



Wednesday, 13 April 2016

Daily Construction A Daily Bulletin listing Decisions of Superior Courts of Australia

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Executive Summary (1 minute read)

Zhang v Popovic (NSWSC) - negligence - insurance - plaintiff injured when metal ramp attached to trailer fell on him - determination of action against parties connected with trailer and insurers joined as defendants

Williams v Ausnet Electricity Services Pty Ltd (Ruling No 2) (VSC) - evidence - forensic disadvantage - orders made for inspection of gum tree which plaintiff alleged fell on power line causing bush fire

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Summaries With Link (Five Minute Read)

Zhang v Popovic [2016] NSWSC 407

Supreme Court of New South Wales

Adamson J

Negligence - insurance - plaintiff injured when metal ramp attached to trailer behind truck fell on top of him - plaintiff sued parties connected with trailer - plaintiff joined compulsory third party insurer of trailer, and insurer of first four defendants, as fifth and sixth defendants - first defendant was truck driver, second defendant was registered owner of trailer - third defendant was driver's employer and used truck and trailer in freight business - fourth defendant was company associated with driver - ss5B, 5C, 5D Civil Liability Act 2002 (NSW) - ss11 & 46 *Insurance Contracts Act 1984* (Cth) - ss3, 3A, 10 & 16 *Motor Accidents Compensation Act 1999* (NSW) - Sch 1, cl 38 *Motor Accidents Compensation Amendment Act 2010* (NSW) - s4A *Motor Accidents (Compensation) Act 1979* (NT) - ss4, 5 & 23(1) *Motor Accident Insurance Act 1994* (Qld) - s74 *Trade Practices Act 1974* (Cth) - held: plaintiff granted judgment against first, second and sixth defendants - seventh defendant granted judgment on plaintiff's claim,, second and fourth cross-claims - first and second defendants granted judgment on first cross-claim.

[Zhang](#)

Williams v Ausnet Electricity Services Pty Ltd (Ruling No 2) [2016] VSC 145

Supreme Court of Victoria

T Forrest J

Evidence - plaintiff alleged stem of a sugar gum tree fell onto powerline causing bushfire subject of proceedings - another stem of tree failed in March 2016 - VicRoads advised tree required urgent removal - plaintiff sought that court view tree's remains - ss53(1), 53(3) *Evidence Act 2008* (Vic) - forensic disadvantage to fourth defendant who had not engaged arborist or filed defence - held: Court ordered view to be conducted of tree's remaining portion - forensic disadvantage to fourth defendant attenuated by Court not entertaining submissions or statements from any party at view - tree to be preserved by VicRoads to enable examination by fourth defendant's arborist and for public safety.

[Williams](#)

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