

**SUPREME COURT OF QUEENSLAND**

REGISTRY: BRISBANE  
NUMBER: BS15269/22

Applicant: **Geoffrey Graeme Heaton**  
and  
Respondent: **Alan Skelton & Ors**

**ORDER**

Before: Justice Burns  
Date: 20 March 2023  
Initiating document: Originating Application filed 6 December 2022

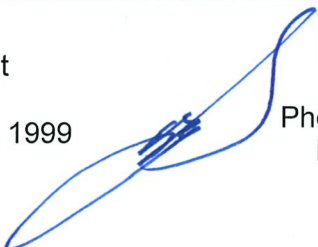
**DEFINITIONS**

In this Order:-

- (a) **Member Address** means the address which is recorded in the books of the Applicant for a given Member Respondent;
- (b) **Member Respondent** means a Respondent to the proceeding who is a shareholder / member in Voyager Resort Ltd (ACN 010 547 618) and Member Respondents has a cognate meaning;
- (c) **Order** means this order;
- (d) **Originating Application** means the Originating Application filed in this proceeding on 6 December 2022 and any amended versions of it filed in the proceeding;
- (e) **Other Document** means any document, other than the Originating Application, filed by the Applicant in the proceeding;
- (f) **UCPR** means the Uniform Civil Procedure Rules 1999; and
- (g) **Voyager Resort Building** means the building situated at 167 Old Burleigh Road, Broadbeach Qld 4218, Australia.
- (h) **Website** means <http://www.voyagerresort.com.au/blog/>.

**ORDER**

Filed on behalf of the Applicant  
Form 59, Version 1  
Uniform Civil Procedure Rules 1999  
Rule 661



**MILLS OAKLEY**

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**THE ORDER OF THE COURT IS THAT:**

1. Pursuant to Rule 116 of the UCPR, personal service of this Originating Application on the Member Respondents be dispensed with.
2. Pursuant to Rule 116 of the UCPR, in lieu of personal service of the Originating Application on the Member Respondents, service be effected by the Applicant, whether by himself or by his employees or agents howsoever:
  - (a) sending a copy of the Originating Application, the affidavit material in support the application and explanatory statement substantially (in the form in which is exhibit AJT-3 to the affidavit of Ashley John Tiplady sworn on 17 March 2023 (the Explanatory Statement)) to each Member Respondent ~~where~~ <sup>in relation to whom</sup> an email address or postal address is known by the Applicant by:
    - (i) email, whether as an attachment or series of attachments, or by posting a hyperlink within the email to a location at which those documents may be downloaded or accessed electronically; or
    - (ii) ordinary pre-paid post;  
to the Member Address; and
  - (b) by publishing on the Website, the Originating Application, the supporting affidavit material and the Explanatory Statement, and having those documents available for download until final orders are made in this proceeding or the Applicant ceases to have control of the Website (whichever occurs first);
3. Pursuant to Rule 116 of the UCPR, service on each Member Respondent is deemed to be effected 14 days after the Applicant complies with paragraphs (a) and (b) of Paragraph 2 of this Order.
4. Pursuant to Rule 116 of the UCPR, ordinary service of any Other Document on the Member Respondents be dispensed with.
5. Pursuant to Rule 116 of the UCPR, in lieu of ordinary service of any Other Document on the Member Respondents, service may be affected by the Applicant, whether by himself or by his employees or agents howsoever:

- (a) sending a copy of any Other Document to each Member Respondent ~~where~~ <sup>in relation to whom</sup> an email address or postal address is known by the Applicant by:
  - (i) email, whether as an attachment or series of attachments, or by posting a hyperlink within the email to a location at which that Other Document may be downloaded or accessed electronically; or
  - (ii) ordinary pre-paid post including a hyperlink within the letter to the location at which that Other Document may be downloaded or accessed electronically,

to the Member Address; and

- (b) by publishing on the Website any Other Document on, and having those documents available for download until final orders are made in this proceeding or the Applicant ceases to have control of the Website (whichever occurs first);

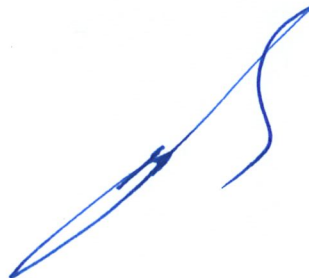


6. Pursuant to Rule 116 of the UCPR, service on each Member Respondent is deemed to be effected 14 days after the Applicant complies with each of paragraphs (a) and (b) of Paragraph 5 of this Order.

**The Court directs that:**

7. Pursuant to Rule 367(1) of the UCPR;
  - (a) any Respondent who opposes the relief sought by the Applicant in the Originating Application must file a Notice of Address for Service and an affidavit briefly explaining the Respondent's grounds for opposition by the latter of:
    - (i) 14 April 2023; or
    - (ii) 14 days after the Respondent is served.
  - (b) The Applicant file and serve:
    - (i) written submissions on which it relies for the Application; and
    - (ii) any affidavit relied upon as to service,on any Respondent who has filed a notice of address for service, by 21 April 2023.
  - (c) any Respondent who has filed a notice of address for service and affidavit under Paragraph 7(a) of this Order must file and serve on the Applicant written submissions on which the Respondent relies for the originating application by 28 April 2022;
8. The application be listed for hearing in the Applications List on 2 May 2023, for 1.5 hours.
9. The parties have liberty to apply on three business days' notice in writing.
10. The Applicant's costs be costs in the proceeding.

Signed:

A handwritten signature in blue ink, consisting of a series of loops and a long horizontal stroke, located at the bottom of the page.