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THE SUPREME COURT OF  
WESTERN AUSTRALIA

COR 77 of 2021

BATEY

and

KIMBERLEY-BOWEN and ANOTHER

MASTER SANDERSON

EXTRACT OF PROCEEDINGS

AT PERTH ON TUESDAY, 7 DECEMBER 2021, AT 9.53 AM

**THE MASTER:** This is the plaintiff's application brought under section 290 of the Corporations Act for an order granting the plaintiff access to the second defendant's financial records. The right to inspect financial records by a director is absolute, and really, the issue in this case was whether or not certain personal bank details, which the first defendant had used in relation to the second defendant, should be made available for inspection.

Not surprisingly, the first defendant was concerned that his private details, most of which would be of no interest to the plaintiff, should be made available to the plaintiff when, really, what was sought was simply the accounts for the second defendant.

Having looked at the matter, it's clear that the issue here is the definition of books of account and financial records. Once the first defendant made personal use of his accounts, both bank account, PayPal account and credit card accounts, then those become, by definition, books of the company. Accordingly, the plaintiff is entitled to the order that he seeks.

The first defendant's financial details, as set out in the minute of proposed order, must be provided. And they must be provided in an unredacted form. I appreciate that much of the material is of no interest to the plaintiff, but the plaintiff is entitled to look at those accounts to

ensure that the material which the first defendant says are relevant are the only entries which are relevant. In other words, the accounts must be provided in their entirety.

Accordingly I will make orders in terms of the plaintiff's amended minute of orders which was lodged on 1 December 2021. The proposed order (12) should be deleted, there being no other orders which would seem to me to be appropriate. Accordingly there will be orders in terms of the amended minute with paragraph (12) omitted.

(End of extract at 9.56 am)

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Certified on 8/12/2021.