



Transcript of Proceedings

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State Reporting Bureau
Date: 4 August, 2004

SUPREME COURT OF QUEENSLAND

CIVIL JURISDICTION

JONES J

Application No 326 of 2004

IN THE MATTER OF THE CORPORATIONS ACT 2001

IN THE MATTER OF NEIL LAWRENCE COOPER

CAIRNS

..DATE 02/08/2004

JUDGMENT

WARNING: The publication of information or details likely to lead to the identification of persons in some proceedings is a criminal offence. This is so particularly in relation to the identification of children who are involved in criminal proceedings or proceedings for their protection under the *Child Protection Act 1999*, and complainants in criminal sexual offences, but is not limited to those categories. You may wish to seek legal advice before giving others access to the details of any person named in these proceedings.

HIS HONOUR: This is an application pursuant to section 601AH(2) of the Corporations Act 2001.

The applicant who with his wife were the only members of the company which has been deregistered makes application for the company, Cairns Heavy Machinery Services Pty Ltd, to be reregistered in order that the company may pursue a potential claim against its former banker.

That claim has its genesis in the fact that an employee of the company is alleged to have defrauded the company by altering cheques which were subsequently honoured by the bank. The claim which is sought to be made on behalf of the company seeks damages for breach of contract or in respect of the bank's honouring of those cheques. In the circumstances the company ought to have the opportunity to pursue that action and consequently the registration will be necessary.

The applicant, as a member of the company prior to deregistration, is a person aggrieved by the deregistration. It is just in all the circumstances that the registration be reinstated.

I make orders in terms of the draft initialled by me and placed with the papers.
