

Monday 24 November 2014

## Construction

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

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### Executive Summary (1 minute read)

**Rinehart v Rinehart** (FCA) - suppression - trusts - interim orders suppressing statement of claim refused

**Sanrus Pty Ltd v Monto Coal 2 Pty Ltd** (QSC) - pleadings - joint venture - paragraphs of statement of claim not struck out

### Summaries with links (5 minute read)

#### **Rinehart v Rinehart [2014] FCA 1241**

Federal Court of Australia

Jacobson J

Suppression order - dispute between children of first respondent Georgina Hope Rinehart (GHR) and their mother as to GHR's alleged misconduct in administration of trust of which children were beneficiaries - respondents sought interim suppression orders under s37A1 *Federal Court of Australia Act 1976* (Cth) - respondents sought to suppress contents of originating application and statement of claim and certain associated documents - abuse of process - whether harm would be occasioned in dealings with lenders and investors - scope of arbitration agreements/releases - held: respondents failed to establish credible case that proceeding constituted an abuse of process - counter-parties sophisticated commercial organisations well able to distinguish between allegations and factual findings - substance of allegations significantly in public domain - futile to

make suppression order - interim suppression orders revoked - confidential addendum to statement of claim suppressed.

[Rinehart](#)

**Sanrus Pty Ltd v Monto Coal 2 Pty Ltd [2014] QSC 282**

Supreme Court of Queensland

Boddice J

Pleadings - plaintiffs sued defendants for breach of contract arising from conduct in breach of joint venture agreement - defendants sought that paragraphs of plaintiffs' proposed amended consolidated statement of claim be struck out - held: defendants did not establish paragraphs contained irrelevant allegations or would prejudice or delay fair trial - allegations not so tenuous they should be struck out - no basis to strike out claim for damages - application dismissed.

[Sanrus Pty Ltd](#)

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