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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)

The Trust Company Ltd v Visa Global Logistics Pty Ltd (No 3) (NSWSC) - privilege - lease - plaintiff sought production of documents discovered by defendant - defendant claimed legal professional privilege over documents - privilege claim upheld (I B C G)

DPG Project 33 Pty Ltd & Anor v Aqualand Chatswood 3 Pty Ltd & Anor (NSWSC) - contract - "Notice of Exercise of Option" served by developer on plaintiffs was 'effective to cause' options' assignment to assignee (B C I)

State of Victoria v Kozarov (VSCA) - accident compensation - respondent claimed against appellant for damages arising from injuries sustained during employment in 'Specialist Sexual Offences Unit' of Victorian Office of Public Prosecutions - appeal against judgment in respondent's favour allowed (I B)

Chalmers v Leslie & Anor (QSC) - stay - sexual assault - psychiatric injury - first defendant with 'severe dementia' - proceedings permanently stayed (I B C G)

Summaries With Link (Five Minute Read)

The Trust Company Ltd v Visa Global Logistics Pty Ltd (No 3) [2020] NSWSC 1666

Supreme Court of New South Wales

Hammerschlag J

Privilege - lease - plaintiff was premises' landlord - defendant was tenant - plaintiff sought rectification of lease - plaintiff sought production of documents discovered by defendant - defendant claimed legal professional privilege over documents - whether waiver - whether documents' production necessary 'to enable a proper understanding of documents' concerning which there had been 'earlier voluntary waiver of privilege' - ss122(2) & 126 *Evidence Act 1995* (NSW) - held: privilege claim upheld.

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

DPG Project 33 Pty Ltd & Anor v Aqualand Chatswood 3 Pty Ltd & Anor [2020] NSWSC 1663

Supreme Court of New South Wales

Stevenson J

Contract - plaintiffs held options 'from 20 property owners' on proposed development's site - options subject to 'Option Holder Deed' ('Deed') between plaintiffs, first defendant developer and second defendant assignee - proceedings concerned Deed's 'proper construction' - 'critical question' was whether "Notice of Exercise of Option" ('Notice') served by developer on plaintiffs effectively enlivened developer's right under clause of Deed and caused equitable assignment of options to assignee - held: Notice 'effective to cause' options' assignment to assignee.

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

State of Victoria v Kozarov [2020] VSCA 301

Court of Appeal of Victoria

Beach & Kaye JJA; Macaulay AJA

Accident compensation - respondent formerly employed by Victorian Office of Public Prosecutions - respondent worked in 'Specialist Sexual Offences Unit' - respondent claimed against appellant for personal injury damages arising from injuries sustained during employment in 'Specialist Sexual Offences Unit' - respondent claimed negligence, breach of contract and breach of statutory duty - primary judge gave judgment for respondent - appellant appealed - whether 'relevant 'evident signs' warning of' possibility of 'plaintiff suffering psychiatric injury' - causation - whether plaintiff established that, had appellant taken 'steps specified by' primary judge, the steps would have prevented respondent's psychiatric injury - held: appeal allowed.

[State of Victoria](#) (I B)

Chalmers v Leslie & Anor [2020] QSC 343

Supreme Court of Queensland

Martin J

Stay - sexual assault - psychiatric injury - first defendant was maternal grandfather of plaintiff - plaintiff sought damages arising from 'intentional unlawful sexual assaults' committed by first defendant on plaintiff - plaintiff admitted first defendant, due to 'severe dementia', could not give



instructions or evidence - whether to stay proceedings - abuse of process - *Moubarak by his Tutor Coorey v Holt* [2019] NSWCA 102 - whether 'medical condition' of first defendant rendered trial 'so unfair' to first defendant that stay required - held: proceeding permanently stayed.

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

Summaries With Link



Summer Night

By: Alfred, Lord Tennyson

NOW sleeps the crimson petal, now the white;
Nor waves the cypress in the palace walk;
Nor winks the gold fin in the porphyry font:
The firefly wakens: waken thou with me.

Now droops the milk-white peacock like a ghost,
5
And like a ghost she glimmers on to me.

Now lies the Earth all Danaë to the stars,
And all thy heart lies open unto me.

Now slides the silent meteor on, and leaves
A shining furrow, as thy thoughts in me. 10

Now folds the lily all her sweetness up,
And slips into the bosom of the lake:
So fold thyself, my dearest, thou, and slip
Into my bosom and be lost in me.

https://en.wikipedia.org/wiki/Alfred,_Lord_Tennyson

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