that a tenant's failure to remove goods from the premises is only likely to cause significant losses to the landlord when at least two parties other than the landlord assert competing interests in the goods. In such circumstances, at least one of the parties claiming an interest in the goods is likely to be a secured party under the *Personal Property Securities Act 2009* (Cth) ('PPSA'). The article then explores whether the landlord is likely to be protected against its unwanted storage costs in such circumstances, and how this will turn upon whether its lease contains a clause conferring it with rights in goods left on the premises — termed an 'uncollected goods clause'. Part II contends that the effect of such a clause will often be to confer the landlord with a property interest in the goods that will almost always rank below a PPSA security interest. Part III contends that where no such clause is contained in the lease, the landlord is likely to be protected by an equitable lien and also, in some jurisdictions, by uncollected goods legislation. The article concludes that in some circumstances landlords can better protect themselves against the costs of unwanted possession of goods by omitting uncollected goods clauses from their leases.

[Rooming houses in Victoria: Home and the nature of property](#)

— *Samuel Tyrer*

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This article presents a case study of Victorian rooming house laws contained in the *Residential Tenancies Act 1997* (Vic). The study evaluates those laws — which protect vulnerable rooming house

residents in various ways — from the perspective of home. That is, to determine whether these laws enable residents to experience home, which is defined herein as ideally a feeling of security, the expression of self-identity, and relationships in and through place according to existing home scholarship. The overall finding reached is that Victorian rooming house laws may enhance residents' experience of home in some respects, while in other respects they may inhibit or fail to protect that experience. Reforms are proposed to address this deficiency of home, and observations made regarding home and the nature of property from a property theory perspective.

Prudent or perilous: Can trustees of charitable trusts invest in crypto-assets?

— *Ashton Cook*

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The winds of change are blowing for crypto-assets. The global crypto-asset market capitalisation reached \$3 trillion in November 2021, institutional support is increasing, and central banks are exploring their own digital currencies. In light of these developments, trustees may fairly question whether they are permitted to invest trust property in crypto-assets, especially where there are legitimate risks and criticisms weighing against that course. This article seeks to answer that question for the first time in the context of charitable trusts. To do so, this article will combine an informed understanding of crypto-asset technology with trust law and the obligations imposed by the Australian Charities and Not-for-profits Commission. Particular attention is given to modern portfolio theory and its ability to address and accommodate the perceptions of risk, hazard and speculation associated with many crypto-assets. This article also identifies for trustees the potential perils of storing and transacting crypto-assets as well as the ethical issues that will confront some charitable trustees.

Book Review

Sackville & Neave Australian Property Law by Brendan Edgeworth et al

— *Justice Clyde Croft AM*

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