# **DEAKIN LAW REVIEW**

VOL 11 NO. 2 2006

Published by SCHOOL OF LAW DEAKIN UNIVERSITY BURWOOD, VICTORIA 3125 AUSTRALIA

© 2006

### **ABOUT THE DEAKIN LAW REVIEW**

#### **SUBMISSIONS**

The *Deakin Law Review* is a leading Australian refereed law journal, published twice annually. Contributions of articles, case notes and book reviews for publication are welcome at any time. Contributions should be submitted electronically via the Law Review's on-line submission procedure at: <a href="http://www.deakin.edu.au/buslaw/law/dlr/contribute.php">http://www.deakin.edu.au/buslaw/law/dlr/contribute.php</a>>.

All submitted articles, case notes and book reviews are reviewed by at least one independent referee and the editorial committee. The *Deakin Law Review* ensures that each referee engaged is a recognised expert in the area(s) of law covered in the article.

#### STYLE GUIDE

The *Deakin Law Review* adheres to the second edition of the *Australian Guide to Legal Citation* (Melbourne University Law Review Association Inc, Melbourne) and submissions must conform to this Guide.

A Quick Reference Guide can be downloaded by visiting the 'contributions' section of the *Deakin Law Review* website at <a href="http://www.deakin.edu.au/buslaw/law/dlr/contribute.php">http://www.deakin.edu.au/buslaw/law/dlr/contribute.php</a>, and then clicking on 'Our Citation Requirements Sheet'.

#### **SPONSOR**



## **INFORMATION FOR SUBSCRIBERS**

#### RATES:

The subscription rate of the Deakin Law Review is \$99 per annum (including GST).

#### **ORDERING:**

Subscriptions for Australia and elsewhere (except for North America) may be ordered from the Editors, Deakin Law Review, School of Law, Deakin University, Burwood Victoria 3125, Australia, or by sending an e-mail to law-review@deakin.edu.au.

For North America subscriptions, please contact: Wm W Gaunt & Sons Inc, Gaunt Building, 3011 Gulf Drive, Holmes Beach, Florida, US 34217-2199

#### ISSN:

The ISSN for the Deakin Law Review is: 1 321-3660

## **DEAKIN LAW REVIEW**

#### **VOLUME 11 NO 2 COMMITTEE**

**Editorial Board** Professor Philip Clarke

Professor Jean Jacques du Plessis

Professor Mirko Bagaric Professor Richard Ingleby

**Editors** Samantha Hepburn

Carolyn Doyle

Student Sub-Editors Belinda Grgic

Rhea Scheltus

**Librarian** Sandra Pyke

## **CONTENTS**

#### FEATURE ARTICLES

Imagining How a Company Thinks: What is Corporate Culture Professor Alice Belcher	1
Driving While Disqualified or Suspended under s 30 of the Road Safety Act 1986 (Vic):Abolition of the Mandatory Sentencing Provision?  Belinda Coleman	23
ARTICLES, ESSAYS AND COMMENTARY	
When Legal Fictions Collide: The Primacy (or Otherwise) of the Separate Entity Principle of Corporate Law in Intellectual Property Cases Rhonda Chesmond	69
Incorporation of Unusual or Unreasonable Terms into Contracts: The Red Hand Rule and Signed Documents Steve Kapnoullas and Bruce Clarke	95
Defamation and the Art of Backfire  Truda Gray and Brian Martin	115
The HIH Collapse: A Catalyst for Costly Reform Gregor Allan	137
Negligence and Intoxication – Has Civil Liability Gone Too Far? Norman Katter	161
CASE NOTE Social Continuity and Forced Change: Bennell v State of Western Australia (the Noongar Case) Samantha Hepburn	173
BOOK REVIEWS	
Understanding Psychology and Crime: Perspectives on Theory and Action by James McGuire Justice Gilles Renaud	179
Racism and the Law Justice Gilles Renaud	187