



IN THE SUPREME COURT OF WESTERN AUSTRALIA

COR/152/2019

EX PARTE:

**Neil Raymond CRIBB as liquidator of  
BULLION BOURSE PTY LTD (IN  
LIQUIDATION) (ACN 140 221 067**

First Plaintiff

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**ORDER OF MASTER SANDERSON  
MADE 12 September 2019**

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**UPON THE APPLICATION of the plaintiff made by letter filed on 30 August 2019, AND FURTHER TO THE APPLICATION of the plaintiff filed on 29 July 2019, AND UPON HEARING Mr R Johnson of counsel for the plaintiff; AND UPON HEARING Mr B Morton as counsel for Matthew Benjamin Myers ATF the Matthew Myers Super Fund; Camable PTY LTD ATF Campbell Super Fund; and Mr Benjamin Campbell; AND UPON HEARING FROM Mr A Camp of counsel for certain safety deposit box holders; AND UPON HEARING Mr J Ngo in person; AND UPON HEARING Mr Ben Campbell in person; AND UPON HEARING Mr Johansson in person, IT IS ORDERED THAT:**

**Confidential affidavit in support**

1. The second affidavit of Neil Raymond Cribb sworn 30 August 2019 and filed in these proceedings be sealed on the court file and kept confidential.

**Timing and execution of deed of release**

2. Paragraph 19 of the orders made in these proceedings on 30 July 2019 (July Orders) be vacated.
3. The plaintiff is justified, and is otherwise acting reasonably, in requiring that, prior to confirming, and as a pre-requisite to, a collection appointment in respect of Identified Goods, the following is to be provided to him:
  - (a) a release in the form set out at Annexure 'A', 'B' and 'C' of these orders (as applicable) duly signed by the Owner;
  - (b) if applicable, payment of any outstanding rent or storage fees relating to the Identified Goods; and
  - (c) if applicable, payment to the plaintiff of the relevant Collection Levy.

### **Identification of 'extra large' safety deposit boxes (ELBs)**

4. The plaintiff is justified, and is otherwise acting reasonably, in using as many of the keys in his possession and control that he considers reasonably necessary to open as many compartments within the six safes located at the Company premises as he considers reasonably necessary to identify the location of each of the ELBs.
5. The plaintiff is justified, and is otherwise acting reasonably, in imposing a Collection Levy of up to \$3,300 (including GST) per collection appointment in respect of the SDB Holders of ELBs (ELB Collection Levy) and treating the ELB Collection Levy as the applicable Collection Levy for the ELBs for the purposes of the July Orders.

### **Treatment of the Loose Goods**

6. In respect of the loose goods located in vaults 2 and 3 (Loose Goods), the plaintiff is justified, and is otherwise acting reasonably, in declining to make a determination as to the ownership of the Loose Goods until after 30 November 2019.
7. Where the plaintiff is able to identify, to his reasonable satisfaction, the owner of any Loose Goods that are serial numbered (Serial Numbered Loose Goods), he is justified, and is otherwise acting reasonably, in:
  - (a) treating the Serial Numbered Loose Goods as the property of that person (Loose Goods Owner) and as Identified Goods for the purposes of the July Orders;
  - (b) treating the Loose Goods Owner as an Owner for the purposes of the July Orders;
  - (c) asserting an entitlement to an indemnity secured by an equitable lien against the Serial Numbered Loose Goods, for the payment of his costs, expenses and remuneration relating to identifying, preserving and facilitating the return of the Serial Numbered Loose Goods limited to the ELB Collection Levy plus the plaintiff's actual costs exclusively referable to the Serial Numbered Loose Goods of the relevant Loose Goods Owner, calculated on a time basis (Serial Numbered Loose Goods Levy); and
  - (d) treating the Serial Numbered Loose Goods Levy as the applicable Collection Levy for Serial Numbered Loose Goods for the purposes of the July Orders.

### **General**

8. The plaintiff's costs of this proceeding and of undertaking the processes authorised by these Orders that are not satisfied by receipt of the Collection Levy, be paid out of the assets of the Company as an expense of the winding up.
9. There be liberty to apply, including by any person affected by these Orders on 48 hours' notice.

BY THE COURT

MASTER C SANDERSON