

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**

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 THACKRAY

First Defendant

TONY MCGRATH

Second Defendant

COLIN NICOL

Third Defendant

THREE COUNTESSERS LISTED IN SCHEDULE 8 OF THE APPLICATION

Fourth Defendant



**ORDER ADDING PARTIES BEFORE ACTING MASTER CHAPMAN
8 APRIL 2010**

Date of Document: 8 April 2010
Date of Filing: 8 April 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:20090355.349940
james.healy@middletons.com

UPON THE APPLICATION of the plaintiffs by interlocutory process dated 7 April 2010 and UPON HEARING Mr R Douglas of counsel for the plaintiffs and Mr K Reid of counsel on behalf of Bendigo and Adelaide Bank Limited IT IS ORDERED that:

1. Pursuant to Pt 1 r 1.8 of the *Supreme Court (Corporations) Rules 2004 (WA)* and O 18 r 4 of the *Rules of the Supreme Court 1971 (WA)*:
 - (a) the plaintiffs have leave to join James Thackray as First Defendant, Tony McGrath as Second Defendant, Colin Nicol as Third Defendant, and the Growers listed in Schedule 8 of the Application as Fourth Defendants;
 - (b) the plaintiffs post each affidavit filed by them in these proceedings and which is not ordered to be kept confidential, to the website of Ferrier Hodgson and the Great Southern Group on the day on which that affidavit is filed with the Court;
 - (c) the plaintiffs post each affidavit filed by any other party in these proceedings and which is not ordered to be kept confidential, to the website of Ferrier Hodgson and the Great Southern Group on the day on which that affidavit is served on any plaintiff;
 - (d) any requirement of the plaintiffs to serve the affidavits filed in these proceedings, other than to the Australian Securities and Investments Commission be dispensed with; and
 - (e) any requirement of a defendant to serve affidavits in these proceedings, other than to the Australian Securities and Investments Commission, be satisfied by service upon the plaintiffs.
2. Pursuant to Part 1 rule 1.3(2) and Part 2 rule 2.7 of the *Supreme Court (Corporations) Rules 2004 (WA)* and O 72 r 4 of the *Rules of the Supreme Court 1971 (WA)*, service of the interlocutory process on each Growers listed in Schedule 8 to the interlocutory process be effected by:
 - (a) sending by pre-paid post a letter substantially in the form attached as Schedule 6 to the interlocutory process, to the registered address of each Grower as reflected in the books and records of GSMAL;
 - (b) publishing a copy of the interlocutory process on the websites of the Liquidators and the Great Southern Group; and

- (c) advertising this interlocutory process in The West Australian, The Melbourne Age and The Australian not later than 12 April 2010 in substantially the form attached as Schedule 7 to the interlocutory process.
3. Any application by a representative body of the Growers, Save My Trees, in relation to its standing to appear and the costs of this application be filed on or before Friday, 9 April 2010, to be heard on Wednesday, 14 April 2010 not before 10.30am.
 4. The hearing of the application be otherwise adjourned to Thursday, 29 April 2010 not before 10.30am.
 5. The plaintiffs file any submissions or further affidavits in support of its application by Thursday, 15 April 2010.
 6. The defendants and any other interested parties file any memorandum of appearance and any affidavits or submissions in support of any objection by Friday, 23 April 2010.
 7. The plaintiffs have leave to file schedule 9 to the interlocutory process by 15 April 2010.
 8. The confidential affidavit of Andrew John Saker sworn 7 April 2010 and annexures attached to it:
 - (a) be placed in a sealed envelope marked "*Confidential – Not to be Accessed for Inspection except by the Court orders*"; and
 - (b) not be available for inspection except as the Court orders; and
to inspect the documents
 - (c) the plaintiffs be given 3 days notice of any application to a Judge or Master, *referred*
to in this paragraph.
 9. Any person affected by these orders have liberty to apply upon 3 business days notice to the plaintiffs and the first, second and third defendants.
 10. The plaintiffs' costs of this hearing be paid from the assets of the First, Second and Third Plaintiffs.

BY THE COURT



REGISTRAR