

BETWEEN:

**WILLMOTT GROWERS GROUP INC**  
Appellant

and

**WILLMOTT FORESTS LIMITED (RECEIVERS AND MANAGERS APPOINTED)  
(IN LIQUIDATION)**

10 **IN ITS CAPACITY AS MANAGER OF THE UNREGISTERED MANAGED  
INVESTMENT SCHEMES LISTED IN SCHEDULE 2**  
First Respondent

and

**CRAIG DAVID CROSBIE**  
**IN HIS CAPACITY AS LIQUIDATOR OF WILLMOTT FORESTS LIMITED  
(RECEIVERS AND MANAGERS APPOINTED)  
(IN LIQUIDATION) (ACN 063 263 650)**

Second Respondent

and

20 **IAN MENZIES CARSON**  
**IN HIS CAPACITY AS LIQUIDATOR OF WILLMOTT FORESTS LIMITED  
(RECEIVERS AND MANAGERS APPOINTED)  
(IN LIQUIDATION) (ACN 063 263 650)**

Third Respondent

**WILLMOTT ACTION GROUP INC**  
Fourth Respondent

**APPELLANT'S CHRONOLOGY**

30 **Part I: Certification as to publishable form**

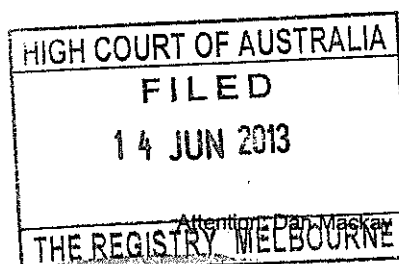
The Appellant certifies that this chronology is in a form suitable for publication on the internet.

**Part II: List of principal events leading to High Court proceeding M53 of 2013**

Date	Event	Appeal Book Ref
1979-80	<i>Bankruptcy Amendment Bill 1979</i> , introducing disclaimer of "contract" and requiring notice to "a lessor (and any sub-lessee or mortgagee) of intention to disclaim a lease".	
1983	First 'Contractual Scheme' established (see	

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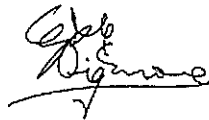


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	Schedule 2).	
1988	The Law Reform Commission, Report No. 45, General Insolvency Inquiry.	
1992	<i>Corporate Law Reform Bill</i> 1992, amendment of s 568(1) from “unprofitable contract” to “contract” and introducing s 568(1A).	
1993	First ‘Partnership Scheme’ established (see Schedule 2).	
1994	Final 4 Partnership Schemes established.	
30 June 1994	Commencement date of “exemplar lease” between First Respondent as lessor and McKenzie & Partners – Forestry Partnership No. 2 as lessee rent fully prepaid in advance for a term of 25 years.	
2001	Final Contractual Scheme established.	
26 October 2010	Second and Third Respondents appointed as voluntary administrators of Willmott group of companies including the First Respondent, Willmott Forests Limited.	
22 March 2011	Second and Third Respondents ( <b>Liquidators</b> ) appointed as liquidators of the First Respondent.	
11 May 2011	Application to Federal Court filed by First, Second and Third Respondents seeking directions from the Court, including that Liquidators would be justified in disclaiming project documents, including leases in the form of the exemplar lease (the <b>Leases</b> ).	
28-29 June 2011	Justice Dodds-Streeton in the Federal Court hears First to Third Respondents’ application and orders that Liquidators are justified in disclaiming, <i>inter alia</i> , the Leases “on the condition that the Plaintiffs will seek the Court’s consent before disclaiming”. The question that arises in this appeal was not considered by her Honour.	
6 December 2011	Contracts of Sale executed for sale of assets of First Respondent including land on which the Contractual and Partnership Schemes operate, conditional on consent of Court to disclaim the Leases.	
13 December 2011	Application to Supreme Court of Victoria filed by First, Second and Third Respondents seeking directions from the Court, including consent to the disclaimer of, <i>inter alia</i> , the Leases.	

23-25 January 2012	Justice Davies hears "Preliminary Question": <i>Are the liquidators able to disclaim the Growers' leases with the effect of extinguishing the Growers' leasehold estate or interest in the subject land?</i>	
9 February 2012	Judgment of Davies J in <i>Re Willmott Forests Ltd</i> [2012] VSC 29 answering preliminary question "no".	
20 April 2012	Notice of Appeal filed on behalf of First, Second and Third Respondents.	
15 May 2012	Justice Davies makes orders in respect of costs in First to Third Respondents application for directions in the Supreme Court of Victoria, ordering <i>inter alia</i> that the First Respondent pay the Appellant's costs of the proceeding.	
18 May 2012	Judgment of Davies J in <i>Re Willmott Forests</i> (Unreported, Supreme Court of Victoria, Davies J, 18 May 2012) in respect of costs in First to Third Respondents application for directions in the Supreme Court of Victoria	
23 May 2012	Court of Appeal hears intermediate appeal on the preliminary question.	
29 August 2012	Court of Appeal in <i>Re Willmott Forests Limited</i> [2012] VSCA 202 gives judgment and answers the preliminary question "yes".	
26 September 2012	Appellant applies for special leave to appeal.	
10 May 2013	High Court grants Appellant special leave to appeal granted on the preliminary question.	

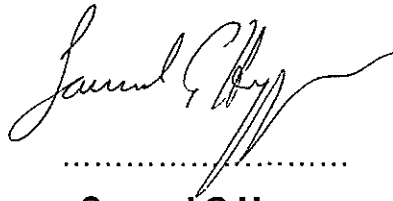
Dated: 14 June 2013



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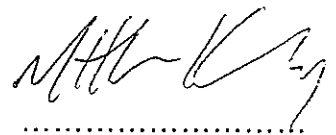
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**SCHEDULE 2 – UNREGISTERED MANAGED INVESTMENT SCHEMES:  
CONTRACTUAL SCHEMES AND PARTNERSHIP SCHEMES**

**CONTRACTUAL SCHEMES**

1. 1983 (No Project)
2. 1984 (No Project)
3. 1985 (No Project)
4. 1986 (No Project)
5. 1987 (No Project)
- 10 6. 1989 (No Project)
7. 1990 (No Project) Interest Only Offer
8. 1991 (No Project)
9. Sharp/Reed Plantation Project -1998 Information Memorandum
10. 2001 (No Project)

**PARTNERSHIP SCHEMES**

11. McKenzie & Partners - Forestry Partnership No.1 (1993)
12. Grimsey & Associates Pty Ltd - Forestry Partnership No. 1 (1994)
13. Grimsey & Associates Pty Ltd - Forestry Partnership No. 2 (1994)
- 20 14. Grimsey & Associates Pty Ltd - Forestry Partnership No. 3 (1994)
15. McKenzie & Partners - Forestry Partnership No. 2 (1994)