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Daily Construction A Daily Bulletin listing Decisions of Superior Courts of Australia

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Executive Summary (1 minute read)

Central Queensland Development Corporation Pty Ltd v Sunstruct Pty Ltd (FCAFC) - corporations - deed of company arrangement - costs - two related appeals - judgment against company varied - director's appeal allowed

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Summaries With Link (Five Minute Read)

Central Queensland Development Corporation Pty Ltd v Sunstruct Pty Ltd [2015] FCAFC 63

Full Court of the Federal Court of Australia

Besanko, Gilmour & Ranghia JJ

Corporations - deed of company arrangement - costs - two related appeals - first appeal brought by appellant company concerning effect of Deed of Company Arrangement (DOCA) between it and its creditors on amount of judgment entered on counterclaim, and its effect on proper construction on costs orders made against it in relation to counterclaim - second appeal by company's sole director who was non-party - director was ordered with company to pay costs of proceedings - director complained he was denied procedural fairness - held: DOCA was a bar to bringing any claim for unsecured amount - judgment for only secured amount ought to have been entered - first respondent's costs of prosecuting counterclaim against company were not compromised by the DOCA having regard to s444D *Corporations Act 2001* nor first respondent's costs defending company's claims - discretion of primary judge miscarried in relation to costs order against director - there was denial of procedural fairness - judgment against company varied - company's appeal in relation to costs orders dismissed - director's appeal allowed.

[Central](#)

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