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ARTICLES

“EQUITY’S DARLING” AND THE BURWOOD EJECTMENT CASE: A TURNING POINT IN COLONIAL AUSTRALIAN LAW

Katy Barnett and Lynne Barnett

The Burwood Ejectment case arose when the ad hoc executor and trustee of a will in early colonial Sydney sold off Burwood Estate to meet the testator’s debts, after receiving a court order empowering him to do so. Twenty years later, the testator’s de facto wife and children successfully voided the sale. The purchaser was ejected, notwithstanding the fact that he was a bona fide purchaser for value without notice. The decision undermined confidence in security of transactions in the Colony and created a political furore and ongoing disputes. It is suggested that the case was a contributing factor to the creation of the Judge in Equity in New South Wales and illustrates broader issues with security of title and the political and legal organisation of early colonial Australia. 890

LAWFUL ACT DURESS: IS IT TIME TO TRAVEL AWAY FROM KARAM?

Michael Dimarco and Alexander du Maurier

Whether a contract may be voidable for economic duress turns on whether the pressure produced by the threat was “legitimate”. In New South Wales illegitimate pressure must involve threatened or actual unlawful conduct. This position also has persuasive authority in other Australian jurisdictions. However, a recent decision of the Supreme Court of the United Kingdom, where the Court held that threats to do something lawful may constitute illegitimate pressure, has reinvigorated the debate. This article compares these competing conceptions of illegitimate pressure. It argues that pressure is illegitimate where the threatening party intentionally creates (or increases) a vulnerability in the threatened party, which it then takes advantage of by making a threat to induce the threatened party into acting in a particular way. 906

GLOBAL REGULATION OF DRONES

Dr Anthony A Tarr, Professor Julie-Anne Tarr and Maurice Thompson

Notwithstanding the new horizons in efficiency ushered in through drone usage, there is a growing need for well thought out and properly integrated regulation. The rapid growth in the use and deployment of drones creates significant ongoing challenges for regulators. Organisations such as the International Civil Aviation Organisation and the European Union Aviation Safety Agency have vital roles to play as transnational regulatory frameworks evolve and at national levels, especially in federal jurisdictions, there are sometimes complex interactions between internal bodies to achieve appropriate regulatory outcomes.

The article considers issues pertaining to international and national regulation and discusses “sandboxes” designed to provide practical experience to inform the development of future regulations and services. In conclusion, given the diverse contexts in which drone technology is and will be deployed, the article addresses the necessity to cross-pollinate and enhance regulatory agencies with knowledge and skills drawn from diverse sectors. 919

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