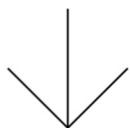
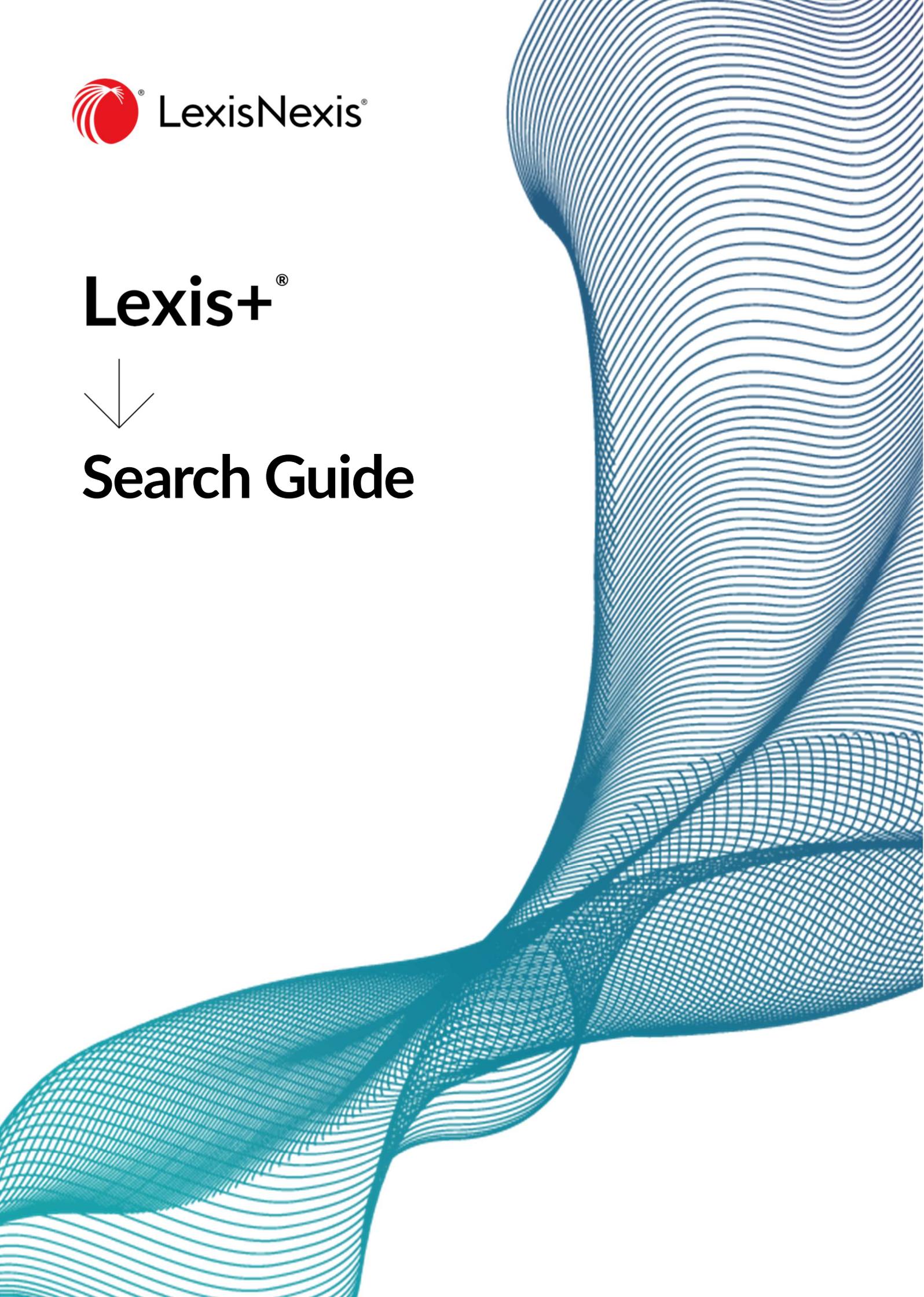




Lexis+[®]



Search Guide



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1 Lexis Answers

Using powerful analytics, Lexis Answers ¹ addresses your question and delivers clear, concise, and informative answers. The Answer passages will link directly to the specific passages within the document, rather than just the document itself, speeding up the research process for common legal questions.

Note: Currently, Answers will be surfaced from Australian caselaw. Answers are currently being displayed on the 'All' and 'AU Cases' tabs. Other content types will progressively be added to the feature.

2 Integrated Search Results

Gain instant access to the most relevant result ² for your query from across Cases, Legislation, Secondary Materials (Commentaries, Annotated Legislation, Journals, Books and Periodicals) all in one page making it much faster to get to the result you want. You can choose to view search results for a specific content type by navigating across to the relevant search results tab.

The screenshot shows the Lexis+ Australia search interface. At the top, the search query is 'Liquidated damages'. On the left, there are filters for 'Select Country/Region' (Australia (AUS)), 'All' (4,675), 'AU Cases' (3,203), 'AU Legislation' (276), 'AU Secondary Materials' (869), 'AU Forms & Precedents' (237), 'AU Guidance' (90), and 'AU News' (3,334). There are also options to 'Search Within Results' and 'Include/Exclude' search terms.

The main results area shows two tabs: 'Answers' (marked with a red '1') and 'LIQUIDATED DAMAGES' (marked with a red '2').

The 'Answers' tab displays a summary: 'The meaning of liquidated damages is well-established. "Liquidated damages" are a sum fixed by the parties to a contract as a genuine pre-estimate of damage in the event of breach, whether a pre-determined lump sum, or by means of a specific calculation or scale of charges or other positive data.' Below this is a case reference: 'FULLINFAW and Another v NEIL FLETCHER DESIGN PTY LTD', VIC | Victoria Supreme Court | 12 Mar 2019. A 'More Answers' button is visible.

The 'LIQUIDATED DAMAGES' tab shows a commentary from 'Building Contracts Australia'. The title is 'LIQUIDATED DAMAGES' and the source is 'Building Contracts Australia > Tendering and Construction Law Handbook > Decisions, Definitions and Precedents'. A progress bar is shown below the title. The text snippet reads: 'LIQUIDATED DAMAGES [201.400] Genuine pre-estimate Under the provisions of many general conditions of contract, the principal can deduct liquidated damages up to the date of termination (if any such termination occurs). Such provisions are inserted so that the principal may be relieved from the difficulty and ...'. A 'View Table of Contents' link is also present.

Below this, another result is shown: '58. LIQUIDATED DAMAGES FOR DELAY', Commentary | Building Contracts Australia. The source is 'Building Contracts Australia > Supply > General Terms Agreement for Supply and Installation of Goods and Supply of Services > Agreement'. An 'Other' link is visible below the title.

3 Search Term Maps

Search Term Maps for Cases, Legislation, Secondary Materials (Commentaries, Annotated Legislation, Journals and Periodicals) display the location and distribution of each of your search terms in both the results list and within each full document, making it easier than ever to identify patterns and the largest concentration of search terms. Use the **1** graphical view to navigate directly to points in your documents where your terms appear together or select a highlighted term to view an extract of the document where the term appears. The most significant cluster of terms is indicated with an **2** asterisk.

Simon v Condran
 NSW | New South Wales District Court | 06 Feb 2013
 CaseBase | (2013) 16 DCLR (NSW) 230 | [2013] NSWDC 32 | BC201340051

Animals – Liability of owners – Liability for injury to person – Dog bite
 Tort – Trespass – Defences – Emergency
 Negligence – Foreseeability – Risk – Probability of harm

Headnotes | Judgment

1 [2013] NSWDC 32

2 ... be said to be "not insignificant". Even the most placid of animals, if goaded or in special circumstances, might snarl and bear its teeth and might **bite** someone or some thing. For example, a mischievous child who got under the house might poke a stick at a **dog** and inflame it such that it might lash out. Accordingly, I am prepared to accept that the risk of being **bitten by a dog** in the circumstances was "not insignificant". [60] In considering the provisions of s 5B(1)(c) I look to the provisions of subs (2). What was the probability ...

When viewing a document, reference the Search Term Map and highlighted terms. Click on select passages **3** to navigate to specific individual terms, or **4** hide the Search Terms bar. Easily identify relevant, useful passages for a more efficient research experience.

Search Terms | Search Terms | Search Terms

Top of Document

3 Catchwords & Digest

4 Search Terms

Catchwords & Digest Learn more

Animals – Liability of owners – Liability for injury to person – Dog bite
Tort – Trespass – Defences – Emergency
Negligence – Foreseeability – Risk – Probability of harm

Application for damages.
 Respondent was applicant's next-door neighbour.
 Both parties owned **dogs** that were antagonistic towards each other.
 On relevant date, applicant let **dog** wander around front yard unrestrained.
 Observed **dog** going over to fence with neighbouring property, and sniffing along fence.
 Turned away from observing **dog** because distracted by friend.
 Subsequently heard fight break out between own **dog** and respondent's **dog**.
 Saw own **dog** had gone to reo fencing underneath respondent's house.
 Ran towards own **dog** and observed respondent's **dog** had own **dog** in his muzzle.
 After respondent's **dog** let go of applicant's **dog**, applicant's head was very close to respondent's **dog**'s head, and respondent's **dog bit** applicant's hand for approximately 40 seconds.
 Applicant's first cause of action was statutory cause of action constituted by (NSW) Companion Animals Act 1998 s 25.
 Applicant did not deny being on respondent's property at relevant time, but claimed was not 'not lawfully' on respondent's property, as applicant had gone to rescue or to prevent harm or damage to own **dog**, which was matter of necessity.
 Raised second cause of action claiming respondent had been negligent.
 Satisfied defence of necessity was available to trespass if there was an absence of negligence creating or contributing to necessity on part of person raising that defence.
 Satisfied defence of necessity was not available to excuse applicant's trespass upon respondent's land because applicant's conduct contributed to emergency that gave rise to necessity.
 Accordingly, not satisfied on balance of probabilities that applicant was lawfully on respondent's property at time of being **bitten** by respondent's **dog**.
 Accordingly, applicant's action under s 25 failed.

4 Search Within Results

Gain greater control over your search with Search Within Results ¹, which highlights terms from your search query that you wish to include in your results, for visibility into whether all your terms are present in a document—without opening the document. You can also choose to exclude ² certain terms from the documents being returned in your search results.

The screenshot displays the LexisNexis search interface for the query "misleading behaviour". The search results are filtered for Australia (AUS). The left sidebar shows various filters, including "Search Within Results" which is highlighted with a red circle and the number 1. Below this, there are "Include" and "Exclude" radio buttons, and a text input field labeled "Enter search terms". The main results area shows a case titled "ABN AMRO Bank NV v Bathurst Regional Council" with a judgment snippet that includes the word "misleading" highlighted in yellow, also marked with a red circle and the number 2. The snippet reads: "... PART 10: PA COUNCILS' PURCHASE OF 2006-3 NOTES: ABN AMRO 1. INTRODUCTION [1313] The PA Councils' claim against ABN Amro was for misleading and deceptive conduct, knowing involvement in S&P's misleading and deceptive conduct and negligence. ABN Amro was found to be knowingly concerned in S&P's contraventions of the various statutory provisions proscribing such ...".

5 Search Tree

For even more search customisation and control, after running a search, select the **1** Search Tree icon to access the **2** first-of-its-kind visualisation tool, and better understand why certain terms are missing from the results set. Select the boxes with the requisite search terms to refresh the results set with those terms.

The screenshot displays the Lexis+ Australia search interface. At the top, the search results are for the query: "duty of care" /p director and insolvent trading. A search tree visualization is shown, indicating 314 results found. The tree branches from the root "314 results found" into three main categories: "duty of care" (10,000+), "director" (10,000+), and "insolvent trading" (3452). These categories further refine into " /p " (2596) and " and " (314). A red circle with the number 1 highlights the search tree icon in the top right corner of the search bar area. A red circle with the number 2 highlights the "duty of care" node in the search tree. On the left side, there is a "FILTERS" panel with the following sections:

- Select Country/Region: Australia (AUS)
- Search Within Results: Includes a search box for "Enter search terms".
- Include/Exclude: Radio buttons for "Include" (selected) and "Exclude".
- Publication: A dropdown menu.
- Legal Topics: A dropdown menu.

The main content area shows a search result for "Statutory and general law duties of care", which is a commentary from Ford, Austin & Ramsay's Principles of Corporations Law. Below the title, there is a "View Table of Contents" link.

6 Missing and Must Include

Gain greater control over your search with **Missing and Must Include**, which highlights terms from your search query that are missing from a specific document in the results set, for visibility into whether all your terms are present in a document - without opening the document.

Missing and Must Include is available for all content types and up to five terms or phrases can be displayed with the 'Missing and Must Include' label. The label **'Missing'** at the bottom of the result snippet shows the term that is missing from the document. Click on **'Must Include'** to rerun the search so that the search results include the term. See at the top which terms were deemed as Must Include terms in the new query. The results now include your must-have terms.

The screenshot displays a search interface with the following elements:

- Search Bar:** Results for: patent nebuliser assembly
- Filters:**
 - Country/Region: Australia (AUS)
 - Case Types: AU Cases (1,186), Full Text Cases (1,681), Case Citators (47), Case Summaries (25), AU Legislation (3), AU Secondary Materials (10,000+), AU Forms & Precedents (515), AU Guidance (0), AU News (10,000+)
 - Search Within Results: Include (selected), Exclude
 - Search Terms: Enter search terms
 - Jurisdiction, Court, Timeline, Publication, Legal Topics (all collapsed)
- Case Snippet 1:**
 - Case:** ESCO Corp v Ronneby Road Pty Ltd
 - Court:** Cth | Federal Court of Australia, Full Court | 28 Mar 2018
 - CaseBase:** (2018) 358 ALR 431, (2018) 131 IPR 1, [2018] FCAFC 46, BC201802157
 - Topic:** Intellectual property – Patents – Opposition to registration – Patentable invention
 - Headnotes:** (2018) 131 IPR 1
 - Judgment:** ... and Moshinsky JJ. Background and Context [1] The appellant (and applicant for leave), ESCO Corporation ("ESCO") is the applicant for the grant of an Australian standard patent entitled "Wear assembly". The patent application is number 2011201135 (the "Patent Application" or "PA"). It was filed on 15 March 2011 as a divisional application, that is to say, the application was divided out of an earlier ...
 - Label:** Missing: nebuliser | Must include: "nebuliser"
- Case Snippet 2:**
 - Case:** Product Management Group Pty Ltd v Blue Gentian LLC
 - Court:** Cth | Federal Court of Australia, Full Court | 14 Dec 2015
 - CaseBase:** (2015) 240 FCR 85, (2015) 116 IPR 54, [2015] FCAFC 179, BC201512309
 - Topic:** Intellectual property – Patents – Indirect infringement
 - Judgment:** [2015] FCAFC 179
 - Text:** ... the lack of innovative step argument. That finding has been challenged on appeal (appeal grounds 1, 4 and 5(a)). (c) Particular claims of each of the Patents were not fairly based on the matter described in the respective specifications of those Patents. Further, particular claims of each of the Patents were not clear and succinct. Further, particular claims of the First Patent did not describe the invention fully. At first instance the primary judge rejected all such arguments. PMG no longer challenges such findings (appeal grounds 2 and ...)
 - Label:** Missing: nebuliser | Must include: "nebuliser"