

Hodgson v Amcor [2012] VSC 94

<https://lawcasesummaries.com/knowledge-base/hodgson-v-amco-2012-vsc-94/>

Facts

- Hodgson was the Group General Manager for Amcor.
- Hodgson was fired and he claimed compensation.
- Amcor did not pay the compensation due to an alleged breach of fiduciary duty by Hodgson.
- Hodgson (with other senior Amcor employees) had purchased various businesses from Amcor without its knowledge or consent.
- Employees can have a "duty of fidelity" to a company - though "employee" relates to senior managers of a corporation, rather than shop floor workers.

Issues

- Had Hodgson breached a fiduciary duty to Amcor, even though he was an employee?

Held

- The Victorian Supreme Court held that Hodgson was an officer of Amcor as he was in charge of the largest division of the company. This gave Hodgson control and responsibility over a significant portion of Amcor's business.
- He was one of the most senior executives in Amcor.

Quotes

"Hodgson's participation in the management of Amcor was real and direct, even though he was not in a role in which ultimate control within the company was exercised. His role was considerably greater than merely performing an administrative function carrying out the orders of others responsible for a company's management."

(Vickery J at [1329])

Full Text

The full text is available here:

<http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/vic/VSC/2012/94.html?stem=0&synonyms=0&query=amcor>

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