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Insurance

A Daily Bulletin listing Decisions of Superior Courts of Australia

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Executive Summary (1 minute read)

Simmons v Rockdale City Council (No 2) (NSWSC) - costs - plaintiff successful against one defendant - plaintiff to pay other defendant's costs

Prestige Lifting Services Pty Ltd v Wood (VSC) - solicitors' costs - claim for unpaid fees for acting for company - no contract between solicitor and company - appeal allowed

Maribyrnong City Council v Malios (VSC) - accident compensation - no error in opinion of medical panel - proceedings dismissed

Summaries with links (5 minute read)

Simmons v Rockdale City Council (No 2) [2014] NSWSC 1275

Supreme Court of New South Wales

Hall J

Costs - plaintiff injured while riding bicycle through car park adjacent to Club when he struck boom gate - plaintiff sued Council and Club - plaintiff succeeded against Council - dispute concerned plaintiff's liability for Club's costs - whether a Bullock or Sanderson order should be made in plaintiff's favour - held: plaintiff's failure to accept Club's offer of compromise reasonable - Club's costs payable on ordinary basis - reasonable for plaintiff to have sued Club - no basis for finding

Council's conduct made it fair for it to bear liability for Club's costs - Bullock or Sanderson order refused - Council to pay plaintiff's costs - plaintiff to pay Club's costs.

[Simmons](#)

Prestige Lifting Services Pty Ltd v Wood [2014] VSC 465

Supreme Court of Victoria

Ginnane J

Solicitors' costs - solicitor sought unpaid fees for acting for company - instructions to act for company given by only one of its two directors - directors in dispute about conduct and control of company - Magistrate gave judgment for solicitor - no dispute about quantum of fees - whether solicitor had been validly retained by or authorised on behalf of company to perform work for it - ss3.4.17, 3.4.19 & 3.4.26 *Legal Profession Act 2004* (Vic) - held: Magistrate erred by finding a contract between company and solicitor - error affected Magistrate's decision - appeal allowed - company's counterclaim remitted to Magistrate's Court.

[Prestige Lifting Services Pty Ltd](#)

Maribyrnong City Council v Malios [2014] VSC 452

Supreme Court of Victoria

Macaulay J

Accident compensation - Council sought to quash medical panel's certificate of opinion under s68(2) *Accident Compensation Act 1985* (Vic) - panel concluded worker's employment with Council was a significant contributing factor to wrist injury and secondary depressive illness - held: Council did not establish panel failed to properly evaluate information and submissions concerning medical issues arising before employment with Council, or causal factors other than employment - proceeding dismissed.

[Maribyrnong City Council](#)

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