CURRENT ISSUES – Editor: Justice François Kunc
Commissioner Hayne Presents His Report ................................................................. 155
ALRC Report on Class Actions .................................................................................. 156
The Journey Towards a National Integrity Commission Continues .......................... 158
NSW Magistrate Referred to Parliament ................................................................. 159
This Month’s Guest Contributors ............................................................................ 160
You May Be, From Time to Time, Required to Work Reasonable Additional Hours ....... 160
The Curated Page ....................................................................................................... 162

CONVEYANCING AND PROPERTY – Editors: Robert Angyal SC and Brendan Edgeworth
Concurrent Leases and the Fragility of the Equitable Estate in the Torrens System .......... 163
Possessory Title, Succession Law and the Torrens System: McFarland v Gertos ............ 166

ENVIRONMENTAL LAW – Editor: Justice Rachel Pepper
Significant Environmental Decisions of the Federal Court ........................................... 170

FAMILY LAW – Editor: Richard Ingleby
Racial Vilification and the Practice of Family Law ..................................................... 173

TECHNOLOGY AND THE LAW – Editors: Lyria Bennett Moses and Anna Collyer
When and How Should We Invite Artificial Intelligence Tools to Assist with the Administration of Law? A Note from America ............................................................... 176
RECENT CASES – Editor: Ruth C A Higgins SC


ARTICLES

PROPORTIONATE LIABILITY IN COMMERCIAL CASES: PRINCIPLES AND PRACTICE

Graeme S Clarke QC

Under the proportionate liability statutes, the court apportions legal responsibility for causing the plaintiff loss and damage between concurrent wrongdoers, when it is just to do so. The circumstances in which the court makes an apportionment are limited. Strategic decisions by the plaintiff as to how it makes its claims, and by the defendant as to how it claims an apportionment, are critical to whether the plaintiff can avoid an apportionment, or the defendant can obtain one. Aspects of statutory construction are unresolved. It is unclear whether the purposes of the proportionate liability regimes are being achieved. .................. 188

BARBARO IN QUEENSLAND: EXCEPTIONALISM AGAIN?

H G Fryberg QC

In 2016 the Queensland Parliament passed legislation designed to restore the practice of prosecutors making submissions to a sentencing judge as to the appropriate sentence or range of sentences of imprisonment, a practice prohibited by the decision of the High Court in Barbaro v The Queen. This article considers whether the legislation achieves that objective (it does, despite its wording); how sentencing judges may use such a submission (as part of the sentencing process); and whether any such submission can be received in the course of sentencing for an offence against a law of the Commonwealth (it can, and if the legislation is to be complied with, it must be received). ................................................ 214

CAN SCHOOLS BE LIABLE TO THEIR STAFF AND STUDENTS FOR SUN-RELATED INJURY?

David Hertzberg

This article considers the ways in which a school may be liable to its staff or students for sun-related injuries. First, the article considers the possibility of schools’ liability to students in negligence in respect of severe sunburn or skin cancer. The analysis provides an avenue to explore the application of the principles of negligence to a claim of this kind, and concludes that students will face significant challenges in bringing claims against their school. Second, the article considers schools’ liability to employees under the Workers Compensation Act 1987 (NSW), examining the operation of the legislative scheme in respect of skin cancer. ................................................................. 228
Australian Law Journal Reports

HIGH COURT REPORTS – Staff of Thomson Reuters

DECISIONS RECEIVED IN JANUARY/FEBRUARY 2019

Unions NSW v New South Wales (Constitutional Law; High Court and Federal Court)
([2019] HCA 1) ............................................................................................................ 166

Work Health Authority v Outback Ballooning Pty Ltd (Aviation; Constitutional Law)
([2019] HCA 2) ............................................................................................................ 212