

Proportionate Liability – selected cases and journal articles

Cases

Supreme Court of Victoria – Court of Appeal

Kheirs Financial Services Pty Ltd v Aussie Home Loans [2010] VSCA 355 (Maxwell P, Tate JA, and Habersberger AJA)

Metzke & Allen v Sali & Sons [2010] VSCA 267 (Warren CJ, Neave JA and Beach AJA)

St George Bank Ltd v Quinerts Pty Ltd [2009] VSCA 245 (Nettle and Mandie JJA and Beach AJA)

Godfrey Spowers (Vic) Pty Ltd v Lincolne Scott Australia Pty Ltd [2008] VSCA 208 (Nettle, Ashley and Neave JJA)

Supreme Court of Victoria

AED Oil Ltd v Back (No 2) [2010] VSC 43 (Judd J)

Spiteri v Roccisano [2009] VSC 132 (Kaye J)

Cowan v Greatorex [2008] VSC 401 (Hollingworth J)

P & V Industries v Secombs (a firm) [2008] VSC 209 (Judd J)

Woods v de Gabriele [2007] VSC 177 (Hollingworth J)

Atkins v Interprac Financial Planning Pty Ltd & Anor [2007] VSC 445 (Hargrave J)

Federal Court of Australia – Full Court

Keller v LED Technologies Pty Ltd (No 2) [2010] FCAFC 160 (Emmett, Besanko and Jessup JJ)

Federal Court

Markov v Dukes [2010] FCA 1419 (Finkelstein J)

BHPB Freight Pty Ltd v Cosco Oceania Chartering Pty Ltd (No 2) [2008] FCA 1656 (Finkelstein J)

Shrimp v Landmark Operations Ltd [2007] FCA 1468 (Besanko J)

Journal Articles

David Byrne, 'New Ways of doing Old Things' (2009) 20 *Insurance Law Journal* 215.

David Byrne, 'Proportionate Liability in Construction Claims' (2007) 23 *Building and Construction Law Journal* 10.

David Byrne, 'Proportionate Liability – Some Creaking in the Superstructure' (Paper presented at the Judicial College of Victoria, Melbourne, 19 May 2006).

Beth Cubit and Peter Megens, 'Contract or Conflict? An Overview of the Proportionate Liability Regime and its Difficulties' (2009) 23(2) *Commercial Law Quarterly* 3.

Michael Duffy, 'Proportionate Liability: A Disproportionate and Problematic Reform' (2003) 60 *Plaintiff* 8.

Owen Hayford, 'Proportionate Liability – its Impact on Contractual Risk Allocation' (2010) 26 *Building and Construction Law Journal* 11.

Tony Horan and Cameron Macaulay, 'Proportionate Liability: an Update' (2009) 20 *Insurance Law Journal* 173.

David Ipp, 'The Politics, Purpose and Reform of the Law of Negligence' (2007) 81 *Australian Law Journal* 456.

Peter Long, 'The Impact of Proportionate Liability Legislation – Part 1' (2010) 7(6) *Australian Civil Liability* 74.

Peter Long, 'The Impact of Proportionate Liability Legislation – Part 2' (2010) 7(7) *Australian Civil Liability* 90.

Cameron Macaulay, 'Proportionate Liability – Is it achieving its aims?' (Paper presented at the Australian Insurance Law Association Seminar, 2 December 2010) <<http://www.supremecourt.vic.gov.au/wps/wcm/connect/justlib/Supreme+Court/Home/Library/SUPREME++Speech+Proportionate+Liability+-+It+is+achieving+its+aims>>

Barbara McDonald and John Carter, 'The Lottery of Contractual Risk Allocation and Proportionate Liability' (2009) 26 *Journal of Contract Law* 1.

Barbara McDonald, 'Proportionate Liability in Australia: the Devil in the Detail' (2005) 26 *Australian Bar Review* 29.

James Watson, 'From Contribution to Apportioned Contribution to Proportionate Liability' (2008) *Australian Law Journal* 126.