

LAWCOMM 758 Franchising Law

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Auckland Express Service Centre Ltd v AA Auto Service Ltd HC Auckland CP664-SW01, 5 February 2002., Civil procedure Trade practices (n.d.).

'Australian Competition & Consumer Commission v Mayo International Pty Ltd & Ors [1998] FCA 808 (10 July 1998)', n.d.
http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/federal_ct/1998/808.html?stem=0&synonyms=0&query=mayo.

Australian Competition and Consumer Commission v Kyloe Pty Ltd [2007] FCA 1522., Trade and commerce (n.d.).

Barkoff, Rupert M., Andrew C. Selden, and American Bar Association. Forum Committee on Franchising. Fundamentals of Franchising. 2nd ed. [Chicago]: American Bar Association, Forum on Franchising, 2004.

———. Fundamentals of Franchising. 2nd ed. [Chicago]: American Bar Association, Forum on Franchising, 2004.

'Beuker v H & R Block Canada Inc 2000 SKQB 584.' CanLII, n.d.
<https://www.canlii.org/en/sk/skqb/doc/2000/2000skqb584/2000skqb584.html>.

Buckan, J.; Gunasekara, G. 'Administrative Law Parallels with Private Law Concepts: Unconscionable Conduct, Good Faith and Fairness in Franchise Relationships'. Adelaide Law Review 36, no. 2 (n.d.): 541–76.
<http://heinonline.org.ezproxy.auckland.ac.nz/HOL/Page?public=false&handle=hein.journals/adelrev36&collection=journals&id=551>.

'Cabinet Paper on the Outcomes of the Review of Franchising Regulation | Ministry of Business, Innovation and Employment', n.d.
<http://www.mbie.govt.nz/info-services/business/business-law/past-work-older-topics/documents-and-images/cabinet-paper-on-the-outcomes-of-the-review-of-franchising-regulation-by-hon-simon-power.pdf/view?searchterm=Review%20of%20Franchising%20Regulation%20>.

CCNZ Ltd v Booth [2012] NZHC 481. (n.d.).

'Commerce (Cartels and Other Matters) Amendment Bill - New Zealand Parliament', n.d.
https://www.parliament.nz/en/pb/bills-and-laws/bills-proposed-laws/document/00DBHOH_BILL11153_1/commerce-cartels-and-other-matters-amendment-bill.

Commerce Commission v Contours Exclusive Ltd [1998] DCR 615., TCLR (n.d.).

Commerce Commission v Hewlett Packard (New Zealand) Ltd [1993] 3 NZLR 252., TCLR (n.d.).

COMPETITION AND CONSUMER ACT 2010 - SCHEDULE 2 The Australian Consumer Law (n.d.). http://www.austlii.edu.au/au/legis/cth/consol_act/caca2010265/sch2.html.

Competition and Consumer (Industry Codes—Franchising) Regulation 2014 (n.d.). <https://www.legislation.gov.au/Details/F2017C00182>.

David v TFAC Ltd [2009] NZCA 44., TCLR (n.d.).

Diab Pty Ltd v YUM! Restaurants Australia Pty Ltd [2016] FCA 43., ContractsInterpretationTrade and commerce (n.d.).

Dymocks Franchise Systems (NSW) Pty. Ltd v. Todd (New Zealand) [2002] UKPC 50, [2002] 2 All ER (Comm) 849. (n.d.).

Fair Trading Act 1986, 1986 No 121 § (n.d.). <http://www.legislation.govt.nz/act/public/1986/0121/latest/DLM96439.html>.

Fisher & Paykel Ltd v Commerce Commission [1990] 2 NZLR 731., 2 New Zealand Law Reports (n.d.).

Fitzgerald v H&R Block The Income Tax People Ltd (HC Palmerston North CP 93-89, 7 June 1990). (n.d.).

'Franchise Association of New Zealand - Code of Ethics and Code of Practice', n.d. <http://www.franchiseassociation.org.nz/fanz-codes-and-rules.html>.

'Franchising Law and Practice - Chapter 2 Regulation of Franchising.' Franchising Law & Practice, n.d. http://www.lexisnexis.com.ezproxy.auckland.ac.nz/nz/legal/delivery/DownloadDoc.do?delFmt=QDS_EF_WORD60TYPE&fileSize=5000&dnldFilePath=%2FI-n%2Fshared%2Fprod%2Fdiscus%2Fqds%2Frepository%2Fdocs%2F5%2F28%2F2827%3A605055285%2Fformatted_doc&zipDelivery=false&dnldFileName=Regulatory_debate&jobHandle=2827%3A605055285.

'Franchising Law and Practice - Forms and Precedents: [290.1] Franchise Agreement, [290.5] Master Franchise Agreement.' Franchising Law & Practice, n.d. http://www.lexisnexis.com.ezproxy.auckland.ac.nz/nz/legal/delivery/DownloadDoc.do?delFmt=QDS_EF_WORD60TYPE&fileSize=5000&dnldFilePath=%2FI-n%2Fshared%2Fprod%2Fdiscus%2Fqds%2Frepository%2Fdocs%2F8%2F01%2F1825%3A604676018%2Fformatted_doc&zipDelivery=false&dnldFileName=Precedents_to_Franchise_Agreements_1_of_2&jobHandle=1825%3A604676018.

'Franchising Law and Practice - Forms and Precedents: [290.75] Guarantee of Franchise Agreement.' Franchising Law & Practice, n.d. http://www.lexisnexis.com.ezproxy.auckland.ac.nz/nz/legal/delivery/DownloadDoc.do?delFmt=QDS_EF_WORD60TYPE&fileSize=5000&dnldFilePath=%2FI-n%2Fshared%2Fprod%2Fdiscus%2Fqds%2Frepository%2Fdocs%2F1%2F34%2F1827%3A604676341%2Fformatted_doc&zipDelivery=false&dnldFileName=Precedents_to_Franchise_Agreements_2_of_2&jobHandle=1827%3A604676341.

Freeman v Garden Hotel Ltd HC Christchurch CP 208-97, 22 December 1998., Civil procedureTort (n.d.).

Gehan Gunasekara. 'Franchising and Misleading or Deceptive Conduct: An Analysis of Litigation (2010) 16 NZBLQ 68.' NZBLQ, n.d.
http://www.westlaw.co.nz.ezproxy.auckland.ac.nz/maf/wlnz/app/document?docguid=I3ae5b381e00711e08eefa443f89988a0&tocDs=AUNZ_NZ_JOURNALS_TOC&isTocNav=true&startChunk=1&endChunk=1.

Gehan Gunasekara and Tiffany Lee. 'Franchise Regulation "Reviewing the Review" - Franchise New Zealand', n.d.
http://www.franchise.co.nz/article/1226-franchise-regulation-br-reviewing-the-review?cat_id=13.

Hadfield, G. 'Problematic Relations: Franchising the Law of Incomplete Contracts'. Stanford Law Review 42, no. 4 (1990): 927-92.
<http://www.heinonline.org.ezproxy.auckland.ac.nz/HOL/Page?handle=hein.journals/stflr42&size=2&collection=journals&id=943>.

Health Club Brands Ltd v Colven Botany Ltd [2013] NZHC 428., Civil procedureTrade practices (n.d.).

Intellectual Property Pty Ltd v Mygroups Pty Ltd [2006] FCA 15., EquityIntellectual property (n.d.).

'Jirna v Mister Donut of Canada [1975] 1 SCR 2.', n.d.
<https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/4255/index.do>.

Luce Optical Pty Ltd v Budget Specs (Franchising) Pty Ltd [2005] FCA 1486., High Court and Federal Court (n.d.).

Mark, Abell. "'The Regulation of Franchising Around the World" in The Franchise Law Review.', Fourth edition. Vol. The law reviews. London, UK: Law Business Research Ltd, 2017.

Master Education Services Pty Limited v Ketchell [2008] HCA 38. (n.d.).

Miller v McDonald's Corporation 945 P.2d 1107 (Or App 1997) (n.d.).

Ministry of Economic Development. 'Review of Franchising Regulation in New Zealand, Discussion Documents', n.d.
http://img.scoop.co.nz/media/pdfs/0808/Franchise_discussion_doc.pdf.

Outboard Marine Australia Pty Ltd v Hecar Investments (No 6) Pty Ltd (1982) 66 FLR 120., FLR (n.d.).

Parliament of Australia. 'Opportunity Not Opportunism: Improving Conduct in Australian Franchising - Chapter 5 Issues Arising During Franchise Agreements', n.d.
http://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Corporations_and_Financial_Services/Completed_inquiries/2008-10/franchising/report/c05.

———. 'Opportunity Not Opportunism: Improving Conduct in Australian Franchising -

Chapter 6 The End of a Franchise Agreement', n.d.

http://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Corporations_and_Financial_Services/Completed_inquiries/2008-10/franchising/report/c06.

Poulet Frais Pty Ltd v Silver Fox Company Pty Ltd [2005] FCAFC 131., Trade and commerce (n.d.).

PPO (NZ) Ltd v Wallace HC Auckland CIV-2010-404-007527, 15 December 2010. (n.d.).

Seldon, Andrew C. 'Beyond the Law and the Contract: Strategies for Effective Franchise Relationship Self-Management', Vol. Colloquium series. Robina, Qld: Bond University Press, 2011.

Skids Programme Management Ltd v McNeill [2012] NZCA 314, [2013] 1 NZLR 1., Civil procedure Employment law Equity Intellectual property (n.d.).

Spencer, Elizabeth Crawford. Unintended (or Are They?) Consequences: The Interaction of Standard Form and Relational Contracting in Franchising. Vol. Colloquium series. Robina, Qld: Bond University Press, 2011.

Terry, A.; Forrest, H. 'Where's the Beef - Why Burger King Is Hungry Jack's in Australia and Other Complications in Building a Global Franchise Brand (2008) 28 Nw.J.Int'l L.& Bus 171.' Northwestern Journal of International Law & Business 28, no. 2 (2008): 171-214.
<http://heinonline.org.ezproxy.auckland.ac.nz/HOL/Page?public=false&handle=hein.journals/nwjilb28&collection=journals&id=175>.

Terry, Andrew, Des Giugni, and Andrew Terry. Business & the Law. 4th ed. Southbank, Vic: Thomson Learning, 2005.

———. 'Business & the Law Chapter 21 - Misleading and Unconscionable Conduct.', 4th ed. Southbank, Vic: Thomson Learning, 2005.

TFAC Ltd v David [2008] NZCCLR 38, CIV-2006-404-003984 Dec 11, 2007, Baragwanath J (n.d.).

Valda Video Ltd v United Video Franchising Ltd HC Auckland CP 123/00, 21 August 2001., Contract (n.d.).