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Daily Civil Law A Daily Bulletin listing Decisions of Superior Courts of Australia

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Executive Summary (1 minute read)

Rockment Pty Ltd t/a Vanilla Lounge v AAI Limited t/a Vero Insurance (No 2) (FCAFC) - costs - insurance - separate question - application for 'different costs orders' - costs of separate question's determination 'costs in the cause' - application dismissed (I B C G)

Stines v The GEO Group Australia Pty Limited (NSWSC) - administrative law - assault - whole person impairment - plaintiff sought judicial review concerning Medical Appeal Panel's determination - summons dismissed (I B G)

Re Zeto 6 Malcolm Pty Ltd (Admins Apptd) & Ors (VSC) - corporations - application for orders including order for extension of period to convene second meeting of companies' creditors - extension order and ancillary orders granted (B)

Return to Work Corporation of South Australia v Summerfield (SASCFC) - workers compensation - appeal from decision of Full Bench of the South Australian Employment Tribunal concerning 'proper construction of' "same injury or cause" in s22(8)(c) *Return to Work Act 2014* (SA) - appeal dismissed (I B C G)

Nicholls v Kalmar Pty Ltd as Trustee for the Kalmar Trust (WASC) - security for costs - pleadings - two applications - leave granted to amend statement of claim - security for costs refused (I B C G)

Summaries With Link (Five Minute Read)

Rockment Pty Ltd t/a Vanilla Lounge v AAI Limited t/a Vero Insurance (No 2) [2021] FCAFC 53

Full Court of the Federal Court of Australia

Besanko, Derrington & Colvin JJ

Costs - insurance - separate question - Court determined separate question in proceedings - Court ordered that 'costs of and incidental to' separate question's determination 'be costs in the cause' - Rockment sought different costs orders - Rockment sought that 'costs up until' question's reformulation be its costs in the cause, and that Vero pay its costs thereafter - held: Court satisfied that it was appropriate that costs be 'costs in the cause' - different costs orders refused - application dismissed.

[Rockment](#) (I B C G)

Stines v The GEO Group Australia Pty Limited [2021] NSWSC 375

Supreme Court of New South Wales

Rothman J

Administrative law - assault - whole person impairment - plaintiff sought judicial review concerning Medical Appeal Panel's determination - whether application of correct test - whether irrelevant material considered - whether relevant material not considered - whether right question asked - whether misapprehension of power's limits - whether denial of procedural fairness - Psychiatric Impairment Rating Scale - s328 *Workplace Injury Management and Workers Compensation Act 1998* (NSW) - held: jurisdictional error not established - summons dismissed.

[Stines](#) (I B G)

Re Zeto 6 Malcolm Pty Ltd (Admins Apptd) & Ors [2021] VSC 169

Supreme Court of Victoria

Matthews AsJ

Corporations - 'Administrators' and 'Companies', under s439A(6) *Corporations Act 2001* (Cth), sought that period within which Administrators were 'required to convene the second meeting of Companies' creditors be extended - order also sought under s447A *Corporations Act*, in addition to consequential orders - *Re Riviera Group Limited* [2009] NSWSC 585 - held: extension order and ancillary orders granted.

[Re Zeto](#) (B)

Return to Work Corporation of South Australia v Summerfield [2021] SASFC 17

Full Court of the Supreme Court of South Australia

Kourakis CJ; Stanley & Doyle JJ

Workers compensation - appeal from decision of Full Bench of the South Australian Employment Tribunal concerning 'proper construction of' "same injury or cause" in s22(8)(c) *Return to Work Act 2014* (SA) (RWA) - whether Tribunal erred in construing "same



injury or cause” with regard to Court's ratio in *Return to Work Corporation of South Australia v Preedy* [2018] SASFC 55 (Preedy) - appellant contended Preedy was 'correctly decided' but that example given concerning s22(8)(c) RWA's operation was inconsistent with case's ratio - whether example which Court gave in Preedy concerning s22(8)(c) RWA's operation formed part of ratio in Preedy - whether example inconsistent with ratio - held: appeal dismissed.

[Return to Work Corporation](#) (I B C G)

Nicholls v Kalmar Pty Ltd as Trustee for the Kalmar Trust [2021] WASC 95

Supreme Court of Western Australia

Master Sanderson

Security for costs - pleadings - two applications - first, second and fourth defendants sought security for costs - plaintiff sought to amend statement of claim - *O25 Rules of the Supreme Court 1971* (WA) - held: leave granted to amend statement of claim - security for costs refused.

[Nicholls](#) (I B C G)

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