SCL AUS LIMITED
v
KIRKALOCKA GOLD SPV PTY LTD (SUBJECT TO DEED OF COMPANY ARRANGEMENT) (RECEIVERS AND MANAGERS APPOINTED) ACN 626 160 816 & ANOR
[2026] HCADisp 253
P19/2026

1 The applicant seeks special leave to appeal from a judgment of the Full Court of the Federal Court of Australia (Colvin, Neskovcin and Vandongen JJ) allowing an appeal in part from a judgment of the Federal Court of Australia (Jackson J), which held that a contingent obligation of the first respondent to pay a royalty under a Royalty Deed is a "claim" within the meaning of s 444D of the *Corporations Act 2001* (Cth) and that various other obligations imposed on the first respondent by the Royalty Deed were "ancillary" to a monetary obligation and therefore extinguished and released by a deed of company arrangement.

2 In allowing the appeal in part, there was no change to the effect of the primary judge's conclusion. The proposed appeal has insufficient prospects of success to warrant a grant of special leave.

3 Special leave to appeal is refused with costs.

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

8 October 2026