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

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Executive Summary (1 minute read)

In the matter of Urban Purveyor Group Pty Ltd (NSWSC) - corporations - statutory demand varied by amounts in respect of which there was a genuine dispute

Wilson v Building Commission of Victoria (VSC) - building and construction - conviction for carrying out work without building permit - dismissal of application to commence judicial review proceedings - appeal dismissed

Gunns Ltd v State of Tasmania (TASSC) - negligence - claim against State in relation to handling of water licence application - causes of action in negligence, negligent misstatement and estoppel failed

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Summaries With Link (Five Minute Read)

In the matter of Urban Purveyor Group Pty Ltd [2015] NSWSC 1705

Supreme Court of New South Wales

Bergin CJ in Eq

Corporations - statutory demand - plaintiff pursuant to 459H(4) *Corporations Act 2001* (Cth) sought that statutory demand issued by defendant be varied by reducing amount claimed - plaintiff also sought declaration pursuant to ss459F(2) & 459H(4) that statutory demand had effect, as varied, from date it was served on plaintiff - plaintiff contended there was genuine dispute about amount of debt relating to two aspects of claims made in invoices - first aspect was that amounts claimed were outside agreed rates - the second aspect was that some services listed in invoices had to be approved by plaintiff and weren't approved - held: statutory demand varied by reducing it to take into account and arithmetical error, and genuine disputes in respect of both the overcharging claim and the unauthorised work claim - statutory demand varied.

[Urban Purveyor Group](#)

Wilson v Building Commission of Victoria [2015] VSC 629

Supreme Court of Victoria

John Dixon J

Building and construction - judicial review - appellant convicted of carrying out work without building permit contrary to s16(1) *Building Act 1993* (Vic) - appellant sought to appeal in County Court but filed appeal out of time - County Court judge refused leave to appeal - appellant wrote to Court enclosing judicial review application - registry informed appellant he was out of time, which would need to be addressed in his application - appellant successfully filed application for judicial review more than 28 months out of time - associate judge refused application - appellant appealed under r77.06 *Supreme Court (General Civil Procedure Rules) 2005* (Vic) - held: appellant did not demonstrate error by associate judge in identification of proper test or application and consideration of relevant factors in relation to establishment of "special circumstances" - error not demonstrated in associate judge's decision - appeal dismissed.

[Wilson](#)

Gunns Ltd v State of Tasmania [2015] TASSC 52

Supreme Court of Tasmania

Pearce J

Negligence - plaintiff applied under *Water Management Act 1999* (Tas) to build dam on to irrigate a planned vineyard development for its business - plaintiff sought licence to take water for dam from watercourse - dam permit was approved - dam constructed - plaintiff notified that without further information it would be allocated less water than amount it had applied - plaintiff claimed damages against State arising from the manner in which water licence application dealt with - held: defendant did not owe duty of care to plaintiff - causes of action in negligence, negligent misstatement and estoppel failed - action dismissed.

[Gunns](#)

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