



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD109/2021

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) and another named in the schedule
Plaintiff

ORDER

JUDGE: JUSTICE YATES

DATE OF ORDER: 21 May 2021

WHERE MADE: Sydney

THE COURT ORDERS THAT:

1. Pursuant to s 37AF(1)(b) 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administration of justice the following documents shall be marked “confidential” on the electronic court file and are not to be published or accessed, except pursuant to an order of the Court or the written agreement of the plaintiffs until 5pm on Monday, 12 July 2021.
 - (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 24 February 2021;
 - (c) Exhibit CCH-3 to the affidavit of Christopher Clarke Hill sworn 25 February 2021.
2. Pursuant to s 447A(1) of the *Corporations Act 2001* (Cth) (the Act), Pt 5.3A of the Act is to operate in relation to the second plaintiff (the **Company**) such that:
 - (a) s 439A(1) also provided that the meeting of creditors required by that section may be convened and held within the convening period (including within the convening period as extended pursuant to s 447A(1)); and



- (b) the convening period for the meeting of creditors required to be held pursuant to s 439A(1) be extended up to and including 5 July 2021.
- 3. Pursuant to s 447A(1) of the Act, that Part 5.3A of the Act is to operate in relation to the Company such that the meeting of creditors of the Company, required by s 439A(1) of that Act, be held during the period as extended by Order 2 above, and the period of five (5) business days thereafter, notwithstanding the provisions of s 439A(2) of the Act.
- 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 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 ASIC published notices website 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 first plaintiffs (**administrators**) do not have an email or postal address by publishing the notice on the website maintained by the administrators.
- 5. 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 the administrators.
 - (b) ASIC, by its street address or email address.
- 6. Liberty to apply be granted to any person, including any creditor of the Company or ASIC, who can demonstrate sufficient interest to vary orders 1, 2 or 3 on the giving of two (2) business days' notice to the plaintiffs, and to the Court.
- 7. The administrators' costs and expenses of and incidental to the originating process are to be treated as costs in the administration of the Company.
- 8. Leave be granted to the plaintiffs to file and rely on the amended interlocutory process dated 19 May 2021.

Date that entry is stamped: 21 May 2021

Sia Lagos
Registrar



Schedule

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Second Plaintiff

AUTOCARE SERVICES PTY LTD ACN 004 497 607