THE AUSTRALIAN LAW JOURNAL

Volume 100, Number 5

May 2026

CURRENT ISSUES – Editor: Justice François Kunc 345

Vale Sir Anthony Mason AC KBE GBM KC 345

Suppression Order Controversy in Victoria 346

Good Character References 347

Sir Francis Bacon 347

A Defining Problem 348

The Curated Page 356

CONVEYANCING AND PROPERTY – Editors: Robert Angyal SC and Brendan Edgeworth 358

Yimiao Australia v 3V Development Australia Pty Ltd [2026] VSC 133: Everything and the Kitchen Sink 358

EQUITY AND TRUSTS – Editor: Aryan Mohseni 362

Vesting Orders in Equity's Inherent Jurisdiction? 362

RECENT CASES – Editor: Ruth Higgins 366

When Three's a Crowd: Variation in Multiparty Agreements 366

ARTICLES

AN AUSTRALIAN LAW OF EXPERT OPINION EVIDENCE?

Gary Edmond

In *Lang v The Queen* the common law and uniform evidence law (UEL) on expert opinion evidence appear to have been harmonised. This article provides an overview of the rules regulating the admission of most expert opinion. It outlines the basic requirements, provides a little commentary, and supplements the admissibility rules with clarification around the status of some historical restrictions – such as the basis, ultimate issue and common knowledge rules – which have been modified or abolished. It also reviews procedural shortcuts, the responsibility of the tribunal of fact for the resolution of expert disagreement and uncertainty, as well as expectations around witness impartiality and the contents of expert reports (from practice directions). The discussion applies to expert opinion in all legal proceedings, but the primary focus is on the admission and evaluation of scientific, technical and biomedical evidence in criminal prosecutions and appeals. Returning to the appeal in *Lang*, and the contested opinion of a forensic pathologist, the article explains why the High Court's admissibility jurisprudence

remains incomplete. 369

THE CHALLENGE OF REGULATING "MISINFORMATION" AND "DISINFORMATION"

Mark Humphery-Jenner

It is often argued that misinformation and disinformation should be suppressed as they perpetuate false or misleading narratives, and can contribute to, or cause, significant harm. However, such anti-misinformation rules face significant challenges and can undermine free speech. Australia's foray into anti-misinformation rules provides a cautionary example. The problems start with broad and uncertain definitions of misinformation. Further, due to self-interest, lobbying, or misplaced assumptions of accuracy, powerful interests are often exempted from anti-misinformation rules. Enforcement mechanisms also risk suppressing innocuous content in service of reducing the chance of misinformation falling through the cracks. Anti-misinformation rules thus face significant problems that must be solved if they are to be implemented. 394

AUSTRALIA'S NEW TORT

Matthew Richardson

This article examines Australia's new statutory privacy tort, comparing its core elements with the more developed jurisprudence of the United Kingdom. It analyses the requirements of intrusion into seclusion or misuse of private information, reasonable expectation of privacy, seriousness, intentional or reckless conduct, public interest balancing, defences, injunctions and damages. Particular attention is given to the broad exemption for traditional media where material has the character of news, current affairs or documentary, and to the uncertainty this may create at the boundary between public interest reporting and private gossip. The article also considers the tort's potential application to corporate data misuse and class actions, concluding that while the criminal-law recklessness standard may limit some claims, the availability of relief without proof of damage may strengthen privacy litigation in Australia. 410

BOOK REVIEW – Editor: Angelina Gomez 429

Collections Law & Ethics – Galleries, Libraries, Archives & Museums 429

Australian Law Journal Reports

HIGH COURT REPORTS – Staff of Thomson Reuters

DECISIONS RECEIVED IN MARCH/APRIL 2026

CCDM Holdings LLC v Republic of India ([2026] HCA 9) *(Arbitration; Interpretation; Private International Law)* 530

EGH19 v Commonwealth ([2026] HCA 7) *(Citizenship and Migration; Constitutional Law; High Court and Federal Court)* 400

Hopper v Victoria ([2026] HCA 11) *(Constitutional Law; High Court of Australia)* 582

R v AR ([2026] HCA 10) *(Criminal Law)* 545

SunshineLoans Pty Ltd v Australian Securities and Investments Commission ([2026] HCA 8) *(Courts and Judges)* 489