

Friday 15 June 2012

Insurance, Banking, Construction & Government

A Daily Bulletin listing Decisions of Superior Courts of Australia

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Executive Summary (1 minute read)

Australasian Meat Industry Employees' Union v Fair Work Australia - s484 *Fair Work Act* 2009 (Cth) - statutory interpretation - Part 3-4: rights of entry (I)

Hancock, in the matter of St Hilliers Construction Pty Ltd (administrators app'd) - ss439A(6) & 439A(7) *Corporations Act* 2001 (Cth) (B, C)

Fair Work Ombudsman v Quest South Perth Pty Ltd - Discovery & inspection of documents - litigation privilege (I, B, C, G)

V & M Davidovic Pty Ltd v Professional Services Group Pty Ltd - Application for security for costs (B)

Bird v Bird (No 4) - Trusts - duties of trustees & executors - *Limitation Act* 1969 (NSW) (I, B)

Webster v Shueard - Contracts - enforceability of undertakings given by lawyers (I)

Bob Jane Corporation Pty Ltd v Barrot FT Pty Ltd (No 2) - Costs (I, B, C, G)



Berry v Bell - s14(1) *Wills Act* 1970 (WA) - will made in contemplation of marriage (B)

Inquest into the death of Azaria Chamberlain - Coronial law (I, B, C, G)

Summaries with links (5 minute read)

Australasian Meat Industry Employees' Union v Fair Work Australia [2012] FCAFC 85

Full Court of the Federal Court of Australia

Jessup, Tracey & Flick JJ

S484 *Fair Work Act* 2009 (Cth) - statutory interpretation - Part 3-4: rights of entry conferred upon permit holders - principles as to right of entry of an occupier examined - official of AMIEU holder of entry permit issued under s512 - where interviews with employees were to be held - reasonable request - extensive consideration of UK & Australian case law - application for certiorari & mandamus dismissed.

[Australasian Meat Industry Employees' Union](#) (I)

[Somerville Retail Services](#) - decision Full Bench of Fair Work Australia 10 January 2011

Hancock, in the matter of St Hilliers Construction Pty Ltd (administrators app'd) [2012] FCA 602

Federal Court of Australia

Jacobson J

Ss439A(6) & 439A(7) *Corporations Act* 2001 (Cth) - order made extending period for convening second meeting of creditors.

[Hancock](#) (B, C)

Fair Work Ombudsman v Quest South Perth Pty Ltd [2012] FCA 608

Federal Court of Australia

McKerracher J

Discovery & inspection of documents - claim by second respondent for litigation privilege - whether applicant should succeed on application to require second respondent to produce certain documents to the Court to determine validity of second respondent's objection to their production - ambit of this privilege - detailed analysis of UK & Australian case law - privilege established - applicant's application dismissed.

[Fair Work Ombudsman](#) (I, B, C, G)

**V & M Davidovic Pty Ltd v Professional Services Group Pty Ltd [2012] NSWSC 627**

Supreme Court of New South Wales

Harrison AsJ

S1335(1) *Corporations Act* 2001 (Cth) - r42.21(1)(d) *Uniform Civil Procedure Rules* 2005 (NSW) - defendant seeking security for costs - plaintiff to provide security for costs in sum of \$70,000.

[V & M Davidovic](#) (B)

Bird v Bird (No 4) [2012] NSWSC 648

Supreme Court of New South Wales

Rein J

Trusts - succession - powers of attorney - distribution of estate - proceeds of sale of four properties - duties of trustees & executors - *Limitation Act* 1969 (NSW) - *Trustee Act* 1925 (NSW) - extensive consideration of texts & case law from UK & Australia - plaintiff's claim & the cross-claims dismissed.

[Bird](#) (I, B)

Webster v Shueard [2012] SASC 93

Supreme Court of South Australia

White J

Contracts - implied terms - express indemnity - enforceability of personal undertakings given by lawyers - defendant had been retained by third party to act in 2 personal injury proceedings, both of which had settled - how the proceeds of those settlements should be dispersed - case law from UK, New Zealand & Australia considered.

[Webster](#) (I)

Bob Jane Corporation Pty Ltd v Barrot FT Pty Ltd (No 2) [2012] SASC 89

Supreme Court of South Australia

Kourakis J

Costs - plaintiff successful at trial - following trial & judgment, defendant company went into liquidation - case law from UK, New Zealand & Australia considered - application for non-party costs order against defendant's director & related company dismissed.

[Bob Jane Corporation](#) (I, B, C, G)

[Bob Janes Corporation](#) - decision Supreme Court of South Australia 21 July 2010 - plaintiff succeeded in its claim in the sum of \$7,388.48 - counter-claim dismissed.



& for Bloomsday Saturday 16 June...

James Aloysius Augustine Joyce
(b. Dublin 2 February 1882 – d. Zürich 13 January 1941)

When the shy star goes forth in heaven
All maidenly, disconsolate,
Hear you amid the drowsy even
One who is singing by your gate.
His song is softer than the dew
And he is come to visit you.

O bend no more in revery
When he at eventide is calling.
Nor muse: Who may this singer be
Whose song about my heart is falling?
Know you by this, the lover's chant,
'Tis I that am your visitant.

*From Joyce's collection of poetry entitled "Chamber Music," published in 1907
- Leopold Bloom is the central character of Joyce's novel "Ulysses", set on
16 June 1904 - Joyce chose the date as it was the date of his first outing with
his wife-to-be, Nora Barnacle.*

[Poets' Corner - James Joyce - Chamber Music](#)

[Joyce Chronology - Modernism Lab - James Joyce's Ulysses](#)

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