

IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMERCIAL COURT
CORPORATIONS LIST

S ECI 2021 03110

IN THE MATTER of GUNNS PLANTATIONS LIMITED (IN LIQUIDATION)
(RECEIVERS AND MANAGERS APPOINTED) (ACN 091 232 909)

BETWEEN:

DANIEL MATHEW BRYANT AND CRAIG DAVID
CROSBIE (IN THEIR CAPACITIES AS JOINT AND
SEVERAL LIQUIDATORS OF GUNNS
PLANTATIONS LIMITED (IN LIQUIDATION)
(RECEIVERS AND MANAGERS APPOINTED))
(ACN 091 232 909) First Plaintiff

GUNNS PLANTATIONS LIMITED (IN
LIQUIDATION) (RECEIVERS AND MANAGERS
APPOINTED) (ACN 091 232 909) Second Plaintiff

ORDER

JUDGE: The Honourable Associate Justice Gardiner

DATE MADE: 1 July 2022

ORIGINATING PROCESS: Filed 27 August 2021

HOW OBTAINED: At the hearing of the application on 1 July 2022

APPEARANCES: Mr J. Vaastra, solicitor for the plaintiffs

OTHER MATTERS:

- A. The Court is satisfied that the technical requirements in section 42G of the *Evidence (Miscellaneous Provisions) Act 1958* (Vic) ('the Evidence Act') are met.
- B. The direction in paragraph 1 is made under s 42E(1) of the Evidence Act.
- C. The reasons for the making of these orders are exposed in the transcript of the hearing of this application on 1 July 2022. A copy of such transcript is to be retained on the electronic file maintained by the Court in respect of this proceeding.



D. This order is signed by the Associate Judge pursuant to Rule 60.02(1)(b) of the *Supreme Court (General Civil Procedure) Rules 2015 (Vic)*.

THE COURT DIRECTS THAT:

1. All persons shall appear, give evidence and make submissions in this proceeding this day by video link.

AND THE COURT ORDERS THAT:

2. Pursuant to s 90-15 of the *Insolvency Practice Schedule (Corporations)* ('IPSC'), Rule 2.04 of the *Supreme Court (General Civil Procedure) Rules 2015 (Vic)* and/or Rule 1.8 of the *Supreme Court (Corporations) Rules 2013 (Vic)*, the First Plaintiffs be permitted, and are justified in, both now and as from 27 August 2021, giving and having given notice of the Originating Process to all creditors of the Second Plaintiff, including those creditors who were present in person or by proxy at any meeting of creditors, and members of the Schemes ('Growers'), by:

- a. causing copies of:
 - i. the Originating Process;
 - ii. the Affidavit of Craig David Crosbie dated 13 July 2021; and
 - iii. Form 16 pursuant to Rule 9.2 of the *Supreme Court (Corporations) Rules 2013 (Vic)*

to be published on the websites maintained by the First Plaintiffs (www.pwc.com.au) and the Plaintiffs' solicitors, Arnold Bloch Leibler (www.abl.com.au);

- b. sending an email to those creditors for whom the First Plaintiffs still hold an email address notifying them that the Originating Process and supporting materials have been so published, and providing contact details which any creditor or Grower may use to request a paper copy or electronic copy of those documents; and
- c. causing an advertisement to be published in a nationally circulated



newspaper that the Originating Process and supporting materials have been so published, and providing contact details which any creditor or Grower may use to request a paper copy or electronic copy of those documents.

3. Pursuant to s 473 of the *Corporations Act 2001* (Cth) ('the Act'), the First Plaintiffs be paid the sum of \$887,023.00 plus GST as costs, expenses and remuneration reasonably incurred in relation to the liquidation of the Second Plaintiff for the period of 1 September 2016 to 31 December 2020 ('Remuneration').
4. The First Plaintiffs be entitled to be paid the Remuneration out of the Second Plaintiff's property and they be entitled to a lien over the Second Plaintiff's property in respect of those costs, expenses and remuneration.
5. The First Plaintiffs be indemnified in respect of their costs of and incidental to this application out of the Second Plaintiff's property and they be entitled to a lien over the Second Plaintiff's property in respect of those costs.
6. Pursuant to s 90-15 of the IPSC, in the liquidations of the Second Plaintiff and the Gunns group of companies listed in Schedule 1 of these orders ('Gunns Group Companies'), compliance with s 70-35 of the IPSC is dispensed with and the First Plaintiffs are justified and otherwise acting properly and reasonably in proceeding on the basis that they may destroy the books and records of the Gunns Group Companies 12 months after the completion of the last of the liquidations of the Gunns Group Companies, except where such books and records are the subject of any subpoena compliance with which has not been discharged.
7. Pursuant to s 90-15 of the IPSC, the Plaintiffs give notice of these Orders by:
 - a. publishing a sealed copy to be published on the websites maintained by the First Plaintiffs (www.pwc.com.au) and the Plaintiffs' solicitors, Arnold Bloch Leibler (www.abl.com.au) to be so published within three business days of the date of these orders; and



- b. causing an advertisement to be published in the The Australian and the Australian Financial Review newspapers of the making of the orders in paragraphs 6 and 8 herein in the form of Schedule 2 to these orders and providing details of the websites referred to above where a copy of these orders can be obtained.
8. There is liberty to apply for the Plaintiffs and any person who can demonstrate a sufficient interest to vary or modify these orders on not less than three days' notice.
9. The Plaintiffs' costs of this application be costs in the liquidation of the Second Plaintiff.

DATE AUTHENTICATED: 4 July 2022


THE HONOURABLE ASSOCIATE JUSTICE GARDINER



SCHEDULE 1

GUNNS GROUP COMPANIES

- 1 Associated Forest Holdings Proprietary Limited (ACN 004 352 078)
- 2 Auspine Limited (ACN 004 289 730)
- 3 Auspine Plantations Pty Ltd (ACN 002 327 808)
- 4 Auspine Tree Farms Pty Ltd (ACN 100 307 373)
- 5 East Coast Pastoral Co Pty Ltd (ACN 009 519 528)
- 6 GTP Alexandra Pty Ltd (ACN 121 653 772)
- 7 GTP China Pty Ltd (ACN 093 919 414)
- 8 GTP Heyfield Pty Ltd (ACN 000 041 814)
- 9 GTP Holdings Pty Ltd (ACN 009 478 068)
- 10 GTP Seymour Pty Ltd (ACN 091 652 550)
- 11 GTP Southwood Pty Ltd (ACN 081 613 710)
- 12 Gunns Consolidated Investments Pty Ltd (ACN 128 619 045)
- 13 Gunns Finance Pty Ltd (ACN 091 861 700)
- 14 Gunns Forest Products Pty Ltd (ACN 004 208 904)
- 15 Gunns Holdings Pty Ltd (ACN 009 520 085)
- 16 Gunns Limited (ACN 009 478 148)
- 17 Gunns New Zealand Pty Ltd (ACN 069 051 378)
- 18 Gunns Plantations Limited (ACN 091 232 209)
- 19 Kauri Timber Company Ltd (ACN 004 085 714)
- 20 KVVIC Pty Ltd (ACN 126 089 950)
- 21 Manna Holdings Pty Ltd (ACN 008 008 197)
- 22 Northern Forest Investments Pty Ltd (ACN 009 493 707)
- 23 S.E.A.S. Estates Pty Ltd (ACN 007 923 971)



- 24 S.E.A.S. Plantations Pty Ltd (ACN 005 791 695)
- 25 S.E.A.S. Sapfor Forests Proprietary Limited (ACN 007 872 120)
- 26 S.E.A.S. Sapfor Harvesting Proprietary Limited (ACN 007 511 211)
- 27 S.E.A.S. Sapfor Investment Services Proprietary Limited (ACN 008 164 289)
- 28 Sapfor Trading Proprietary Limited (ACN 007 924 254)
- 29 Sorisdale Pty Ltd (ACN 054 548 971)
- 30 South East Afforestation Services Proprietary Limited (ACN 007 898 259)
- 31 Tasmanian Pulp & Forest Holdings Limited (ACN 009 488 733)
- 32 Tasmanian Softwoods Pty Ltd (ACN 009 501 786)
- 33 Taspine Pty Ltd (ACN 009 477 730)
- 34 TBVIC Pty Ltd (ACN 004 161 782)
- 35 Timbersales Proprietary Limited (ACN 004 848 864)
- 36 Wesley Vale Engineering Pty Ltd (ACN 006 955 568)

(ALL RECEIVERS AND MANAGERS APPOINTED)

(ALL IN LIQUIDATION)



SCHEDULE 2
Form of advertisement

NOTICE OF COURT ORDERS RE GUNNS GROUP OF COMPANIES:

On 1 July 2022, the Supreme Court of Victoria made orders in respect of Gunns Plantations Limited (in Liq) and each company in the Gunns Group of Companies (**Orders**).

The Orders provide that the Liquidators may destroy the books and records of the Gunns Group Companies 12 months after the completion of the last of the liquidations of the Gunns Group Companies, except where such books and records are the subject of any subpoena compliance with which has not been discharged.

Any person having a sufficient interest may apply to the Court to vary the Orders on not less than three days' notice.

A copy of the Orders may be viewed at the website of the liquidators of the Gunns Group of Companies: <https://www.pwc.com.au/deals/business-restructuring/insolvency-cases/2846.html>

Daniel Mathew Bryant and Craig David Crosbie
Joint and several liquidators of each of the Gunns Group Companies

