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(Articles and Book Review included in this part are linked to the LexisNexis platform)

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Articles

In defence of the obligations of the model litigant: An insider's perspective
— *Michael Wait SC* 263

The obligations of the model litigant have recently been the subject of criticism on the grounds that they are too uncertain in their content and too difficult to enforce. Indeed, one critic has gone so far as to suggest that the obligations should be abandoned. In this article, the author contends that much of the frustration with the application of the model litigant obligations arises from a misapprehension that the obligations are common law rules. When, however, the model litigant obligations are properly understood to be directions imposed by the Attorney-General on government agencies, then both the limitations — but also the enduring value — of the obligations may be better appreciated.

'I shot the sheriff, but I swear it was in self-defence, oh yeah!': The admissibility of purely self-serving out of court statements in the trial of an accused for a criminal offence, revisited
— *Judge Sydney Tilmouth* 278

The decision of the High Court in Nguyen v R (Nguyen) authoritatively established that in order for the prosecution to meet its obligation in putting its case fully and fairly before a jury requires the tender of records of interview containing mixed statements, unless there was good reason not to do so. The Court did not state in so many words that this duty extended to purely self-serving statements. On further analysis, there is reason to suppose that such statements no longer remain inadmissible in terms of principle, even if they were in the past. The question of the capacity of trial courts to enforce compliance with the Nguyen principle is however another matter.

Assisting royal commissions — Reflections from counsel
— *Dominique Hogan-Doran SC* 293

Royal commissions are an entrenched feature of Australian public life. This article examines the unique responsibilities of, pressures on, and opportunities presented to counsel appointed to assist commissioners to discharge their letters patent.

Contractual licences over land and the 'disappearing divide between property and obligation'
— *Lucas Clover Alcolea* 319

The law surrounding contractual licences over land has long been the subject of controversy, particularly since Lord Denning's attempts to convert them into fully proprietary rights. This article

divides the law concerning such licences into three eras — orthodoxy, Denning, and a 'return to orthodoxy?' — before analysing each in turn. Subsequently, it outlines how despite an apparent return to orthodoxy licences have continued to benefit from significant 'remedial growth', as courts have been willing to grant licensees remedies traditionally restricted to, and intertwined with, proprietary rights such as relief from forfeiture, specific performance, injunctive relief, and the ability to bring trespass claims. It will then be suggested that there are only three possible approaches to contractual licences over land: i) they are fully proprietary; ii) they are purely personal rights; or iii) they can be recognised as weakly, or 'quasi', proprietary. It will be suggested that of these approaches the third is the most coherent and is in line both with equity's general tendency to transform purely personal rights into proprietary rights, and with the relative and gradated nature of property in the common law.

Book Review

The American Law Institute: A Centennial History, Andrew S Gold and Robert W Gordon (Eds)
— *William Gummow* 342