

Monday, 23 September 2019

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

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Executive Summary (1 minute read)

Australian Competition and Consumer Commission v BlueScope Steel Limited (FCA) - suppression orders - non-party sought copy of applicant's 'originating application and concise statement' - applicant sought suppression orders - interlocutory application dismissed

Deputy Commissioner of Taxation v Huang (FCA) - freezing orders - service - Deputy Commissioner sought freezing orders against respondents, leave to serve respondents outside jurisdiction, orders for substituted service and 'urgent interim freezing orders' - orders granted

Cheatham v The Scout Association of Australia (NSW Branch) (NSWSC) - transfer of proceedings - application to transfer proceedings from District Court to Supreme Court - summons dismissed

Monaco Super Fund Pty Ltd v Mastrogiannopoulos (VSC) - default judgment - possession - loans - defendant sought to set aside default judgment and permanent stay of warrant of possession - applications granted

Columbus v Efstathis & Ors (SASC) - wills and estates - succession - joinder - applicant sought joinder to plaintiff's action seeking provision from deceased's estate - joinder application dismissed

Summaries With Link (Five Minute Read)

Australian Competition and Consumer Commission v BlueScope Steel Limited [2019]

FCA 1532

Federal Court of Australia

O'Bryan J

Suppression orders - non-party, pursuant to r2.32 *Federal Court Rules 2011* (Cth), sought copy of applicant's 'originating application and concise statement' (documents) - applicant, by interlocutory application, sought to restrict documents' disclosure - s37AF *Federal Court of Australia Act 1976* (Cth) - whether orders which applicant sought were necessary for prevention of prejudice and justice's proper administration - held: interlocutory application dismissed.

[Australian Competition and Consumer Commission](#)

Deputy Commissioner of Taxation v Huang [2019] FCA 1537

Federal Court of Australia

Katzmann J

Freezing orders - service - Deputy Commissioner sought freezing orders against respondents, leave to serve respondents outside jurisdiction, and orders for substituted service - 'urgent interim freezing orders' also sought 'to preserve the status quo' - r7.32 *Federal Court Rules 2011* (Cth) - whether 'good arguable case' - interests of justice - balance of convenience - whether risk of assets' dissipation - whether 'personal service' was "not practicable" - held: orders granted.

[Deputy Commissioner](#)

Cheatham v The Scout Association of Australia (NSW Branch) [2019] NSWSC 1238

Supreme Court of New South Wales

Campbell J

Transfer of proceedings - application for transfer of proceedings from District Court to Supreme Court - transfer sought on basis amount which plaintiff would be awarded if plaintiff succeeded was 'likely to exceed' District Court's 'jurisdictional limit' of \$750,000 - whether 'real chance' that damages would exceed \$750,000 - held: summons dismissed.

[View Decision](#)

Monaco Super Fund Pty Ltd v Mastrogiannopoulos [2019] VSC 632

Supreme Court of Victoria

Ierodiasconou AsJ

Default judgment - possession - defendant's home was security for loans of son - lender contended default on loans - default judgment obtained - warrant of possession issued - defendant sought to set aside default judgment and permanent stay of warrant of possession - r21.07 *Supreme Court (General Civil Procedure) Rules 2015* (Vic) - whether defence on merits - explanation for failure to file defence - whether application promptly made - prejudice - *Abikhair v Ali* [2018] VSC 93 - held: defendant's applications granted.

[Monaco](#)



Columbus v Efstathis & Ors [2019] SASC 149

Supreme Court of South Australia

Stanley J

Wills and estates - succession - joinder - plaintiff son of deceased, under *Inheritance (Family Provision) Act 1972 (SA)*, sought provision from deceased's estate - applicant granddaughter of deceased sought to be 'joined to the plaintiff's action' - whether testator morally obliged to provide for applicant - whether applicant's claim had 'reasonable prospect of success' - held: joinder application dismissed.

[Columbus](#)

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