

DAVID L WILLIAMS SC

List of Cases

(Arranged chronologically – for list by topics see curriculum vitae)

***Octet Finance Pty Ltd v McGregor* [2026] NSWSC 103**

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***Agnello v Maliganis Edwards Johnson (No 2)* [2026] ACTSC 84**

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***ZACD Group Ltd v Bao* [2025] FCA 1500**

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***Spotpress Pty Ltd v Spotpress Newspapers Ltd* [2025] NSWSC 1094**

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***Krejci (liquidator) v Panella, in the matter of Richmond Lifts Pty Ltd (in liq)* [2025] FCA 151**

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***Resolution Life Australasia Limited v AMP Limited* [2025] NSWCA 21**

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***Munich Reinsurance Company of Australasia Limited v AMP Limited* [2024] NSWSC 950**

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***BCEG International (Australia Pty Ltd v Yu Xiao)* [2024] NSWSC 922**

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***Anchorage Capital Master Offshore Ltd v Sparkes* (2023) 11 NSWLR 304; [2023] NSWCA 88**

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(Privilege; waiver; obvious mistake)

***Grace v Grace* [2010] NSWSC 1513**

(Practice and procedure; notice to produce served in response to late served affidavits not yet admitted)

***Tropical Reef Shipyard Pty Ltd v QBE Insurance (Australia) Ltd (No 2)* (2010) 274 ALR 626; [2010] FCA 1093**

(Business interruption; quantification of losses; adequacy of statement of claim)

***Lowe v Pascoe (as Trustee of Estate of late Kut Sze Tu)* (2010) 5 ASTLR 1; [2010] NSWSC 388**

(Existence of partnership and joint venture; breach of trust)

***Phoenix Rising Investments Pty Ltd, Re: Grace v Grace* [2010] NSWSC 758**

(Superannuation; trustee's duties; practice and procedure)

***Lehman Brothers Holdings Inc v City of Swan & Ors; Lehman Brothers Asia Holdings Limited (in liq) v City of Swan & Ors* (2010) 240 CLR 509; (2010) 84 ALJR 275; (2010) 265 ALR 1; [2010] HCA 11**

(Liquidation; Deeds of Company Arrangement; statutory interpretation)

***Australian Securities and Investments Commission v Rich* (2010) 75 ACSR 1**

(Corporations; civil penalty proceedings; directors' duty of care and diligence; standard of care; business judgment rule; pleadings and particulars; evidence)

***Gillies v Downer EDI Limited* [2010] NSWSC 1323**

(Privilege; waiver of privilege)

***Tropical Reef Shipyard Pty Ltd v QBE Insurance (Australia) Ltd (No 2)* [2010] FCA 1093**

(Practice and procedure; summary judgment; business interruption insurance)

***Wilson v Sydney Markets Limited (No 2)* [2009] NSWADT 281**

(Retail shopping leases; changes to core trading hours)

***QBE Insurance (Australia) Limited v Tropical Reef Shipyard Pty Ltd* [2009] FCAFC 161**

(Separate questions; business interruption insurance)

***Shekhani v Ardino* [2009] NSWCA 361**

(Appeals from credit findings)

***Wilson v Sydney Markets Limited* [2009] NSWADT 256**

(Jurisdiction of Administrative Decisions Tribunal; construction of Retail Leases Act 1994 (NSW))

(Re Jones – Mashman) Amaca Pty Ltd v CSR Ltd (No 2) (2009) 7 DDCR 557; [2009] NSWDDT 24
(Jurisdiction of Dust Diseases Tribunal; contribution)

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(Deed of company arrangement; statutory construction)

Commissioner of Taxation v Aid/Watch Incorporated [2009] FCAFC 128
(Charitable institutions; charitable and political purposes)

City of Swan v Lehman Brothers Australia Ltd (subject to a deed of company arrangement) [2009] 73 ACSR 86
(Deed of company arrangement; third party release; separate questions)

Shipley v MASU Financial Management (2008) 68 ACSR 412
(Subpoenas; confidentiality of material produced to ASIC under compulsory process)

QBE Insurance Ltd v Nguyen (2008) 100 SASR 560 (FC)
(Insurance policy construction; conclusiveness of default judgment for purposes of legal liability policy; equitable doctrines; election)

Fowler Corbett & Jessop t/as Haydon Fowler Corbett Jessop v Toro Constructions [2008] NSWCA 178
(Personal costs orders against solicitors)

Twynam Pastoral Pty Ltd v AWR (Australia) Ltd (2008) FCA 1922
(Tendency evidence)

Aid/Watch Incorporated v Commissioner of Taxation (2008) 71 ATR 386; [2008] AATA 652
(Charitable institutions)

Grace v Grace (2007) 25 ACLC 141
(External administration; provision liquidation; oppression; just and equitable ground)

Chandra v Perpetual Trustees Victoria Ltd (2007) 13 BPR 24,675; (2007) ANZ Conv 12481;
(2007) Aust Torts Reports 81-896; (2007) NSW Conv R 56-187; [2007] NSWSC 694
(Torrens system; assurance fund; indefeasibility of title; professional negligence)

Collingwood Hotel Pty Ltd v O'Reilly; Night Knowledge Security Pty Ltd [2007] NSWCA 155
(Negligence; duties of licensees and security guards)

Amaca Pty Ltd v Banton (2007) 5 DDCR 314; [2007] NSWCA 336
(Exemplary and aggravated damages; dust diseases)

Snorkel Elevating Work Platforms Pty Ltd v Nominal Defendant (2007) ACTCA 14
(Legal practitioners; challenge to retainer; indemnity costs)

HIH Insurance Ltd (in liq) v Adler [2007] NSWSC 745
(Strike out; trade practices; accessorial liability; journal entries as evidence of damages)

Grace v Grace (2007) 25 ACLC 141; [2007] NSWSC 6
(Appointment of provisional liquidator for corporation; external administration)

Bective Station Pty Ltd v AWB (Australia) Ltd [2006] FCA 1596
(Contracts; trade practice; tendency evidence)

Australian Securities & Investments Commission v Rich (2006) 58 ACSR 414

(Evidence in reply; splitting a plaintiff's case)

***Australian Securities & Investments Commission v Vines* (2006) 58 ACSR 298**
(Civil penalty orders; disqualification of directors; pecuniary penalties)

***Australian Securities & Investments Commission v Vines* (2006) 56 ACSR 528; (2006) 24 ACLC 165**
(Directors' duties; relief from liability)

***(Re Mowbray) Brambles Australia Limited v British Amehan Tobacco Australia Services Limited* (2006) NSWDDT 15**
(Discovery; destruction of documents; document retention policy)

***Australian Securities & Investments Commission v Vines* (2005) 55 ACSR 617; (2005) 23 ACLC 1,387**
(Directors' duties of care and diligence; Directors' duties of honesty; civil penalty proceedings)

***Rich v Australian Securities & Investments Commission* (2005) 54 ACSR 365 (CA)**
(Appeals from interlocutory rulings)

***Australian Securities & Investments Commission v Rich* (2005) 54 ACSR 28; (2005) 23 ACLC 838**
(Admissibility of business records; discretionary exclusion)

***Australian Securities & Investments Commission v Vines* (2005) 23 ACLC 1387**
(Standard of care of executive directors and chief financial officers)

***Australian Securities & Investments Commission v Rich* (2005) 220 ALR 324; (2005) 188 FLR 416; (2005) 52 ACSR 374**
(Use of evidence obtained under search warrant)

***Australian Securities & Investments Commission v Rich* (2005) 218 ALR 764; (2005) 54 ACSR 326; (2005) 23 ACLC 1,111 (CA)**
(Admissibility of expert evidence; discretionary exclusion)

***Australian Securities & Investments Commission v Rich* (2005) 216 ALR 320; (2005) 53 ACSR 752; (2005) 23 ACLC 838**
(Admissibility of business records; authentication; documentary opinion evidence)

***Rich v CGU Insurance Ltd; Silbermann v CGU Insurance Ltd* (2005) 214 ALR 370; (2005) 79 ALJR 856; (2005) 13 ANZ Ins Cas 61-642 (HC)**
(Director and officer insurance policies)

***Australian Securities & Investments Commission v Rich* (2005) 190 FLR 242; (2005) 53 ACSR 110; (2005) 23 ACLC 430; [2005] NSWSC**
(Admissibility of expert evidence; discretionary exclusion)

***Rich v Australian Securities & Investments Commission* (2004) 220 CLR 129; (2004) 209 ALR 271; (2004) 78 ALJR 1354; (2004) 50 ACSR 242; (2004) 22 ACLC 1198**
(Privilege against self exposure to a penalty)

***Australian Securities & Investments Commission v Rich* (2004) 213 ALR 338; (2004) 51 ACSR 363**
(Expert evidence; cross examination on the voir dire)

***Re One.Tel Ltd (in liq); Australian Securities & Investments Commission v Rich* (2003) 44 ACSR 682; (2005) 23 ACLC 556**

(Civil penalty orders; declarations)

***Gosford City Council v GIO General Ltd* (2003) 56 NSWLR 542 (CA)**

(Sections 40 and 54 of the Insurance Contracts Act)

***Australian Securities & Investments Commission v Vines* (2003) 21 ACLC 159**

(Practice and procedure; evidence of witnesses who will not swear affidavits)

***Australian Securities & Investments Commission v Vines* (2003) 21 ACLC 59**

(Outlines of evidence)

***Australian Securities & Investments Commission v Vines* (2003) 176 FLR 106; (2003) 46 ACSR 719**

(Privilege against self exposure to a penalty; effect on case management directions)

***Australian Securities & Investments Commission v Vines* (2003) 48 ACSR 291**

(Admissibility of expert opinion evidence)

***Australian Securities & Investments Commission v Vines* (2003) 48 ACSR 282**

(Admissibility of evidence against multiple defendants; discretionary exclusion)

***Australian Securities & Investments Commission v Vines* (2003) 182 FLR 405; (2003) 48 ACSR 322**

(Standard of skill and care for directors; expert evidence)

***Gosford City Council v GIO General Ltd* (2002) 12 ANZ Ins Cases 61-527**

(Sections 40 and 54 of the *Insurance Contracts Act 1984 (Cth)*)

***Re ACN 076 673 875 LTD (rec and mgt appointed) (in liq) Bendeich as liq, Greatorex & Ors intervening by leave* (2002) 42 ACSR 296**

(Liquidators; liquidation funding)

***Australian Securities & Investments Commission v Rich* (2001) 38 ACSR 251**

(Practice and Procedure – media access to court materials)

***Studer v Boettcher* (2001) ACL Rep 300 NSW 8 (CA)**

(Solicitors' negligence)

***John Wakim & Sons Pty Ltd v BBA Industries Pty Ltd* (2002) 10 BPR 18,475; (2001) ANZ Conv R 48; (2000) NSW Conv R 55-946**

(Contract; estoppel; section 54A of the *Conveyancing Act 1919 (NSW)*)

***Weston v Carling Constructions Pty Ltd* (2000) 175 ALR 202; (2000) 35 ACSR 100**

(Administrators' liens in company liquidation)

***Wily v Rothschild Australia Ltd* (1999) 47 NSWLR 555; (1999) 17 ACLC 1643**

(Preferences; set-off; securities)

***Treweeke v Wyong Shire Council* (1999) 29 MVR 489 (CA)**

(Negligence; misfeasance rule)

***Commissioner of Taxation v Macquarie Health Corporation Ltd* (1998) 88 FCR 451, (1988) 17 ACLC 171; (1988) 98 ATC 5214; (1998) 40 ATR 349**

(Constructive trusts; Limitation of actions; abuse of process; winding up; section 218 *Income Tax Assessment Act 1997* (Cth) notices)

***Re Credit Reference Association of Australia Ltd* (1998) 16 ACLC 491**

(Company arrangements and reconstructions)

***Wilkinson v Feldworth Financial Services Pty Ltd* (1998) 29 ACSR 642; (1998) 17 ACLC 220**

(Breach of trust; misleading and deceptive conduct)

***Garcia v National Australia Bank Ltd* (1998) 194 CLR 395; (1998) 72 ALJR 1243; (1998) ALR 614**

(Unconscionable conduct, guarantees; rule in *Yerkey v Jones*)

***Ultra Refurbishing & Construction Pty Ltd v John Goubran & Associates Pty Ltd* (1997) 13 BCL 330**

(Injunctions; security bonds)

***National Australia Bank Ltd v Garcia* (1996) 39 NSWLR 577; (1996) 21 ACSR 309 (CA)**

(Unconscionable conduct; guarantees)

***Lowns & Anor v Woods & Ors* (1996) Aust. Tort R.81-376 (CA)**

(Medical negligence)

***Drayton v Martin* (1996) 67 FCR 1; (1996) 137 ALR 145; (1996) 9 ANZ Ins Cas 61-322**

(Professional indemnity insurance; claims made policies; section 54 *Insurance Contracts Act 1984* (Cth))

***Trade Practices Commission v TNT Australia Pty Limited* (1994) ATPR 41-286**

(Abuse of process; discovery on interlocutory applications)

***Mineral & Chemical Traders Pty Ltd v T. Tymczyszczym Pty Ltd (in liq.) & Horn* (1994) 15 ASCR 398; (1994) 13 ASC 40**

(Effect of liquidation on floating charge)

***Insurance Superannuation Commission v Regal Life Insurance Ltd* (1994) 121 ALR 513**

(Life insurance; powers of judicial manager)

***Erolen v Baulkham Hills Shire Council* (1993) 10 ACSR 441; (1993) 11 ACLC 511**

(Security for costs)

***Drulroad Pty Limited v Gibson* (1993) ANZ Conv Rep 115**

(Oral agreement for mortgage; priorities)

***Reid v Howard* (1993) 31 NSWLR 298 (CA)**

(Privilege against self incrimination)

***TNT Australia Pty Limited v Fels* (1992) ATPR 40, 595**

(Discovery; challenges to section 155 notices)

***Re Spedley Securities Ltd (in Liq)* (1992) 9 ACSR 83**

(Liquidators' compromise with creditors; liquidators' application for directions)

***Garde v Workcover Authority (NSW)* (1992) 35 AILR 303; 35 AILR 423 (FC)**

(Powers of single judge; no case to answer submission)

***Garde v Workcover Authority (NSW)* (1992) 35 AILR 103**
(Termination of SES employees; *Public Sector Management Act 1988 (NSW)*; section 88F *Industrial Arbitration Act 1912 (NSW)*; unfair dismissal)

***Garde v Workcover Authority (NSW)* (1992) 34 AILR 398**
(No case to answer submissions)

***Fisons Pty Ltd v Rostinga Pty Ltd* (1991) ANZ Conv R 438**
(Leases; rent review clauses)

***Grimson v Aviation & General (Underwriting) Agents Pty Limited* (1991) 25 NSWLR 422; (1991) 7 ANZ Ins. Cas. 61-095 (CA)**
(Statutory charge on insurance monies; leave to proceed under section 6 of *the Law Reform (Miscellaneous Provisions Act 1946 (NSW)*; limitations of actions)

***Henderson v Australian Chamber of Manufactures* (1991) 34 AILR 10**
(Employment termination packages; redundancy; eligible termination payments; implied terms; estoppel)

***Re G.B. Nathan & Co Pty Limited (In Liq)* (1991) 24 NSWLR 674; (1991) 5 ACSR 673; (1991) 9 ACLC 1291**
(Powers of court on liquidator's application for directions; liquidators control over trust property)

***Lee Gleeson Pty Limited v Sterling Estates Pty Limited* (1991) 23 NSWLR 571; (1991) ATPR (Digest) 46-072 (1991) ASC 56-083**
(Misleading and deceptive conduct; promissory estoppel; enforceability of oral building contracts; procedure before referee)

***Spika Trading Pty Limited v Harrison* (1990) 19 NSWLR 211; (1990) 1 ACSR 609; (1990) 8 ACLC 310**
(Directors liabilities under section 556 Companies Code; contribution between directors)

***Maurice Drycleaners Pty Limited v National Australia Bank Limited* (1990) 8 ACLC 798**
(Winding up; interest on void dispositions)

***Edward Keller (Australia) Pty Limited v Henelly* (1990) 35 IR 464; 33 AILR 79 (CA)**
(Employment contracts; reasonable notice)

***Clemada Pty Limited v Hire-it Pty Limited (No. 2)* (1990) 3 ACSR 202**
(Appointment of provisional liquidators)

***Stanham v National Trust of Australia (NSW)* (1989) 15 ACLR 87; (1989) 7 ALLC 628**
(Rights of members at extraordinary general meeting; rights of members of corporations)

***Fisons Pty Ltd v Rostinga Pty Ltd* (1989) NSW Conv R 44-589**
(Leases, rent review causes; declarations)

***Vaughan v O'Meara* (1989) 31 IR 221; 31 AILR 311**
(Jurisdiction of Industrial Commission under section 88F *Industrial Arbitration Act 1912 (NSW)*)

***O'Meara v Vaughan* (1989) 31 IR 266**
(Powers of Industrial Commission to stay of proceedings in Supreme Court)

***Registrar-General v Northside Developments Pty Limited* (1988) 14 NSWLR 571; (1988) 14 ACLR 543; (1988) 7 ACLC 52 (CA)**
(Companies' indoor management rule)

Whitehouse v Remme (1988) 64 LGRA 375

(Jurisdiction of Land & Environment Court; trespass; injunction)

Corporate Affairs Commission (NSW) v Prime Commodities Pty Limited & Ors (1987) 11 ACLR 584; (1987) 5 ACLC 787

(Corporate Affairs Commission powers; injunctions)

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(Settlements in bankruptcy; settlements under Companies Code)

Portfolio Projects Pty Limited v Oakes Building Co Pty Limited (1987) 5 ACLC 911

(Company winding-up; abuse of process)

Kitt v Tourism Commission of NSW (1987) 11 NSWLR 686; (1987) EOC 92-196

(Public Service Act 1999 (Cth); anti-discrimination legislation)

Wentworth v Rogers & Anor (No. 3) (1986) NSWLR 642 (CA)

(Practice and procedure on death of trial judge; substitution of judges; costs)

Guthega Development Pty Limited v Minister Administering the National Parks & Wildlife Act (NSW) 1974 (1986) 7 NSWLR 353; (1986) 61 LGRA 401 (CA)

(Building control and town planning; environmental impact statements; National Parks & Wildlife Act 1974 (NSW))

Leichhardt Municipal Council v Maritime Services Board of New South Wales (1985) 57 LGRA 169

(Noise control; environmental impact statements; determining authorities)

Re Ward; ex parte Official Trustee & Bankruptcy v Dabnas Pty Limited (1984) 55 ALR 395; (1984) 3 FCR 112

(Settlements in bankruptcy; assignments of choses in action; promissory estoppel)