

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 sections 439A, 447A of the *Corporations Act 2001* (Cth) (**Corporations Act**) and 90-15 of the *Insolvency Practice Schedule (Corporations)* (**IPSC**), being Schedule 2 to the Corporations Act, and the inherent jurisdiction of the Court.

On the facts stated in the supporting affidavit of John Richard Park affirmed on 22 October 2024 (**Park Affidavit**), the Plaintiffs apply for the following relief.

Judicial Direction

1. A direction that the First Plaintiffs (**Administrators**) in their capacity as joint and several administrators of the Fifth Plaintiff (**IGPC**):
 - (a) were justified and otherwise were acting reasonably in causing IGPC to enter into the [REDACTED] (Transaction); and
 - (b) would be justified and otherwise be acting reasonably in causing IGPC to complete and otherwise perform its obligations under the Transaction.

Convening period

2. Pursuant to section 439A(6) of the Corporations Act the convening period (as defined in section 439A(5)(b) of the Corporations Act) within which the First Plaintiffs must

Filed on behalf of (name & role of party)	First to Fifth Plaintiffs
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convene the second meeting of creditors in respect of the Second to Fifth Plaintiffs be extended up to and including 6 December 2024.

3. Further or alternatively to prayer 2, pursuant to section 447A of the Corporations Act, Part 5.3A of the Corporations Act is to operate in relation to the Second to Fifth Plaintiffs as if, notwithstanding the provisions in section 439A of the Corporations Act, the convening period of the Second to Fifth Plaintiffs was the period up to and including 6 December 2024.
4. Pursuant to section 447A of the Corporations Act, Part 5.3A of the Corporations Act is to operate in relation to the Second to Fifth Plaintiffs as if, notwithstanding the provisions in section 439A of the Corporations Act, the second meeting of the creditors of the Second to Fifth Plaintiffs required under section 439A of the Corporations Act may be convened and held at any time during, or within, the convening period as extended under prayers 2 or 3 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.

Confidentiality

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-6 to the Park Affidavit;
- (b) those parts of this Interlocutory Process that are shaded in grey; and
- (c) any written submissions relied upon by the Plaintiffs on this application to the extent they refer to the content of Confidential Exhibit JRP-6,

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

[REDACTED]

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-7 to the Park Affidavit;
- (b) those parts of this Interlocutory Process that are shaded in grey; and
- (c) any written submissions relied upon by the Plaintiffs on this application to the extent they refer to the content of Confidential Exhibit JRP-7,

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

[REDACTED]

Other orders

- 7. Any person who can demonstrate a sufficient interest to discharge or modify these orders has liberty to apply on 3 business days' written notice to the Plaintiffs and the Court.
- 8. An order that the Administrators have liberty to apply on 1 business days' notice, specifying the relief sought.
- 9. 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 the Second to Fifth Plaintiffs.
- 10. Any further or other order as the Court thinks fit.

Date: 22 October 2024


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Timothy James Sackar
Plaintiffs' legal practitioner

This application will be heard by Justice Derrington at the Federal Court of Australia, Harry Gibbs Commonwealth Law Courts, Building 119 North Quay, Brisbane QLD 4000 at 9:30am AEST on 24 October 2024.

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) |