

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

EX PARTE

**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 OF THE PLAINTIFF'S APPLICATION**

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

LIST OF AUTHORITIES

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1. *Australian Securities and Investments Commission v Atlantic 3 Financial (Aust) Pty Ltd (No 3)* [2003] QSC 386
 2. *Australian Securities and Investments Commission v GDK Financial Solutions Pty Ltd (in liq) (No 3)* [2008] FCA 448
 3. *ASC v Melbourne Asset Management* (1994) 49 FCR 334 *
 4. *Batten v Wedgewood Coal and Iron Co* (1885) 28 Ch D 317

5. *Batten, Proffitt and Scott v Dartmouth Harbour Commissioners* (1890) 45 Ch D 612
6. *Carob Industries Pty Ltd (in liq) (t/as Foremost Equipment) v Simto Pty Ltd* [1999] WASC 258
7. *Coad v Wellness Pursuit Pty Ltd (in Liq)* [2009] WASC 68 *
8. *Corporate Affairs Commission v ASC Timber Pty Ltd* (1998) 29 ACSR 109
9. *DCT v GIO (NSW)* (1993) 45 FCR 284
10. *Dean-Willcocks v Nothintoohard Pty Ltd (in liq)* [2006] NSWCA 311 *
11. *Hewett v Court* (1983) 149 CLR 639
12. *In Re Hubbard Power & Light, Inc.* 202 B.R. 680 (E.D.N.Y. 1996)
13. *In Re Timbercorp Securities Limited (No 4)* [2009] VSC 530
14. *JW Murphy and PC Allen* (1996) 19 ACSR 569
15. *Meadow Springs Fairway Resort Ltd (in Liq) v Balanced Securities Ltd* [2007] FCA 1443 *
16. *Moodemere Pty Ltd (in liq) v Waters* [1988] VR 215
17. *Peridon Village Nominees Pty Ltd* (2006) 24 ACLC 1019
18. *Re Anglican Insurance Ltd* [2008] NSWSC 41
19. *Re Berkeley Applegate (Investment Consultants) Ltd (in liq)* [1989] Ch 32
20. *Re GB Nathan & Co Pty Ltd (in liq)* (1991) NSWLR 674
21. *Re Graf Holdings Pty Ltd* [1999] NSWSC 217
22. *Re Great Southern Managers (Australia) Ltd (No 1)* [2009] VSC 642 *
23. *Re Spedley Securities Ltd (in liq)* (1992) 9 ACSR 83
24. *Re Universal Distributing Co (in liq)* (1933) 48 CLR 171 *
25. *Shirlaw v Taylor* (1991) 31 FCR 222 *
26. *State Bank of New South Wales v Turner Corp Ltd* (1994) 14 ACSR 480
27. *Warne v GDK Financial Solutions Pty Ltd* [2006] NSWSC 464

28. *Wright v Kirby* (1857) 23 Beav 436

29. *Young v ACN 081 162 512 Pty Ltd* [2005] NSWSC 139

R. W. Douglas
12 March 2010