



Insurance Banking & Construction

A Daily Bulletin listing Decisions of Superior Courts of Australia

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Executive Summary (1 minute read)

Australian Equity Investors, An Arizona Ltd Partnership v Colliers International (NSW) Pty Ltd (No. 3) - s52 *Trade Practices Act* 1974 (Cth), s53A - application to vary earlier orders - security for costs (I, B, C)

Allen (Trustee), in the matter of Allen's Asphalt Staff Superannuation Fund v Commissioner of Taxation - *Taxation Administration Act* 1953 (Cth) - time to lodge an appeal extended (B)

Mentha, in the matter of The Griffin Coal Mining Company Pty Ltd (administrators appointed) - *Corporations Act* 2001 (Cth) - administrators seeking orders & directions pursuant to s447A & s447D (B)

ACTEW Corporation Ltd v Mihaljevic & Ors - Negligence - breach of statutory duty - building certifiers - plaintiff's claim against first defendant dismissed (I, C)

The State of Western Australia v Olive - *Road Traffic Act* 1974 (WA) - criminal law - causation (I)

Clayton Utz Lawyers v P & W Enterprises Pty Ltd - *Legal Profession Act* (Qld) 2007 whether bills constituted 'itemised bills' (I, B, C)



International Business Machines Corporation v Giovanni G. Visentin, - United States case - employment law - application for preliminary injunction (I, B)

Summaries with links (5 minute read)

Friday 18 February 2011

Australian Equity Investors, An Arizona Ltd Partnership v Colliers International (NSW) Pty Ltd (No 3) [2011] FCA 100

Federal Court of Australia

Cowdroy J (in Sydney)

s52, s53A *Trade Practices Act* 1974 (Cth) - application to vary earlier orders requiring that all issues in the proceedings be determined at a single hearing, & an order made on requiring security for costs - allegation of misleading & deceptive conduct - property valuation – the United Kingdom & Australian case law considered.

[Australian Equity Investors](#) (I, B, C)

Allen (Trustee), in the matter of Allen's Asphalt Staff Superannuation Fund v Commissioner of Taxation [2011] FCA 108

Federal Court of Australia

Logan J (in Brisbane)

Taxation Administration Act 1953 (Cth) - special income provision: s273 - time to lodge an appeal extended.

[Allen](#) (B)

Mentha, in the matter of The Griffin Coal Mining Company Pty Limited (administrators appointed) [2011] FCA 104

Federal Court of Australia

Gilmour J (in Perth)

Corporations Act 2001 (Cth) - administrators seeking orders & directions pursuant to s447A & s447D - long term coal supply contract - limitation of liability of administrators.

[Mentha](#) (B)



ACTEW Corporation Ltd v Mihaljevic & Ors [2011] ACTSC 23

Supreme Court of the Australian Capital Territory

Gray J

Negligence - breach of statutory duty - building certifiers - plaintiff was at the relevant time responsible for sewerage network in the Australian Capital Territory - plaintiff has settled its claim against second & third defendants (second defendant a company operated by the third defendant, a licensed builder); plaintiff proceeding against first defendant certifier alleging breach of statutory duty & negligence in respect of approval of building work comprising extensions to existing dwelling where building extensions to property were constructed over a sewerage line & encroached on a sewerage easement - plaintiff claiming as economic loss the cost to it of relocating the sewer - vulnerability - plaintiff's claim against first defendant dismissed - detailed examination of *Building Act 1972* (ACT), other ACT legislation & Australian case law.

[ACTEW Corporation](#) (I, C)

The State of Western Australia v Olive [2011] WASCA 25

Court of Appeal of Western Australia

McLure P, Buss JA & Mazza J

Road Traffic Act 1974 (WA) - criminal law - causation - appeal against conviction by offender - three counts of dangerous driving occasioning death - three deaths - appellant contending counsel there was insufficient evidence to conclude that the manner of her driving & the three deaths were causally connected - appeal against sentence by the State - both appeals dismissed - extensive consideration of Australian case law.

[Olive](#) (I)

In the District Court of Queensland...

Clayton Utz Lawyers v P & W Enterprises Pty Ltd [2011] QDC 5

District Court of Queensland

Reid DCJ

Legal Profession Act (Qld) 2007 - costs - whether bills constituted 'itemised bills' - detailed examination of legislation & case law.

[Clayton Utz Lawyers](#) (I, B, C)



From the United States of America...

International Business Machines Corporation v Giovanni G Visentin, 11 Civ 399 (LAP)

United States District Court, Southern District of New York

Loretta A Preska, Chief United States District Judge

Employment law - application for preliminary injunction to enforce non-competition agreement denied.

[IBM](#) (I, B)

[US District Court • Southern District of New York](#)

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