

*KIRKALOCKA GOLD SPV PTY LTD (RECEIVERS AND MANAGERS  
APPOINTED) ACN 626 160 816 (ADMINISTRATORS APPOINTED)*

v

*ZENITH PACIFIC (KLK) PTY LTD ACN 630 653 468*

[2025] HCADisp 203

P16/2025

- 1       The applicant seeks special leave to appeal from a judgment of the Full Court of the Federal Court of Australia (Banks-Smith, O'Bryan and Neskovic JJ) dismissing the applicant's appeal from a decision of the Federal Court of Australia (Besanko J) which dismissed the applicant's originating application and upheld the respondent's cross-claim seeking a declaration that the respondent is the legal and beneficial owner and is entitled to possession of the items of plant and equipment located at the Kirkalocka Mine Site as described in the schedule to the orders.
- 2       There is no reason to doubt the correctness of the decision of the Full Court. An appeal would therefore be an inappropriate vehicle to consider aspects of the reasoning of the Full Court concerning the meaning of "security interest" and "apparent possession" in ss 12 and 24 of the *Personal Property Security Act 2009* (Cth).
- 3       Special leave to appeal is refused with costs.

Gageler CJ  
Gordon J  
Edelman J  
Steward J  
Gleeson J  
Jagot J  
Beech-Jones J

4 September 2025