



What's News?

Property, Planning & Environment

18 August 2010

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National

Australia's first aircraft noise ombudsman

28 July 2010

Federal Minister for Transport, Anthony Albanese, has announced the creation of Australia's first independent aircraft noise ombudsman. The independent ombudsman will be responsible for reviewing the handling of complaints or enquiries made to Airservices Australia about aircraft noise; monitoring and reporting on the effectiveness of the presentation and distribution of aircraft noise-related information; and making recommendations to the board of Airservices for improvement [More...](#)

Goliath fights back against David in PNG mine battle

29 July 2010

The mining boom is facing an unexpected threat, with new legislation that seeks to protect resource companies from any challenge to approved projects, including both legal action and protests. Amendments to the Environment Act, shelters resource projects from all litigation over the destruction of the environment, labour abuse, or landowner exploitation [More...](#)

ACCC takes first action to enforce termination fee rules

27 July 2010

The ACCC has taken its first action to protect water trade markets, accepting court enforceable undertakings from Murray Irrigation Limited (MIL) for multiple breaches of the Water Charge (Termination Fees) Rules 2009 [More...](#)

Local government constitution vote

27 July 2010

The campaign for constitutional recognition of local government is receiving bipartisan support at the federal level [More...](#)

Interim Report wants changes to BER program

6 August 2010

An investigation into the Government's \$16.2 schools building program has called for changes to how future projects are administered and tougher rules on what constitutes value for money. The Building the Education Revolution (BER) Taskforce, headed by banker Brad Orgill, has released its interim report into the program, which has been beset by claims of waste and profiteering [More...](#)

REIQ: Fees create confusion for homebuyers

26 July 2010

The Real Estate Institute of Australia president says conveyancing fees are regulated in some states, while in others selling commissions are monitored and lawyers are required to prepare contracts. A Council of Australian Governments committee is working on a nationalised system, but Mr Airey warns it is likely to be based on that used in NSW or Victoria, disadvantaging those in states that already have simpler systems [More...](#)

Governments vow to learn bushfire lessons

3 August 2010

The response to the Royal Commission's final report into the 2009 Victorian bushfires has been swift, with other states vowing to learn the lessons of the disaster and the establishment of a national research institute into bushfires [More...](#)

Victoria

Record housing build to ease pressure on Victorian families

6 August 2010

The Brumby Labor Government's record commitment to public and social housing will help ease pressure on the housing waiting list across the state, Housing Minister Richard Wynne said today. The pressure on public housing reflects the wider housing market, where we have record private rental values, historically low vacancy rates and strong population growth right across Victoria [More...](#)

\$36 Million boost for hospitals in Melbourne's west

6 August 2010

Western Health and the Werribee Mercy Hospital will receive \$36 million in new capital works as part of the historic health agreement between the Victorian State and Commonwealth Labor Governments. The historic health agreement reached at the COAG in April will deliver additional investment now and into the future [More...](#)

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Planning permits approved for naval and military club, old power station

5 August 2010

Two major developments at the site of the former Naval and Military Club in Little Collins Street and the former power station site on the corner of Lonsdale and Spencer Streets have been given conditional planning approval. These approvals follow recommendations from the new Central City Standing Advisory Committee, a joint City of Melbourne and State Government committee formed to assess developments over 25,000 square metres [More...](#)

Councils will need extra funding to address commission findings

5 August 2010

Councils responsible for implementing the recommendations of the Royal Commission into the Victorian Bushfires will need more state funding to make their communities safe, according to the peak local government body [More...](#)

Power firms urged to offer bushfire compo

3 August 2010

A Warrnambool lawyer wants victims of south-west Victoria's Black Saturday bushfires to be compensated by electricity distributors. The Bushfires Royal Commission report says the fires at Coleraine and Pomborneit were caused by powerlines breaking [More...](#)

Kilmore East bushfire plays on SP AusNet

3 August 2010

Analysts have downgraded SP AusNet on concerns over litigation against the company stemming from the 2009 Victorian bushfires. Deutsche Bank and Credit Suisse both took their knives out after the final report from the Victorian Bushfires Royal Commission concluded that five of the 11 major fires were started by failed electricity assets, including the devastating Kilmore East fire [More...](#)

Victorian schools building an education revolution

5 August 2010

The recession-busting Building the Education Revolution (BER) continues to provide better schools for Victorian children and support more than 7000 jobs – with almost 300 projects due for completion this month. Education Minister Bronwyn Pike said 89 per cent of the Primary Schools for the 21st Century (P21) and Science and Language Centres (SLC) projects were now underway or complete.

Apartment towers approved for central Melbourne

5 August 2010

The Victorian Government has given conditional planning approval for four new residential towers, containing more than 2,000 apartments, will be built in Melbourne's city centre. The National Trust's Rohan Storey states this is a bad precedent for heritage buildings in the city, that they can be completely, almost completely built over [More...](#)

Lake Mokoan handed over to Winton Wetlands Committee

5 August 2010

The biggest wetland restoration in the Southern Hemisphere will soon get underway with Lake Mokoan handed over to the Winton Wetlands Committee of Management. Minister for Environment and Climate Change Gavin Jennings said the committee will oversee the \$20 million environmental project to restore the 8000 hectare wetland system and create a significant tourist attraction and environmental asset for North East Victoria [More...](#)

Strong progress on rooming house reforms

5 August 2010

The Brumby Labor Government's \$77.2 million rooming houses reform package has already helped 75 vulnerable children and their parents move into more appropriate crisis accommodation, Housing Minister Richard Wynne and Consumer Affairs Minister Tony has Robinson announced.

Local group 'shattered' by boat ramp development

4 August 2010

A group opposed to the construction of a new boat ramp near Mallacoota says it is shattered by a council decision to support the development [More...](#)

Retrofit to create 3000 green manufacturing jobs

3 August 2010

The green retrofit of 1200 Melbourne buildings will create 3000 jobs in Victoria's manufacturing supply chain over the next 10 years, according to a new report, compiled by Arup and commissioned by VMIC

The Brumby Labor Government will also be supporting the City of Melbourne's 1200 Buildings retrofit program with a \$500,000 grant through the Jobs for the Future Economy action plan [More...](#)

Regional airports funded to tune of \$26 million

1 August 2010

Victoria's regional and rural airports are becoming hubs for fighting fires, responding to agricultural threats such as locusts and driving new business growth as part of a \$26.8 million Brumby Labor Government program to drive improvements at airports across the state [More...](#)

2009 Victorian Bushfires Royal Commission Report tabled

31 July 2010

Premier John Brumby tabled the final report of the 2009 Victorian Bushfires Royal Commission in the Parliament of Victoria and released it immediately to the public, saying his thoughts were today with the people and communities affected by the bushfires.

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Nation leading climate change action to be enshrined for future generations

29 July 2010

A 20 per cent cut in greenhouse gas emissions by 2020 will be enshrined in law by a bill introduced to Parliament by the Premier John Brumby today. Climate Change Bill 2010 sets a new requirement for Victoria's emissions and climate science to be reported on every two years. The Bill includes amendments to the Environment Protection Act which will also enable greenhouse gas emissions to be considered in licensing and works approvals for industrial and commercial sites [More...](#)

Brumby unveils climate white paper: report

27 July 2010

Victorian premier John Brumby has unveiled a climate change white paper containing a plan that would require millions of dollars in federal support as well as a national carbon price.

New laws to take native title claims out of courts

29 July 2010

The Victorian Government has introduced legislation into Parliament that could take native title resolution out of the Federal Court. The framework would allow Indigenous groups to settle with the Government out of court, if they drop current native title claims and agree not to lodge future claims [More...](#)

Personal properties securities reforms slash red tape

29 July 2010

The Brumby Labor Government has introduced into Parliament legislation designed to repeal and amend the laws that govern the regulation and registration of security interests in Victoria to make way for the new Commonwealth-administered system. These reforms will eliminate the confusion, slash the red tape and the hidden costs associated with registering and monitoring security interests taken out by lenders over borrowers' personal property.

The new national registration system was expected to commence in May 2011 [More...](#)

Brumby wants compensation to close power station

27 July 2010

Victorian Premier John Brumby wants Commonwealth cash to help pay compensation to close down a quarter of Australia's dirtiest power station by 2014. Hazelwood's owner, International Power Australia, says it is reviewing the proposal and there is no agreement [More...](#)

Financial advisor faces \$25 million lawsuit

28 July 2010

Melbourne based green technology group Ceramic Fuel Cells, has begun a \$25 million case against Oakvale Capital, a financial advisory firm used by a number of councils across Australia. If IMF wins the suit and the \$25 million damages payment is not covered by Oakvale's insurance, the litigation funder will take action against rating agencies that graded the investment structures [More...](#)

Reforms to fine tune local government act for better governance

Following extensive consultation with councils and communities, Mr Wynne has introduced to Parliament proposed changes to the Local Government Act, which aim to fine tune conflict of interest rules and update electoral representation review legislation. The Bill deals with a number of practical issues raised during the review, while retaining and extending the important work that was done in 2008 to strengthen local governance for Victorian communities. It proposes a number of other improvements to the Local Government Act and introduces amendments to the City of Melbourne Act 2001 and the Planning and Environment Act 1987. [More...](#)

A summary document of the local government reforms can be downloaded at www.localgovernment.vic.gov.au and the full text of the Bill can be downloaded at www.legislation.vic.gov.au

Queensland

Draft South Brisbane neighbourhood plan cleared for public consultation

4 August 2010

Minister for Infrastructure and Planning Stirling Hinchliffe has provided conditional approval of Brisbane City Council's (BCC's) draft South Brisbane Riverside Neighbourhood Plan, after he had assessed council's draft plan. In Precinct 7, council's draft building heights have been reduced to the existing maximum due to limited access to shops, schools and other social infrastructure in that area [More...](#)

Queensland Toward Q2 Green Target: To protect 50% more land

2 August 2010

The state government's vision Towards Q2: Tomorrow's Queensland includes protection of our lifestyle and environment framed around five ambitions that address current and future challenges. The vision commits to a specific green space target of protecting 50% more land for nature conservation and public recreation by 2020 [More...](#)

Rail scheme residents to get compo

27 July 2010

The Queensland Government has bought 44 properties and will reclaim all or part of another 200 to accommodate the Gold Coast light rail system. The communications manager of the rapid transit project, says the affected land been divided into eight packages and compensation forms have been sent to property owners in the first group [More...](#)

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Queensland mine to face environmental charges

28 July 2010

The Queensland government has charged the Aditya Birla Minerals Ltd's Mount Gordon copper mine in northwest Queensland with 19 offences for failing to meet its environmental obligations. These include one count of failing to improve on site water management and 18 counts of failing to comply with the Environmental Authority and to decrease the risk of environmental harm [More...](#)

Articles

National

Getting the fundamentals right for Australia's infrastructure priorities / Australian Government Infrastructure Australia

Source: Canberra: Infrastructure Australia, 2009; pp67
Infrastructure; Land transport infrastructure; National Broadband Network; Energy organisations; Water supply; Aboriginal communities; Sustainable development; Government expenditure; Infrastructure Australia.

The cities we need / Jane-Frances Kelly

Source: [Carlton, Vic.] Grattan Institute, 2010; pp43
Cities and towns; Sustainable development; Town planning; Interstate comparisons; Australia overseas comparisons [More...](#)

Discussion paper: leading practice agreements : maximising outcomes from native title benefits / Jenny Macklin MP Minister for Families, Housing, Community Services and Indigenous Affairs, Robert McClelland MP Attorney-General

Source: [Canberra]: Dept. of Families, Housing Community Services and Indigenous Affairs, 2010; pp14
Native title; Aboriginal land rights; Compensation; Aborigines; Torres Strait Islanders;
Native Title Act 1993; Native title representative bodies; Indigenous Land Use Agreements (ILUAs) [More...](#)

Implications of population growth in Australia on urban water resources: / Water Services Association of Australia

Source: Melbourne: The Association, 2010; pp24
Water supply; Water consumption; Water resources; Water reclamation; Population growth;
Forecasting; Australian capital cities; Interstate comparisons; Statistics; Case studies.

Energy technology perspectives 2010: scenarios & strategies to 2050 / International Energy Agency

Source: Paris: International Energy Agency, 2010; pp706.
Energy consumption; Supply and demand; Climate change (Anthropogenic); Electricity generation; Sustainable development; Technological change; Industrial research and development; Alternative fuels; Renewable energy; Trends, Long term; Statistics; Australia overseas comparisons.

Wind turbines and health/ National Health and Medical Research Council.

Source: Canberra, A.C.T: National Health and Medical Research Council, 2010; 2 v.
Wind energy; Public health; Noise; Electromagnetic radiation; Risk; Reviews of research [More...](#)

Green Building Contracts: Considering the Roles of Consequential Damages & Limitation of Liability Provisions

Authors: Darren A. Prum; Stephen Del Percio
Green Building, Contract Remedies, Consequential Damages, Form Contract Exhibits, Green Building Litigation, Sustainable Construction [More...](#)

Coastal protection and climate change

Author: Peter Butt
Source: Australian Law Journal, 2010, Vol 84, No 7, July, pp421

Protecting views and solar access from neighbouring development

Author: Peter Butt
Source: Australian Law Journal, 2010, Vol 84, No 7, July, pp422

What constitutes trespass to land

Author: Peter Butt
Source: Australian Law Journal, 2010, Vol 84, No 7, July, pp423

Vendor representations by silence as to land contamination: misleading or deceptive conduct

Author: Peter Butt
Source: Australian Law Journal, 2010, Vol 84, No 7, July, pp424

Is a pipeline a fixture

Author: Peter Butt
Source: Australian Law Journal, 2010, Vol 84, No 7, July, pp425

Law of deeds revisited

Author: Peter Butt
Source: Australian Law Journal, 2010, Vol 84, No 7, pp427

Retirement villages and options to purchase

Author: Peter Butt
Source: Australian Law Journal, 2010, Vol 84, No 7, pp428

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Recent cases: Torrens system mortgagee vs mortgagor's tenant

Author: Justice P W Young

Source: Australian Law Journal, 2010, Vol 84, No 7, pp249

Practice notes/directions

National

ACCC issues guide to assist compliance: Water planning and management charges rules

27 July 2010

The ACCC has issued A Guide to the Water Charge (Planning and Management Information) Rules 2010. The Water Charge (Planning and Management Information) Rules 2010 commenced on 24 July 2010. These rules were based on advice provided by the ACCC, to the Minister for Climate Change, Energy Efficiency and Water, in July 2009. The guide is available from the ACCC.

Victoria

Announcements

The Community Planning and Development Program and Centre for Sustainable Regional Communities at La Trobe University, Bendigo Campus is hosting two planning and community related events. The Future of Australia's Mid-Sized Cities policy workshop will be held on September 28 and 29. The Sustainability of Australia's Country Towns conference will be held on September 30 and October 1.

The Amendment VC68 to expand Melbourne's Urban Growth Boundary, protect grasslands and plan for major transport infrastructure was ratified by parliament today and is now awaiting gazettal. The Brimbank, Casey, Greater Geelong, Hume, Melton, Mitchell, Moorabool, Whittlesea and Wyndham planning schemes will soon be amended to incorporate the changes. [Read more.](#)

Approved: Waste and recycling provisions changed

The Victoria Planning Provisions and all planning schemes have been amended to encourage new waste transfer and materials recycling facilities, while ensuring adequate environmental and amenity safeguards are in place. See Amendment VC69 for more information

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Legislation

Commonwealth

Administrative Arrangements Order

26 July 2010

Amended list of Matters dealt with by Government Departments and the Legislation administered by the Minister for each [More...](#)

Building Energy Efficiency Disclosure Determination 2010

23 July 2010

This Determination relates to obligations under sections 13, 15 and 21 of the Building Energy Efficiency Disclosure Act 2010 that a certificate must satisfy to constitute a Building Energy Efficiency Certificate, methods and standards for determining energy efficiency ratings and the manner in which an energy efficiency rating must be included in an advertisement [More...](#)

Building Energy Efficiency Disclosure (Disclosure Affected Buildings) Determination 2010

27 July 2010

This Determination specifies the kinds of buildings that are disclosure affected, and the kinds of areas of buildings that are disclosure affected [More...](#)

Water Charge (Planning and Management Information) Rules 2010

23 July 2010

These Rules regulate the publication of information for water planning and management charges in the Murray-Darling Basin as defined under section 91 of the Water Act 2007.

Victoria

Bills Introduced and Second Read in the first House

Bail Amendment Bill

Climate Change Bill

Consumer Affairs Legislation Amendment (Reform) Bill

Liquor Control Reform Amendment Bill

Local Government and Planning Legislation Amendment Bill

Mineral Resources Amendment (Sustainable Development) Bill

Personal Property Securities (Statute Law Revision and Implementation) Bill

Plant Biosecurity Bill

Private Security Amendment Bill

Subordinate Legislation Amendment Bill

Tourist and Heritage Railways Bill

Traditional Owner Settlement Bill

www.legislation.vic.gov.au

New South Wales

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Cases

National

Perpetual Trustee Company Limited (ACN 000 001 007) v Smith [2010] FCAFC 91

Contracts – respondents contracted with Money for Living for the sale of their homes in exchange for a lump sum payment, periodic instalments and a lease for life – Money for Living mortgaged property to appellant – Money for Living wound up – mortgagee sought to enforce rights under mortgage – whether lease prior in time to mortgage. Equity – priorities – general principles for determining priority of equitable interests – relevance of time of creation of interest – relevance of failure to caveat

Real property – Torrens Title – exceptions to indefeasibility in s42(2) Transfer of Land Act 1958 (Vic) – whether tenants are tenants in possession within the meaning of that term in s 42(2) (e) – whether mortgagee's registered interest takes priority over unregistered interests of tenants for life where tenancy entered into prior to execution of mortgage. Real property – mortgages – tenants in possession – registered proprietor mortgaged property subject of lease – whether mortgagee had notice of the fact that there were tenants in possession – constructive notice – whether necessary for tenants to caveat their interests – whether tenants engaged in postponing conduct. Real property – mortgages – time and creation of lease and mortgage – whether mortgage created before lease where contract of sale, mortgage and lease executed on the same day – whether the respondents were tenants in possession at the time the mortgage was executed and registered. Real property – contract for sale of land executed at the same time as a deed of agreement conferring to the vendor a lease for life – whether purchaser was capable of granting a lease to the vendor while vendor was still registered proprietor Real property – leases – whether lease for life void for uncertainty of duration – whether certainty of duration rule applies to periodic leases or leases for life. Real property – equitable vendors' liens – whether respondents had vendors' liens and whether liens took priority over registered mortgage – held that registered interest prevails [More...](#)

Victoria

Fenelon & Anor v Dove & Anor [2010] VSCA 187

Trespass to land – Unused road – Agricultural licence to use unused road – Rights of members of the public to pass over an unused road – Nuisance – Obstruction over unused road – Abatement of nuisance – Land Act 1958, ss 3A(3), 130, 130AB, 130AC, 349, 400, 401A, 402 and 407.

Pamamull v Albrizzi (Sales) Pty Ltd [2010] VSCA 185

Practice and procedure – Application for extension of time within which to file and serve Notice of Appeal – Delay both short and relatively inconsequential, with no prejudice to respondent – Proposed grounds tenable – Application for extension of time granted – Application for stay of execution, or of proceedings and/or orders made below – Stay refused- Property sales – Contracts [More...](#)

Re McDonald Family Trust No 1 [2010] VSC 324

Trusts – Variation – Trustee Act 1958, s 63A.

The trustee was Chateau Developments (No 2) Pty Ltd. The trust was established to own units in a unit trust which was to carry on a building business on behalf of the McDonald family [More...](#)

Porter v Porter (Real Property) [2010] VCAT 1206

Dispute between co-owners – whether timing of sale a factor to consider in the exercise of the Tribunal's discretion – just and fair sale [More...](#)

United Meridian Pty Ltd v Kingston CC [2010] VCAT 1214

Section 79 Planning and Environment Act 1987; Kingston Planning Scheme; Residential 1 Zone; Design and Development Overlay; Heritage Overlay; Major Activity Centre; Two-storey building; Dwellings; Car parking; On-site amenity [More...](#)

Parklea Developments v Cardinia SC [2010] VCAT 1215

Application under section 80 of the Planning and Environment Act 1987; Cardinia Planning Scheme; Business 1 Zone; Permit issued for use and development of a car wash; Permit application sought 24 hour operation; Condition restricts hours to 7.00am to 11.00pm; Impact of noise and patron behaviour on surrounding residential properties; Acoustic evidence requires works to address nearby existing and future dwellings [More...](#)

SPEC Property Development Pty Ltd v Boroondara CC [2010] VCAT 1216

Section 87A of the Planning and Environment Act 1987; Boroondara Planning Scheme; Eighty-one dwellings in a four storey apartment building; Local residential street; Neighbourhood character; Setbacks to boundaries; Site coverage; Visual bulk; Overlooking; Overshadowing; Traffic and parking [More...](#)

Brighton Bowling & Sporting Club Inc. v Commissioner for State Revenue (Taxation) [2010] VCAT 1208

Taxation List; Special Land Tax; Land Tax Act 2005 Section 30; Incorporated non-profit sporting club liable; Arguments as to hardship cannot avail in review proceeding [More...](#)

Omni Property Group Pty Ltd v Port Phillip CC [2010] VCAT 1173

Sections 79 and 114 of the Planning & Environment Act 1987; Port Phillip Planning Scheme; Residential 1 Zone; Building used for office; Existing use rights; Decking, amenities and enclosed room on the rooftop; Built form and character of neighbourhood; Large corporate events on rooftop; Noise and amenity in neighbourhood [More...](#)

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Taip v East Gippsland SC (includes Summary) (Red Dot) [2010] VCAT 1222

Application of planning policy on climate change and flooding to a three storey multi-dwelling development in the coastal town of Lakes Entrance. Reasons why decision is of interest or significance. application – significant, interesting or unusual use or development; application of policy, provision or principle; or circumstances. The vulnerability of development to climate change impacts has been considered against State policy and other relevant planning materials [More...](#)

Graham v Stonnington CC (includes Summary) (Red Dot) [2010] VCAT 1224

Interpretation of the word “adjoining” in section 52(1)(a) Planning and Environment Act 1987

Reasons why decision is of interest or significance. legislation – interpretation or application of statutory provision. In section 52(1)(a) Planning and Environment Act 1987 the expression “adjoining the land to which the application applies” means the land must be contiguous, not opposite [More...](#)

Tarwin Valley Coastal Guardians Inc v Minister for Planning & Anor (includes Summary) (Red Dot) [2010] VCAT 1226

Secondary consent by the Minister for Planning as responsible authority to increase the height of wind turbines under condition 4 of permit TRA/03/002. Reasons why decision is of interest or significance. Law – issue of interpretation or application. Whether condition 4 contained a trigger for secondary consent. Whether the giving of secondary consent was a precondition to an amendment to the permit. Whether the criteria of ‘no consequence’ referred to in Westpoint Corporation Pty Ltd v Moreland CC [2005] VCAT 1049 is a ‘jurisdictional fact’. Whether the consent triggered the requirements of the Environment Effects Act 1978 and whether the applicants were denied procedural fairness in not being able to make submissions regarding the consent [More...](#)

Greater Bendigo CC v Deborah Triangle Pty Ltd & Ors [2010] VCAT 1221

Interim enforcement order. to avoid any further or alternative enforcement proceedings, if the respondents are certain they wish to rely upon existing use rights, they should utilise the procedures under s 97N or s 149 of the Planning and Environment Act 1987 to have that matter resolved [More...](#)

Queensland

Crowther v Brisbane City Council [2010] QPEC 062

Uncertainty regarding court’s jurisdiction to entertain application for unspecified relief where applicant apprehends that destruction is threatened of heritage-listed trees - directions made for identification of issues [More...](#)

Dinning v Gold Coast City Council & Anor [2010] QPEC 056

Planning and environment – application to dismiss appeal - appeal against deemed refusal of a development application – where several directions orders made over a period of approximately five and a half months – where orders were not complied with – where application to dismiss consequently made– where further order requiring affidavit material not complied with – where limited correspondence provided to solicitor and to the court providing a reason for the non-compliance – where non-compliance found to be intentional and contumelious – application for costs – where costs incurred because of the procedural default of the appellant [More...](#)

Wallace & Anor v Logan City Council [2010] QPEC 066

Applicant developer fails to give plan (for reconfiguration) to Council while development permit still “has effect” - Council supportive of application to allow extended time for that step - substantial works done, no opposition from local people.

Fletch Pty Ltd v Gladstone Regional Council & Anor [2010] QPEC 063

Developer appeal against refusal of application for material change of use - by interlocutory application, appellant seeks “full approval of its development application”, alternatively removal of the appeal to the Federal Court (as having jurisdiction) - Commonwealth and State Attorneys-General rejected or did not respond to notices of an alleged constitutional matter - no such matter or issue clearly identified - arguments that planning controls were unconstitutional, as inconsistent with landowners’ common law rights, untenable in light of High Court authority - appellant ordered to pay costs of its application - appeal to proceed to hearing in the usual course [More...](#)

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