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## Daily Insurance A Daily Bulletin listing Decisions of Superior Courts of Australia

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### Executive Summary (1 minute read)

**Bechtel Constructions (Australia) Pty Ltd v Muhannad Alkhatab** (NSWSC) - cross-vesting - work injury at site in Queensland - action brought against employer in New South Wales - interests of justice did not favour transfer of proceedings to Supreme Court of Queensland - transfer of proceedings refused

**Illert v Northern Adelaide Local Health Network Inc (Modbury Hospital)** (SASC) - trespass to person - battery - appellant with homemade mobility device ejected from hospital - security officers' actions reasonably necessary - appeal dismissed



## Summaries With Link (Five Minute Read)

### **Bechtel Constructions (Australia) Pty Ltd v Muhannad Alkhatab [2016] NSWSC 1749**

Supreme Court of New South Wales

Campbell J

Cross-vesting - work injury - plaintiff was employer of defendant worker - worker brought proceedings against plaintiff for damages for injuries in course of employment - accident occurred at site in Queensland - no issue 'lex loci delicti' was law of Queensland and any entitlement to damages informed by *Workers' Compensation and Rehabilitation Act 2003* (Qld) - employer sought transfer of proceedings to Supreme Court of Queensland in reliance on s5(2)(b)(ii)(C) *Jurisdiction of Courts (Cross-vesting) Act 1987* (NSW) - interests of justice - held: interests of justice did not favour transfer to Supreme Court of Queensland - application refused.

[Bechtel](#)

### **Illert v Northern Adelaide Local Health Network Inc (Modbury Hospital) [2016] SASC 186**

Supreme Court of South Australia

Hinton J

Trespass to person - battery - appellant sued respondent operator of hospital for injuries arising from assault on him by respondent's servants or agents when he entered hospital with homemade mobility device - Magistrate found that although security officers' had committed battery on appellant their actions were necessary for people's safety 'and reasonable and proportionate to the threat' which appellant's actions posed - Magistrate found appellant a trespasser and respondent entitled to use reasonable force to eject him - appellant appealed - held: unrealistic to conclude risk of imminent peril ended when security officers removed device - finding open to Magistrate that security officers' actions reasonable - appellant was a trespasser - no error in Magistrate's approach to fact or law - appeal dismissed.

[Illert](#)

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