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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)

Wright Prospecting Pty Ltd v Hancock Prospecting Pty Ltd [No 3] (WASC) - pleadings - contract or legally binding promise asserted in statement of claim not sustainable - paragraphs struck out

Coffey LPM Pty Ltd v The Contaminated Sites Committee (WASC) - costs - fourth defendant successful party in opposing appeal - appellant to pay fourth defendant's costs not including costs in relation to misconceived notice of contention



Summaries With Link (Five Minute Read)

Wright Prospecting Pty Ltd v Hancock Prospecting Pty Ltd [No 3] [2015] WASC 231

Supreme Court of Western Australia

Le Miere J

Pleadings - claim to entitlements in relation to mining tenements acquired by first defendant or its subsidiaries - first and second defendants sought to strike out parts of substituted statement of claim and reply - held: contract or legally binding promise asserted by plaintiff in paragraph of substituted statement of claim, which was foundation for the pleas in two subsequent paragraphs, was not sustainable - paragraphs of statement of claim struck out.

[Wright](#)

Coffey LPM Pty Ltd v The Contaminated Sites Committee [2014] WASC 504

Supreme Court of Western Australia

Chaney J

Costs - appeal dismissed in proceedings - fourth respondent had appeared in opposition to appeal at hearing of matter and relied substantially on submissions made by intervener - fourth respondent made submissions in relation to contentions in 'Notice of Contention' - fourth respondent sought an order for payment of its costs on basis it was a successful party to appeal for purposes of O 66 r1 *Rules of the Supreme Court 1971 (WA)* - held: fourth respondent was successful party in opposing appeal - appellant ordered to pay its costs not including costs in relation to notice of contention, which was misconceived.

[Coffey](#)

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