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Daily Civil Law A Daily Bulletin listing Decisions of Superior Courts of Australia

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CIVIL (Insurance, Banking, Construction & Government)

Executive Summary (1 minute read)

Crafted Furniture Pty Ltd v Rugged Luxe Pty Ltd (Administrators Appointed) (FCA) - corporations - applicant, under s472(2) *Corporations Act 2001* (Cth), sought provisional liquidators' appointment to first respondent - application dismissed (B)

Australian Competition and Consumer Commission v NQCranes Pty Ltd (FCA) - pleadings - consumer law - applicant alleged respondent contravened 'cartel provisions' in *Competition and Consumer Act 2010* (Cth) - respondent sought to strike out certain paragraphs of pleadings - application refused (I B C G)

The Commissioner of the Australian Federal Police v Cranston (No 15) (NSWSC) - proceeds of crime - confiscation of property - 57th and 58th defendants sought that their property be excluded from restraining orders 'and or' consequential forfeiture - alternatively, 57th and 58th defendants sought extension of time before occurrence of forfeiture - extension of time granted (I B C G)

The Trust Company (Australia) Limited as trustee of the ALE Direct Property Trust v Australian Leisure and Hospitality Group Pty Limited (VSC) - leases and tenancies - 'gambling hotel premises' - plaintiff sought to challenge 'rent determinations', contending 'they were not made in accordance with' leases - declaration granted (I B C G)

Re Pindan Group Pty Ltd (Administrators Appointed) and Ors (WASC) - corporations law -

plaintiffs sought further extension of 'convening period' second meeting of company's creditors -
plaintiffs also sought orders facilitating proposal that plaintiffs enter 'refinance agreements' -
applications granted (B)

Summaries With Link (Five Minute Read)

Crafted Furniture Pty Ltd v Rugged Luxe Pty Ltd (Administrators Appointed) [2021] FCA 1278

Federal Court of Australia

Stewart J

Corporations - applicant, under s472(2) *Corporations Act 2001* (Cth), sought provisional liquidators' appointment to first respondent - whether 'reasonable prospect of' winding-up order - *ASIC v ActiveSuper Pty Ltd (No 2)* [2013] FCA 234 - whether prospect of 'successful DOCA' - interests of creditors - whether to intervene prior to winding-up application's 'final hearing' - public interest - held: application dismissed.

[Crafted Furniture](#) (B)

Australian Competition and Consumer Commission v NQCranes Pty Ltd [2021] FCA 1270

Federal Court of Australia

Abraham J

Pleadings - consumer law - applicant alleged respondent contravened 'cartel provisions' in *Competition and Consumer Act 2010* (Cth) - respondent, under r16.21 *Federal Court Rules 2011* (Cth) or s37P *Federal Court of Australia Act 1976* (Cth), sought to strike out paragraphs of pleadings concerning 'making and giving effect to' 'Non-Targeting Arrangement' and 'giving effect to' 'Co-Ordinated Approach Provision' - *Spencer v Commonwealth* [2010] HCA 28 - *Polar Aviation Pty Ltd v Civil Aviation Safety Authority* [2012] FCAFC 97 - held: application refused.

[Australian Competition and Consumer Commission](#) (I B C G)

The Commissioner of the Australian Federal Police v Cranston (No 15) [2021] NSWSC 1332

Supreme Court of New South Wales

Rothman J

Proceeds of crime - confiscation of property - 57th and 58th defendants sought that their property be excluded from restraining orders 'and or forfeiture consequential' on restraining orders - alternatively, 57th and 58th defendants sought extension of time before occurrence of forfeiture - s93 *Proceeds of Crime Act 2002* (Cth) - held: extension of time before forfeiture of property granted.

[View Decision](#) (I B C G)

The Trust Company (Australia) Limited as trustee of the ALE Direct Property Trust v Australian Leisure and Hospitality Group Pty Limited [2021] VSC 670

Supreme Court of Victoria

Garde J

Leases and tenancies - 'gambling hotel premises' - plaintiff sought to challenge 'rent determinations', contending 'they were not made in accordance with' leases concerning 16 gaming hotel premises - defendant contended valuer erroneously interpreted leases concerning assessment of rent and 'impermissibly took into consideration' submissions of defendant concerning 'actual EBITDA figures' - 'methodology ground' - 'EBITDA information ground' - held: plaintiff succeeded on EBITDA information ground - declaration granted.

[The Trust Company](#) (I B C G)

Re Pindan Group Pty Ltd (Administrators Appointed) and Ors [2021] WASC 347

Supreme Court of Western Australia

Strk J

Corporations law - plaintiffs sought further extension of 'convening period' second meeting of company's creditors - plaintiffs also sought orders facilitating proposal that plaintiffs enter 'refinance agreements' - interests of creditors - whether consistency with objectives of pt 5.3A Corporations Act 2001 (Cth) - prejudice - *Matthew David Woods and Hayden Leigh White as joint and several liquidators of Little Tiger Pty Ltd (In liq) as trustee for the BPH Trust v Little Tiger Pty Ltd (In liq)* [2014] WASC 372 - *Re Red Lancer Pty Ltd (In liq); Ex parte Bumback* [2019] WASC 450 - *Re Bell Group (In liq); Ex parte Woodings* [2020] WASC 121 - held: applications granted.

[Re Pindan Group](#) (B)

Summaries With Link



At a Solemn Music

By: John Milton

Blest pair of Sirens, pledges of Heav'ns joy,
Sphear-born harmonious Sisters, Voice, and Vers,
Wed your divine sounds, and mixt power employ
Dead things with inbreath'd sense able to pierce,
And to our high-rais'd phantasie present,
That undisturbèd Song of pure content,
Ay sung before the saphire-colour'd throne
To him that sits theron
With Saintly shout, and solemn Jubily,
Where the bright Seraphim in burning row
Their loud up-lifted Angel trumpets blow,
And the Cherubick host in thousand quires
Touch their immortal Harps of golden wires,
With those just Spirits that wear victorious Palms,
Hymns devout and holy Psalms
Singing everlastingly;
That we on Earth with undiscording voice
May rightly answer that melodious noise;
As once we did, till disproportion'd sin
Jarr'd against natures chime, and with harsh din
Broke the fair musick that all creatures made
To their great Lord, whose love their motion sway'd
In perfect Diapason, whilst they stood
In first obedience, and their state of good.
O may we soon again renew that Song
And keep in tune with Heav'n, till God ere long
To his celestial consort us unite,
To live with him, and sing in endles morn of light.

https://en.wikipedia.org/wiki/John_Milton

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