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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)

Knowles v Secretary, Department of Defence (FCA) - judicial review - applicant challenged Department's decision concerning applications under 'Australian Privacy Principles' - relief refused - originating application dismissed (B I)

Mayfield Development Corporation Pty Ltd v NSW Ports Operations Hold Co Pty Ltd (FCA) - consumer law - applicant sought to appeal against primary judge's dismissal of application for 'non-party discovery' - leave to appeal refused - application dismissed (B C I)

Srikantha v Commonwealth of Australia (No 2) (FCA) - summary dismissal - pleadings - employment - torts - respondent sought proceeding's summarily dismissal or that amended statement of claim be struck out - interlocutory application dismissed (B I)

Re Kara (No 3) (NSWSC) - parens patriae - plaintiffs sought orders concerning confinement of 'young person' at 'proposed secure placement premises' - orders granted on conditions (B C I)

Re Dinjac Pty Ltd (VSC) - corporations - statutory demand - plaintiff sought to set aside statutory demand - 'genuine dispute' - statutory demand reduced (B)

Innes v Electoral Commission of Queensland & Anor (No 1) (QSC) - local government - self-represented litigant - applicant disputed election of Mayor of Council - Court reserved decision -

applicant sought to re-open matter - application dismissed (I B C G)

Adani Mining Pty Ltd & Anor v Pennings (QSC) - interlocutory injunction - conspiracy - intimidation - injunctions - confidential information - plaintiffs sought interlocutory injunctions against defendant - interlocutory injunctions granted (I B C G)

Summaries With Link (Five Minute Read)

Knowles v Secretary, Department of Defence [2020] FCA 1328

Federal Court of Australia

Snaden J

Judicial review - applicant challenged Department's decision concerning applications under 'Australian Privacy Principles' provided for by Sch 1 *Privacy Act 1988* (Cth) - *Regulatory Powers (Standard Provisions) Act 2014* (Cth) - alleged failure to provide access to information 'within 30 days' of request - alleged bad faith - alleged contravention of Australian Privacy Principles - alleged interference with privacy - held: relief refused - originating application dismissed.

[Knowles](#) (B I)

Mayfield Development Corporation Pty Ltd v NSW Ports Operations Hold Co Pty Ltd [2020] FCA 1334

Federal Court of Australia

Yates J

Non-party discovery - consumer law - applicant sought 'non-party discovery' - applicant sought to appeal against primary judge's dismissal of application - whether decision 'attended by sufficient doubt to warrant' Full Court's reconsideration - whether there would be 'substantial injustice' if leave refused - *Décor Corporation Pty Ltd v Dart Industries Inc* [1991] FCAFC 844 - *Melbourne City Investments Pty Ltd v Treasury Wine Estates Ltd* [2017] FCAFC 98 - s83(1) *Competition and Consumer Act 2010* (Cth) - held: leave to appeal refused - application dismissed.

[Mayfield](#) (B C I)

Srikantha v Commonwealth of Australia (No 2) [2020] FCA 134

Federal Court of Australia

Snaden J

Summary dismissal - pleadings - employment - torts - applicant was Commonwealth agency's former employee - applicant sought relief against respondent concerning end of his employment - applicant contended 'Dismissal' contravened 'two statutory injunctions' - applicant sought 'damages in tort' - respondent, by interlocutory application, sought proceeding's summarily dismissal or that amended statement of claim be struck out - r26.01 *Federal Court Rules 2011* (Cth) - s31A *Federal Court of Australia Act 1976* (Cth) - *Superannuation Act 1990* (Cth) - *Calveley v Chief Constable of Merseyside Police* [1989] AC 1228 - whether 'reasonable cause

of action' disclosed - whether abuse of process - held: interlocutory application dismissed.

[Srikantha](#) (B I)

Re Kara (No 3) [2020] NSWSC 1292

Supreme Court of New South Wales

Williams J

Parens patriae - plaintiffs sought orders authorising confinement of 'young person' at 'proposed secure placement premises' (premises), conveyance to premises and 'use of reasonable force (if necessary)' to convey or return child to premises 'and to ensure that she remains there' - 'medical treatment' - 'interference with liberty' - *Children and Young Persons (Care and Protection) Act 1998* (NSW) - *Children and Young Persons (Care and Protection) Regulation 2012* (NSW) - *Children's Guardian Act 2019* (NSW) - held: Court authorised young person's confinement on conditions. [View Decision](#)
(B C I)

Re Dinjac Pty Ltd [2020] VSC 603

Supreme Court of Victoria

Gardiner AsJ

Corporations - statutory demand - plaintiff sought to set aside statutory demand - whether 'genuine dispute' - whether 'some other reason to set aside statutory demand' - ss459G, 459H & 459J *Corporations Act 2001* (Cth) - *Malec Holdings Ltd v Scotts Agencies Pty Ltd (in liq)* [2015] VSCA 330 - whether 'genuine dispute' - held: statutory demand reduced.

[Re Dinjac](#) (B)

Innes v Electoral Commission of Queensland & Anor (No 1) [2020] QSC 273

Supreme Court of Queensland

Ryan J

Local government - self-represented litigant - applicant disputed election of mayor of Council - Court reserved decision - applicant sought to re-open matter - s142(4) *Local Government Electoral Act 2011* (Qld) - interests of justice - expediency - finality - exceptional circumstances - whether to re-open hearing for applicant's purposes 'including to let in additional material' - held: application dismissed.

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

Adani Mining Pty Ltd & Anor v Pennings [2020] QSC 275

Supreme Court of Queensland

Martin J

Interlocutory injunction - conspiracy - intimidation - injunctions - confidential information - plaintiffs sought interlocutory injunctions to compel defendant to remove matters from social



media accounts, to restrain defendant from publishing statements, to restrain defendant 'from seeking to induce or procure any person to disclose particular information to him' and to restrain defendant 'from using confidential or other information obtained by him through the campaigns mounted by him' - whether 'prima facie case' established - balance of convenience - adequacy of damages - held: interlocutory injunctions granted.

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

CRIMINAL

Executive Summary

Summaries With Link



Benchmark

From: Ode to the Moon

By Thomas Hood

I
MOTHER of light! how fairly dost thou go
Over those hoary crests, divinely led!—
Art thou that huntress of the silver bow
Fabled of old? Or rather dost thou tread
Those cloudy summits thence to gaze below, 5
Like the wild Chamois from her Alpine snow,
Where hunter never climb'd,—secure from dread?
How many antique fancies have I read
Of that mild presence! and how many wrought!
Wondrous and bright, 10
Upon the silver light,
Chasing fair figures with the artist, Thought!

II
What art thou like? Sometimes I see thee ride
A far-bound galley on its perilous way,
Whilst breezy waves toss up their silvery spray;—
15
Sometimes behold thee glide,
Cluster'd by all thy family of stars,
Like a lone widow, through the welkin wide,
Whose pallid cheek the midnight sorrow mars;—
Sometimes I watch thee on from steep to steep, 20
Timidly lighted by thy vestal torch,
Till in some Latmian cave I see thee creep,
To catch the young Endymion asleep,—
Leaving thy splendour at the jagged porch!

https://en.wikipedia.org/wiki/Thomas_Hood

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