

IN THE HIGH COURT OF AUSTRALIA
MELBOURNE REGISTRY

No. M221 of 2015

ON APPEAL FROM THE COURT OF APPEAL OF THE SUPREME COURT OF
VICTORIA

BETWEEN:

CGU INSURANCE LIMITED (ACN 004 478 371)
Appellant

and

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ROSS BLAKELY, MICHAEL RYAN & QUENTIN OLDE
AS JOINT AND SEVERAL LIQUIDATORS OF
AKRON ROADS PTY LTD (IN LIQ) (ACN 004 769 895)
First Respondents

AKRON ROADS PTY LTD (IN LIQ) (ACN 004 769 895)
Second Respondent

TREVOR PAUL CREWE
Third Respondent

ROBERT MARK SILL
Fourth Respondent

JOHN MARTIN SILL
Fifth Respondent

CREWE SHARP PTY LTD (IN LIQ) (ACN 066 670 013)
Sixth Respondent



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APPELLANT'S CHRONOLOGY

PART 1:

I certify that this chronology is in a form suitable for publication on the internet.

PART II:

30	Date	Description	Appeal Book References
	9 March 2010	The First Respondents (the Liquidators) were appointed as joint and several liquidators of the Second Respondents (Akron Roads)	
	9 April 2013	The Liquidators commenced proceedings in the Supreme Court of Victoria against the third respondent, Trevor Crewe (Mr Crewe) and the sixth respondent, Crewe Sharp Pty Ltd (in liq) (Crewe Sharp), alleging that, as directors of Akron	

Roads, they breached s.588G(2) of the *Corporations Act 2001 (Cth)* by failing to prevent Akron Roads from incurring debts when it was insolvent.

4 December 2013 Crewe Sharp claimed indemnity with respect to the claims made against it in the proceeding by the Liquidators under a professional indemnity policy of insurance (**insurance policy**) that it had with the Appellant (**CGU**).

10 6 March 2014 CGU notified Crewe Sharp (and Mr Crewe, who was also insured) advising that indemnity was denied on the basis that the insurance policy did not provide cover in respect of the claims made.

20 June 2014 Crewe Sharp entered into creditor's voluntary liquidation and Messrs Gess Rambaldi and Andrew Yeo of Pitcher Partners were appointed as liquidators.

20 August 2014 The Liquidators filed an application seeking an order pursuant to Rule 9.06(b) of the Rules that CGU be joined as a defendant and for leave to file and serve amended points of claim seeking a declaration that: "CGU is liable to indemnify Mr Crewe and Crewe Sharp under the insurance policy in respect of any judgment obtained by the Liquidators against them and in respect of any sums (including legal costs) which the court may order them to pay to the Liquidators".

20 13 February 2015 Judd J made the orders sought by the Liquidators.

13 March 2015 CGU made an application for leave to appeal against the orders of Judd J.

30 24 April 2015 CGU's application heard by the Court of Appeal (Mandie and Beach JJA). Having heard CGU's submissions, the Court announced that it had decided to refer the application for leave and the appeal (if any) to a bench of three judges on a date to be fixed.

15 June 2015 CGU's application was heard by the Court of Appeal (Ashley, Beach and McLeish JJA).

19 June 2015 Judgment was delivered by the Court of Appeal

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Dated: 19. 10. 2015



Nicole Wearne
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Solicitors for the Appellant