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Banking

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Executive Summary (1 minute read)

Vo v Rawlings (QCA) - deceit - buyer of business claimed sellers made fraudulent misrepresentations - not established who made representations or that sellers knew they were false

Waratah Coal Pty Ltd v Seeney (QSC) - judicial review - government refused to compulsorily acquire rail corridor for mining project - discretion not improperly fettered by government policy - judicial review refused

Summaries with links (5 minute read)

Vo v Rawlings [2014] QCA 236

Court of Appeal of Queensland

Fraser & Gotterson JJA & Philippides J

Deceit - Vo bought a health food business from Rawlings and another - Vo claimed the vendors had made fraudulent representations - primary judge rejected Vo's claim - held: the primary judge was correct not to apply the rule in *Jones v Dunkel* against the vendors due to their failure to call their selling agent to give evidence - rule in *Jones v Dunkel* only applies where a party is required to explain or contradict something - no evidence that the vendors had been the authors of representations made by the selling agent - no evidence that the vendors knew of the falsity of the representations - fraud must be clearly proved - appeal dismissed.

[Vo](#)

Waratah Coal Pty Ltd v Seeney [2014] QSC 226

Supreme Court of Queensland

Daubney J

Judicial review - Waratah mined coal in Galilee Basin - granted *significant project status* under *State Development and Public Works Organisation Act 1971* (Qld) - this empowered compulsory acquisition of land by government - government had identified preferred Galilee Basin rail corridors - government policy was generally not to approve rail corridors outside preferred corridors - Waratah applied for rail corridor outside preferred corridors - application refused - Waratah sought judicial review - held: decision-maker had not erred in identifying relevant government policy - decision required value judgment - could not take place in a policy vacuum - decision-maker did not merely apply policy without regards to merits of application - had not fettered his discretion - had not taken irrelevant considerations into account - had not failed to take relevant considerations into account - no *Wednesbury* unreasonableness - application for judicial review dismissed.

[Waratah Coal Pty Ltd](#)

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