

SUPREME COURT OF QUEENSLAND

REGISTRY: BRISBANE
NUMBER: 1146/22

IN THE MATTER OF PRIVIUM PTY LTD (IN LIQUIDATION) ACN 085 773 931

FIRST APPLICANTS: JOHN RICHARD PARK, JOANNE EMILY DUNN AND KELLY-ANNE LAVINA TRENFIELD IN THEIR CAPACITY AS JOINT AND SEVERAL LIQUIDATORS OF PRIVIUM PTY LTD (IN LIQUIDATION) ACN 085 773 931

AND

SECOND APPLICANT: PRIVIUM PTY LTD (IN LIQUIDATION) ACN 085 773 931

ORIGINATING APPLICATION

A. DETAILS OF APPLICATION

This application is made under sections 60-10(1)(c) and/or 90-15(3)(f) of the Insolvency Practice Schedule (Corporations) 2016 (“**IPS**”) and rules 1.8, 2.7 and 9.2 of the Corporations Proceeding Rules, being Schedule 1A of the *Uniform Civil Procedure Rules 1999* (Qld) (“**CPR**”).

On the facts stated in the supporting affidavit by John Richard Park sworn on behalf of the Applicants, the Applicants seek:

Interlocutory relief on the following basis

1. An order that dispenses with the requirement under rule 9.2(2) of the CPR that twenty-one (21) days before filing an Originating Application, a Form 16 be served on the persons noted in rule 9.2(2)(a)-(d) of the CPR.
2. An order pursuant to rule 1.8 of the CPR that service on the creditors of the Second Applicant of:
 - (a) the Originating Application filed on 28 January 2022;
 - (b) the substantive affidavit of Joanne Emily Dunn filed on 28 January 2022;
 - (c) a Form 16, in the form at Annexure A hereto;
 - (d) any order made in respect of this Interlocutory Application, is taken to be effected by the First Applicants causing, on or before, 4pm (AEST) on Thursday, 3 February 2022:

ORIGINATING APPLICATION

Filed on behalf of the Applicants
Form 2, R. 2.2
Corporations Proceedings Rules

MILLS OAKLEY

Level 23, 66 Eagle Street
BRISBANE QLD 4000
Phone No: +61 7 3228 0400
Fax No: +61 7 3012 8777

- (i) each of the documents mentioned in order 2(a) to 2(d) above to be published on the website
<https://www.fticonsulting.com/creditors/privium-companies> (the “Website”); and
 - (ii) an email to be sent to creditors of the Second Applicant (for whom an email address is recorded) giving notice that they may view all substantive court documents (including those mentioned in order 2(a) to 2(d) above) on the Website;
 - (iii) a one page notice, in the same form as the email mentioned in order 2(ii) above, to be sent to creditors of the Second Applicant (for whom an email address is not recorded) by post, giving notice that they may view all substantive court documents (including those mentioned in order 2(a) to 2(d) above) on the Website.
3. Where the First Applicants intend to rely on further material, service of that material will be deemed effective by the First Applicants:
 - (a) uploading the material to the Website;
 - (b) sending an email to creditors (for whom an email address is recorded) informing them that further material in relation to the Application has been uploaded to the Website;
 - (c) sending a one page notice to creditors (for whom an email address is not recorded) informing them that further material in relation to the Application has been uploaded to the Website.
4. Any creditor of the Second Applicant who wishes to appear at the hearing of the Originating Application shall, by 4pm on 18 February 2022, file and serve at the Applicants’ address for service:
 - (a) a Form 4 - Notice of Appearance; and
 - (b) any affidavit upon which he, she or it intends to rely upon at the hearing of the Originating Application, which records the objection to the remuneration claimed and states the grounds of objection.
5. The Originating Application (insofar as the final relief sought) be set down for hearing on 24 February 2022 for 45 minutes.
6. Costs of the Originating Application (insofar as the interlocutory relief ought) be reserved.
7. There be liberty to apply granted to any person who can demonstrate sufficient interest, to modify or discharge these orders made upon not less than 72 hours’ notice to the Applicants.

Final relief on the following basis:

1. An order pursuant to sections 60-10(1)(c) and/or 90-15(3)(f) of the IPS that in respect of the voluntary administration of the Second Applicant, the First Applicants’ remuneration as administrators (as they then were) be determined in the amount of \$324,267.50 (exclusive of GST) for the period 17 November 2021 to 5 December 2021, to be drawn from available funds immediately or as funds become available.
2. An order pursuant to sections 60-10(1)(c) and/or 90-15(3)(f) of the IPS that in respect of the voluntary administration of the Second Applicant, the First Applicants’ remuneration as administrators (as they then were) be determined in

the amount of \$249,022.00 (exclusive of GST) for the period 6 December 2021 to 21 December 2021, to be drawn from available funds immediately or as funds become available.

3. An order that the Applicants' costs and expenses of this application be costs and expenses in the administration of the Company.
4. There be liberty to apply granted to any person who can demonstrate sufficient interest, to modify or discharge these orders made upon not less than 72 hours' notice to the Applicants.
5. Such further or other orders or directions as this Honourable Court deems fit.

Date: 28 January 2022

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Mills Oakley
Solicitors for the Applicants

B. NOTICE TO RESPONDENT

TO: The Creditors of Privium Pty Ltd (In Liquidation)

This application will be heard by the Court at QEII Courts of Law Complex, 415 George Street, Brisbane Qld 4000 ~~at a date to be fixed.~~ on 1 February 2022 at 10:00 AM

If you wish to oppose this application or to argue that any different order should be made, you must appear before the court in person or by your lawyer and you shall be heard. If you do not appear at the hearing the orders sought may be made without further notice to you. In addition you must before the day for hearing file a notice of appearance in this registry. The notice should be in Form 4. You must serve a copy of it at the Applicant's address for service shown in this application as soon as possible.

Note: Unless the court otherwise orders, a respondent 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. FILING

Date of filing: 28 JAN 2022



This originating application is filed by Mills Oakley Lawyers, solicitors for the Applicants.

D. SERVICE

The Applicants' address for service is:

c/- Mills Oakley (Attention: Ashley Tiplady)
Level 23, 66 Eagle Street
Brisbane QLD 4000

Email: atiplady@millsoakley.com.au

It is intended to serve a copy of this originating application on the person listed below:

Creditors of the Second Applicant

"ANNEXURE A"

SUPREME COURT OF QUEENSLAND

REGISTRY: BRISBANE
NUMBER:

IN THE MATTER OF PRIVIUM PTY LTD (IN LIQUIDATION) ACN 085 773 931

FIRST APPLICANTS: **JOHN RICHARD PARK, JOANNE EMILY DUNN AND
KELLY-ANNE LAVINA TRENFIELD IN THEIR
CAPACITY AS JOINT AND SEVERAL LIQUIDATORS
(AND FORMER ADMINISTRATORS) OF PRIVIUM PTY
LTD (IN LIQUIDATION APPOINTED) ACN 085 773 931
AND**

SECOND APPLICANT: **PRIVIUM PTY LTD (IN LIQUIDATION) ACN 085 773
931**

NOTICE OF INTENTION TO APPLY FOR REMUNERATION

TO: Creditors of Privium Pty Ltd (In Liquidation) ACN 085 773 931

TAKE NOTICE that on 24 February 2022, John Richard Park, Joanne Emily Dunn and Kelly-Anne Lavina Trenfield, the current liquidators and former administrators of the Second Applicant, intend to apply to the Court to determine their remuneration.

Copies of the application and other court documents filed in the proceeding will be available on the website: <https://www.fticonsulting.com/creditors/privium-companies>.

If you object to this application, you must, by 4pm (AEST) on Friday, 18 February 2022, serve on the First Applicants a Notice of Appearance to appear at the hearing of the Originating Application and an affidavit stating your objection to the remuneration claimed and the grounds for that objection .

This notice is given pursuant to an order of the Supreme Court of Queensland made on [**date to be inserted**]. A copy of the order may be seen on the website <https://www.fticonsulting.com/creditors/privium-companies>.

Date:

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Joanne Emily Dunn, as one of joint and several
liquidators (and former administrators) of
Privium Pty Ltd (In Liquidation) ACN 085 773
931

NOTICE

Filed on behalf of the Applicants
Form 16, R. 9.1-9.5
Corporations Proceedings Rules

MILLS OAKLEY

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