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

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### Executive Summary (1 minute read)

**Philip v JPM Developments Pty Ltd (NSWSC)** - judgments and orders - declaratory and injunctive orders - costs order against non-party

**TJ King v Qld Building and Construction Commission (QSC)** - judicial review - power to require rectification - 'building work' - multiple directions - consequential damage

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## Summaries With Link (Five Minute Read)

### **Philip v JPM Developments Pty Ltd [2015] NSWSC 495**

Supreme Court of New South Wales

Sackar J

Judgments and orders - costs against non-party - Court gave judgment in proceedings - parties submitted proposed declaratory and injunctive orders - plaintiff also claimed sole director and shareholder of defendant be responsible for costs of litigation in event defendant was unable to pay - defendant accepted that as unsuccessful party it should pay costs on ordinary basis - s98(1) *Civil Procedure Act 2005* - held: proposed orders too broad and did not reflect way in which case conducted and decided - form of orders restricted - Court satisfied in circumstances that director should be responsible for costs of proceedings if defendant unable to pay

[Philip](#)

### **TJ King v Qld Building and Construction Commission [2015] QSC 79**

Supreme Court of Queensland

Dalton J

Judicial review - applicant had relocated a house - applicant directed by respondent to rectify works associated with relocation on two occasions - applicant submitted work carried out was not 'building work' under *Queensland Building Services Authority Act 1991* (Qld), and that respondent's discretion to give direction pursuant to s72 could only be exercised once - whether power to rectify consequential damage caused by carrying out building work should be implied under s72 - held: work pursuant to contract with house owner was building work - respondent had power to issue second direction - where no power to order rectification of consequential damage specifically given by legislation, respondent did not have power to order rectification of consequential damage.

[TJKing](#)

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