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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)

Honey v Richardson (SASC) - motor accident - negligence - declaration refused prior to trial that Motor Accident Commission liable to indemnity third parties



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Summaries With Link (Five Minute Read)

Honey v Richardson [2015] SASC 119

Supreme Court of South Australia

Bampton J

Motor accident - negligence - plaintiff injured when prime mover driven by defendant collided with rear of grape tote bin he was towing behind tractor - plaintiff and wife sued defendant - defendant admitted collision occurred and alleges plaintiffs' injuries caused or contributed to by his negligence - defendant issued proceedings against third parties who were drivers in convoy, alleging that any injuries to plaintiff and wife caused or contributed to by third parties' negligence in driving and state of illumination of vehicles - Motor Accident Commission (MAC) denied third parties covered by insurance in Sch 4 *Motor Vehicles Act 1959 (SA)* - MAC joined as third party - defendant sought declaration prior to trial that MAC liable to indemnify third parties - held: premature to make finding of obligation to indemnify prior to finding of liability against third parties - defendant was seeking hypothetical order - for Court to make declaration sought it would have to presume defendant's liability and then consider third parties' liability - declaration refused.

[Honey](#)

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