

Tuesday, 3 February 2015

## Banking

### A Daily Bulletin listing Decisions of Superior Courts of Australia

 Follow @Benchmark\_Legal

## Search Engine

[Click here](#) to access our search engine facility to search legal issues, case names, courts and judges. Simply type in a keyword or phrase and all relevant cases that we have reported in Benchmark since its inception in June 2007 will be available with links to each case.

## Executive Summary (1 minute read)

**Hird v Chief Executive Officer of the Australian Sports Anti-Doping Authority (FCAFC)** - judicial review - challenge to notices issued under National Anti-Doping Scheme failed - appeal dismissed

**In the Estate of Wilden (deceased) (SASC)** - wills - testamentary instruments - DVD and typed document - probate granted

**Vantage Systems Pty Ltd v Priolo Corporation Pty Ltd (WASCA)** - binding agreement for lease of office premises and licence of car bays - appeal dismissed

## Summaries with links (5 minute read)

### **Hird v Chief Executive Officer of the Australian Sports Anti-Doping Authority [2015] FCAFC** 7

Kenny, Besanko & White JJ

Judicial review - appellant was senior coach of football club licensed by AFL to enter team in competition - CEO of Australian Sports Anti-Doping Authority (ASADA) made decision to issue notices under cl4.07A National Anti-Doping Scheme (NAD Scheme) to current and former players for football club as part of investigation in cooperation with AFL into supplements program implemented by club - primary judge dismissed applications for judicial review - held: investigation

conducted by ASADA in cooperation with AFL was authorised by the *Australian Sports Anti-Doping Authority Act 2006* (Cth), Regulations made under that Act, and NAD Scheme - manner in which ASADA conducted investigatory interviews was within contemplation of legislative scheme - no improper purpose - no unlawful disclosure of NAD Scheme personal information by ASADA to the AFL - CEO did not facilitate abrogation of interviewees' common law rights to privileges against self-incrimination or exposure to penalty - no practical unfairness to appellant or players - appellant failed to establish that information on which CEO based decision to issue notices under cl4.07A was unlawfully obtained - challenge to notices failed - appeal dismissed.

[Hird](#)

### **In the Estate of Wilden (deceased) [2015] SASC 9**

Supreme Court of South Australia

Gray J

Wills - probate - applicant sought orders that DVD containing video recording of deceased and typed unwitnessed document signed by deceased be admitted to probate under s12(2) *Wills Act 1936* (SA) - held: Court satisfied both items were documents that expressed deceased's testamentary intentions and that deceased intended documents to together constitute his Will - appropriate to admit documents to probate under s12(2) - applicant appointed as executor according to the tenor of the documents.

[In the Estate of Wilden](#)

### **Vantage Systems Pty Ltd v Priolo Corporation Pty Ltd [2015] WASCA 21**

Court of Appeal of Western Australia

McLure P; Buss & Newnes JJA

Contract - respondent claimed breach of agreement to lease office premises against appellant - trial judge found in favour of appellant and awarded damages - appellant alleged trial judge erred in finding that, by appellant accepting revised proposal, parties intended to enter binding agreement, and that there was sufficient meeting of minds for binding agreement - appellant also alleged trial judge erred in allowing respondent to amend pleadings to plead rectification of revised proposal after each party had closed its case - appellant also alleged trial judge erred in allowing claim for rectification - held: on objective assessment, with regard to relevant facts and circumstances in commercial context, parties did bind themselves to new lease of premises and licence in respect of car bays on terms set out in revised proposal - subsequent negotiations, dealings and communications did not destroy earlier concluded and binding agreement - other grounds of appeal also failed - appeal dismissed.

[Vantage Systems Pty Ltd](#)

**[Click Here to access our Benchmark Search Engine](#)**