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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)

Australian Rail, Tram and Bus Industry Union v Busways Northern Beaches Pty Ltd (FCAFC) - suppression - judicial review - Transport for NSW, by interlocutory application, sought leave to appear and orders suppressing certain documents subject to exception for parties' legal representatives - interlocutory application dismissed (I B C G)

Australian Securities and Investments Commission v A One Multi Services Pty Ltd (FCA) - corporations - plaintiff sought that receivers be appointed to defendants' property as and orders preserving the property - plaintiff also sought imposition of 'travel restrictions' on second and third defendants and 'suppression orders' - orders granted as sought (I B C G)

XY v The Council of the Law Society of New South Wales (No 2) (NSWSC) - non-publication - suppression - fraud - proceedings concerned Wilson J's orders made pursuant to *Court Suppression and Non-Publication Orders Act 2010* (NSW) with parties' consent should 'be varied or set aside' - non-publication order set aside - different orders made (I B C G)

BMW Australia Finance Ltd v Mehajer Vision Pty Ltd (No2) (NSWSC) - personal property - mortgage - plaintiff sought declarations concerning Ferrari which it had repossessed - parties agreed on orders - relief granted (I B C G)

Mineral Resources Limited v Destec Pty Ltd [No 2] (WASC) - subpoena - defendants to 'consolidated proceedings' sought that two subpoenas issued at plaintiffs' request be set aside -

application granted (I B C G)

HABEAS CANEM

A boy and his cows



Summaries With Link (Five Minute Read)

Australian Rail, Tram and Bus Industry Union v Busways Northern Beaches Pty Ltd [2021] FCAFC 188

Full Court of the Federal Court of Australia

Bromberg, Wheelahan & Snaden JJ

Suppression - judicial review - Transport for NSW, by interlocutory application, sought leave to appear and orders suppressing (subject to exception for parties' legal representatives) certain documents - 'request for tender documents' - 'extracts of affidavit evidence' - 'written submissions' - 'unredacted copy of the reasons for judgment' of Fair Work Commission - whether to grant leave to appeal - whether to grant 'suppression order' - copyright - ss37AF & 37AG *Federal Court of Australia Act 1976* (Cth) - *Fair Work Act 2009* (Cth) - held: interlocutory application dismissed.

[Australian Rail](#) (I B C G)

Australian Securities and Investments Commission v A One Multi Services Pty Ltd [2021] FCA 1297

Federal Court of Australia

Derrington J

Corporations - plaintiff sought that receivers be appointed to defendants' property as and orders preserving the property - plaintiff also sought imposition of 'travel restrictions' on second and third defendants and 'suppression orders' - plaintiff relied on its 'investigation into the defendants' concerning 'suspected contraventions of' ss911A, 1041E, 1041G & 1041H *Corporations Act 2001* (Cth) (Corporations Act) and 'possible breaches of' *Criminal Code 1899* (Qld) (Criminal Code) and *Superannuation Industry (Supervision) Act 1993* (Cth) - s1323 Corporations Act - held: orders granted as sought.

[Australian Securities](#) (I B C G)

XY v The Council of the Law Society of New South Wales (No 2) [2021] NSWSC 1353

Supreme Court of New South Wales

Adamson J

Non-publication - suppression - fraud - proceedings concerned Wilson J's orders made pursuant to *Court Suppression and Non-Publication Orders Act 2010* (NSW) (CSNPO Act) with parties' consent should 'be varied or set aside' - mental health - protection of plaintiff's safety - open justice - whether orders complied with s8(2) CSNPO Act - whether plaintiff should be referred to by pseudonym in Court's 'judgments and orders' - held: non-publication order set aside - different orders made.

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

BMW Australia Finance Ltd v Mehajer Vision Pty Ltd (No2) [2021] NSWSC 1379

Supreme Court of New South Wales

Schmidt AJ

Personal property - mortgage - plaintiff sought declarations concerning Ferrari which it had repossessed - plaintiff sought order under s182 *Personal Property Securities Act 2009* (NSW) requiring second defendant to remove registration concerning Ferrari from Personal Property Securities Register, a registration concerning the Ferrari and order restraining first defendant 'from registering further interests in the Ferrari', such that Ferrari could be sold - first defendant 'initially resisted' orders - parties subsequently agreed on orders - whether Court empowered to grant relief - whether plaintiff 'established an evidentiary basis for' grant of agreed relief - held: relief granted.

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

Mineral Resources Limited v Destec Pty Ltd [No 2] [2021] WASC 357

Supreme Court of Western Australia

Acting Registrar Hosking

Subpoena - defendants to 'consolidated proceedings' sought that two subpoenas issued at plaintiffs' request be set aside ('OPS subpoena' and 'Rio Tinto subpoena') - .subpoenas' terms - jurisdiction - O36B r8A(2) *Rules of the Supreme Court 1971* (WA) - legitimate forensic purpose - abuse of process - oppression - held: application allowed.

[Mineral Resources](#) (I B C G)

Summaries With Link



Stanzas for Music

By: Lord Byron (George Gordon)

There be none of Beauty's daughters
With a magic like thee;
And like music on the waters
Is thy sweet voice to me:
When, as if its sound were causing
The charmed ocean's pausing,
The waves lie still and gleaming,
And the lull'd winds seem dreaming:

And the midnight moon is weaving
Her bright chain o'er the deep;
Whose breast is gently heaving,
As an infant's asleep:
So the spirit bows before thee,
To listen and adore thee;
With a full but soft emotion,
Like the swell of Summer's ocean.

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

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