

*WASHBURN PTY LTD (ACN 609 445 516) & ANOR*

v

*CARDACI & ORS*

*WASHBURN PTY LTD (ACN 609 445 516)*

v

*CARDACI & ORS*

[2024] HCASL 136

P25/2023

P26/2023

- 1        These two applications seek special leave to appeal from parts of the judgment of the Court of Appeal of the Supreme Court of Western Australia (Buss P, Murphy and Mitchell JJA), dismissing appeals from two decisions of the Supreme Court of Western Australia (Le Miere J).
- 2        Neither of the proposed appeals enjoy sufficient prospects of success and P26/2023 is not an appropriate vehicle to consider the scope of application of trust deed provisions that exclude trustee liability for loss or damage. Further, in each matter, it cannot be said that the interests of the administration of justice weigh in favour of the grant of special leave.
- 3        Special leave to appeal in each matter is refused with costs.

Gageler CJ  
Gordon J  
Edelman J  
Steward J  
Gleeson J  
Jagot J  
Beech-Jones J

9 May 2024