



Federal Court of Australia

District Registry: Western Australia

Division: General

No: WAD61/2023

HAYDEN WHITE, IAN FRANCIS AND PAUL HARLOND IN THEIR CAPACITY AS JOINT AND SEVERAL ADMINISTRATORS OF THE SECOND TO FOURTH PLAINTIFFS and others named in the schedule
Plaintiff

ORDER

JUDGE: JUSTICE BANKS-SMITH

DATE OF ORDER: 22 March 2023

WHERE MADE: Perth

THE COURT ORDERS THAT:

1. The originating process dated 17 March 2023 be made returnable on 22 March 2023.
2. Pursuant to s 439A(6) and s 447A(1) of the *Corporations Act 2001* (Cth) (**Act**), the period within which the first plaintiffs (**administrators**) must convene the second meeting of creditors of each of the second to fourth plaintiffs (**companies**) under s 439A of the Act (**second meetings**) be extended to midnight on 23 June 2023.
3. Pursuant to s 447A(1) of the Act, Pt 5.3A of the Act is to operate in relation to each of the companies so that, notwithstanding s 439A(2) of the Act, the second meetings may be held together or separately at any time during the period up to, or within 5 business days after the end of, the convening period as extended in paragraph 2 above provided that the administrators give notice of the meeting in accordance with r 75-225(1) and r 75-15 of the *Insolvency Practice Rules (Corporations) 2016* (Cth) (**IPR**).
4. Within two business days of these orders being made, the administrators are to give notice of these orders to creditors of each of the companies (including persons claiming to be creditors) by means of a circular:
 - (a) to be published on the website maintained by the administrators in respect of the administration of the Companies; and
 - (b) to be sent by email or by post to all known creditors.



5. Pursuant to s 447A(1) of the Act and s 90-15 of the *Insolvency Practice Schedule (Corporations)* (IPSC), Pt 5.3A of the Act is to operate in relation to the companies such that if, pursuant to any provision in any of Part 5.3A of the Act, the IPSC, or the IPR, the administrators are required to provide any other notification to creditors during the administration of the companies, such notice will be validly given to creditors of the companies by:
 - (a) giving such notice electronically by email sent to the email address of any creditor (including persons claiming to be creditors) of the companies for whom or which the administrators hold an email address;
 - (b) sending such notice to the postal address or facsimile number, or otherwise as provided for by the Act or the IPR, to any creditors not being a creditor referred to in sub-paragraph 4(a) above; and
 - (c) to the extent that the matter relates to a meeting that is the subject of r 75-40(4) of the IPR, causing such notice to be published in the Insolvency Notices website located at: <https://insolvencynotices.asic.gov.au>.
6. Pursuant to s 37AF of the *Federal Court of Australia Act 1976* (Cth) and on the ground that it is necessary to prevent prejudice to the proper administration of justice for the purpose of s 37AG of this Act, the following material is not to be disclosed or made available for inspection by any person until any sales process with respect to the business or assets of the companies has completed, other than any Judge of the Court, any member of any Judge's staff or any officer of the Court, the plaintiffs, their staff and their legal representatives and any other person who signs an undertaking in a form acceptable to the administrators agreeing to keep secure and confidential each and every document identified as confidential:
 - (a) confidential annexure HLW-2 to the affidavit of Hayden Leigh White, to be filed before the hearing.
7. Liberty be granted to any person who can demonstrate sufficient interest to discharge or modify these orders on the giving of three business days' written notice to the plaintiffs and the Court.
8. The administrators' costs of and incidental to this application be costs in the administration of the companies.



Date that entry is stamped: 22 March 2023

Sia Lagos
Registrar



Schedule

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Second Plaintiff SCHRAMM AUSTRALIA HOLDING PTY LIMITED ACN 164
654 200 (ADMINISTRATORS APPOINTED)

Third Plaintiff AIRDRILL PTY LTD ACN 109 184 447 (ADMINISTRATORS
APPOINTED)

Fourth Plaintiff AIRDRILL HAMMERS AND BITS PTY LTD ACN 121 610 786
(ADMINISTRATORS APPOINTED)