

State Reporting Bureau



Queensland Government
Department of Justice and Attorney-General

Transcript of Proceedings

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Date 10/01/02

SUPREME COURT OF QUEENSLAND

CIVIL JURISDICTION

MUIR J

No 11075 of 2001

IN THE MATTER OF CAVILL MANAGEMENT SERVICES PTY LTD
(ACN 074 324 691)

KAREN CHAN

Applicant

and

CAVILL MANAGEMENT SERVICES PTY LTD
(ACN 074 324 691)

Respondent

BRISBANE

..DATE 04/01/2002

ORDER

HIS HONOUR: This is an application under section 461(1)(k) of the Corporations Act for the winding up of the respondent company.

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Two grounds are relied on by the applicant. One, that it was, in effect, a partnership and there has been a breakdown in the relationship between the "partners" such that there is now a position of effective deadlock. The applicant is a director and shareholder of the respondent.

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HIS HONOUR: The other ground is that the company should, in any event, be wound up as the business of the company has been effectively abandoned. Allied with this point is that the company does not appear to be solvent and disputes exist as to various liabilities and obligations such that it cannot be deregistered or wound up until those matters are resolved.

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Mr Looney, who appears for the applicant, submits that the only effective way to achieve this end is through the appointment of a liquidator.

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Mr Presser, the other director and shareholder of the company who appears on its behalf, takes a more sanguine view of matters and submits that the appointment of a liquidator is unnecessary. He thinks that, given some time

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and goodwill, the various matters in issue can be worked through between the parties and resolved.

Unfortunately, there is little in the recent history disclosed in the affidavit material which would lead one to think that Mr Presser's hopes are likely to be realised. The material does appear to disclose that at least at the moment the applicant and Mr Presser cannot work together so as to manage the company's affairs and to bring its affairs to a successful termination. There is nothing before me apart from Mr Presser's expression of optimism which suggests that state of affairs is likely to change for the better.

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In the circumstances, it seems to me that this company has to be wound up. As the "partners" are unable to agree as to how a winding-up can be attended to without incurring unnecessary expense, the order ought be made on the just and equitable grounds.

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HIS HONOUR: For the reasons I have given, I order in terms of the draft initialled by me.

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