

Selected Cases

Corporations

- ***Ingot Capital Investments Pty Ltd v Macquarie Equity Capital Market Ltd*** (2008) 73 NSWLR 653
Overview: Corporate capital raising – Director’s duties – Common law duties of advisors
- ***Ingot Capital Investments Pty Ltd v Macquarie Equity Capital Markets (No 6)*** (2007) 63 ACSR 1
Overview: Corporate capital raising – Director’s duties – Common law duties of advisors
- ***Australian Securities and Investments Commission (ASIC) v Krecichwost*** (2007) 213 FLR 314, led by M Ashhurst SC
Overview: Financial services
- ***HP Mercantile Pty Ltd, Re; Tumut River Orchard Management (in liq)*** (2009) 76 ACSR 277
Overview: Managed investment schemes – Insolvency
- ***Re Bonheur Holdings Pty Ltd*** (2019) 141 ACSR 409; [2019] NSWSC 1434
Overview: Statutory demands – Insolvency – Meaning of genuine dispute as to liability – Defects in statutory demand leading to substantial injustice

Insurance & Reinsurance

- ***Todd v Alterra at Lloyds Ltd*** (2016) 239 FCR 12, led by R McHugh SC
Overview: Coverage for third party financial services claims - Insolvency
- ***New Cap Reinsurance Corp Ltd v Daya*** (2008) 216 FLR 126
Overview: Coverage - Director’s liabilities

Equity

- ***Australian Financial Services and Leasing Pty Ltd v Hills Industries Ltd*** (2014) 253 CLR 560, led by B W Walker SC
Overview: Unjust enrichment - Change of position defence - Restitution
- ***Hills Industries Ltd v Australian Financial Services & Leasing Pty Ltd; Australian Financial Services & Leasing Pty Ltd v Bosch Security Systems Pty Ltd*** (2012) 295 ALR 147
Overview: Unjust enrichment - Change of position defence - Restitution
- ***Australian Financial Services & Leasing Pty Ltd v Hills Industries Ltd*** [2011] NSWSC 267
Overview: Unjust enrichment - Mistake - Change of position defence
- ***O’Connor v O’Connor*** [2018] NSWCA 214, led by E A Cheeseman SC (as her Honour then was)
Overview: Breach of fiduciary and director duties in closely held company

Public/Administrative

- ***Agricultural Societies Council of NSW v Christie*** (2016) 340 ALR 560
Overview: Public law - Apprehended bias - Fairness - Remedies
- ***Rahman v Commissioner of Taxation*** [2017] FCA 1128
Overview: Judicial review - Scope to re-open and review administrative decisions

Property

- **Sentinel Orange Homemaker Pty Ltd v Davis Investment Group Holdings Pty Ltd (in liq)** (2021) 20 BPR 41,497; [2021] NSWSC 550
Overview: Contract interpretation – validity of termination – meaning of ‘reasonable endeavors’
- **DPG Project 33 Pty Ltd v Aqualand Chatswood 3 Pty Ltd** [2020] NSWSC 1663, led by I Jackman SC (as his Honour then was)
Overview: Options – contract interpretation – effective exercise of option – assignment of rights
- **Allen Taylor & Co Pty Ltd t/as Boral Timber v Harrison** (2010) 15 BPR 28,505
Overview: Caveats – nature of caveatable interest
- **Singh v Walk Pty Ltd** (2015) 18 BPR 35,145
Overview: Real property - Deposit - Forfeiture
- **Cuzeno Pty Ltd v Owners - Strata Plan 65870** [2013] NSWSC 1385
Overview: Real property - Easements - Creation - Necessity for effective use
- **St George Bank (A Division of Westpac Banking Corporation) v Zhang** [2013] NSWSC 1418
Overview: Mortgage – Subdivision of land and impact on security
- **St George Bank (A Division of Westpac Banking Corporation) v Zhang (No 2)** [2013] NSWSC 1455
Overview: Subdivision of land and impact on security
- **Tran v Perpetual Trustees Victoria Ltd** [2012] NSWSC 1560
Overview: Banking and finance - Borrowings - Fraud - Charges to loan account – *Contracts Review Act* and scope of remedies

Building & Construction

- **Ceeroose Pty Ltd v A-Civil Aust. Pty Ltd** [2024] NSWCA 7
Overview: *Security of Payment* – adjudicator’s decision far removed from parties’ contentions jurisdictional error – procedural fairness – reasonable anticipation of basis of decision and submissions about same
- **Ceeroose Pty Ltd v A-Civil Aust. Pty Ltd** (2023) 112 NSWLR 225, led by F Hicks SC
Overview: *Security of Payment* – jurisdictional error – adjudicator’s obligation to investigate merits – adjudicator’s right to payment where only part of adjudication subject to jurisdictional error - setting aside as to part and confirmation of the balance
- **Ceeroose Pty Ltd v A-Civil Aust. Pty Ltd** [2023] NSWCA 144, led by F Hicks SC
Overview: *Security of Payment* – jurisdictional error – payment in pending final hearing – principal not entitled to investigation builder’s financial solvency through document production
- **Ceeroose Pty Ltd v A-Civil Aust. Pty Ltd** [2023] NSWSC 401, led by F Hicks SC
Overview: *Security of Payment* – jurisdictional error – essential requirements of statute – procedural fairness obligation to consider submissions duly made - severance under s. 32A
- **Ceeroose Pty Ltd v A-Civil Aust. Pty Ltd** [2023] NSWSC 239, led by F Hicks SC
Overview: *Security of Payment* – jurisdictional error – severance and setting aside of adjudications decisions where there is jurisdictional error and confirmation of the balance

- ***Ceeroose Pty Ltd v A-Civil Aust. Pty Ltd*** [2022] NSWSC 1487
Overview: *Security of Payment* – interim injunction – payment out of adjudication moneys paid in pending final hearing
- ***Iridium Developments Pty Ltd v A-Civil Aust. Pty Ltd*** [2021] NSWSC 1601
Overview: *Security of Payment* – what is a jurisdictional error – whether s. 13(4)(b) is a jurisdictional fact
- ***EQ Constructions Pty Ltd v A-Civil Aust. Pty Ltd*** [2021] NSWSC 1604
Overview: *Security of Payment* – what is a jurisdictional error – whether s. 13(4)(b) is a jurisdictional fact
- ***Duynstee v Dickens and Dickens t/as NRJ Irrigation Systems*** [2009] NSWSC 292
Overview: Building contracts – Progress claim – Validity
- ***Gibson (NSW Fair Trading) v Graham*** [2013] NSWSC 1909
Overview: Unlicensed building work
- ***Owners - Strata Plan No 84741 v Nazero Constructions Pty Ltd*** [2016] NSWSC 832
Overview: Contract - Terms and conditions - Deed of release

Partnership

- ***Comlin Holdings Pty Ltd v Metlej Developments Pty Ltd*** [2018] NSWSC 761, led by Newlinds SC (as his Honour then was)
Overview: Partnerships and joint ventures - Agreement to purchase and develop – Abandonment – Laches - *Limitations Act* defences
- ***Comlin Holdings Pty Ltd v Metlej Developments Pty Ltd*** [2019] NSWCA 62, led by J Stoljar SC
Overview: Judges - Recusal - Apprehended bias
- ***Comlin Holdings Pty Ltd v Metlej Developments Pty Ltd*** (2019) 99 NSWLR 447, led by J Stoljar SC
Overview: Evidence - Further evidence on appeal
- ***Comlin Holdings Pty Ltd v Metlej Developments Pty Ltd (no. 3)*** [2019] NSWCA 214, led by J Stoljar SC
Overview: Partnership – Existence

Insolvency

- ***Re Meglo-Yowrie Flat Units Pty Ltd*** [2023] NSWSC 1634
Overview: Circumstances in which it is appropriate to wind up company where sole asset is real property in which shareholders reside – oppression of minority – registration of shareholding where purchase in breach of constitution
- ***Sentinel Orange Homemaker Pty Ltd v Bailey, Davis Investment Group Holdings Pty Ltd (in liq) (No 2)*** [2022] FCA 1200
Overview: External administration – challenge to liquidator's decision of market value – best evidence of valuation of realty
- ***Primavera v Bakos*** [2018] NSWSC 142
Overview: Deed of settlement with liquidator - Retroactive approval
- ***LB Schofields One Pty Ltd v Trevet Property Pty Ltd*** [2015] FCA 1416
Overview: Statutory demands - Setting aside

- ***Accord Pacific Holdings Pty Ltd v Gleeson as Liquidator of Accord Pacific Land Pty Ltd (in liq)*** [2011] NSWSC 1021, led by M Aldridge SC (as his Honour then was)
Overview: Liquidators - Removal - Bias
- ***HP Mercantile Pty Ltd v Crouch, Re; Tumut River Orchard Management Ltd (in liq)*** [2009] FCA 1492
Overview: Examination of persons - Abuse of process - Production of documents

Commercial

- ***Illawarra Community Housing Trust Ltd v MP Park Lane Pty Ltd*** [2020] NSWSC 751, led by I Jackman SC (as his Honour then was)
Overview: Contract - expert determination – interpretation – whether void for uncertainty
- ***Arcaba v K & K Real Estate Pty Ltd*** [2016] NSWSC 1793
Overview: Contract - Oral - Formation
- ***Consulting Pty Ltd v JPD Media and Design Pty Ltd t/a Durie Design*** [2017] NSWSC 1171, led by L Einstein
Overview: Contract - Oral and written agreement - Termination
- ***Curnow Consulting Pty Ltd v JPD Media and Design Pty Ltd t/a Durie Design (No 2)*** [2018] NSWSC 28
Overview: Contract - Wrongful termination - Damages
- ***Palin v Vetterli*** [2013] NSWSC 893
Overview: Contract – Misrepresentation – Setting aside
- ***QLD Holdings - 1 Pty Ltd v Collingwood Holdings Pty Ltd*** [2009] NSWSC 732
Overview: Contract - Incompleteness