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

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Executive Summary (1 minute read)

Watpac Construction NSW Pty Limited v Taylor Thompson Whitting (NSW) Pty Ltd (NSWSC) - contract - specific performance - defendant required to submit dispute to expert determination in accordance with dispute resolution procedure

CGU Insurance Ltd v Blakeley (VSCA) - joinder - corporations - joinder of defendants' insurer by plaintiffs - insurer's appeal dismissed

Auto Parts Group Pty Ltd v Cooper (QSC) - trade and commerce - employment contracts - restraint of trade clause enforceable - injunction - orders

Summaries With Link (Five Minute Read)

Watpac Construction NSW Pty Limited v Taylor Thompson Whitting Pty Ltd [2015] NSWSC 780

Supreme Court of New South Wales

Ball J

Contract - specific performance - dispute resolution clause - defendant agreed to provide consultancy services to plaintiff in connection with construction of building, television studios and facilities - plaintiff sought orders requiring defendant to submit dispute between them to expert determination in accordance with dispute resolution clause in agreement - held: parties did not abandon dispute resolution procedure - meeting was not pre-condition to expert determination procedure - no jurisdictional error by expert - complaints in relation to expert determination agreement failed - plaintiff entitled to orders sought in summons.

[Watpac](#)

CGU Insurance Ltd v Blakeley [2015] VSCA 153

Court of Appeal of Victoria

Ashley, Beach & McLeish JJA

Joinder - corporations - claim under s588M *Corporations Act 2001* (Cth) in which plaintiffs were liquidators and company in liquidation who alleged company's directors breached s588G by failing to prevent company from incurring debts when it was insolvent - defendants' insurer sought leave to appeal against order joining it as a defendant - jurisdiction - state of authorities regarding appropriateness of joinder of an insurer at instance of party other than insured - held: possibility of separate proceedings between current parties and later proceedings between relevant liquidator or trustee in bankruptcy and insurer could not be countenanced - trial judge's analysis correct - orders should not be disturbed - question whether there were ultimately grounds for declaration against insurer was matter for trial - leave to appeal granted on basis it had prospect of success - appeal dismissed

[CGU](#)

Auto Parts Group Pty Ltd v Cooper [2015] QSC 155

Supreme Court of Queensland

Bond J

Trade and commerce - restraint of trade - injunction - applicant sought to enforce restraint clauses in respective employment contracts of first and second respondents - applicant also sought declarations and injunctions against first and second respondents aimed at preventing possibility of their misuse of applicant's confidential information - held: restraint clause was enforceable against first and second respondents - first and second respondents should be subject of injunctions restraining them in appropriate manner - orders made.

[Auto](#)

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