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The future for employment dispute resolution – *Caroline Bergin-Cross*

The Republic of Ireland has a complex system for the resolution of employment disputes and grievances and the enforcement of employment law, which has accumulated inconsistently over the last 40 years. If presented with a blank page and asked to propose a system for the resolution of employment rights disputes, I doubt anyone would construct the system we have today. Employment rights legislation in Ireland consists of a range of primary and secondary legislation, much of which has been substantially amended, often more than once. The current system has evolved in a piecemeal fashion as a response to European Union developments, the evolution of national-level social dialogue and legislative programs and the changing nature of employment. This article will consider how the employment rights dispute system can be adapted to solve encroachments of the law, making the new institutions and procedures an invaluable part of the dispute resolution landscape. 10

Recent developments in expert evidence in Victoria – *Albert Monichino SC*

The introduction of the Civil Procedural Act 2010 (Vic) has effected cultural change in many aspects of civil litigation in Victoria. One important reform is Pt 4.6, which deals with expert evidence. Since its introduction, Victorian courts have looked afresh at the appropriate use of expert evidence, demonstrating an eagerness to manage its use more proactively and efficiently. This article presents a comprehensive overview of recent Victorian case law dealing with the new provisions in Pt 4.6, revealing emerging judicial attitudes and trends to the use of expert evidence following the reform, concluding that one can already see a perceptible shift in the way that expert evidence is managed by Victorian courts. The author also considers the history of law reform surrounding expert evidence and alternative approaches to the management of expert evidence, such as those used in the context of international commercial arbitration 16

Expense Reduction Analysts Group Pty Ltd v Armstrong Strategic Management & Marketing Pty Ltd: Implications for case management obligations and the doctrine of waiver – Jocelyn Williams

This article examines the recent High Court decision of *Expense Reduction Analysts Group Pty Ltd v Armstrong Strategic Management & Marketing Pty Ltd* (2013) 88 ALJR 76. The case concerned the mistaken disclosure of privileged documents during a court-ordered discovery process by the Supreme Court of New South Wales. The High Court held, that in the circumstances, waiver was not raised, and that the Supreme Court had the necessary powers to deal with issues in relation to the discovery process, including ordering the return of documents. The reasoning in *Armstrong* raises interesting questions about the application and scope of case management obligations, and leaves unresolved some questions about the correct approach to the test of implied waiver of privilege.

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