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LAWYERS

Benchmark

Friday, 21 June 2024

Weekly Civil Law Review

Selected from our Daily Bulletins covering Insurance, Banking, Construction & Government

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Executive Summary (One Minute Read)

JMD Park Pty Ltd v The Ship "Bluefin" (FCA) - arrested ship ordered to be sold pendente lite, as there was no appearance by the owner and the condition of the ship was deteriorating (I B)

Lee v Dentons Australia Limited (FCA) - bankruptcy notice had been validly served (B I)

Ierna v Commissioner of Taxation (FCA) - income tax objections allowed, as the purpose of the restructure of a business structure that predated the CGT regime was not to distribute profits as capital rather than dividend (I B)

Rizk v Basseal (FCA) - builder's labourer/carpenter who provided services in house renovations was not an employee (I B C)

M. & S. Investments (NSW) Pty Ltd v Affordable Demolitions and Excavations Pty Ltd (NSWCA) - summonses stated a wrong date for commission of an environmental offence, which was before the relevant section commenced - primary judge erred by dismissing the summonses and refusing leave to amend the date (I B C)

Abela by his tutor Abela v Chevalier College (NSWSC) - a school that had made a claim for unpaid fees, and then a separate claim to claw back discounts on fees induced by a misrepresentation, had not engaged in improper claim splitting designed to avoid the original court's jurisdictional limit (I B)

In the matter of MacDonald Contracting Australia Pty Ltd (in liquidation) (NSWSC) - declaratory relief granted that a fixed and floating charge granted in 2009 had been

continuously perfected for the purposes of s56 of the *Personal Property Securities Act 2009* (Cth) and had not vested in the grantor (I B C)

Colbert (a pseudonym) v Trustees of the Christian Brothers (VSC) - Court refused to permanently stay proceedings for physical and sexual abuse alleged to have occurred in the early 1950s (I)

Jens v The Society of Jesus in Australia (VSC) - 2011 settlement deeds releasing the defendant from claims for sexual abuse that occurred around 1970 set aside under s27QD and s27QE of the *Limitations of Actions Act 1958* (Vic) (I)

Carey-Schofield v Hays & Civeo (QSC) - labour hire company and village manager both held liable in negligence for a worker who had tripped over a garbage back (B C I)

Garling v Patiniotis (TASSC) - surgeon had negligently performed a stapled haemorrhoidectomy, and this negligence had caused problems the plaintiff now suffered (I)

HABEAS CANEM

Small dog, big surf

Summaries With Link (Five Minute Read)

JMD Park Pty Ltd v The Ship "Bluefin" [2024] FCA 637
Federal Court of Australia
Sarah C Derrington J
Admiralty law - the plaintiff commenced proceedings in rem against the ship "Bluefin", an AIS Class A fishing vessel built in 1981, sailing under the flag of Australia - the ship was arrested in Brisbane by the Admiralty Marshal - the plaintiff claimed there was a debt due and owing for services provided to the Bluefin under a written contract between the plaintiff and the Bluefin's owner - no appearance was entered for the Bluefin - the plaintiff sought judicial sale of the Bluefill, and, if deemed necessary by the Marshal, a valuation - held: s17 of the *Admiralty Act 1988* (Cth) confers a right to commence a proceeding on a general maritime claim against an owner of a ship as an action *in rem* against the ship - r69(1) of the *Admiralty Rules 1988* (Cth), the Court may order that a ship under arrest be valued, valued and sold, or sold without valuation - prima facie, a Court should not order the sale of a ship *pendente lite*, whether or not the action is defended, except for good reason - here, there had been no appearance by the ship owner, the ongoing storage of the Bluefin would prevent the plaintiff from using the space the ship currently occupied, the condition of the ship was deteriorating and thereby running down the value of the potential security for the plaintiff's claim, and there was no caveat or other apparent interest in force in respect of the Bluefin from any party, including in relation to the provision of bail - this was a sufficient basis to order a judicial sale of the Bluefin, *pendente lite* - order made for sale, and that the Marshal engage a shipbroker with relevant experience to advise as to the method of sale and valuation of the Bluefin, if the Marshal considered a valuation necessary or desirable for the purpose of the sale.
JMD Park Pty Ltd (I B)
[From Benchmark Monday, 17 June 2024]

Lee v Dentons Australia Limited [2024] FCA 622
Federal Court of Australia
Cheeseman J
Bankruptcy - application for review of decision of Registrar to dismiss application to set aside bankruptcy notice - held: power to set aside a bankruptcy notice is not expressly conferred by the *Bankruptcy Act 1966* (Cth), but arises by necessary implication pursuant to the general powers conferred by s30(1) of that Act - the *Federal Court (Bankruptcy) Rules 2016* (Cth) provide the power may be exercised by a Registrar if the Court or a Judge so directs, and the Chief Justice had made such a direction - a review of a decision of a Registrar under s35A(5) of the *Federal Court of Australia Act 1976* (Cth) is by way of hearing *de novo*, and is not directed to a consideration of the correctness of the Registrar's decision or redressing error by the Registrar - substituted service orders, on their proper construction, had not precluded service of the bankruptcy notice being effected by one of the alternative modes of service set out in r102 of the *Bankruptcy Regulations 2021* (Cth) - the bankruptcy notice had served in accordance with r102 of the *Bankruptcy Regulations* - further, the application to set aside the bankruptcy

notice was not made before the expiration of time fixed for the compliance with the notice - application for review of Registrar's decision dismissed.
Lee (B I)
[From Benchmark Tuesday, 18 June 2024]

Ierna v Commissioner of Taxation [2024] FCA 592
Federal Court of Australia
Logan J
Income tax - before the commencement of the CGT regime, two men founded a street wear business through a unit trust - in 2016, the units in the trust were disposed of as part of a restructure - the Commissioner took the view that, even though the units were pre-CGT assets, s45C of the *Income Tax Assessment Act 1936* (Cth) applied to a capital benefit of $26million derived by each founder, and that capital benefit was therefore taken to be an unfranked dividend and part of assessable income - the Commissioner disallowed objections, and the founders appealed to the Federal Court - held: the language of s45B(8)(a) is narrow in that the existence of profits in a company or associate must actually be a contributory cause of a decision to return capital - amendments to income tax legislation have "tracked" the amendments to corporations legislation - s45B is an anti-avoidance measure to ensure companies do not distribute profits as capital rather than dividend - the question was whether, objectively, the capital benefit received was "attributable to" (in the sense of actually caused by or sourced in) the relevant company's share capital account, or was it, as the Commissioner contended, sourced in an increase in value of the units (from $1 to about $2.5million each) realised by the restructure - the Commissioner's position did not survive an objective examination of the whole of the circumstances, informed by reference to considerations in s45B(8) - the relevant company was newly formed, and had no pattern of distributions of dividends, bonus shares and returns of capital or share premium, and neither did any associate - even looking at pre-existing entities within the group, there was no pattern of dividend payments which, objectively, would support a conclusion that the $52million was a substitute for a payment from profits - s45B had no application to the "scheme" as postulated by the Commissioner, and so there was no basis for a determination under s45C - Part IVA of the *Income Tax Assessment Act 1936* also had no application - from any objective examination of the facts in light of the considerations specified in s177D, the dominant purpose of the "scheme" was never avoid the inclusion of a $26 million dividend in each assessable income - objectively, the dominant purpose was always to use pre-CGT assets, namely units in the unit trust, to repay Division 7A loans made to the founders - appeals allowed, objection decisions set aside, and objections allowed in full.
Ierna (I B)
[From Benchmark Thursday, 20 June 2024]

Rizk v Basseal [2024] FCA 647
Federal Court of Australia
Shariff J

Employment law - the appellant was a builder's labourer and carpenter who had assisted with house renovations - he claimed that he had been an employee and that he was underpaid as a result of various alleged contraventions of the *Fair Work Act 2009* (Cth) - the primary judge was not satisfied that the appellant was an employee and dismissed the proceedings - the appellant appealed - held: then appeal was an appeal by way of rehearing and the appellant had to demonstrate error of law or fact on the part of the primary judge - making a finding whether a worker is an employee is not an exercise in, or akin to, discretionary decision-making - although there may be evaluation involved, the worker is either an employee or an independent contractor - the appropriate standard of review in this case was therefore the "correctness standard" set out in authorities such as *Warren v Coombes* (1979) 142 CLR 531 - however, the appellant did not challenge any of the findings made by the primary judge as to his credit and reliability, or the finding that certain documentary evidence which he tendered was unreliable - the Court therefore proceeded on the basis that the primary judge had all the advantages of making an assessment of the evidence at trial, noting that findings of fact based on the credibility of witnesses can only be reversed by an appellate court "in exceptional cases" - the Court therefore had to do a real review of the evidence that was before the primary judge but noting that the primary judge enjoyed all the advantages of being the trial judge - where there is no written contract, the identification of the parties' contractual rights and duties must proceed somewhat differently from where there is a written contract, but the fundamental task remains the same: the parties' contractual rights and obligations are to be ascertained and characterised - on the evidence before the primary judge and facts as found, once the appellant accepted the engagement, he decided which days to work, when to work on those days and for how long - the primary judge had not failed to consider and apply binding authority - appeal dismissed.
Rizk (I B C)
[From Benchmark Friday, 21 June 2024]

M. & S. Investments (NSW) Pty Ltd v Affordable Demolitions and Excavations Pty Ltd [2024] NSWCA 151
Ward P, Mitchelmore JA, Preston CJ of LEC
Environmental law - M&S commenced proceedings, charging the defendants with each committing an offence against s144AAA of the *Protection of the Environment Operations Act 1997* (NSW) by unlawfully disposing of asbestos waste - the summonses stated that the offence was committed during a particular period - this period was before the Act had been amended to add s144AAA - M&S sought to amend the summonses to alleged breaches after s144AAA commenced, and the defendants applied to have the summonses dismissed - the primary judge dismissed the summonses - by two applications, M&S sought to appeal from and sought review of the primary judge's decision - held: s15(2) and s16(1) and (2) of the *Criminal Procedure Act 1986* (Cth) provided that the summonses were not "bad, insufficient, void, erroneous or defective" on the ground that they stated time wrongly or stated an "impossible day", and that no objection could be taken to the summonses on the grounds of any alleged defect in substance or form - the general rule is that a statement in an indictment or other process by which criminal proceedings are commenced, including a summons, of the date on which the

offence was committed is not a material matter, unless it is actually an essential part of the alleged offence - contrary to the primary judge's finding, the summonses did disclose an offence known to law, and so were not nullities for failing to do so - the stated date of the offence may have been "an impossible day" on which to commit the offence, but that did not make the offence one that is now not known to the law - the primary judge erred in deciding to dismiss M&S's notice of motion seeking leave to amend the summonses - appeal allowed.
View Decision (I B C)
[From Benchmark Friday, 21 June 2024]

Abela by his tutor Abela v Chevalier College [2024] NSWSC 708
Supreme Court of New South Wales
Griffiths AJ
Claim splitting - Chevalier College commenced proceedings against the applicant for unpaid school fees, and commenced further proceedings to recover discounts previously given on school fees, claiming that the applicant failed to declare all of his assets when he received discretionary fee discounts for his four sons for the school years commencing in 2014 - default judgments were given on both claims - a Magistrate dismissed applications to have the default judgments set aside - the applicant sought leave to appeal, claiming that the College had improperly split one claim into two, and that he had not been properly served in the proceedings - held: the issue of claim splitting usually arises in inferior courts which have a monetary jurisdictional limit. Typically, legislation or rules relating to courts of limited financial jurisdiction, where commencing two proceedings in the one court, each for a part of a claim, and thereby avoiding the jurisdictional limit of the court is clearly an abuse of process - the critical question is whether a plaintiff has "divided" a single claim or cause of action - a plaintiff does not contravene the rule by bringing two complaints where the claims arise out of distinct and independent transactions - in order to contravene the rule, the action said to be split must be "one and entire" - if a second cause of action can be maintained without depriving the plaintiff of his remedy in the first cause of action, the rule will not be contravened - the fact that the same causes of action could be joined in one proceeding in a superior court does not prevent the plaintiff from bringing separate proceedings in an inferior court - the issue of goods supplied and delivered on a running account is a particular rule resting on whether the parties intended that the obligation to pay the pre-existing debt is extinguished each time a new balance is struck (thus giving rise to a new and singular obligation to pay - the claim for unpaid fees was a cause of action which depended on the existence of the contracts between the applicant and the College in respect of each of his four sons and that the failure to pay the requisite fees was in breach of those contracts - any misrepresentation concerning the applicant's financial situation was not relevant to this claim - it was true that the formation and existence of the contracts as pleaded in the first claim were antecedent and background facts to the second claim to claw back the discounts, but the second claim did not allege that the misrepresentations regarding financial situation amounted to a breach of those contracts, and the relief sought was by way of restitution for unjust enrichment - there had been no improper claim-splitting - other grounds of appeal rejected - leave to appeal granted but appeal dismissed.

View Decision (I B)
[From Benchmark Monday, 17 June 2024]

In the matter of MacDonald Contracting Australia Pty Ltd (in liquidation) [2024] NSWSC 729
Supreme Court of New South Wales
McGrath J
Personal property securities - MCA was incorporated in 2007 and carried on business as a civil construction contractor, providing services including the drilling and installation of temporary and permanent ground anchors, rock bolting and rock face stabilisation, soil nailing, micro piling and shot concreting - in 2023, MCA was placed into a members' voluntary liquidation - the same person was the sole director of MCA and of Tarenast, which engaged in the business of hiring out plant and construction equipment - Tarenast applied for a declaration that a fixed and floating charge granted by MCA to Tarenast in 2009 had been continuously perfected for the purposes of s56 of the *Personal Property Securities Act 2009* (Cth) (PPSA) and had not vested in MCA by the operation of either s588FL of the *Corporations Act 2001* (Cth) or s267 of the PPSA - held: the terms of the Tarenast security interest plainly fall within the definition of a "security interest" in s12 of the PPSA - the Tarenast security interest was both a "transitional security interest" under s308 of the PPSA and a "migrated security interest" under s 332 - therefore, subject to the Court's determination concerning purported defects in the registration, the registration of the Tarenast security interest did not cease to become effective, and as such was continuously perfected during the relevant period - the Court rejected the argument that the Tarenast registration was ineffective by reason of one or more seriously misleading defects and that it therefore vested in MCA - the Tarenast security interest did not vest in MCA upon the winding up of MCA by operation of s588FL(4) of the *Corporations Act* or either of s267 or s267A of the PPSA - declaratory relief granted.
View Decision (I B C)
[From Benchmark Thursday, 20 June 2024]

Colbert (a pseudonym) v Trustees of the Christian Brothers [2024] VSC 309
Supreme Court of Victoria
O'Meara J
Historical sexual abuse - an 83 year old plaintiff claimed to have been physically and sexually abused by two Brothers approximately during 1952 until 1955, while he was a student at St Paul's Technical College, Ballarat - the Brothers were long since deceased - the plaintiff claims to have suffered complex post-traumatic stress disorder for which the defendant was vicariously liable and liable in negligence - the defendant sought that the proceedings be permanently stayed pursuant to r23.01 of the *Supreme Court (General Civil Procedure) Rules 2015* (Vic) or the inherent jurisdiction of the Court - held: the grant of a permanent stay to prevent an abuse of process involves an ultimate decision that permitting a matter to go to trial and the rendering of a verdict following trial would be irreconcilable with the administration of justice through the operation of the adversarial system - only an exceptional case justifies the exercise of the power

of a court to permanently stay proceedings - the party seeking a permanent stay bears the onus of establishing more than a mere risk that a trial may be unfair: that party must establish that the trial will be so unfair or will involve such unfairness or oppression as to be an abuse of process - it may be accepted that the plaintiff's memory was faded, affected by 'material contradiction', and even affected by 'cognitive decline, that many potential witnesses identified by the defendant are dead or their whereabouts are unknown, and that various categories of relevant contemporaneous documents were unavailable - however, these were the usual consequences of the passing of decades, and could not constituted exceptional circumstances - even if relevant witnesses were still alive and able to be called, the most likely outcome would have been that the defendant would have determined to make the most of the documentary material alone - in personal injuries litigation, collateral or circumstantial considerations are quite commonly deployed for the purpose of displacing a plaintiff's substantive claims, and, in the present case, that that fundamental and quite common feature of personal injury cases seemed to remain firmly within the arsenal of the defendant - application for a permanent stay of the proceeding refused.
Colbert (a pseudonym) (I)
[From Benchmark Monday, 17 June 2024]

Jens v The Society of Jesus in Australia [2024] VSC 329
Supreme Court of Victoria
Ierodiaconou AsJ
Historical sexual abuse - the sexually abused by a Jesuit priest while student boarder at Xavier College in Melbourne in 1968 and 1970 - the plaintiff had signed settlement deeds in 2011 releasing the defendant from claims relevant to the abuse in return for $150,000 and the costs of boarding the plaintiff's two sons at the College - the plaintiff now applied to set aside the settlement deeds in whole, pursuant to s27QD and s27QE of the *Limitations of Actions Act 1958* (Vic) - held the question was whether it is just and reasonable to set aside the settlement deeds, whether wholly or in part - at the time of negotiating the settlement deed, the plaintiff's claim was subject to a time limitation barrier and a legal identity barrier - these legal barriers materially impacted the plaintiff's decision to enter into the settlement deed - the plaintiff received legal advice before negotiating the settlement deed, but did not have legal advice while negotiating the deed or regarding the quantum of the settlement - save for the legal barriers, the plaintiff had a good prospect of success if he proceeded to trial when he entered into the settlement deed - the compensation paid to the plaintiff was heavily discounted in comparison to the damages that he might be awarded now - the effluxion of time causes prejudice, but the defendant had not identified any material prejudice by reason that would make it not just and reasonable to set aside the settlement deeds - it was just and reasonable to set aside the settlement deeds.
Jens (I)
[From Benchmark Friday, 21 June 2024]

Carey-Schofield v Hays & Civeo [2024] QSC 60

Supreme Court of Queensland
Crow J
Negligence - the plaintiff suffered personal injury in the course of his employment with a labour-hire firm, Hays - he brought an action in negligence against Hays and Civeo Pty Ltd, alleging that he was assigned by Hays to Civeo to perform work as directed by Civeo at Civeo's accommodation village at Dysart - Hays claimed contribution against Civeo under s6 of the *Law Reform Act 1995* (Qld) - held: both defendants owed the plaintiff a non-delegable duty of care to take precautions against risk of injury that was foreseeable and not insignificant - the proper assessment of the alleged breach of duty depends on the correct identification of the relevant risk of injury, because it is only then that an assessment can take place of what a reasonable response to that risk would be - the risk of injury to the plaintiff arose as a result of the placing of the garbage bags on the ground in his workspace - the resulted injury was foreseeable and not insignificant as against Hays under s305B of the *Workers' Compensation and Rehabilitation Act 2003* (Qld), and as against Civeo under the common law - both defendants breached their duty of care to the plaintiff - the defendant's system of work was to have the bin liners placed immediately in the rear of the utility to avoid the creation of a trip hazard - the incident occurred quite quickly and the plaintiff had stepped back in reaction to the presence of a wasp, which did sting him on the left inside wrist - the defendants had not discharged their onus of showing that the plaintiff acted without due care for his own safety - general damages of$37,920 awarded against Hays and $70,000 awarded against Civeo - total damages of about $504,000 awarded against Hays and about $873,000 awarded against Civeo - as to the contribution sought by Hays from Civeo, Civeo ought to be found 75% responsible for the injury sustained by the plaintiff and Hays ought to be found responsible for 25% - Hays therefore to recover contribution from Civeo of about $472,000 pursuant to s6(c) of the *Law Reform Act*.
Carey-Schofield (B C I)
[From Benchmark Monday, 17 June 2024]

Garling v Patiniotis [2024] TASSC 29
Supreme Court of Tasmania
Brett J
Medical negligence - the plaintiff claimed the defendant had negligently performed a stapled haemorrhoidectomy, leaving her with permanent and disabling injury, with ongoing symptoms causing pain and affecting the operation of her bowels and gastrointestinal system - the defendant denied negligence in performing the procedure, and also denied that the procedure had caused the plaintiff's current problems - held: a medical practitioner has a duty to exercise reasonable care and skill in the provision of medical treatment, and the standard of care and skill is that of the ordinary skilled person exercising and professing to have that special skill - the plaintiff did not attack the defendant's choice of procedure nor identify any specific aspect of the procedure which amounted to negligence, but made a circumstantial case that the staple line was positioned too low in the anal canal, and that this could only have come about as a result of the negligent performance of one or more of the required steps of the procedure - in *Rogers v Whitaker* [1992] HCA 58; 175 CLR 479, the High Court made clear that it is the Court that must

ultimately determine the standard of reasonable care required of a medical practitioner by law, and whether that standard has been breached in a particular case, and that, while the Court will usually be assisted by expert opinion, it is not bound by it - the legislative response to that case, in particular s22 of the *Civil Liability Act 2002* (Tas), which provides for the conclusivity of widely accepted peer professional opinion, affects but does not overturn that fundamental principle - the only evidence of accepted medical practice here related to matters not in issue, such as the choice of procedure and the appropriate technique, and s22 was not relevant to the critical question as to the point at which the location of the staple line permits an inference of negligence - the Court was satisfied on the balance of the probabilities that the defendant inserted the staples in a position which was across or below the anatomical position of the dentate line - the defendant had therefore breached his duty of care and skill - the Court accepted expert evidence that the there was a causal link between the negligent placement of the staples and the damage done to the plaintiff - judgment for the plaintiff, with damages assessed at about $750,000.
Garling (I)
[From Benchmark Thursday, 20 June 2024]

Executive Summary and (One Minute Read)

Food and Drug Administration v Alliance for Hippocratic Medicine (SCOTUS) - Plaintiff pro-life doctors and medical associations challenged Food and Drug Administration (FDA) decision to relax prescribing restrictions on a drug used to terminate pregnancies. The Court held the plaintiffs lacked standing to challenge the FDA decision

Summaries With Link (Five Minute Read)

Food and Drug Administration v Alliance for Hippocratic Medicine [2024] 602 US ___
Supreme Court of the United States
In 2021, the Food and Drug Administration (FDA) relaxed regulations for prescribing mifepristone, an abortion drug, to make the drug more accessible to women. The plaintiffs, consisting of pro-life doctors and medical associations, brought suit, alleging that the FDA regulations violated the *Administrative Procedure Act*. The District Court granted plaintiffs an injunction. The Court of Appeals found that plaintiffs had standing to sue and were likely to win on the merits. Reversing the lower courts, a unanimous Supreme Court held that the doctors and medical societies lacked standing to bring suit. Article III of the US Constitution limits the jurisdiction of federal courts to actual cases and controversies. The Court said that this is a matter of separation of powers. General complaints about how the government conducts its business are matters for the legislative and executive branches, not the judiciary. To establish standing, a plaintiff must demonstrate that (1) the plaintiff will likely suffer an injury in fact; (2) that the injury would likely be caused by the defendant; and (3) that the injury can be redressed by judicial relief. The plaintiffs are pro-life and do not prescribe the abortion drug. Nothing contained in the FDA regulations requires doctors to prescribe this drug. In short, the plaintiffs are acting to restrict the availability of the drug to others. While plaintiffs argued that they have suffered injury because doctors may suffer conscience objections when forced to perform abortions or perform abortion related treatment, the argument failed because federal conscience laws explicitly protect doctors from being required to perform abortions or other treatment that violates their consciences. The Court also rejected arguments that, if plaintiffs were not allowed to sue, then no one would have standing to challenge the FDA's actions. The Court said that even if this were true, it could not create standing and that some issues must be dealt with through the political and democratic processes and not the courts.
Food and Drug Administration

Poem for Friday

"Hope" is the thing with feathers (314)

By Emily Dickinson (10 December, 1830-15 May, 1886)

Hope is the thing with feathers -
That perches in the soul -
And sings the tune without the words -
And never stops - at all -

And sweetest - in the Gale - is heard -
And sore must be the storm -
That could abash the little Bird
That kept so many warm -

I've heard it in the chillest land -
And on the strangest Sea -
Yet - never - in Extremity,
It asked a crumb - of me.

Emily Dickinson https://en.wikipedia.org/wiki/Emily_Dickinson
Emily Dickinson Museum https://en.wikipedia.org/wiki/Emily_Dickinson_Museum

Hope is the thing with feathers, sung by Nazareth College Treble Choir, Linehan Chapel, Nazareth College
https://www.youtube.com/watch?v=gDlSo4hEzmE

Recitation by **Patricia Conolly**. With seven decades experience as a professional actress in three continents, Patricia Conolly has credits from most of the western world's leading theatrical centres. She has worked extensively in her native Australia, in London's West End, at The Royal Shakespeare Company, on Broadway, off Broadway, and widely in the USA and Canada.
Her professional life includes noted productions with some of the greatest names in English speaking theatre, a partial list would include: Sir Peter Hall, Peter Brook, Sir

Laurence Olivier, Dame Maggie Smith, Rex Harrison, Dame Judi Dench, Tennessee Williams, Lauren Bacall, Rosemary Harris, Tony Randall, Marthe Keller, Wal Cherry, Alan Seymour, and Michael Blakemore.

She has played some 16 Shakespearean leading roles, including both Merry Wives, both Viola and Olivia, Regan (with Sir Peter Ustinov as Lear), and The Fool (with Hal Holbrook as Lear), a partial list of other classical work includes: various works of Moliere, Sheridan, Congreve, Farquar, Ibsen, and Shaw, as well as roles such as, Jocasta in Oedipus, The Princess of France in Love's Labour's Lost, and Yelena in Uncle Vanya (directed by Sir Tyrone Guthrie), not to mention three Blanche du Bois and one Stella in A Streetcar Named Desire.

Patricia has also made a significant contribution as a guest speaker, teacher and director, she has taught at The Julliard School of the Arts, Boston University, Florida Atlantic University, The North Carolina School of the Arts, University of Southern California, University of San Diego, and been a guest speaker at NIDA, and the Delaware MFA program.

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