

## **COURT JUDGMENTS AND TRIBUNAL DECISIONS RELEVANT TO SEACARE SCHEME LEGISLATION (1994 – DECEMBER 2009)**

### **High Court of Australia**

*Smith v ANL Ltd* [2000] HCA 58 (16 November 2000)

### **Federal Court of Australia – Full Court**

*Cook v ASP Ship Management Pty Ltd* [2009] FCAFC 113 (2 September 2009)

*ASP Ship Management Pty Limited v Wood* [2007] FCAFC 142 (25 September 2007)

*ASP Ship Management Pty Limited v Administrative Appeals Tribunal* [2006] FCAFC 121 (27 July 2006)

*ASP Ship Management Pty Limited v Administrative Appeals Tribunal* [2006] FCAFC 23 (10 March 2006)

*Cook v ASP Ship Management* [2001] FCA 598 (16 February 2001)

*Broken Hill Proprietary Co Ltd v Peter Edward Mathiassen* [1997] 1525 FCA (23 December 1997)

*Tiwi Barge Services Pty Ltd v Julie Ann Stark* [1997] 874 FCA (3 September 1997)

*Associated Steamships Pty Ltd v Norman Hore* (1995) No. G326 of 1995 FED NO.798/95 (2 November 1995)

### **Federal Court of Australia – Single Judge**

*Stateships v Lawson* [2009] FCA 59 (9 February 2009)

*Cook v ASP Ship Management Pty Ltd* [2008] FCA 1345 (13 August 2008)

*Inco Ships Pty Limited v Finlay Murdoch Hardman* [2007] FCA 1138 (3 August 2007)

*Wood v ASP Ship Management* [2007] FCA 459 (28 March 2007)

*Smith v Caltex Australia Petroleum Pty Ltd* [2004] FCA 480 (23 April 2004)

*Pacific Manning Company Pty Ltd v Barton* [2003] FCA 498 (22 May 2003)

*Cook v ASP Ship Management* [2000] FCA 1393 (4 October 2000)

*Howard Smith Industries Pty Ltd v Richards* [1999] FCA 1310 (10 September 1999)

*ASP Ship Management Pty Ltd v Wood* [1999] FCA 851 (25 June 1999)

*Alan Esam v ASP Management* [1998] 1129 FCA (10 September 1998)

*Total Marine Services Pty Ltd v Michael Kiely* (includes corrigendum dated 11 June 1998) [1998] 153 FCA (4 March 1998)

*Broken Hill Pty Co Ltd v Andrew Lionel Finestone* [1997] 1240 FCA (31 October 1997)

*Terence Maxwell Jessop v Broken Hill Proprietary Ltd* [1997] 1036 FCA (2 October 1997)

*Broken Hill Proprietary Co Ltd v Peter Edward Mathiassen* [1997] 1056 FCA (14 August 1997)

*Australian Offshore Services v John Collins* [1996] 1023 FCA 1 (22 November 1996)

### **Federal Magistrates Court of Australia**

*Cook v ASP Ship Management Pty Ltd v Cook (no.2)* [2004] FMCA 361 (9 June 2004)

### **Compensation Court of NSW**

*Cramp v Commonwealth Another* [1995] NSWCC 27 (14 September 1995); (1995) 12 NSWCCR 312

*Anderson v Howard Smith Industries Pty Ltd* [1995] NSWCC 21 (4 August 1995); (1995) 11 NSWCCR 724

### **Workers Compensation Commission of NSW – Presidential Decisions**

*George Albert Dimmock v The State of New South Wales* [2004] NSWWCCPD 64 (21 September 2004)

### **Supreme Court of WA**

*Bowen Buchbinder Vilensky (A Firm) v Smith* [2000] WASC 242 (29 September 2000)

### **Supreme Court of WA - Court of Appeal**

*Bowen Buchbinder Vilensky (A Firm) v Smith* [2001] WASCA 108 (22 March 2001)

*Stephen Paul Smith Ors v Australian National Line Ltd Anor* [1998] WASCA 316 (18 November 1998)

### **District Court of Western Australia**

*Nathan v Western Atlas International Inc.* [2006] WADC 70 (16 May 2006)

### **Administrative Appeals Tribunal**

*Murrihy and Teekay Shipping (Australia) Pty Ltd* [2009] AATA (15 December 2009)

*Lawson and Stateships* [2009] AATA 871 (11 November 2009)

*Smith and Captain Cook Cruises Pty Ltd* [2009] AATA 779 (9 October 2009)

*Lawson and Stateships* [2008] AATA 643 (23 July 2008)

*Rana and Military Rehabilitation and Compensation Commission* [2008] AATA 558 (1 July 2008)

*Dimoff and Mermaid Marine Australia Limited* [2008] AATA 442 (27 May 2008)

*Precup v Inco. Ships Pty. Limited* [2007] AATA 1991 (29 November 2007)

*Davis and Total Marine Services Pty Ltd* [2007] AATA 1314 (10 May 2007)

*Frame and Woodside Energy Ltd* [2005] AATA 997 (11 October 2005) (amended 6 October 2006)

*Wood and ASP Ship Management Pty Ltd* [2006] AATA 577 (30 June 2006)

*Smith and Captain Cook Cruises Pty Ltd* [2006] AATA 499 (7 June 2006)

*Hardman and INCO Ships Pty Ltd* [2006] AATA 468 (30 May 2006)

*Cook and ASP Ship Management* [2006] AATA 478 (29 May 2006)

*Barron and Inco Ships Pty Ltd* [2006] AATA 436 (19 May 2006)

*Dillon and Teekay Shipping (Australia) Pty Limited and Anor* [2006] AATA 65 (27 January 2006)

*Frame and Woodside Energy Ltd* [2005] AATA 997 (11 October 2005)

*Mascarenhas and Teekay Shipping (Australia) Pty Limited* [2005] AATA 741 (4 August 2005)

*Bergvall and ASP Ship Management Pty Ltd* [2005] AATA 305 (8 April 2005)

*Kelk and Mermaid Labour and Management Ltd* [2005] AATA 312 (8 April 2005)

*Hume and Total Marine Services Pty Ltd* [2004] AATA 1135 (20 October 2004)

*Pratt and Comcare* [2004] AATA 979 (21 September 2004)

*Gibson and ASP Ship Management Pty Ltd* [2004] AATA 947 (13 September 2004)

*Blackney and Total Marine Services Pty Ltd* [2004] AATA 269 (15 March 2004)

*Smith and Caltex Australian Petroleum Pty Ltd* [2003] AATA 1230 (8 December 2003)

*Capka and BHP Petroleum Pty Ltd* [2003] AATA 845 (28 August 2003)

*Lawson and Stateships* [2003] AATA 389 (28 April 2003)

*Cook and ASP Ship Management* [2003] AATA 372 (24 April 2003)

*Barton and Pacific Manning Company Pty Ltd* [2003] AATA 92 (31 January 2003)

*Engelbrecht and BHP Transport and Logistics Pty Ltd* [2002] AATA 1127 (1 November 2002)

*Jione and BHP Billiton Petroleum Pty Ltd* [2002] AATA 878 (2 October 2002)

*Nicholas and Norwest Shipping* [2002] AATA 806 (13 September 2002)

*Dorrans and CSR Shipping Group* [2002] AATA 648 (2 August 2002)

*Lavers and BHP Transport Pty Ltd* [2002] AATA 529 (28 June 2002)

*Cowe and Tidewater Port Jackson Marine Pty Ltd* [2001] AATA 674 (26 July 2001)

*Robertson and CSR Shipping* [2001] AATA 325 (2 April 2001)

*Chiavaro and TT Line Co Pty Ltd* [2001] AATA 78 (7 February 2001)

*Maher and Tidewater Port Jackson Marine Pty Ltd* [2000] AATA 610 (21 July 2000)

*Tremaine and Australian Offshore Services* [2000] AATA 526 (28 June 2000)

*Taylor and ASP Ship Management* [2000] AATA 254 (10 March 2000)

*Hughes and Tidewater Port Jackson Marine Pty Ltd* [1999] AATA 577 (6 August 1999)

*Zutt and Total Marine Services Pty Ltd* [1999] AATA 313 (13 May 1999)

*Steven Sidney Wood and ASP Ship Management Pty Ltd* AAT No 13584 [1998] AATA 1002 (24 December 1998)

*Finestone and Broken Hill Pty Ltd* AAT No 13395 [1998] AATA 832 (8 October 1998)

*Barry Lionel Lawson and Stateships and Australian Maritime Industry Compensation Agency Ltd* AAT No 11887A [1998] AATA 454 (26 June 1998)

*Shamus John O'Reilly and Australian Offshore Services* AAT No 12789 [1998] AATA 246 (8 April 1998)

*Terrance Patrick Godfrey and Tidewater Port Jackson Marine Pty* AAT No 12619 [1998] AATA 84 (13 February 1998)

*Alan Esam and ASP Ship Management* AAT No 12579 [1998] AATA 44 (4 February 1998)

*James Paul Richards and Howard Smith Industries Pty Ltd* [1998] AATA 40 (2 February 1998)

*James Stewart Armstrong and Howard Smith Industries Pty Ltd* [1998] AATA 9 (16 January 1998)

*Jack Louis Child and Howard Smith Industries Pty Ltd* [1998] AATA 5 (9 January 1998)

*Gabriella Jean Pisconeri (on behalf of Kimberley and Emma Collins) and Tidewater Port Jackson Marine* (1997) AAT No 12487 (11 December 1997)

*Megan Louise Boyd v ASP Ship Management* No. Q97/10 AAT No.12350 (28 October 1997)

*Colin Simon Lane v ASP Ship Management* No. N96/1226 AAT No. 12348 (28 October 1997)

*Cameron v Australian Tankships Pty Ltd* No. N96/1456 AAT No. 12117 (13 August 1997)

*Robertson v ASP Ship Management* No. N96/1250 AAT No. 12117 (13 August 1997)

*Steven George Bingham v ASP Ship Management* No. V95/732 AAT No. 11957 (18 June 1997)

*George Nunez v Tidewater Port Jackson Marine Pty Ltd* No. 94/1076 AAT No.10706 (2 February 1996)

*Kevin Durnian v Westham Dredging Company Pty Ltd* No. Q94/256 AAT No. 10388 (31 August 1995)

*Norman Carroll Hore v Union Shipping Company Australia* No. N94/637 AAT No. 10157 21 AAR 291 (28 April 1995)

*David Rodney Rowett v Australian Offshore Services* No. Q94/26 AAT No.9618 (8 July 1994)

### **Australian Industrial Relations Commission**

*Total Marine Serviced Pty Ltd v The Maritime Union of Australia* [2008] AIRC 477 (3 June 2008)

*Total Marine Services Pty Ltd v The Maritime Union of Australia* [2007] AIRC 279 (16 April 2007)

*Total Marine Services Pty Ltd v The Maritime Union of Australia* [2007] AIRC 69 (7 February 2007)

*Marius Fenger v P&O Maritime Services Pty Ltd* [2007] AIRC 30 (11 January 2007)