

Monday, 30 March 2015

Banking A Daily Bulletin listing Decisions of Superior Courts of Australia

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Executive Summary (1 minute read)

Kidd v The State of Western Australia (WASCA) - contract - government agreement for construction of hotel ratified by legislation - appeal dismissed

Munro v Munro (QSC) - superannuation - self-managed fund - death benefit nomination form not binding under trust deed - declaration refused

Dymott v Hall (QSC) - succession - family provision order in favour of spouse of deceased

Summaries with links (5 Minute Read)

Kidd -v- The State of Western Australia 2[2015] WASCA 62

Court of Appeal of Western Australia

Martin CJ; Newnes & Murphy JJA

Contract - planning and development - statutory interpretation - appellants owned or leased apartments near casino - appellants objected to third respondent's proposal to construct and operate hotel as part of complex pursuant to Minister's approval but without town planning or development approval - respondents claimed no other approval required due to combined effect of government agreement and *Casino (Burswood Island) Agreement Act 1985 (WA)* which authorised implementation of agreement - held: appellants' propositions rejected on basis they were contrary to natural and ordinary meaning of words used in Act and agreement - appeal dismissed.

[Kidd](#)



Munro v Munro [2015] QSC 61

Supreme Court of Queensland
Mullins

Superannuation - trusts and trustees - deceased survived by wife and two daughters from previous marriage - dispute arose between wife and daughters concerning benefits under self-managed superannuation fund - whether deceased's death benefit nomination had to comply with requirements of reg 6.17A *Superannuation Industry (Supervision) Regulations 1994* (Cth) - construction of nomination - *Trustee of Deceased's Estate* - held: reg 6.17A did not apply to fund - nomination form did not comply with clauses of trust deed or reg 6.22 SIS Regulations, as the nomination was of neither his executors or one or more Nominated Dependants - nomination form not binding for purpose of trust deed - daughters refused declaration that nomination form was a binding death benefit nomination under trust deed.

[Munro](#)

Dymott v Hall [2015] QSC 58

Supreme Court of Queensland
Atkinson J

Succession - applicant and deceased married late in deceased's life - applicant sought family provision order in respect of deceased's estate - deceased had left applicant only furniture and personal effects - deceased left respondent son in law residential property which was subject of lease to applicant - s41(1) *Succession Act 1981* (Qld) - held: Court satisfied applicant left without adequate provision for proper maintenance and support in life - provision order made.

[Dymott](#)

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