

IN THE MATTER OF GREAT SOUTHERN MANAGERS AUSTRALIA LIMITED (ACN 083 825 405) (IN LIQUIDATION)

GREAT SOUTHERN MANAGERS AUSTRALIA LIMITED (ACN 083 825 405) (IN LIQUIDATION) IN ITS CAPACITY AS RESPONSIBLE ENTITY OF THE MANAGED INVESTMENT SCHEMES LISTED IN SCHEDULE 1 TO THE INTERLOCUTORY APPLICATION DATED 7 APRIL 2010

First Plaintiff

GREAT SOUTHERN OLIVES COMPANY LIMITED (ACN 121 381 208) (IN LIQUIDATION)

Second Plaintiff

GREAT SOUTHERN OLIVE HOLDINGS PTY LIMITED (ACN 111 092 374) (IN LIQUIDATION)

Third Plaintiff

ANDREW JOHN SAKER

Fourth Plaintiff

MARTIN BRUCE JONES

Fifth Plaintiff

DARREN GORDON WEAVER

Sixth Plaintiff

JAMES HENRY STEWART

Seventh Plaintiff

JAMES GERARD THACKRAY

First Defendant

ANTHONY GREGORY MCGRATH

Second Defendant

COLIN MCINTOSH NICOL

Third Defendant

THE GROWERS LISTED IN SCHEDULE 8 OF THE MINUTE OF AMENDED ORIGINATING PROCESS ANNEXED TO THE PLAINTIFFS' APPLICATION DATED 10 MAY 2010

Fourth Defendants

**PLAINTIFF'S CONSOLIDATED LIST OF AUTHORITIES FOR PLAINTIFFS
OUTLINE OF SUBMISSIONS DATED 15 APRIL 2010 AND PLAINTIFFS'
REPLY SUBMISSIONS FOR 12 MAY 2010 HEARING DATED 11 MAY 2010**

Date of Document: 11 May 2010
Date of Filing: 11 May 2010
Filed on behalf of: The plaintiffs

Prepared by
Middletons
Level 2
6 Kings Park Road
WEST PERTH WA 6005

Tel: (08) 9216 0900
Fax: (08) 9216 0901
Ref: JMH:20090355.356517
james.healy@middletons.com

LEGISLATION

1. *Corporations Act 2001* (Cth); ss 424(1), 477(2B), 479(3), 511, 601 GC, 601NC.
2. *Property Law Act 1958* (Vic); ss 146(4).
3. *Property Law Act 1969* (WA); s11(2), s81(4).

CASE LAW

4. *ASC v Melbourne Asset Management Nominees Pty Ltd* (1994) 49 FCR 334; (1994) 121 ALR 626 at FCR 352.*
5. *Aussie Airlines Pty Ltd v Australian Airlines Ltd* (1996) 139 ALR 663 at 670-671.
6. *Bahr v Nicolay (No 2)* (1988) 164 CLR 604; [1988] HCA 16.
7. *Boulting v Assoc of Cinematograph, Television and Allied Technicians* [1963] 2 QB 606 at 637–8.*
8. *Capelli v Shepard and Ors* (2010) 264 ALR 167; [2010] VSCA 2, [74]-[75].*
9. *Carob Industries Pty Ltd (in liq) (t/as Foremost Equipment) v Simto Pty Ltd trading as Simto Australia* [1999] WASC 258 at [14].
10. *Chan v Zacharia* (1984) 154 CLR 178; [1984] HCA 34 at CLR 205.
11. *Chandless-Chandless v Nicholson* [1942] 2 KB 321; [1942] 2 All ER 315 at KB 323
12. *Codelfa Construction Pty Ltd v State Rail Authority of NSW* (1982) 149 CLR 337 at CLR 351.
13. *Corporate Affairs Commission v ASC Timber Pty Ltd* (1998) 29 ACSR 109 at 118.*
14. *Creery v Summersell & Flowerdew & Co Ltd* [1949] Ch 751 at 767.

15. *G B Nathan & Co Pty Ltd (In Liq)* (1991) 24 NSWLR 674.
16. *Goodwin v Phillips* (1908) 7 CLR 1 [1908] HCA 55 at CLR 14.
17. *Great Western Railway Co v Smith* [1875] 2 Ch D 235*
18. *Greek Macedonia Club Ltd v Pan Macedonia Greek Brotherhood NSW Ltd* [2007] NSWSC 92 at [77]
19. *Hill v Griffin* (1987) 282 ER 85 (CA) at 86.
20. *JW Murphy and PC Allen* (1996) 19 ACSR 569 at 570.
21. *Meadow Springs Fairway Resort Ltd v Balanced Securities Ltd*; (2007) 25 ACLC 1443; [2007] FCA 1443 at [50] to [51].*
22. *Muschinski v Dodds* (1985) 160 CLR 583; [1985] HCA 78 at CLR 608, 615-616.
23. *Pioneer Quarries (Sydney) Pty Ltd v Permanent Trustee Co of NSW Ltd* (1970) 2 BPR 9562 at 9572.
24. *Queensland Mines Ltd v Hudson* (1978) 18 ALR 1 (PC).*
25. *Re Anglican Insurance Ltd* (2008) 26 ACLC 147; [2008] NSWSC 41 at [38]-[39].
26. *Re GB Nathan & Co Pty Ltd (in liq)* (1991) 24 NSWLR 674; (1991) 9 ACLC 1291 at NSWLR 680.
27. *Re Graf Holdings Pty Ltd* [1999] NSWSC 217 at [33], [39], [41].
28. *Re Hazelton* (2002) 41 ACSR 472; [2002] FCA 529 at [30] – [35].
29. *Re Orchard Aginvest Ltd* [2008] QSC 2 at 3.*
30. *Re Spedley Securities Ltd (in liq)* (1992) 9 ACSR 83 at 85.
31. *Re Timbercorp Securities Ltd (in liq) and Ors* (2009) 74 ACSR 626; [2009] VSC 510 at [10], [53], [57], [62], [67], [74], [75].*
32. *Re Universal Distributing Co Ltd (in liq)* (1933) 48 CLR 171; [1933] HCA 2 at CLR 173-174.

33. *Snowlong Pty Ltd v Choe* (1991) 23 NSWLR 198.
34. *State Bank of New South Wales v Turner Corp Ltd* (1994) 14 ACSR 480 at 483.
35. *Ultra Tune Australia Pty Ltd v McCann and Anor* (1999) 30 ACSR 651 at [76] to [79].
36. *Warne v GDK Financial Solutions Pty Ltd* [2006] NSWSC 464; (2006) 233 ALR 181 at [58].
37. *Warner v Sampson* [1958] 1 QB 404; [1958] 1 All ER 314.
38. *Weller v Spiers* (1987) 26 L.T. 868

OTHER

1. Dharmananda and Papamatheos, *Perspectives on Declaratory Relief* (2009) at 32.
2. RP Meagher, JD Heyon and MJ Leeming, *Meagher, Gummow and Lehane's Equity Doctrines and Remedies* (LexisNexis, 4th Ed, 2002) [19-105](p.624).