



Friday, 20 September 2019

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

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CIVIL (Insurance, Banking, Construction & Government)

Executive Summary (1 minute read)

State of Queensland (Department of Agriculture and Fisheries) v Humane Society International (Australia) Inc (FCAFC) - environmental law - appeal against decision of Administrative Appeals Tribunal concerning Authority's grant of permissions under *Great Barrier Reef Marine Park Regulations 1983* (Cth) to applicant - appeal dismissed (I B C G)

Zurich Australian Insurance Ltd v Lewis (NSWSC) - judicial review - motor accidents compensation - permanent impairment - challenge to decision of Review Panel - summons dismissed (I B C G)

Insurance Australia Limited trading as NRMA Insurance v Brown (NSWSC) - judicial review - motor accidents compensation - whole person impairment - challenge to determination of Medical Panel - summons dismissed (I B C G)

In the matter of Australian Tailings Group Pty Limited (NSWSC) - corporations - plaintiff sought to set aside creditor's statutory demand - originating process dismissed (B C I G)

Omar Property Pty Ltd & Ors v Amcor Flexibles (Port Melbourne) Pty Ltd (VSC) - privilege - plaintiff claimed 47 documents immune from production due to client legal privilege - objection to production upheld (I B C G)

Summaries With Link (Five Minute Read)

State of Queensland (Department of Agriculture and Fisheries) v Humane Society International (Australia) Inc [2019] FCAFC 163

Full Court of the Federal Court of Australia

Allsop CJ, Greenwood & Robertson JJ

Administrative law - environmental law - appeal against decision of Administrative Appeals Tribunal concerning Authority's grant of permissions under *Great Barrier Reef Marine Park Regulations 1983* (Cth) to applicant - whether Tribunal exceeded 'decision-making power' - whether error by Tribunal in application of 'precautionary principle' - whether Tribunal erred in 'consideration of scientific and non-scientific evidence' - whether failure by Tribunal to 'turn its mind to' s43(5B) *Administrative Appeals Tribunal Act 1975* (Cth) - whether denial of procedural fairness - held: appeal dismissed.

[State of Queensland](#) (I B C G)

Zurich Australian Insurance Ltd v Lewis [2019] NSWSC 1232

Supreme Court of New South Wales

McCallum J

Judicial review - motor accidents compensation - claimant sought review of medical assessor's decision that first respondent's permanent impairment exceeded 10% - Review Panel assessed first respondent's permanent impairment at 20% - claimant sought review - adequacy of reasons - whether failure to follow guidelines - whether failure to engage with 'statutory task' - whether failure 'to have regard to relevant material' - 'post-accident injuries' - *Motor Accidents Compensation Act 1999* (NSW) - held: summons dismissed.

[View Decision](#) (I B C G)

Insurance Australia Limited trading as NRMA Insurance v Brown [2019] NSWSC 1236

Supreme Court of New South Wales

Button J

Judicial review - motor accidents compensation - plaintiff sought judicial review of Medical Panel's determination concerning first defendant's whole person impairment - adequacy of reasons - whether failure to comply with guidelines - whether error in relation to attribution of causation of injury to accident - *Motor Accidents Compensation Act 1999* (NSW) - held: amended summons dismissed.

[View Decision](#) (I B C G)

In the matter of Australian Tailings Group Pty Limited [2019] NSWSC 1218

Supreme Court of New South Wales

Black J

Corporations - plaintiff, under ss459G, 459H & 459J *Corporations Act 2001* (Cth), sought to set aside creditor's statutory demand which defendants had served - whether genuine dispute concerning claimed debt - whether off-setting claim - whether demand should be set aside due



to "defect" in demand - held: originating process dismissed.

[View Decision](#) (B C I G)

Omar Property Pty Ltd & Ors v Amcor Flexibles (Port Melbourne) Pty Ltd [2019] VSC 627

Supreme Court of Victoria

Mukhtar AsJ

Privilege - plaintiff claimed 47 documents were immune, due to client legal privilege, from production to the defendant' - 'e-mails or e-mail 'chains'' between lawyers who had acted for first plaintiff and lawyers acting for second, third and fourth plaintiffs - ss118 & 119 *Evidence Act 2008* (Vic) - held: objection of plaintiff to production upheld.

[Omar Property](#) (I B C G)

CRIMINAL

Executive Summary

Summaries With Link



To My Friends

By: Henry Lawson

From: Skyline Riders.

These are the songs of the Friends I neglected -
And the Foes too, in part;
These are songs that were mostly rejected -
And songs from my heart.

https://en.wikipedia.org/wiki/Henry_Lawson - circa 1910

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