

IN THE HIGH COURT OF AUSTRALIA
MELBOURNE REGISTRY

No. M137 of 2018

ON APPEAL FROM THE SUPREME COURT OF VICTORIA COURT OF APPEAL

BETWEEN:

CARTER HOLT HARVEY WOOD PRODUCTS AUSTRALIA PTY LTD
Appellant

and

THE COMMONWEALTH OF AUSTRALIA
First Respondent

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MATTHEW JAMES BYRNES and **ANDREW STEWART REED HEWITT**
in their capacity as joint and several receivers and managers of Amerind Pty
Limited (receivers and managers appointed) (in liquidation)
Second Respondent

BRENT MORGAN

In his capacity as liquidator of Amerind Pty Limited (receivers and managers
appointed) (in liquidation)
Third Respondent



APPELLANT'S CHRONOLOGY

20 I certify that this chronology is in a form suitable for publication on the internet.

Part II:

The following table sets out a chronology of the principal events in the litigation:

No.	Date	Event	AB reference
1.	5 Aug 1976	Amerind Pty Limited (Receivers and managers appointed)(in liquidation) (Amerind) was incorporated.	[2017] VSC 127 para 1 (CAB 8)
		Amerind carried on business as a manufacturer and distributor of decorative and architectural finishes.	[2017] VSC 127 para 1 and 11 (CAB 8 and 10)
		Amerind carried on business solely in its capacity as a trustee of the Panelvener	[2017] VSC 127 para 1, 11 and 39

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No.	Date	Event	AB reference
		Processors Trading Trust (Trust).	(CAB 8, 10 and 14)
		Amerind had no assets in its own right and the liabilities it incurred were incurred in acting as trustee of the Trust.	[2017] VSC 127 para 50 (CAB 17)
10	2. 2 Dec 1976	The Trust was settled by a trust deed pursuant to which the trustee was to purchase and carry on an existing business that had been operated by a company called Panelvener Processors Pty Limited.	[2017] VSC 127 para 40 (CAB 14)
	3. 30 Nov 2012	Amerind entered into a number of facilities and accounts with the Bendigo and Adelaide Bank (Bank) including a commercial term facility, a trade finance facility and a debtor finance facility.	[2017] VSC 127 para 2, 13 and 14 (CAB 8 and 10)
	4. 6 Mar 2014	The Bank sent a notice to Amerind demanding repayment of, and terminating, the Pre-Appointment Facilities	[2017] VSC 127 para 3, 23 and 24 (CAB 8 and 12)
20	5. 11 Mar 2014	Amerind's sole director resolved under section 436A of the <i>Corporations Act 2001</i> (Cth) (Corporations Act) to appoint Brent Leigh Morgan, James Marc Imray and Geoffrey Philip Reidy of Rodgers Reidy as its voluntary administrators.	[2017] VSC 127 para 4 and 25 (CAB 8 and 12)
		the Bank appointed Matthew James Byrnes and Andrew Stewart Reed Hewitt receivers and managers (Receivers) to Amerind	[2017] VSC 127 para 4 and 25 (CAB 8 and 12)
30	6. 12 Mar 2014	Bank gives Notice of Assignment of accounts of Amerind to all of Amerind's debtors	[2017] VSC 127 para 26 (CAB 12)
	7. 14 Apr 2014	The Receivers announce that Amerind would cease trading on a "business as usual" basis and would transition to a "wind down" phase.	[2017] VSC 127 para 34 (CAB 13)
	8. 13 Aug 2014	Amerind's creditors resolved that it be wound up, and the administrators be appointed as its liquidators	[2017] VSC 127 para 5 and 35 (CAB 8 and 14)
	9. 9 May 2016	Further Amended Originating Process filed by the Receivers	
40	10. 26-29 Sep 2016	Hearing before Justice Robson	N/A

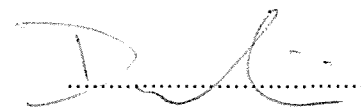
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No.	Date	Event	AB reference
11.	23 Mar 2018	Robson J delivers judgment	[2017] VSC 127 (CAB 5)
12.	10 May 2017	Commonwealth of Australia applies for leave to appeal	Application for leave to Appeal (CAB 142)
13.	19 Jul and 8 Aug 2017	Hearing before Supreme Court of Victoria Court of Appeal (Appeal Court) comprising Chief Justice Ferguson and Justices Whelan, Kyrou, McLeish and Dodds-Streeton	N/A
14.	28 Feb 2018	Appeal Court delivers judgment	[2018] VSCA 41 (CAB 149)
15.	28 Mar 2018	Carter Holt Harvey Woodproducts Australia Pty Limited (CHH) applies for special leave to appeal the decision of the Appeal Court	CHH Application for special leave to appeal
16.	17 Aug 2018	Special leave to Appeal granted.	Order of Gageler, Nettle and Edelman JJ (CAB 288)
17.	31 Aug 2018	CHH files notice of appeal	CHH Notice of Appeal
18.	19 Sept 2018	CHH granted leave to file an amended Notice of Appeal	Order of Nettle J (CAB 290)
19.	20 Sept 2018	CHH files amended notice of appeal	CHH Amended Notice of Appeal (CAB 297)

Dated: 5 October 2018



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