

Form 3

Interlocutory process
(rules 2.2, 15A.4, 15A.8 and 15A.9)

No. QUD403 of 2024

Federal Court of Australia
District Registry: Queensland
Division: Commercial and Corporations

**IN THE MATTER OF IG POWER (CALLIDE) LTD (ADMINISTRATORS APPOINTED)
ACN 082 413 885 & ORS**

**JOHN RICHARD PARK AND BENJAMIN PETER CAMPBELL IN THEIR CAPACITY AS
JOINT AND SEVERAL ADMINISTRATORS OF EACH OF THE SECOND TO FIFTH
PLAINTIFFS NAMED IN SCHEDULE 1**
First Plaintiffs

AND OTHERS NAMED IN THE SCHEDULE

A. DETAILS OF APPLICATION

This application is made pursuant to section 447A of the *Corporations Act 2001* (Cth) (**Corporations Act**), section 90-15 of the *Insolvency Practice Schedule (Corporations)* (**IPSC**), being Schedule 2 to the Corporations Act, and sections 37AF and 37AG of the *Federal Court of Australia Act 1976* (Cth).

On the facts stated in the supporting affidavit of John Richard Park affirmed 28 March 2025 (**Park Affidavit**), the plaintiffs apply for the following relief:

Extension of the Convening Period

1. Pursuant to s 447A of the Corporations Act, Pt 5.3A of the Corporations Act is to operate in relation to the Second to Fifth Plaintiffs as if, notwithstanding the provisions in s 439A of the Corporations Act, the convening period of the Second to Fifth Plaintiffs was the period up to and including 1 May 2025.
2. Pursuant to s 447A of the Corporations Act, Pt 5.3A of the Corporations Act is to operate in relation to the Second to Fifth Plaintiffs as if, notwithstanding the

Filed on behalf of (name & role of party)	First to Fifth Plaintiffs		
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provisions in s 439A of the Corporations Act, the second meeting of the creditors of the Second to Fifth Plaintiffs required under s 439A of the Corporations Act may be convened and held at any time during, or within 5 business days after, the convening period as extended under Order 1 above, provided that the Administrators give notice of the meeting to creditors of the Second to Fifth Plaintiffs at least five business days before the meeting.

Suppression or non-publication order in relation to the documents supporting the extension of the Convening Period

3. Until the conclusion of the external administration of the Second to Fifth Plaintiffs, or further order of the Court, pursuant to section 37AF of the *Federal Court of Australia Act 1976* (Cth), on the ground stated in section 37AG(1)(a), being that the order is necessary to prevent prejudice to the proper administration of justice:

- (a) Confidential Exhibit JRP-21 to the Park Affidavit;
- (b) those parts of this Interlocutory Process and the Park Affidavit that are shaded in grey; and
- (c) the written submissions relied upon by the Plaintiffs on this application to the extent they refer to the content of Confidential Exhibit JRP-21,

be kept confidential and not be provided or disclosed to any person other than:

- (d) any Judge of this Court, and that Judge's staff and assistants;
- (e) the Plaintiffs and their legal representatives; and



Limitation of Administrators' personal liability – Trading Services Agreement

4. Pursuant to section 447A(1) of the Corporations Act and section 90-15 of the IPSC, Pt 5.3A of the Corporations Act is to operate in relation to the Second to Fifth Plaintiffs as if section 443A(1) of the Corporations Act provides that:

- (a) the liabilities of the Administrators incurred with respect to any obligations arising out of, or in connection with, the Trading Services Agreement between IGPC and Delta Power & Energy (Vales Point) Pty Ltd trading as Delta

Energy (**Delta**) in the form of the agreement at Confidential Exhibit JRP-20 (**Trading Services Agreement**) are in the nature of debts incurred by the Administrators in the performance and exercise of their functions as joint and several administrators of IGPC; and

- (b) notwithstanding that the liabilities in subparagraph 4(a) are debts or liabilities incurred by the Administrators in the performance and exercise of their functions as joint and several administrators of IGPC, the Administrators will not be personally liable to repay such debts or satisfy such liabilities to the extent that the assets of IGPC are insufficient to satisfy the debts and liabilities incurred by the Administrators arising out of, or in connection with, the Trading Services Agreement.

Suppression or non-publication order in relation to the Trading Services Agreement

- 5. Until the conclusion of the external administration of the Second to Fifth Plaintiffs, or further order of the Court, pursuant to section 37AF of the *Federal Court of Australia Act 1976* (Cth), on the ground stated in section 37AG(1)(a), being that the order is necessary to prevent prejudice to the proper administration of justice:

- (a) Confidential Exhibit JRP-20 to the Park Affidavit; and
- (b) the written submissions relied upon by the Plaintiffs on this application to the extent they refer to the content of Confidential Exhibit JRP-20,

be kept confidential and not be provided or disclosed to any person other than:

- (c) any Judge of this Court, and that Judge's staff and assistants;
- (d) the Plaintiffs and their legal representatives; and
- (e) Delta and its legal representatives.

Suppression or non-publication order in relation to the Recapitalisation Proposal

- 6. Until the conclusion of the external administration of the Second to Fifth Plaintiffs, or further order of the Court, pursuant to section 37AF of the *Federal Court of Australia Act 1976* (Cth), on the ground stated in section 37AG(1)(a), being that the order is necessary to prevent prejudice to the proper administration of justice:

- (a) Confidential Exhibit JRP-22 to the Park Affidavit; and
 - (a) those parts of the Park Affidavit that are shaded in grey; and
 - (b) the written submissions relied upon by the Plaintiffs on this application to the extent they refer to the content of Confidential Exhibit JRP-22,
- be kept confidential and not be provided or disclosed to any person other than:
- (c) any Judge of this Court, and that Judge's staff and assistants;
 - (d) the Plaintiffs and their legal representatives; and
 - (e) Seven GI and its legal representatives.

Other orders

- 2. An order that the Administrators have liberty to apply on 1 business days' notice, specifying the relief sought.
- 3. The Plaintiffs' costs of and incidental to this application are to be treated as costs in the administration of the Second to Fifth Plaintiffs and be paid out of the assets of those companies.
- 4. Any further or other order as the Court thinks fit.

Date: 28 March 2025



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*Signature of
Plaintiffs' legal practitioner*

This application will be heard by the Honourable Justice Derrington at the Federal Court of Australia, Harry Gibbs Commonwealth Law Courts Building, 119 North Quay, Brisbane QLD 4000 at 9:00 am on 31 March 2025.

B. NOTICE TO RESPONDENT(S) (IF ANY)

Not applicable.

C. FILING

This interlocutory process is filed by White & Case, solicitors for the Plaintiffs.

D. SERVICE

The applicant's address for service is White & Case, Level 50 Governor Phillip Tower, 1 Farrer Place, Sydney NSW 2000.

It is not intended to serve a copy of this interlocutory process on any person but it is intended that notice be given to creditors and the Australian Securities and Investments Commission.

SCHEDULE 1

No. QUD403 of 2024

Federal Court of Australia

District Registry: Queensland

Division: General (Commercial and Corporations)

IN THE MATTER OF IG POWER (CALLIDE) LIMITED (ADMINISTRATORS APPOINTED) ACN 082 413 885 & ORS

Plaintiffs

- | | |
|-------------------|---|
| First Plaintiff: | John Richard Park and Benjamin Peter Campbell in their capacity as joint and several administrators of each of the Second to Fifth Plaintiffs |
| Second Plaintiff: | IG Energy Holdings (Australia) Pty Ltd ACN 090 996 142 (Administrators Appointed) |
| Third Plaintiff: | IG Power Holdings Limited ACN 082 413 876 (Administrators Appointed) |
| Fourth Plaintiff: | IG Power Marketing Pty Ltd ACN 082 413 867 (Administrators Appointed) |
| Fifth Plaintiff: | IG Power (Callide) Ltd ACN 082 413 885 (Administrators Appointed) |