

Westlaw NZ

How to find Legislation and Commentary

There are two ways to easily find and use legislation and commentary on Westlaw NZ. You can choose to:

- Browse to the piece of legislation you require
- Use the legislation and commentary search template to search for a particular piece of legislation

Search for a Database

To find a Database, simply start typing the name of the database into the search bar located on the homepage

The screenshot shows the 'Search Westlaw' interface. At the top right, there is a link for 'Terms & Connectors'. Below this is a search bar containing the text 'gault on'. An orange arrow points to the search bar. To the right of the search bar is a blue 'Search' button. Below the search bar, there is a dropdown menu with the text 'Are you looking for a product?' and a red box highlighting the option 'Gault on Commercial Law'.

Browse the Table of Contents

From the home page, drill down to the product title you require (Eg-Companies Act 1993) Click on the + symbols to expand to the level of information require. Click on the blue text to take you to that location.

1. In the left-hand content tree, click a + sign next to a branch to expand it.
2. Once you have expanded a branch to its maximum, you will not be able to see any more + signs.
3. Click a header to view all information relevant to a piece of legislation, including the commentary and related documents.

The screenshot shows the 'Search Westlaw' interface with a search bar at the top right containing the text 'Companies Act 1993'. Below the search bar are radio buttons for 'Free Text', 'Title', and 'Citation'. There are also icons for various actions (home, download, print, email, notifications, user, RSS) and a 'Practice Area' dropdown menu. Below these is a tree view of search results. A red box highlights the 'Companies Act 1993' entry. Three orange arrows point to the expand/collapse symbols: arrow 1 points to the '+' symbol next to 'Company & Securities', arrow 2 points to the '-' symbol next to 'Companies Act', and arrow 3 points to the '-' symbol next to 'Companies Act 1993'.

Advanced Search Template

To search within a Database, Act, Regulation or Bill, Click on the Advanced Search Template from your homepage. You can search the legislation you subscribe to. This includes Acts, Regulations, Rules Orders or Bills for example.

Into the **Legislation Title** field, start entering the name of the legislation you wish to search. From the drop-down list that appears, click on the legislation you wish to search.

1. If you know the section you require, enter the section number into the provision field. Click **Search**

2. If you wish to search for terms *within* the legislation you just chose, enter those terms into the **Free Text** field at the top of the search template, or complete other fields as required, then click **Search**

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Managing Search Results- Refine

1. Results are ranked alphabetically by default. Choose an alternative method of ranking results by selecting the drop down menu on the right named **"Sort by"**.
2. Choose the level of detail displayed in results from most, some or least.
3. Results are found in both **Legislation and Commentary** Databases will be shown in a green highlight and a tick box.
4. Search for a term within your search results by entering the term into the search template at the top of the results page, click **"Refine Search"**
Click on the title of the documents you would like to open from the results page.

Filter Results

Westlaw NZ features advanced filtering capability from the results list. This provides the opportunity to refine the results by selecting single, multiple or a combination of filters to target key areas relevant to your research.

1. Results will be displayed by default as **"Relevance"**, sorting by the density of terms searched.
2. Filter by Content type to view how many documents are contained in each database. Press **go** to filter results.

Legislation and Commentary Layout

1. Commentary on the section (Annotated Legislation) is located in the **Commentary tab**, underneath both the legislation currently in force and historical notes. Scroll down to view.
2. The section is located in the **Legislation tab**, with a reference to editorial notes and historical text.
3. The **Historic Version** tab provides links to versions of the current section that existed prior to amendments being made.
4. **Updater tab** provides the titles and links for proposed amending legislation that is still working its way through the Bill stage(s) plus changes that have been enacted but are not yet consolidated into the relevant statutes or regulations.
5. **Future Versions tab** represents a future version of the document as it will appear after uncommenced amendments have been applied
6. Cross references, Legislation and Cases can be found in the **Cited Documents tab**.
7. Further Commentary sources, such as content available in A to Z of New Zealand Law and Discursive Commentary can be found in the **Related Documents Tab**.

45 Landlord's responsibilities ✓ !

Commentary Legislation Historic Version Future Version Updater Cited Documents Related Documents

1 2 3 4 5 6 7

Legislation: Residential Tenancies Act 1986 (New Zealand) | View all PDF versions

Document Path: > Land Law : Residential Tenancies > Residential Tenancies Act 1986 > Part 2 Tenancy agreements - (s 12 - s 66) > Rights and obligations of parties - (s 36 - s 49)

LEGISLATION

CURRENT VERSION (APPLIES FROM 1 JULY 2016 TO 30 JUNE 2019)

45 Landlord's responsibilities

(1) The landlord shall—

(a) Provide the premises in a reasonable state of cleanliness; and

(b) Provide and maintain the premises in a reasonable state of repair having regard to the age and character of the premises and the period during which the premises are likely to remain habitable and available for residential purposes; and

Sources of Commentary

To search for commentary across several content databases, enter your search term into the free text field and select the databases you would like to search from the homepage.

1. Annotated Legislation
Annotated Legislation is located in the Commentary Tab of the Section. Please note in some instances several commentary databases may provide commentary on the same section. Eg: Fair Trading and Gault on Commercial Law.

12 Misleading conduct in relation to employment ✓

Commentary Legislation Cited Documents Related Documents

1

Fair Trading Gault on Commercial Law Fair Trading Act 1986 (New Zealand) | View all PDF versions

LEGISLATION

COMMENTARY

2 Synopsis

Self explanatory.

Cross references

s 2 "engage in conduct", "likely to", "person"

s 9 misleading and deceptive conduct generally

FT12.01 Matters relating to employment

(1) Distress and inconvenience

The plaintiff in *Sinclair v Webb & McCormack Ltd* (1989) 2 NZBLCL 103,605; (1990) 3 NZELC 97,408 had commenced proceedings for reimbursement of costs incurred in relocating to New Zealand to take up a position with the defendant company, and for general damages for distress and inconvenience. Barker J upheld the plaintiff's claim for breach of contract, but dismissed the claim under s 12 of the Fair Trading Act. His Honour found that "[t]he first defendant did not mislead the plaintiff with respect to [a term of the contract] — it merely failed to perform it". Barker J stated at 103,611, 97,410: "It would be surprising if sec 12 were intended to cover every breach of an employment contract. It is more likely that the section is designed to cover cases where an employee is told that a term means something it does not, or is misled as to the nature of his or her duties."

2. Discursive Commentary

12 Misleading conduct in relation to employment ✓

Commentary ▾ Legislation Cited Documents **Related Documents**

3 COMMENTARY

New Zealand

- **Fair Trading**
 - [Introduction to the Fair Trading Act 1986](#)
- **Gault on Commercial Law**
 - [Fair Trading Act — Guidelines for Green Marketing](#)
 - **Introduction to Consumer Law — Fair Trading**
 - [4B.5 What conduct does the Act prohibit?](#)
- **HR Best Practice**
 - **Recruitment and Promotion**
 - [5.11 Interviewing](#)

3. Commentary from A to Z of New Zealand Law

12 Misleading conduct in relation to employment ✓

Commentary ▾ Legislation Cited Documents **Related Documents**

Legislation: Fair Trading Act 1986 (New Zealand) | [View all PDF versions](#)

4 A TO Z OF NEW ZEALAND LAW

New Zealand

- **Intellectual Property - A to Z of New Zealand Law**
 - **Chapter 10 - The Fair Trading Act 1986**
 - [10.4 Misleading or deceptive conduct](#)
- **Tort - A to Z of New Zealand Law**
 - **Chapter 5 - Negligence: The Duty of Care**
 - [5.8 Misstatements](#)



Document Delivery

The download and print tools provide choices as to Word or PDF format, alternatively you can save results to folders. See [Guide to using Folders](#).

To Download the Act and previous versions of the Act, select the PDF Icon



To Download or Print Multiple Sections of an Act, (Including Commentary)

1. Select the Commentary icon.
2. From the Document in Context field, select the tick box beside the item(s) you want to download.
3. Click the "download" button , or Print icon  then OK.
4. Use the tools to print or download the documents (if you download them to Word, the formatting will be retained, and you will also be able to delete any unwanted items (e.g. History Notes)

