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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)

Willner v Dept of Economic Development, Jobs, Transport and Resources (VSC) - freedom of information - artist sought CCTV film from train carriage to use in artwork - arguable error of law in refusing film - leave to appeal granted

Miles v Campus Living Villages Murdock Pty Ltd (WASC) - tenant sought injunction against eviction - foreshadowed Supreme Court proceedings - injunction granted

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Summaries With Link (Five Minute Read)

Willner v Dept of Economic Development, Jobs, Transport and Resources[2015] VSC 504

Ierodiasconou AsJ

Freedom of information - the applicant is a photographer and artist whose artwork explores the boundaries of public space - he requested from the Department 24 hours of CCTV footage that had been recorded in a train carriage - he intended to use that footage in an artwork in a public exhibition - *Freedom of Information Act 1982 (Vic)* – deemed refusal - applicant applied to the Victorian Civil and Administrative Tribunal - Tribunal affirmed refusal on basis that release of the footage would involve the *unreasonable disclosure of information relating to the personal affairs of any person* - applicant sought leave to appeal to Supreme Court on questions of law - held: there was a real argument there had been an error of law - that is, it was arguable that the Tribunal's factual finding that pixelating the footage would be prohibitively expensive was not open on the evidence - leave to appeal granted.

[Willner](#)

Miles v Campus Living Villages Murdock Pty Ltd [2015] WASC 350

Supreme Court of Western Australia

Pritchard J

Residential tenancy – student accommodation provider obtained orders against student tenant in Magistrates Court - tenant applied to Supreme Court for injunction against eviction - held: tenant originally sought injunction as a cause of action in and of itself, with no other cause of action or proceedings in the Court - Court's injunctive power is dependent on a pre-existing cause of action arising from an actual or threatened invasion of a legal or equitable right - during the hearing, tenant foreshadowed Supreme Court proceedings to review the Magistrates Court decision - alleged denial of natural justice due to non-service of notice of those proceedings - s36 *Magistrates Court Act 2004 (WA)* – foreshadowed proceedings gave the Court jurisdiction to make the injunction sought - there was a serious case to be tried in the foreshadowed proceedings - balance of convenience favoured granting the injunction - injunction granted on condition the tenant file the foreshadowed proceedings and give the usual undertaking as to damages.

[Miles](#)

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