



Transcript of Proceedings

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State Reporting Bureau
Date 31/1/02

SUPREME COURT OF QUEENSLAND

CIVIL JURISDICTION

MUIR J

No S5515 of 1999

STATE OF QUEENSLAND

Plaintiff

and

WENTON AUSTRALIA ENTERPRISES PTY LTD

First Defendant

and

ANTHONY JAMES EDDLESTON

Second Defendant

and

WENDY MICHELLE EDDLESTON

Third Defendant

BRISBANE

..DATE 31/01/2002

REASONS

HIS HONOUR: I hate the idea of dragging this thing out. 1
By and large, no good ever comes of postponing a decision,
particularly one like this, but in circumstances where there
is a serious allegation against a party of being in breach
of an order of the Court, and that breach is relevant to the
application, it seems to me that I ought to at least give 10
the applicant an opportunity to explain the circumstances
surrounding the share transfer before I make a final
decision in this matter. It is plain to me that that is a
matter which is of some relevance to the outcome of the
application. 20

Related to that, I am concerned that the evidence of the
accountant, Mr Bartley, may not be based on complete
knowledge of the actual financial affairs of the first
defendant, and in that I include the trust of which it is 30
trustee.

I consider it desirable that there be an explanation by a
person with actual knowledge of matters such as the 40
expenditure of the sum of \$9,000, if that has taken place,
the asset represented by the Harley Davidson motorcycle (it
seems that there may be confusion on the third defendant's
part about the motorcycle which she refers to in her
affidavit), the missing bank statements and the lack of 50
funds with which to fund the litigation.

I intimate that subject to being satisfied about these
matters, my current inclination is that the order should be

relaxed to some extent to fund the action, but on terms that
moneys be paid into the trust account and only be able to be
released after notice to the solicitors for the plaintiff
and on production of proper accounts.

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HIS HONOUR: I adjourn this application to 9 a.m. tomorrow
morning and reserve the costs.

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MR CAMPBELL: Thank you, your Honour.

MR SOFRONOFF: Your Honour, could I add one further
condition to any order that your Honour might think fit to
make in due course, and that is that Wenton submit to the
same Mareva injunction.

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HIS HONOUR: Yes. Mr Campbell? There can't be much of a
problem about that, can there, having regard to the parlous
state of its resources. You will need to get instructions
about that.

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MR CAMPBELL: I will need to get instructions.

HIS HONOUR: That would seem to me to be an entirely
sensible proviso.

MR CAMPBELL: Yes. The result may be though to effectively
prevent Wenton from trading even in the limited manner it is
at the moment, which is why-----

HIS HONOUR: Well, I wouldn't contemplate making an order
that it couldn't continue to trade in the normal course, if
it is in fact trading.

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MR CAMPBELL: Yes. Thank you, your Honour. I will think
about it.

HIS HONOUR: Depending on how you go with your affidavit
material, you might think of drafting an order and showing a
copy of the draft to the other side.

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MR CAMPBELL: Thank you, your Honour.

HIS HONOUR: By tomorrow morning.

MR CAMPBELL: Thank you, your Honour.
