



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD109/2021

**IN THE MATTER OF AUTOCARE SERVICES PTY LTD ACN 004 497 607
(ADMINISTRATORS APPOINTED)**

**CHRISTOPHER HILL, JOSEPH HANSELL AND ROSS BLAKELEY IN THEIR
CAPACITY AS JOINT AND SEVERAL VOLUNTARY ADMINISTRATORS OF
AUTOCARE SERVICES PTY LTD ACN 004 497 607 (ADMINISTRATORS
APPOINTED)**

First Plaintiffs

AUTOCARE SERVICES PTY LTD ACN 004 497 607

Second Plaintiff

ORDER

JUDGE: JUSTICE FARRELL

DATE OF ORDER: 26 February 2021

WHERE MADE: Sydney

THE COURT ORDERS THAT:

1. Pursuant to s 37AF of the *Federal Court of Australia Act 1976* (Cth) and on the ground that the order is necessary to prevent prejudice to the proper administration of justice the following documents are to be marked “confidential” on the electronic court file and are not to be published or accessed, except pursuant to an order of the Court or the written agreement of the plaintiffs until **5 pm on Tuesday, 1 June 2021** or further order:
 - (a) paragraph 27 and Tab 4 of exhibit CCH-1 to the affidavit of Christopher Clarke Hill sworn on 24 February 2021;
 - (b) exhibit CCH-2 to the affidavit of Christopher Clarke Hill sworn on 24 February 2021; and
 - (c) exhibit CCH-3 to the affidavit of Christopher Clarke Hill sworn 25 February 2021.



2. The first plaintiffs (**administrators**) must file versions of the affidavit and exhibit referred to in Order 1(a) redacted to omit paragraph 27 and Tab 4 by **4 pm on Tuesday, 2 March 2021**.
3. Pursuant to s 439A(6) of the *Corporations Act 2001* (Cth) (**Act**), the convening period, as defined by s 439A(5) of the Act, with respect to Autocare Services Pty Ltd ACN 004 497 607 (Administrators Appointed) (the **Company**) be extended up to and including 24 May 2021.
4. Pursuant to s 447A(1) of the Act, Part 5.3A of the Act is to operate in relation to the Company such that the meeting of creditors required by s 439A(1) of that Act, be held at any time during the period as extended under Order 3 above, and the period of five (5) business days thereafter, notwithstanding the provisions of s 439A(2) of the Act.
5. Pursuant to s 447A(1) of the Act, and s 90-15 of the *Insolvency Practice Schedule (Corporations)* being Sch 2 to the Act (**IPSC**), Part 5.3A of the Act is to operate in relation to the plaintiffs as if s 443A(1) of the Act provides that:
 - (a) the liabilities of the administrators (in their capacity as administrators of the Company) incurred with respect to any obligations arising out of, or in connection with any funding agreement substantially in accordance with confidential exhibit CCH-3 to the affidavit of Christopher Clarke Hill sworn 25 February 2021 (**Funding Agreement**), between the Company, LINX Cargo Care Group Pty Ltd ACN 123 683 885 (**LINX**) and the administrators are in the nature of debts incurred by the administrators in the performance and exercise of their functions as joint and several administrators of the Company; and
 - (b) notwithstanding that the liabilities referred to in Order 5(a) are debts incurred by the administrators in the performance and exercise of their functions as joint and several administrators of the Company, the administrators will not be personally liable to repay such debts or satisfy such liabilities to the extent that the property of the Company is insufficient to satisfy the debts and liabilities incurred by the administrators arising out of, or in connection with, the Funding Agreement.



6. Pursuant to s 90-15 of the IPSC, the administrators (in their capacities as administrators of the Company) are justified in causing the Company to borrow monies not exceeding the sum of \$6 million pursuant to the Funding Agreement.
7. Pursuant to s 447A(1) of the Act, Part 5.3A of the Act is to operate in relation to the Company such that notice of the second meeting of the creditors of the Company will be validly given to creditors of the Company by:
 - (a) causing notice to be published on the published notices website of the Australian Securities and Investments Commission (ASIC) at <https://insolvencynotices.asic.gov.au>;
 - (b) sending a hyperlink to the notices published on the ASIC published notices website by email to the email address of each creditor at such email address as is recorded in the books and records of the Company;
 - (c) where an email address is not recorded in the books and records of the Company but a postal address is recorded, sending the notice by posting it to the postal address of each creditor as is recorded in the books and records of the Company; and
 - (d) where the administrators do not have an email or postal address by publishing the notice on the website maintained by FTI Consulting Australia Pty Ltd (FTI) at <https://www.fticonsulting-asia.com/creditors/autocare-services-pty-ltd>.
8. The administrators take all reasonable steps to cause notice of these orders to be given, within two (2) business days of making these orders to:
 - (a) the creditors (including persons claiming to be creditors) of the Company in the following manner:
 - (i) where the administrators have an email address for a creditor, by notifying each such creditor, via email, of the making of the orders;
 - (ii) where the administrators do not have an email address for a creditor, but have a postal address for that creditor, by notifying each such creditor, by post, of the making of the orders; and



- (iii) where the administrators do not have an email or postal address, by publishing the notice on the website maintained by FTI.
 - (b) ASIC, by its street address or email address.
- 9. Liberty to apply be granted to any person, including any creditor of the Company or ASIC, who can demonstrate sufficient interest to vary Orders 3, 4, 7 and/or 8 on the giving of two (2) business days' notice to the plaintiffs, and to the Court.
- 10. The administrators' costs and expenses of and incidental to the originating process are to be treated as costs in the administrations of the Company.

Date that entry is stamped: 26 February 2021

Sia Lagos
Registrar