

WESTLAW AU FEBRUARY 2019 RELEASE

Enhancing your legal research experience

Thomson Reuters works in partnership with our customers to develop solutions and services that meet your needs. We take the time to seek your feedback and have incorporated it into our development schedule.

We use this information to enhance Westlaw AU and are excited to share with you details on the enhancements scheduled to be released **10pm on the 28th of February**.

We recommend you review the release notes below and update any internal training material.

The Release Notes provide a summary of the enhancements, followed by a more detailed explanation.

Release Summary

This release focuses on improving case law research. The changes will improve access to case information and create a seamless flow from FirstPoint to other secondary sources.

Training videos will be available [here](#) closer to the release date, the 28th of February.

FEATURE	SUMMARY
Re-positioning Case Information	The case information currently occupies significant space on the document page and is repeated across multiple tabs. In response to customer feedback, we are re-positioning and prioritising case information into two different sections, at the top of the document page and at the right-hand pane.
FirstPoint Classifications and Digest Summaries – Toggle View	FirstPoint Classifications and Digest summaries currently appear on two sections of the FirstPoint record. We have simplified this into a combined view, with the ability to toggle display via the “Digest notes” and “Classifications only” radio buttons. This elevates the digest summaries to the top of the page.
Anchoring Jump links	Currently, “Jump To” links on the top of the document page disappear as users scroll down. We are now anchoring the jump links to the right-hand pane to enable quick access to any parts of the FirstPoint and Related Documents pages. The jump links remain sticky and accessible all times.
Table View - Cases Citing and Cases Cited	To improve readability of the list of Citing Cases and Cited Cases information we now display this information in a new table view with various sorting and filtering options.
Filtering Cases Citing and Cases Cited with FirstPoint Classifications	We have introduced a Classification Explorer which allows you to filter the list of Cases Citing and Cases Cited by the top 80 legal digest topics, to help quickly focus on cases related to a particular point of law.
Journal Article References	We have updated the “Journal Articles” and the “Journals Noted In” lists within the cases document pages to group articles by journal title e.g. Australian Law Journal.
FirstPoint – Total Number of Results	We now display the total number of results for each section of information within the FirstPoint record e.g. summary, litigation history, cases citing, cases cited, journals noted.
Renamed - Related Documents to Citing References	We have renamed the “Related Documents” tab to “Citing References” in response to customer feedback regarding a lack of clarity around tab labelling. The Citing References tab continues to display all secondary sources related to the case you are viewing.
Search Summary default view	The Search Summary section in the left-hand pane is now the default view while viewing a case. Search Summary displays where you are in your search results and allows you to browse your search results without leaving the document page.

Repositioning Case Information

The case information will be repositioned to the top of the document page and the right-hand pane.

In our research, customers reported that the key information required to determine a case's relevance includes:

- Court Name
- Judgment date
- Judges
- Citations

This prioritised information has been positioned at the top of the document page for immediate reference.

The following information has been moved to the right-hand pane under the Case Info tab. It remains searchable, and all existing functionality remains.

- Jurisdiction
- Court File Number
- Party Names
- Legal Representatives

Existing Case Information Display

The screenshot displays the Westlaw AU interface for the case **Insurance Commission of Western Australia v Woodings (No 2)**. The interface includes a top navigation bar with options like 'WORKFLOW', 'TOOLS', and 'PROVIEW EBOOKS'. A search bar is present at the top right. The main content area features tabs for 'FirstPoint', 'Judgment Text', 'Cited Documents', and 'Related Documents'. A yellow box highlights the case information section, and a yellow arrow points to the 'FirstPoint' tab. A text overlay reads: "1) The information takes up a huge chunk of space and repeats across all tabs".

The case information displayed includes:

- Court:** Supreme Court of Western Australia
- Judges:** Pritchard J
- Judgment Date:** 1/2/2018
- Jurisdiction:** Australia (Western Australia)
- Court File Number:** (2018) CIV 2666 of 2016
- Citations:** [2017] WASC 372, [2018] 124 AC SR 45, [2018] ALMD 2407, [2018] ALMD 2562, [2018] ALMD 2602, [2018] ALMD 2684, [2018] ALMD 2685
- Party Names:** Insurance Commission of Western Australia, Antony Leslie John Woodings as liquidator of The Bell Group Ltd (in liq), The Bell Group Ltd (in liq), Antony Leslie John Woodings as liquidator of Bell Group Finance Pty Ltd (in liq), Bell Group Finance Pty Ltd (in liq), Antony Leslie John Woodings as provisional liquidator for Western Interstate Pty Ltd (in prov liq), Western Interstate Pty Ltd (in prov liq), Garry John Trevor as liquidator of Bell Group NV (in liq), Bell Group NV (in liq), Law Debenture Trust Corporation PLC, Commonwealth of Australia, WA Glendinning Associates Pty Ltd
- Legal Representatives:** Plaintiff: Mr S G Finch SC & Mr I J M Ahmed; First Defendant: No appearance; Second Defendant: No appearance; Third Defendant: No appearance; Fourth Defendant: No appearance; Fifth Defendant: No appearance; Sixth Defendant: No appearance; Seventh Defendant: No appearance; Eighth Defendant: No appearance; Ninth Defendant: Mr A D'Arcy; Tenth Defendant: Mr A D'Arcy; Eleventh Defendant: No appearance; Twelfth Defendant: No appearance; Thirteenth Defendant: No appearance; Plaintiff: State Solicitor for Western Australia; Ninth Defendant: Lipman Karas; Tenth Defendant: Lipman Karas
- Classification:** Corporations > Winding up > Conduct and incidents of winding up > Ranking of claims > Priorities > Proceeds of action

The 'DIGEST' section includes:

- Corporations > Winding up > Conduct and incidents of winding up > Ranking of claims > Priorities > Proceeds of action
- property recovered under indemnity for costs of litigation — court's jurisdiction under s 564 — availability of property for distribution — whether pre-condition to existence of s 564 application — unnecessary to decide — Corporations Act 2001 (Cth), s 564
- Evidence > Admissibility > Exclusions: privileges > Public interest privilege > Settlement negotiations
- statements made without prejudice in attempt to settle action

Did the pleadings disclose material which was the subject of without prejudice privilege?

Held:

- (1) Without prejudice communications are admissible when the issue is whether such communications have resulted in a concluded compromise agreement.
- (2) A rectification claim is a recognised exception to the rule against the inadmissibility of without prejudice communications. It is arguable that the exception for communications in order to establish misrepresentation or fraud, may

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New Case Information Display

1) Optimising "speed to answer" by prioritising information
2) reducing duplicate information and clutter

Supreme Court of Western Australia, 1/2/2018, Pritchard J
[2017] WASC 372 124 ACSR 45 2018 WL 683696

FirstPoint Judgment Text Cited Documents Citing References

SUMMARY (6) Show: Digest notes Classifications only

Corporations Winding up Conduct and incidents of winding up Ranking of claims Priorities Proceeds of action

property recovered under indemnity for costs of litigation — court's jurisdiction under s 564 — availability of property for distribution — whether pre-condition to existence of s 564 application — unnecessary to decide — Corporations Act 2001 (Cth), s 564

Evidence Admissibility Exclusions: privileges Public interest privilege Settlement negotiations

statements made without prejudice in attempt to settle action

Did the pleadings disclose material which was the subject of without prejudice privilege?

Held:

(1) Without prejudice communications are admissible when the issue is whether such communications have resulted in a concluded compromise agreement.

(2) A rectification claim is a recognised exception to the rule against the inadmissibility of without prejudice communications. It is arguable that the exception for communications in order to establish misrepresentation or fraud, may apply to a misleading and deceptive conduct claim.

(3) The defendants had not established that the challenged paragraphs of the prayers for relief disclosed communications that were subject to the "without prejudice" privilege, so as to warrant their striking out. While the surrounding context suggested that the communications were conducted in the course of negotiations, the plaintiff disputed that those negotiations were undertaken for the purpose of settling a dispute. Furthermore, the impugned paragraphs did not disclose the defendant's position in respect of any matter the subject of the communications.

High Court and Federal Court The federal judiciary Exclusive and invested jurisdiction Federal jurisdiction of State courts Particular cases

hypothetical question relevant to existence of 'matter'

Was the relief sought hypothetical?

Held:

Jurisdiction: Australia (Western Australia)

Court File Number: CIV 2666 of 2016

Party Names: Insurance Commission of Western Australia, Antony Leslie John Woodings as liquidator of The Bell Group Ltd (in liq), The Bell Group Ltd (in liq), Antony Leslie John Woodings as liquidator of Bell Group Finance Pty Ltd (in liq), Bell Group Finance Pty Ltd (in liq), Antony Leslie John Woodings as liquidator of Bell Bros Pty Ltd (in liq), Bell Bros Pty Ltd (in liq), Bell Bros Pty Ltd (in liq) ... (show more)


Legal Representatives: Plaintiff: Mr S G Finch SC & Mr I J M Ahmed; First Defendant: No appearance; Second Defendant: No appearance; Third Defendant: No appearance; Fourth Defendant: No appearance; Fifth Defendant: No appearance; Sixth Defendant: No appearance; Seventh Defendant: No appearance; Eighth Defendant: No appearance; Ninth ... (show more)

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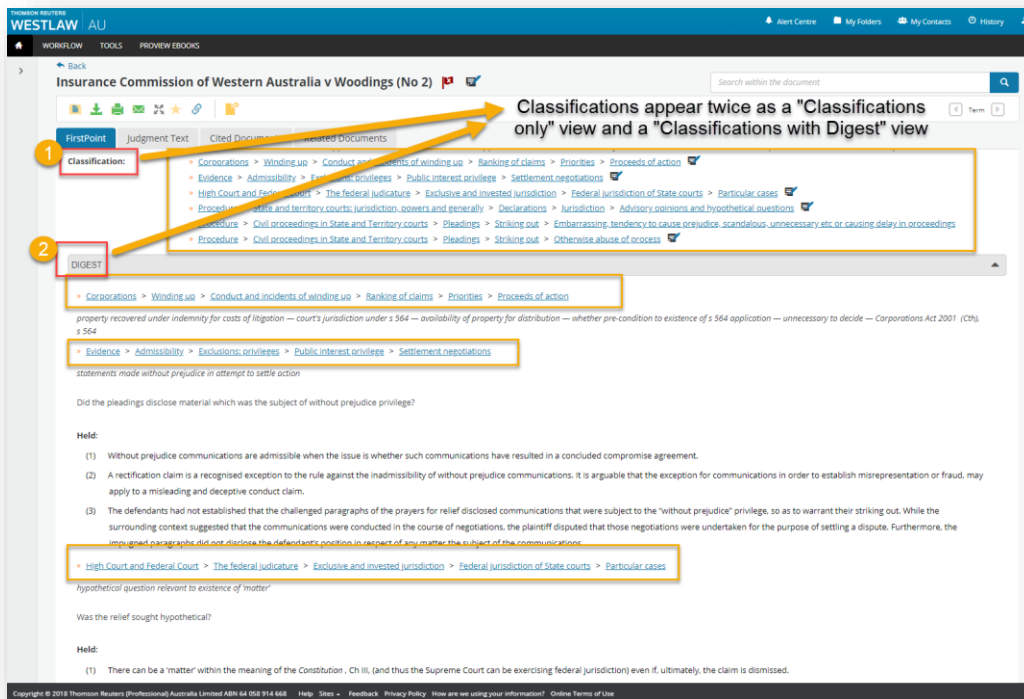
FirstPoint Classifications and Digest Summaries – Toggle view

FirstPoint classifications currently appear multiple times within the FirstPoint record as a Classification Only and a Classification with Digest summary.

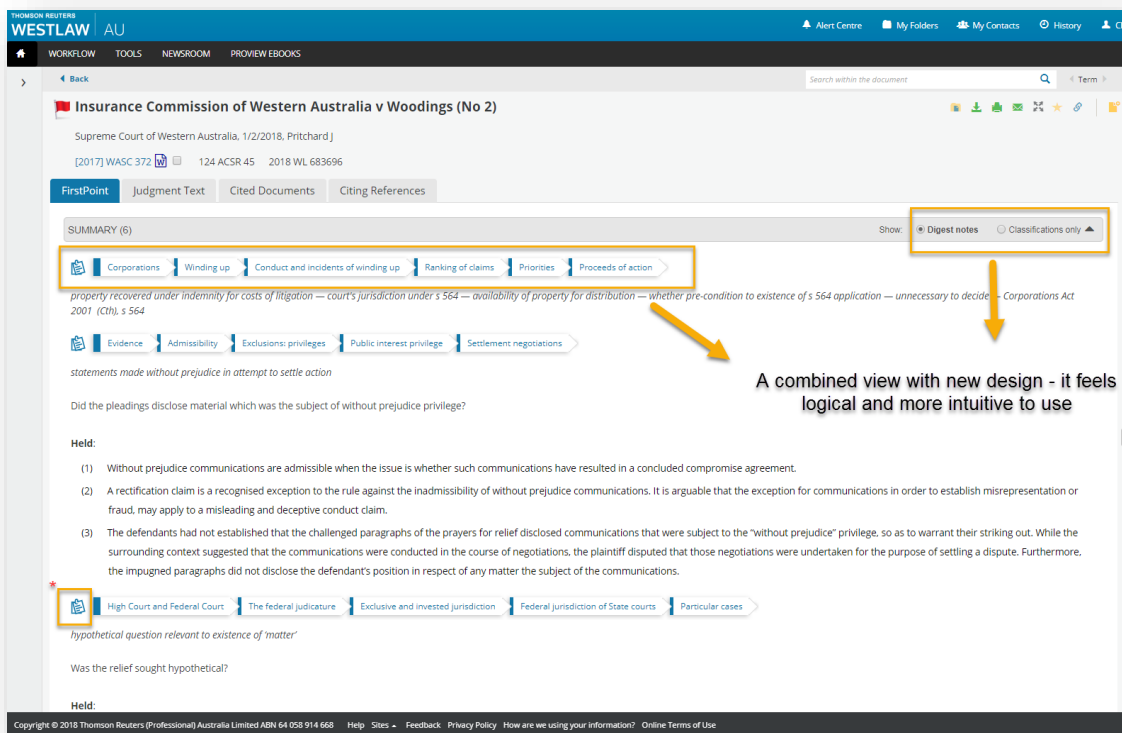
We have simplified this into a combined view, with the ability to toggle display via the "Digest notes" and "Classifications only" radio buttons. This elevates the digest summaries to the top of the page


In addition, the "Digest Notes" icon  allows users to identify which classifications have digest summaries. Users can click the icon to expand and display the summary or click the icon to collapse the summary display.

Existing Classifications and Digest



New Classifications and Digest



* : The "Digest Notes" icon allows users to identify which classifications have digest summaries. Users can click the icon to expand and display the summary or click the icon to collapse the summary display.

Anchoring the Jump Links

We are re-positioning the jump links to the right-hand pane to enable quick access to any parts of the case document pages. They will remain sticky and accessible all times.

Existing Jump links

The existing "Jump To" links will disappear as users scroll through the document page.

New Jump links

Anchoring the jump links in the right pane will improve document navigation

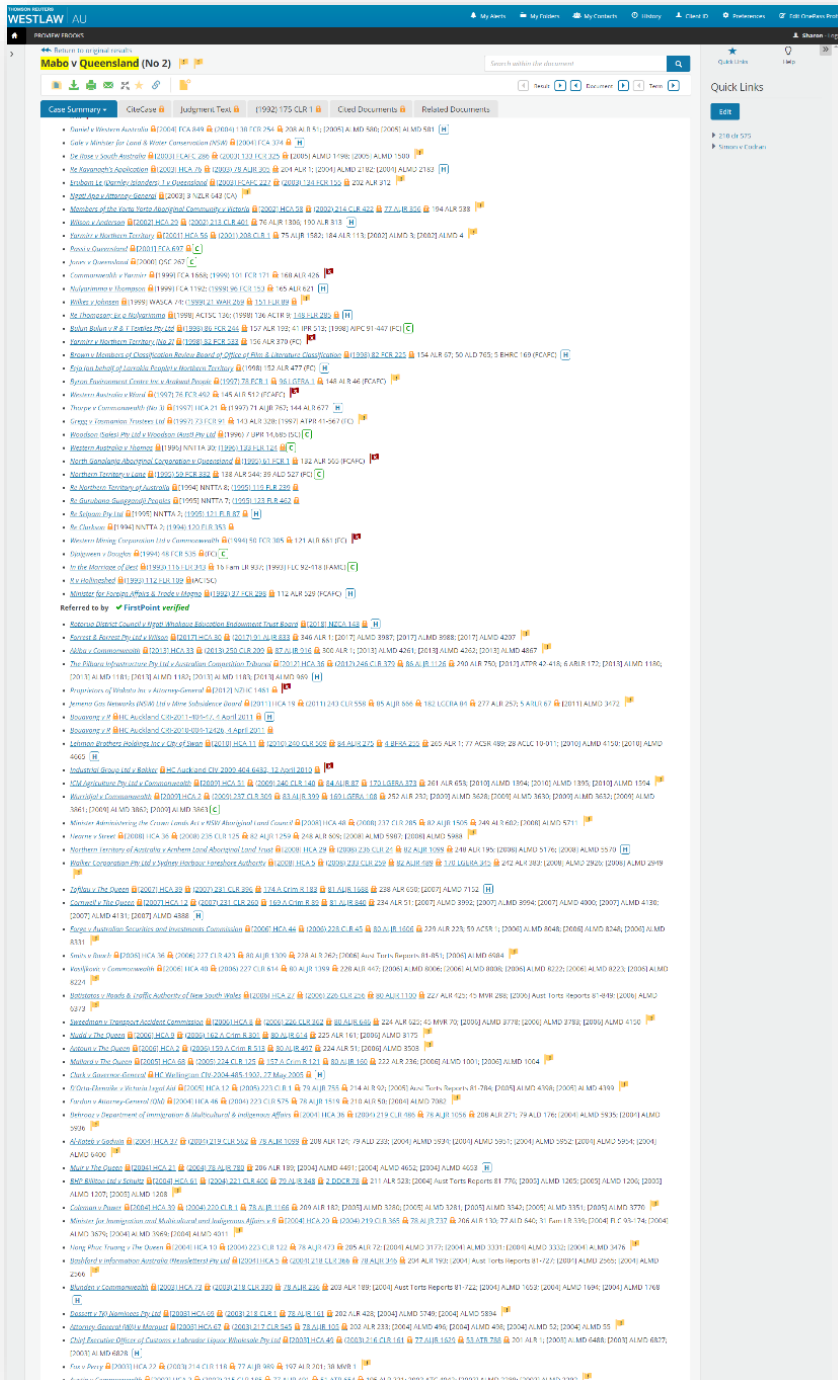
* : The collapsible side bar control has been moved from the top right-hand corner to further down the litigation History page. The button will remain sticky and accessible at all times, creating additional space for more tab controls in the right-hand pane.

Table View - Cases Citing and Cases Cited

Users are often presented with lengthy and complex Citing Cases and Cited Cases lists within both the FirstPoint and Related Documents records. We have heard from customers that it can be challenging to determine relevance from this extensive list.

To address this, we are introducing a new table view for Cases Citing and Cases Cited information to improve readability. This table format includes sorting and filtering options such as Courts, Types of treatments, Title, Citations and Judgment Date.

Existing Cases Citing and Cases Cited



New Cases Citing and Cases Cited

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WORKFLOW TOOLS NEWSROOM PROVIEW EBOOKS

Back Search within the document

Mabo v Queensland (No 2)

Case Summary CiteCase Judgment Text (1992) 175 CLR 1 Cited Documents Citing References

CASES CITED (284) Classification: All All Cases FirstPoint Verified Significant Only

1 Treatment Court Status Title and citations Date Cases citing

2 Filter Treatm Filter Court Filter Title and citations Filter Date

4 Click to view Classification Explorer

3

5

Treatment	Court	Status	Title and citations	Date	Cases citing
Disapproved	Supreme Court of the Northern Territory		Milirrpum v Nabalco Pty Ltd (Gove Land Rights Case) 17 FLR 141; [1972-73] ALR 65 (SC)	27/04/1971	31
Disapproved	High Court of Australia		Williams v Attorney-General (NSW) [1913] HCA 33; 16 CLR 404; 13 SR (NSW) 539; 30 WN (NSW) 114; 19 ALR 378	19/06/1913	28
Not Followed	High Court of Australia		New South Wales v Commonwealth [1975] HCA 58; 135 CLR 337; 50 ALJR 218; 8 ALR 1	17/12/1975	62
Not Followed	High Court of Australia		Randwick Municipal Council v Rutledge [1959] HCA 63; 102 CLR 54; 33 ALJR 367; 5 LGRA 127; [1960] ALR 66	30/11/1959	58
Not Followed	Privy Council		Cooper v Stuart 10 LR (NSW) Eq 172; 5 WN (NSW) 133; 1 QCLR 93; (1889) 14 App Cas 286; 58 LJPC 93; 60 LT 875 (NSWPCC)	03/04/1889	20
Not Followed	Supreme Court of New South Wales		Attorney-General v Brown 1 Legge 312; 2 SCR (NSW) 30; 2 SCR (NSW) (Appendix) 30 (SC)	31/12/1847	12
Distinguished	High Court of Australia		Williams v Attorney-General (NSW) [1913] HCA 33; 16 CLR 404; 13 SR (NSW) 539; 30 WN (NSW) 114; 19 ALR 378	19/06/1913	28

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- 1) **Sorting Options** - Column headings (Treatment, Court, Title (Alphabetic Order) and Date) - click to sort.
- 2) **Filtering Options** - Cases can be filtered by typing a specific treatment, court, title, citation and date (year, month or date). For example, to see cases related to New South Wales only, typing New South Wales in the filter box under the "Court" header changes the list view to just include cases related to NSW.

Filtering by Court with a specific jurisdiction

CASES CITED (9) Classification: All All Cases FirstPoint Verified Significant Only

Treatment Court Status Title and citations Date Cases citing

Filter Treatm Filter Title and citations Filter Date

Not Followed	Supreme Court of New South Wales		Attorney-General v Brown 1 Legge 312; 2 SCR (NSW) 30; 2 SCR (NSW) (Appendix) 30 (SC)	31/12/1847	12
Referred to	New South Wales Court of Appeal	C	Aboriginal Development Commission v Treka Aboriginal Arts and Crafts Ltd [1984] 3 NSWLR 502 (CA)	12/10/1984	3
Referred to	Supreme Court of New South Wales	C	R v Wedge [1976] 1 NSWLR 581 (SC)	31/12/1976	2

Filtering by Year

CASES CITED (4) Classification: All All Cases FirstPoint Verified Significant Only

Treatment	Court	Status	Title and citations	Date	Cases citing
Disapproved	High Court of Australia		Williams v Attorney-General (NSW) [1913] HCA 33; 16 CLR 404 ; 13 SR (NSW) 539 ; 30 WN (NSW) 114; 19 ALR 378	19/06/1913	28
Distinguished	High Court of Australia		Williams v Attorney-General (NSW) [1913] HCA 33; 16 CLR 404 ; 13 SR (NSW) 539 ; 30 WN (NSW) 114; 19 ALR 378	19/06/1913	28
Considered	High Court of Australia		Williams v Attorney-General (NSW) [1913] HCA 33; 16 CLR 404 ; 13 SR (NSW) 539 ; 30 WN (NSW) 114; 19 ALR 378	19/06/1913	28

- 3) Users can toggle between the FirstPoint Verified Significant Only view and the All Cases view.
- 4) We have introduced a **Classification Explorer** which allows you to filter the list of Cases Citing and Cases Cited by the top 80 legal topics, to help quickly focus on cases related to a point of law.

Users can select multiple classifications at once.

Classification Explorer - Browse cases by FirstPoint classification

Classification: **Aboriginal and Torres Strait Islander peoples** All Cases FirstPoint Verified Significant Only

Click on the X button to clear your selection

Once you click on a classification, the table below will change to reflect the selected cases only

Treatment	Court	Status	Title and citations	Date
Disapproved	SC		Mabo v Mabo (No 2) [1992] 175 CLR 1	27/04/1971
Considered	SC		Mabo v Mabo (No 2) [1992] 175 CLR 1	27/04/1971
Referred to	HC		Guthrie v Brown [1985] HCA 11; 158 CLR 339; 59 ALR 311; 57 ALR 472	28/02/1985
Referred to	HC		R v Toohay, Ex parte Manning Station Pty Ltd [1985] HCA 49; 158 CLR 320; 59 ALR 30; 44 ALR 63	08/12/1982
Referred to	HC		On the Application of the Attorney-General [1985] HCA 52; 158 CLR 325; 55 ALR 631; 36 ALR 425	18/08/1981
Referred to	HC		On a Commission [1987] HCA 69; 133 ALR 403; 24 ALR 118	31/12/1979
Referred to	CAPCC		Director of Aboriginal & Islanders Advancement v Debinina [2] ALR 268; 17 ALR 128; 119 ALR 122; 92 ALR 103	01/01/1978

- 5) Cases Citing - We now display the number of other cases that have cited a case in the table. From the example below, 99 other cases cited the case *Octavo Investments Pty Ltd v Knight* [1979] HCA 61.

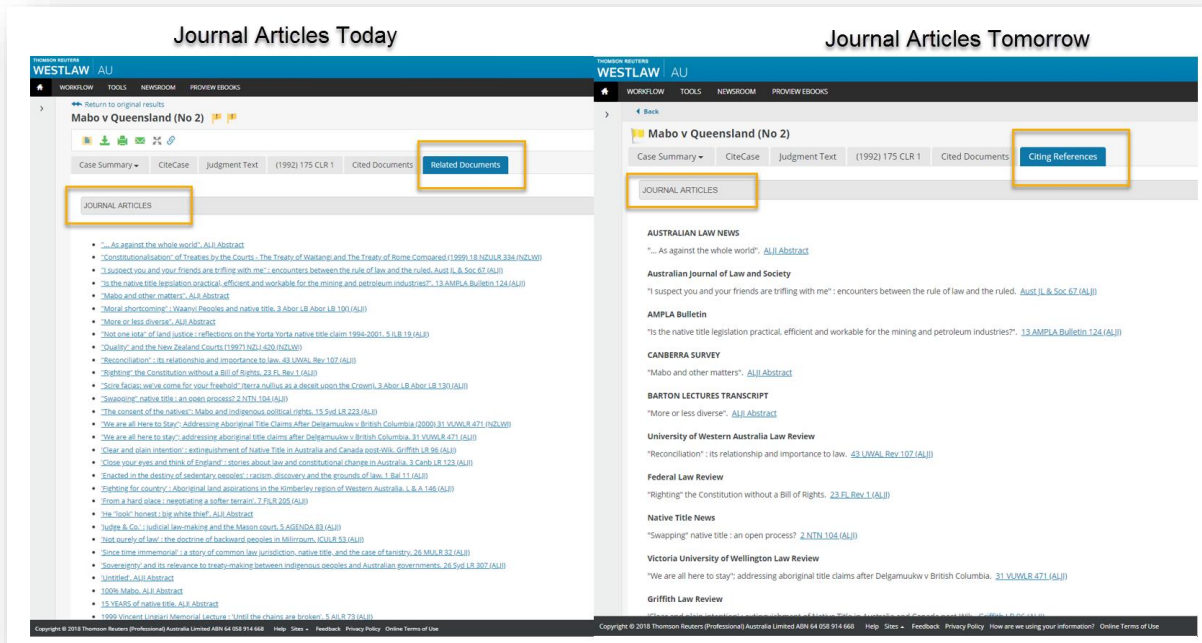
Treatment	Court	Status	Title and citations	Date	Cases citing
Considered	High Court of Australia		<i>Octavo Investments Pty Ltd v Knight</i> [1979] HCA 61; 144 CLR 360; 54 ALJR 87; 27 ALR 129; 4 ACLR 575; [1980] CLC 40-602	27/11/1979	99
Considered	Western Australian Court of Appeal		<i>Westpac Banking Corporation v The Bell Group Ltd (in liq) (No 3)</i> [2012] WASC 157; 44 WAR 1; 270 FLR 1; 89 ACSR 1; [2013] ALMD 107; [2013] ALMD 110; [2013] ALMD 111; [2013] ALMD 112; [2013] ALMD 116; [2013] ALMD 117; [2013] ALMD 118; [2013] ALMD 297; [2013] ALMD 298; [2013] ALMD 299; [2013] ALMD 300; [2013] ALMD 301; [2013] ALMD 303; [2013] ALMD 304; [2013] ALMD 305; [2013] ALMD 306; [2013] ALMD 307; [2013] ALMD 31; [2013] ALMD 312; [2013] ALMD 313; [2013] ALMD 314; [2013] ALMD 315; [2013] ALMD 316; [2013] ALMD 317; [2013] ALMD 32; [2013] ALMD 33; [2013] ALMD 34; [2013] ALMD 35; [2013] ALMD 36; [2013] ALMD 37; [2013] ALMD 38; [2013] ALMD 40; [2013] ALMD 41; [2013] ALMD 42; [2013] ALMD 444; [2013] ALMD 445; [2013] ALMD 89; [2013] ALMD 91; [2013] ALMD 92; [2013] ALMD 94	17/08/2012	36
Considered	High Court of Australia		<i>NA Kratzmann Pty Ltd v Tucker Liquidator of Reid Murray Developments (Qld) Pty Ltd (No 2)</i> [1968] HCA 44; 123 CLR 295; 42 ALJ 164; [1968] ALR 616	01/08/1968	20

Journal Article References within the Case Document Pages.

We have updated the "Journals Noted In" and the "Journal Articles" lists within the case document page to group articles by journal title. For example, Australian Law Journal, Sydney Law Review, Public Law Review.

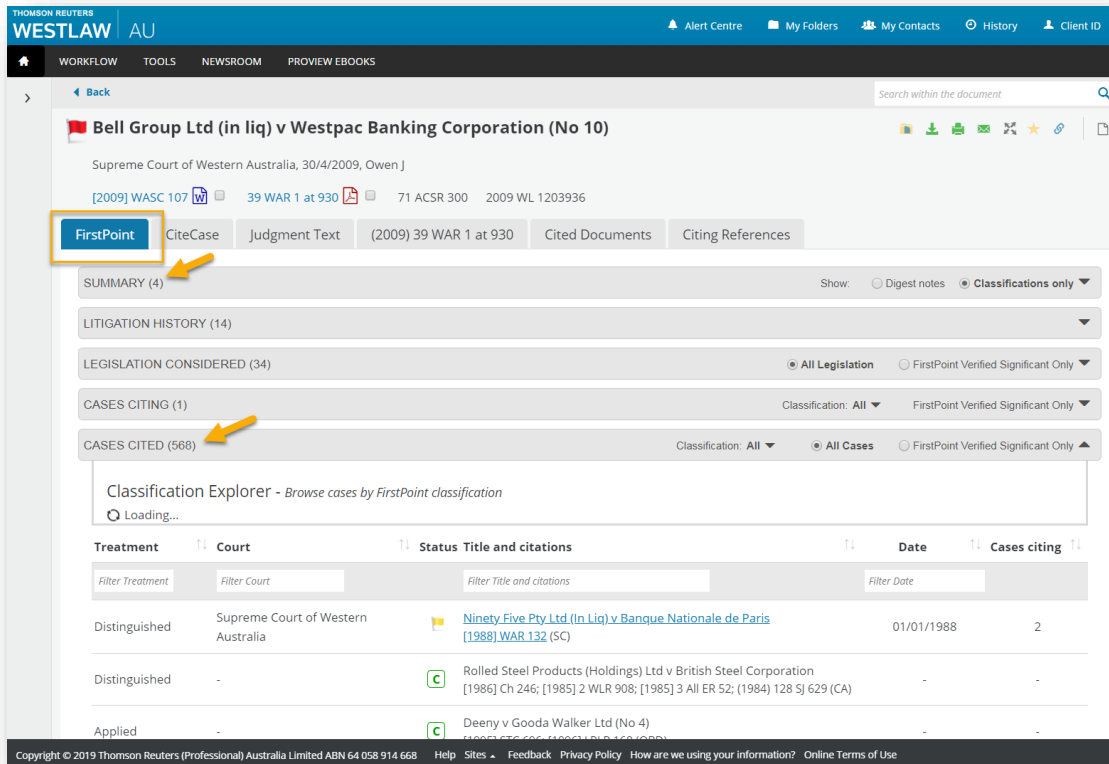
FirstPoint Tab

Related Document Tab



FirstPoint – Total Number of results

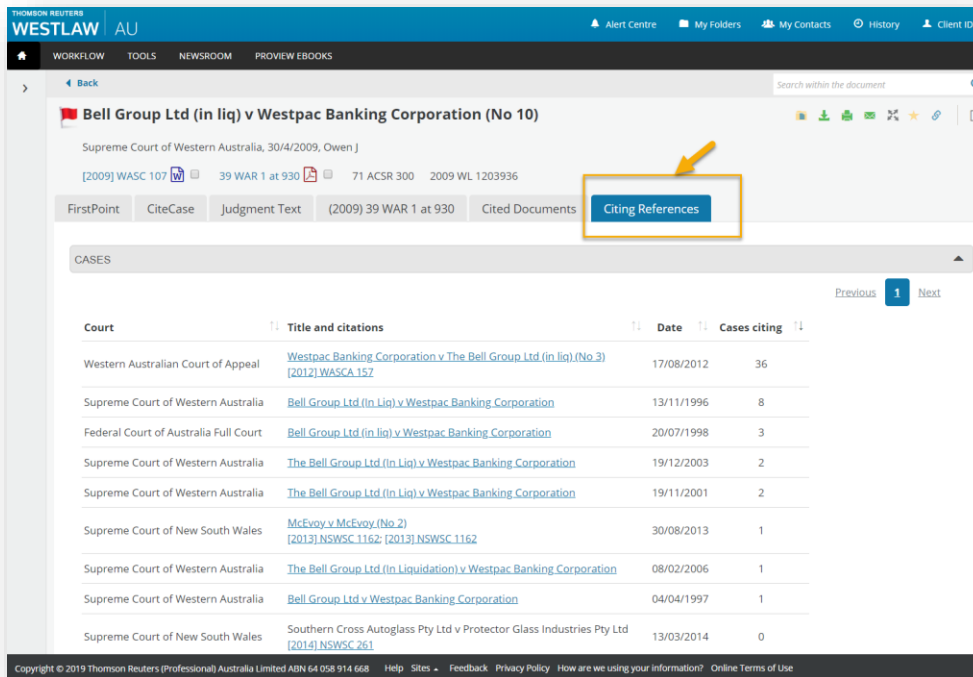
We now display the total number of results for each section of the information within the FirstPoint record.



Re-named – Related Documents Tab to Citing References

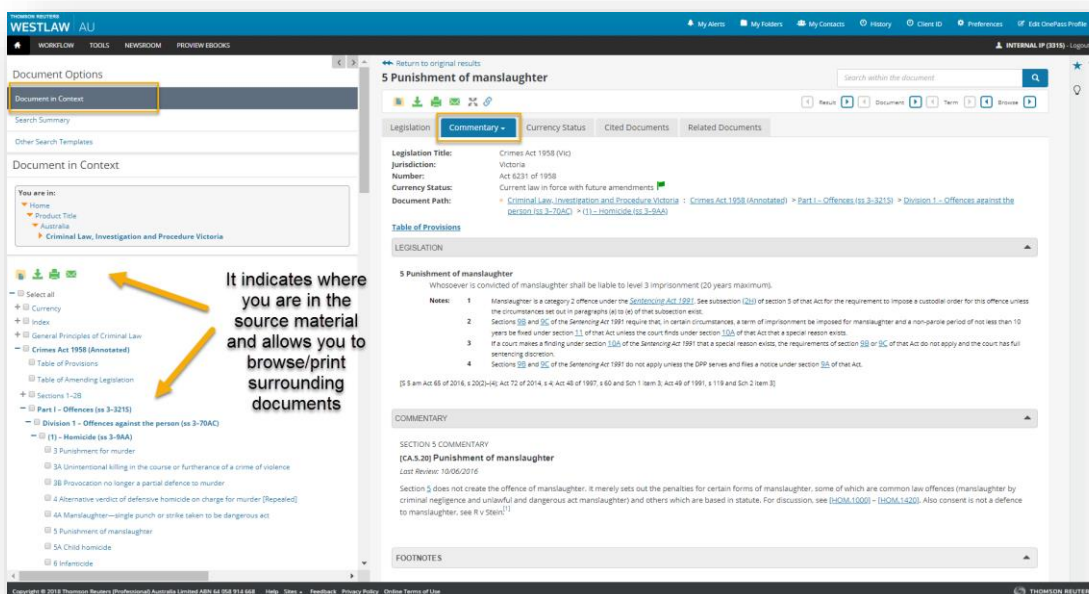
We have re-named the “Related Documents” tab to “Citing References” in response to customer feedback regarding a lack of clarity around tab labelling.

We have also introduced a table view of Cases Citing information to better display the information currently presented in this tab.

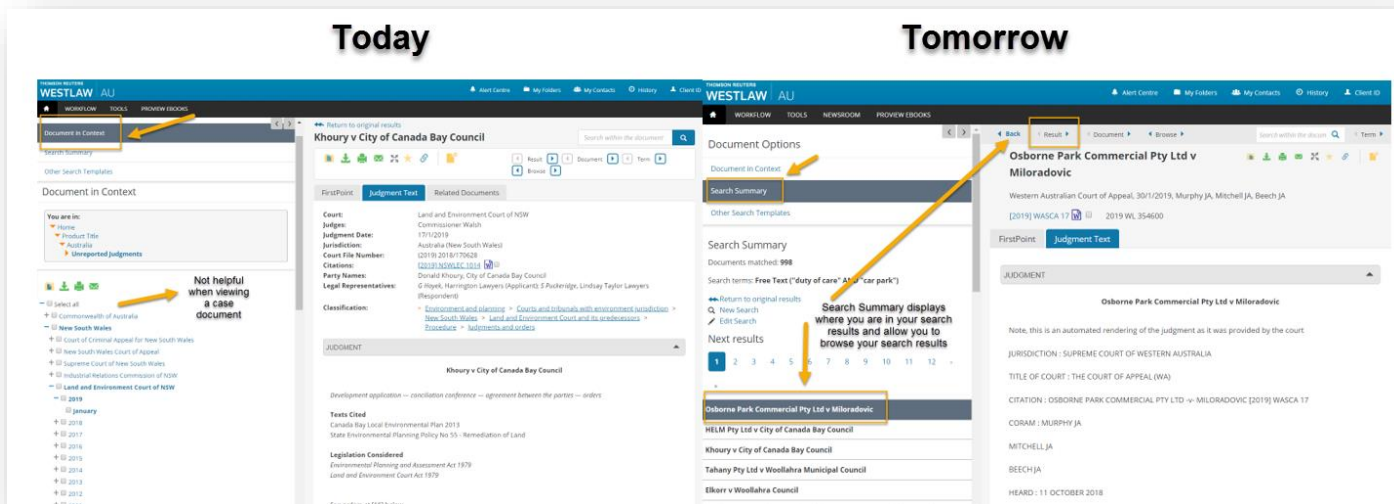


Search Summary Default View

The Document in Context in the left-hand pane is currently the default view when viewing a document.



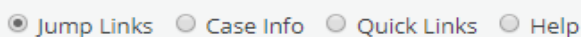
Document in Context is useful when viewing secondary sources, however customers have reported that it is less useful when viewing a case document. To address this, when viewing a case document, the Search Summary will now be the default view. Search Summary displays where you are in your search results and allows you to browse your results without leaving the current document page.



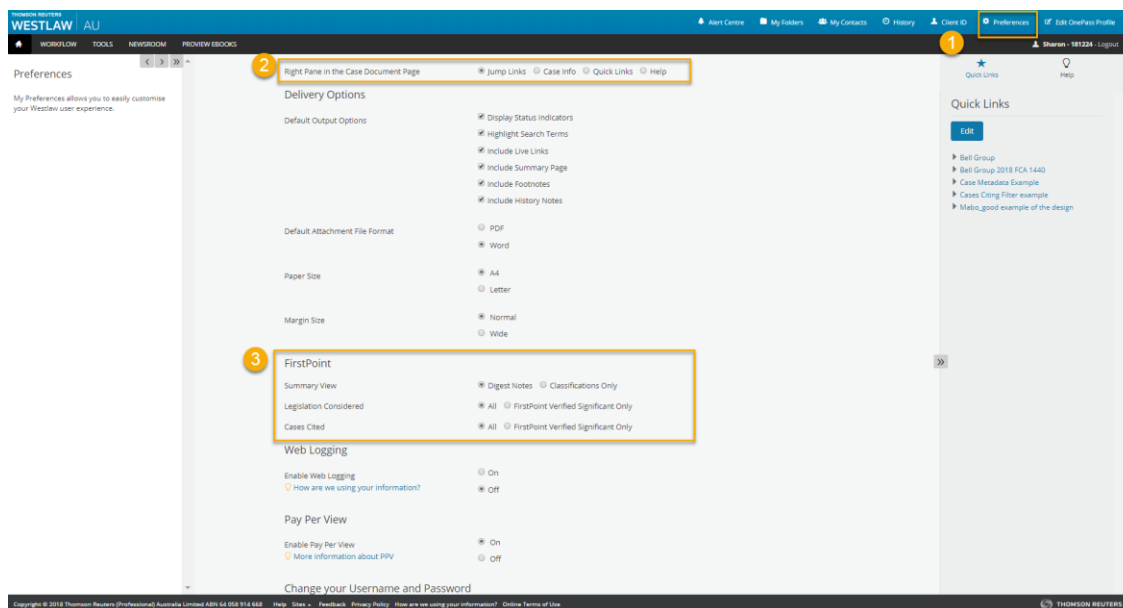
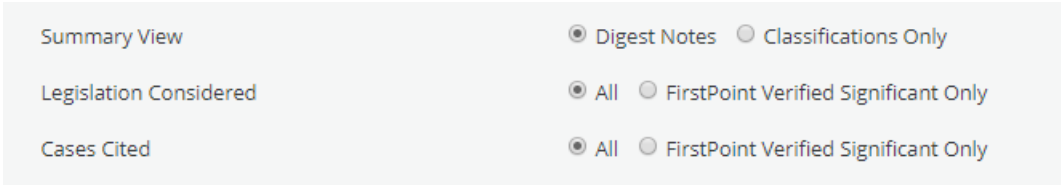
Additional Preference Settings

Users can choose to update the default view of the right-hand pane and the Firstpoint displays by using the Preference page.

- Right Pane in the Case Document Page




- FirstPoint



Upcoming improvements in later releases:

- **Delivery options with new design**

The new design won't be applied to delivery options as part of the February release, which means that when printing, downloading or emailing the case document, the previous design will be displayed. Updating delivery options to reflect the new design will be part of a later 2019 release.

If you would like to print the new design now, please use the browser print function by entering  from your keyboard.