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**EQUITY: THE SOUL AND SPIRIT OF ALL LAW OR A ROGUSH THING? –  
LEHANE LECTURE 2014**

**Lord David Neuberger**

This speech, by a leading English equity lawyer, now President of the English Supreme Court, makes the case that equity is alive and well in England and that there have been at least nine leading equity cases decided by the Supreme Court in the recent year. It also makes the point that some revered equity judges whose judgments display an impressive and intimidating confidence, appear, when tested by the passage of time, to have demonstrated a lack of consistency and a fallibility which did not quite justify that confidence. Many of them have occasionally been judicial Pied Pipers leading future generations of judges into mountains of error where they rested for a long time. .... 802

**ACCC COMPULSORY EXAMINATIONS: DOES THE “ACCUSATORIAL”  
PRINCIPLE OF CRIMINAL JUSTICE AFFECT THEM?**

**Peter Strickland**

The High Court’s recent decisions in *X7 v Australian Crime Commission* (2013) 248 CLR 92, *Lee v New South Wales Crime Commission* (2013) 87 ALJR 1082 and *Lee v*

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The Queen (2014) 88 ALJR 656 address the scope of certain statutory compulsory examination powers in crime commission investigations and recovery of proceeds of crime proceedings. These decisions also explore the extent to which the “accusatorial” nature of criminal justice influences the interpretation of those powers. Importantly, it is likely that the compulsory examination powers of other statutory agencies, like the Australian Competition and Consumer Commission, will be affected by these recent decisions. This article examines the extent to which the “accusatorial” principle of criminal justice is likely to affect the proper construction of the Australian Competition and Consumer Commission’s compulsory examination power. Specifically, this article considers the extent to which oral evidence obtained compulsorily by the Commission can be used, both directly and indirectly, in investigating and prosecuting the individual who gave that evidence. .... 812

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