

SUPREME COURT OF
VICTORIA
COMMERCIAL COURT
BULLETIN
No. 6/2011



Matter: Altain Khuder LLC v IMC Mining Inc & Anor (No. 3)

Judge: Croft J

Date: 15/3/2011

Citation: [2011] VSC 105

Subject: PRACTICE AND PROCEDURE – Ancillary disclosure orders – scope and interpretation – whether substantial compliance – whether evidence supports alleged dissipation of assets – orders stayed pending expedited appeal hearing.

[Click here for full text of judgment](#)

Matter: Re Foster's Group Limited

Judge: Ferguson J

Date: 21/3/2011

Citation: [2011] VSC 93

Subject: CORPORATIONS – Scheme of Arrangement – Orders convening first meeting – Demerger of part of business – Whether partly paid or overseas shareholders constitute separate class - s 411 *Corporations Act 2001* (Cth)

[Click here for full text of judgment](#)

Matter: Conte Mechanical and Electrical Services Pty Ltd v CSR

Judge: Pagone J

Date: 25/3/2011

Citation: [2011] VSC 104

Subject: TAXATION – Appeal against determinations of objections by the Commissioner of State Revenue – Commissioner’s discretion to “de-group” companies for payroll tax purposes - s 9A(1J) *Pay-roll Tax Act 1971* (Vic) and s 79 *Pay-roll Tax Act 2007* (Vic) – Taxpayer did not establish legal error by the Commissioner – Where reasons given error must be found in operative decision – Insufficient to show that weight preferred by taxpayer was not given to factors that ought to be taken into account – Only questions of law before a Court on appeal.

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Matter: Tremaine Developments Pty Ltd v Courtney Develops Pty Ltd & Ors

Judge: Croft J

Date: 25/3/2011

Citation: [2011] VSC 112

Subject: COSTS – whether application brought by proper plaintiff – costs order against a non party.

COSTS – indemnity costs – application with no real prospect of success – failed application for a freezing order — incorrect plaintiff – *Auswest Timbers Pty Ltd v Secretary to the Department of Sustainability & Environment (No. 2)* [\[2010\] VSC 513](#); *Colgate Palmolive Company v Cussons Pty Ltd* [\[1993\] FCA 536](#); [\(1993\) 46 FCR 225](#); *Macedon Ranges Shire Council v Thompson* [\[2009\] VSCA 209](#).

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