

IN THE SUPREME COURT OF VICTORIA  
AT MELBOURNE  
COMMERCIAL COURT  
CORPORATIONS LIST

S CI 2017 01896

IN THE MATTER of VICTORIA STATION CORPORATION PTY LTD  
(ACN 104 082 797) (ADMINISTRATORS APPOINTED) & ORS  
(according to the attached schedule)

MICHAEL CARRAFA, PETER GOUNTZOS & RICHARD JOHN CAUCHI IN THEIR CAPACITY AS JOINT AND SEVERAL ADMINISTRATORS OF VICTORIA STATION CORPORATION PTY LTD ACN 104 082 797 (IN ITS OWN CAPACITY AS THE PARTNERSHIP MANAGER OF THE 'VICTORIA STATION CORPORATION PARTNERSHIP' (TRADING AS 'VICTORIA STATION', 'KATE HILL' AND 'VICTORIA STATION CLEARANCE') (ADMINISTRATORS APPOINTED) & ORS  
(according to the attached schedule) Plaintiffs

COMMONWEALTH OF AUSTRALIA (DEPARTMENT OF JOBS AND SMALL BUSINESS) Contradictor

**ORDER**

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JUDGE: The Honourable Justice Robson

DATE MADE: 27 April 2018

ORIGINATING PROCESS: Filed on 22 May 2017

HOW OBTAINED: Interlocutory Process filed on 31 August 2017

ATTENDANCE: Mr S. D. Hay and Ms R. T. Zambelli of Counsel for the Plaintiffs  
Mr C. T. Moller of Counsel for the Commonwealth of Australia (Department of Jobs and Small Business).

OTHER MATTERS: The Plaintiffs informed the Court that additional orders, for the determination of the partnership, appointment as receivers and managers, and indemnification for the Plaintiffs' reasonable costs and expenses, could be heard by Gardiner AsJ pursuant to r 60.02(2) of the *Supreme Court (General Civil Procedure) Rules 2015*.

THE COURT DIRECTS THAT:

1. The Plaintiffs are justified in proceeding in the administrations of Victoria Station Corporation Pty Ltd ACN 104 082 797 (administrators appointed) (VSCPL), Victoria Station Services Pty Ltd ACN 074 633 533



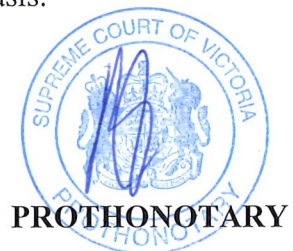
(administrators appointed) (VSSPL), Michael Hartz Pty Ltd ACN 104 083 598 (administrators appointed) (MHPL) and Paul Hartz Pty ACN 104 084 693 (administrators appointed) (PHPL), on the basis that:

- (a) VSCPL conducted the business known as 'Victoria Station', 'Victoria Station Clearance', 'Kate Hill', 'Victoria Station Always Something New' and 'Victoria Station Corporation' as manager and agent for the 'Victoria Station Corporation Partnership' (**partnership**) and, as such, has a right of indemnity, and a lien over all assets (including any partnership assets) under its control or at its disposal, in respect of debts it incurred as agent for the partnership;
- (b) in any winding up of VSCPL, the assets of VSCPL (including any moneys it receives as a consequence of its lien) should be distributed to its creditors (including employees) in accordance with the *Corporations Act 2001* (Cth), including the provisions for statutory priorities under ss 556, 560 and 561; and
- (c) VSSPL entered into leases of premises from which the said business was conducted as the agent of VSCPL, and for VSCPL in its capacity as manager of the partnership, and therefore for and on behalf of the said partnership.

THE COURT ORDERS THAT:

1. Liberty is reserved to any liquidators of MHPL and PHPL to apply for a direction that they would be justified in compromising VSCPL's claims to be indemnified, in the manner contemplated in paragraph [106] of the reasons for judgment of the Honourable Justice Robson, having medium neutral citation [2018] VSC 163.
2. The Plaintiffs' claims:
  - (a) for indemnity, remuneration, costs and expenses; and
  - (b) for such amounts to be held to be secured by an equitable charge over the assets of VSCPL, the partnership and/or MHPL and PHPL (in their capacities as trustees of the Michael Raiter Family Trust and the Paul Raiter Family Trust respectively),be referred to Associate Justice Gardiner or another Associate Justice for hearing and determination.
3. The Plaintiffs' costs to date of the interlocutory process be costs of the administrations of VSCPL, VSSPL, MHPL and PHPL and the partnership.
4. The costs of the Commonwealth of Australia (acting through the Department of Jobs and Small Business) of the Plaintiffs' interlocutory process be costs in the administrations of VSCPL, VSSPL, MHPL and PHPL and the partnership, and be paid on an indemnity basis.

DATE AUTHENTICATED: 30 April 2018



**SCHEDULE OF PARTIES**

IN THE MATTER of VICTORIA STATION CORPORATION PTY LTD (ACN 104 082 797) (ADMINISTRATORS APPOINTED) and VICTORIA STATION SERVICES PTY LTD (ACN 074 633 533) (ADMINISTRATORS APPOINTED) and MICHAEL HARTZ PTY LTD (ACN 104 083 598) (ADMINISTRATORS APPOINTED) and PAUL HARTZ PTY LTD (ACN 104 084 693) (ADMINISTRATORS APPOINTED)

**BETWEEN:**

MICHAEL CARRAFA, PETER GOUNTZOS & RICHARD JOHN CAUCHI IN THEIR CAPACITY AS JOINT AND SEVERAL ADMINISTRATORS OF VICTORIA STATION CORPORATION PTY LTD (ACN 104 082 797) (IN ITS OWN CAPACITY AS THE PARTNERSHIP MANAGER OF THE “VICTORIA STATION CORPORATION PARTNERSHIP” (TRADING AS “VICTORIA STATION”, “KATE HILL” AND “VICTORIA STATION CLEARANCE”) (ADMINISTRATORS APPOINTED)

First Plaintiffs

MICHAEL CARRAFA, PETER GOUNTZOS & RICHARD JOHN CAUCHI IN THEIR CAPACITY AS JOINT AND SEVERAL ADMINISTRATORS OF VICTORIA STATION SERVICES PTY LTD (ACN 074 633 533) (AS TRUSTEE FOR “VICTORIA STATION SERVICES TRUST”) (ADMINISTRATORS APPOINTED)

Second Plaintiffs

MICHAEL CARRAFA, PETER GOUNTZOS & RICHARD JOHN CAUCHI IN THEIR CAPACITY AS JOINT AND SEVERAL ADMINISTRATORS MICHAEL HARTZ PTY LTD (ACN 104 083 598) (AS TRUSTEE FOR “THE MICHAEL RAITER FAMILY TRUST”) (ADMINISTRATORS APPOINTED)

Third Plaintiffs

MICHAEL CARRAFA, PETER GOUNTZOS & RICHARD JOHN CAUCHI IN THEIR CAPACITY AS JOINT AND SEVERAL ADMINISTRATORS OF PAUL HARTZ PTY LTD (ACN 104 084 693) (AS TRUSTEE FOR “THE PAUL RAITER FAMILY TRUST”) (ADMINISTRATORS APPOINTED)

Fourth Plaintiffs

-and-

DEPARTMENT OF EMPLOYMENT



Contradictor

