

IN THE SUPREME COURT OF WESTERN AUSTRALIA

COR 172 of 2025

IN THE MATTER OF NORTHERN IRON PTY LTD (SUBJECT TO DEED OF
COMPANY ARRANGEMENT) (RECEIVERS AND MANAGERS APPOINTED)
ACN 646 998 772

EX PARTE

**Hayden Leigh WHITE as joint
and several receiver and
manager of NORTHERN IRON PTY
LTD (SUBJECT TO DEED OF
COMPANY ARRANGEMENT)
(RECEIVERS AND MANAGERS
APPOINTED)
(ACN 646998772)**

First Plaintiff

-and-

**Daniel Hillston WOODHOUSE as
joint and several receiver and
manager of NORTHERN IRON PTY
LTD (SUBJECT TO DEED OF
COMPANY ARRANGEMENT)
(RECEIVERS AND MANAGERS
APPOINTED)
(ACN 646998772)**

Second Plaintiff



ORIGINATING PROCESS PURSUANT TO CORPORATIONS LAW

Date of Document: 04/11/2025
Filed on Behalf of: The Plaintiffs
Date of Filing: 04/11/2025

Prepared By:
Ashurst Australia

Telephone: 93668000

Folio 1
Page 1

FILED

4 NOV 2025

Via eLodgment
**CENTRAL OFFICE
SUPREME COURT**

Brookfield Place Tower 2
Level 10, 123 St Georges Terrace
PERTH WA 6000
Australia

Facsimile: 9366 8111

A. DETAILS OF APPLICATION

This application is made under sections 444GA(1)(b) and 447A of the Corporations Act 2001 (Cth) (Act) and section 90-15 of the Insolvency Practice Schedule (Corporations), being Schedule 2 of the Act (IPS).

This is an application for orders for the compulsory transfer of all the issued capital held by the shareholders of Northern Iron Pty Ltd (Subject to Deed of Company Arrangement) (Receivers and Managers appointed) (ACN 646 998 772) (Northern Iron) to AG-River Energy Pty Ltd (ACN 668 020 693) (AG-River) or its nominee.

On the facts stated in the supporting affidavit(s), the plaintiff claims:

1. Pursuant to section 444GA(1)(b) of the Act (as amended by section 447A and pursuant to the order made by the Honourable Justice Hill on 10 October 2025 in COR 155 of 2025) for the purpose of satisfying the condition precedent at clause 10.1.8 of the deed of company arrangement executed in respect of Northern Iron, an order that Stuart George Reid and Samantha Rangika Sellahewa in their capacities as joint and several deed administrators of Northern Iron (**Deed Administrators**) have leave to transfer all of the issued shares (**Shares**) held by the members (as defined in the Act) in Northern Iron to AG-River (or its nominee).
2. Pursuant to section 447A(1) of the Act and section 90-15(1) of the IPS, an order that any of the Deed Administrators may, jointly or severally, in their capacities as Deed Administrators of Northern Iron:
 - (a) execute on behalf of the members any share transfer forms and any other documents ancillary or incidental to effecting the transfer of Shares referred to in Order 1; and

- (b) enter or procure the entry of the name of AG-River or its nominee into the share register of Northern Iron in respect of all Shares transferred to AG-River or its nominee in accordance with Order 1.
- 3. Orders that the plaintiffs have liberty to apply.
- 4. Such further or other order as this Honourable Court deems fit.

Date: 04/11/2025

Ashurst Australia

This application will be heard by a Master in Chambers at the Supreme Court of Western Australia in Perth.

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

TO:

If you or your legal practitioner do not appear before the Court at the time shown above, the application may be dealt with, and an order made, in your absence. As soon after that time as the business of the Court will allow, any of the following may happen —

- (a) the application may be heard and final relief given;
- (b) directions may be given for the future conduct of the proceeding;
- (c) any interlocutory application may be heard.

Before appearing before the Court, you must file a notice of appearance, in the prescribed form, in the Registry and serve a copy of it on the plaintiff.

Note: Unless the Court otherwise orders, a defendant that is a corporation must be represented at a hearing by a legal practitioner. It may be represented at a hearing by a director of the corporation only if the Court grants leave.

C. APPLICATION FOR WINDING-UP ON GROUND OF INSOLVENCY

D. FILING

Date of filing: 04/11/2025

This originating process is filed by **Ashurst Australia** for the plaintiff.

E. SERVICE

The plaintiff's address for service is -

Ashurst Australia
Brookfield Place Tower 2
Level 10, 123 St Georges Terrace
PERTH WA 6000
Australia

It is intended to serve a copy of this originating process on each defendant and on any person listed below -

- (a) The deed administrators of Northern Iron Pty Ltd (Subject to Deed of Company Arrangement) (Receivers and Managers Appointed) ACN 646 998 772, being, Stuart George Reid and Samantha Rangika Sellahewa of Rodgers Reidy.
- (b) AG-River Energy Pty Ltd (ACN 668 020 693).
- (c) Australian Securities and Investments Commission.
- (d) The creditors and shareholders of Northern Iron Pty Ltd (Subject to Deed of Company Arrangement) (Receivers and Managers Appointed) ACN 646 998 772.

[Form 2 amended in Gazette 13 Feb 2009 p. 308.]





**SUPREME COURT
OF WESTERN AUSTRALIA**

ABN: 70 598 519 443
DAVID MALCOLM JUSTICE CENTRE
28 BARRACK STREET
PERTH WA 6000
TELEPHONE: 9421 5333
FACSIMILE: 9421 5353

**WHITE & Anor
SUPREME COURT MATTER No. PER COR 172 of 2025**

This application has been listed for Friday, 7 November 2025 at 09:15 AM at the Supreme Court, David Malcolm Justice Centre, 28 Barrack Street, PERTH.

All parties are required to attend the hearing date unless otherwise advised.

Issued by the Supreme Court of Western Australia
4 Nov 2025

