



Federal Court of Australia

District Registry: Victoria Registry

Division: General

No: VID891/2023

REBECCA LEE GATT

Applicant

TAYLORS BUSINESS PTY LTD (ACN 107 445 723)

Respondent

ORDER

JUDGE: Justice Neskovcin

DATE OF ORDER: 7 January 2025

WHERE MADE: Melbourne

THE COURT NOTES THAT:

- A. The 'Penal Notice' at Annexure A to the orders made on 19 December 2024 contained errors which are amended and replaced by these orders pursuant to r 39.05(h) of the *Federal Court Rules 2011* (Cth).

THE COURT ORDERS THAT:

1. There be freezing and ancillary orders in the terms specified in **Annexure A** to these orders.

Date orders authenticated: 7 January 2025


Registrar

Note: Entry of orders is dealt with in Rule 39.32 of the *Federal Court Rules 2011*.



Annexure A

PENAL NOTICE

TO: TAYLORS BUSINESS PTY LTD (A.C.N. 107 445 723)

IF YOU (BEING THE PERSON BOUND BY THIS ORDER):

(A) REFUSE OR NEGLECT TO DO ANY ACT WITHIN THE TIME SPECIFIED IN THIS ORDER FOR THE DOING OF THE ACT; OR

(B) DISOBEY THE ORDER BY DOING AN ACT WHICH THE ORDER REQUIRES YOU NOT TO DO,

YOU WILL BE LIABLE TO IMPRISONMENT, SEQUESTRATION OF PROPERTY OR OTHER PUNISHMENT.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS YOU TO BREACH THE TERMS OF THIS ORDER MAY BE SIMILARLY PUNISHED.

TO: TAYLORS BUSINESS PTY LTD (A.C.N. 107 445 723)

This is a '*freezing order*' made against you on 19 December 2024 by Justice Neskovicin at a hearing without notice to you after the Court was given the undertakings set out in Schedule A to this order and after the Court read the affidavits listed in Schedule B to this order.

THE COURT ORDERS:

Introduction

1. Subject to the next paragraph, this order has effect up to and including 20 January 2025 (**the Return Date**). On the Return Date at 10am there will be a further hearing in respect of this order before Justice Neskovicin.
2. Anyone served with or notified of this order, including you, may apply to the Court at any time to vary or discharge this order or so much of it as affects the person served or notified.
3. In this order:
 - (a) 'applicant', if there is more than one applicant, includes all the applicants;



- (b) 'you', where there is more than one of you, includes all of you and includes you if you are a corporation;
 - (c) 'third party' means a person other than you and the applicant;
 - (d) 'unencumbered value' means value free of mortgages, charges, liens or other encumbrances.
4. If you are ordered to do something, you must do it by yourself or through directors, officers, partners, employees, agents or others acting on your behalf or on your instructions.
5. If you are ordered not to do something, you must not do it yourself or through directors, officers, partners, employees, agents or others acting on your behalf or on your instructions or with your encouragement or in any other way.

Freezing of assets

6. You must not remove from Australia or in any way dispose of, deal with or diminish the value of any of your assets in Australia up to the unencumbered value of **AUD\$319,000 ('the Relevant Amount')**.
7. If the unencumbered value of your Australian assets exceeds the Relevant Amount, you may remove any of those assets from Australia or dispose of or deal with them or diminish their value, so long as the total unencumbered value of your Australian assets still exceeds the Relevant Amount.
8. For the purposes of this order:
- (a) your assets include:
 - i. all your assets, whether or not they are in your name and whether they are solely or co-owned;
 - ii. any asset which you have the power, directly or indirectly, to dispose of or deal with as if it were your own (you are to be regarded as having such power if a third party holds or controls the asset in accordance with your direct or indirect instructions); and
 - iii. the following assets in particular:



1. any money in accounts ending -251 and -946 in the name of Taylors Business Pty Ltd at the ANZ Bank.
- iv. the value of your assets is the value of the interest you have individually in your assets.

Provision of information

9. Subject to paragraph 10, you must:
 - (a) at or before the further hearing on the Return Date (or within such further time as the Court may allow) to the best of your ability inform the applicant in writing of all your assets in Australia, giving their value, location and details (including any mortgages, charges or other encumbrances to which they are subject) and the extent of your interest in the assets;
 - (b) within 5 working days after being served with this order, swear and serve on the applicant an affidavit setting out the above information.
10. This paragraph 10 applies if you are not a corporation and you wish to object to complying with paragraph 9 on the grounds that some or all of the information required to be disclosed may tend to prove that you:
 - (a) have committed an offence against or arising under an Australian law or a law of a foreign country; or
 - (b) are liable to a civil penalty.
11. This paragraph 11 also applies if you are a corporation and all of the persons who are able to comply with paragraph 9 on your behalf and with whom you have been able to communicate, wish to object to your complying with paragraph 9 on the grounds that some or all of the information required to be disclosed may tend to prove that they respectively:
 - (a) have committed an offence against or arising under an Australian law or a law of a foreign country; or
 - (b) are liable to a civil penalty.
12. You must:



- (a) disclose so much of the information required to be disclosed to which no objection is taken; and
- (b) prepare an affidavit containing so much of the information required to be disclosed to which objection is taken, and deliver it to the Court in a sealed envelope; and
- (c) file and serve on each other party a separate affidavit setting out the basis of the objection.

Exceptions to this order

13. This order does not prohibit you from:
- (a) paying your reasonable legal expenses;
 - (b) dealing with or disposing of any of your assets in the ordinary and proper course of your business, including paying business expenses bona fide and properly incurred; and
 - (c) in relation to matters not falling within (a), (b) or (c), dealing with or disposing of any of your assets in discharging obligations bona fide and properly incurred under a contract entered into before this order was made, provided that before doing so you give the applicant, if possible, at least two working days written notice of the particulars of the obligation.
14. You and the applicant may agree in writing that the exceptions in the preceding paragraph are to be varied. In that case the applicant or you must as soon as practicable file with the Court and serve on the other a minute of a proposed consent order recording the variation signed by or on behalf of the applicant and you, and the Court may order that the exceptions are varied accordingly.
15. This order will cease to have effect if you:
- (a) pay the sum of \$319,000 into Court; or
 - (b) pay that sum into a joint bank account in the name of your lawyer and the lawyer for the applicant as agreed in writing between them; or
 - (c) provide security in that sum by a method agreed in writing with the applicant to be held subject to the order of the Court.



16. Any such payment and any such security will not provide the applicant with any priority over your other creditors in the event of your insolvency.
17. If this order ceases to have effect pursuant 15(a) above, you must as soon as practicable file with the Court and serve on the applicant notice of that fact.

Costs

18. The costs of this application are reserved to the Court hearing the application on the Return Date.

Persons other than the applicant and respondent

Set off by banks

19. This order does not prevent any bank from exercising any right of set off it has in respect of any facility which it gave you before it was notified of this order.

Bank withdrawals by the respondent

20. No bank need inquire as to the application or proposed application of any money withdrawn by you if the withdrawal appears to be permitted by this order.



SCHEDULE A

Undertakings Given to the Court by the Applicant

1. The applicant undertakes to submit to such order (if any) as the Court may consider to be just for the payment of compensation (to be assessed by the Court or as it may direct) to any person (whether or not a party) affected by the operation of the order.
2. As soon as practicable, the applicant will file and serve upon the respondent copies of:
 - (a) this order;
 - (b) the application for this order for hearing on the return date;
 - (c) the following material in so far as it was relied on by the applicant at the hearing when the order was made:
 - i. affidavits (or draft affidavits);
 - ii. exhibits capable of being copied;
 - iii. any written submission; and
 - iv. any other document that was provided to the Court.
 - (d) a transcript, or, if none is available, a note, of any exclusively oral allegation of fact that was made and of any exclusively oral submission that was put, to the Court;
 - (e) the originating process, or, if none was filed, any draft originating process produced to the Court.
3. As soon as practicable, the applicant will cause anyone notified of this order to be given a copy of it.
4. The applicant will pay the reasonable costs of anyone other than the respondent which have been incurred as a result of this order, including the costs of finding out whether that person holds any of the respondent's assets.
5. If this order ceases to have effect the applicant will promptly take all reasonable steps to inform in writing anyone to who has been notified of this order, or who he has reasonable grounds for supposing may act upon this order, that it has ceased to have effect.
6. The applicant will not, without leave of the Court, use any information obtained as a result of this order for the purpose of any civil or criminal proceedings, either in or



outside Australia, other than this proceeding.

7. The applicant will not, without leave of the Court, seek to enforce this order in any country outside Australia or seek in any country outside Australia an order of a similar nature or an order conferring a charge or other security against the respondent or the respondent's assets.



SCHEDULE B

Affidavits relied on

Name of deponent	Date affidavit made
Lucas Rutten	18 December 2024
Galit Aflalo	8 November 2023 filed 12.25pm
Galit Aflalo	8 November 2023 filed 5.17pm

Name and address of applicant's lawyers

The applicant's lawyers are:

Consumer Action Law Centre, Level 6 / 179 Queen Street, Melbourne VIC 3000,