

IN THE SUPREME COURT OF WESTERN AUSTRALIA

COR 62 of 2024

EX PARTE:

DANIEL WOODHOUSE HAYDEN WHITE JOHN PARK as joint and several receivers and managers of QUINTIS (AUSTRALIA) PTY LTD (RECEIVERS AND MANAGERS APPOINTED) (ADMINISTRATORS APPOINTED) (ACN 626 970 821)

First Plaintiff

and

QUINTIS (AUSTRALIA) PTY LTD (RECEIVERS AND MANAGERS APPOINTED) (ADMINISTRATORS APPOINTED) (ACN 626 970 821)

Second Plaintiff

and

SANDALWOOD PROPERTIES LTD (FORMERLY KNOWN AS T.F.S. PROPERTIES LTD) (RECEIVERS AND MANAGERS APPOINTED) (ADMINISTRATORS APPOINTED) (ACN 093 330 977)

Third Plaintiff

and

QUINTIS FORESTRY PTY LTD (FORMERLY KNOWN AS TROPICAL FORESTRY SERVICES LTD) (RECEIVERS AND MANAGERS APPOINTED) (ADMINISTRATORS APPOINTED) (ACN 080 139 966)

Fourth Plaintiff

and

ARWON FINANCE PTY LTD (RECEIVERS AND MANAGERS APPOINTED) (ADMINISTRATORS APPOINTED) (ACN 072 486 643)

Fifth Plaintiff

and

QUINTIS LEASING PTY LTD (IN LIQUIDATION) (FORMERLY KNOWN AS T.F.S. LEASING PTY LTD) (RECEIVERS AND MANAGERS APPOINTED) (ACN 080 978 721)

Sixth Plaintiff

and

**FIELDPARK PTY LTD (RECEIVERS AND MANAGERS APPOINTED)
(ADMINISTRATORS APPOINTED) (ACN 113 440 841)**

Seventh Plaintiff

and

**MT ROMANCE HOLDINGS PTY LTD (RECEIVERS AND MANAGERS
APPOINTED) (ADMINISTRATORS APPOINTED) (ACN 115 659 606)**

Eighth Plaintiff

and

**QUINTIS SANDALWOOD PTY LTD (FORMERLY KNOWN AS MT
ROMANCE AUSTRALIA PTY LTD) (RECEIVERS AND MANAGERS
APPOINTED) (ADMINISTRATORS APPOINTED) (ACN 060 122 698)**

Ninth Plaintiff

and

**ABOUT TIME WE MET PTY LTD (FORMERLY KNOWN AS AUSTRALIA
SANDALWOOD OIL CO. PTY LTD) (RECEIVERS AND MANAGERS
APPOINTED) (ADMINISTRATORS APPOINTED) (ACN 088 257 498)**

Tenth Plaintiff

ORDERS OF THE HONOURABLE JUSTICE STRK

19 APRIL 2024

**UPON THE EX PARTE APPLICATION made by the plaintiffs by originating
process filed 15 April 2024, and AFTER HEARING Mr W Zappia on behalf of
the plaintiffs on 18 April 2024, IT IS ORDERED THAT:**

1. Pursuant to s 419A(7) of the *Corporations Act 2001* (Cth), from 10 April 2024 until 10 June 2024, and thereafter, to such further date, if any, ordered by the court, Daniel Hillston Woodhouse, Hayden White and John Park as controllers of the second to tenth plaintiffs, be excused from any liability they would but

for this order otherwise have, under s 419A(2) of the *Corporations Act 2001* (Cth).

Other ancillary orders

2. Daniel Hillston Woodhouse, Hayden White and John Park are to take all reasonable steps to cause notice of these orders, substantially in the form at Annexure A of the originating process (reproduced at Annexure A to these orders), to be given to each known owner or lessor and each known sub-lessee of property affected by order 1 of these orders (collectively 'Affected Persons') within three business days after the making of these orders by:
 - (a) notifying each Affected Person via email of the making of these orders and providing an attached copy of these orders, using the email address of each Affected Person at such email address as is recorded in the books and records of the second to tenth plaintiffs;
 - (b) where an email address is not recorded in the books and records of the second to tenth plaintiffs but a postal address is recorded, notifying each such Affected Person in writing of the making of the orders and enclosing a copy of the orders, using the postal address for each Affected Person recorded in the books and records of the second to tenth plaintiffs; and
 - (c) placing a copy of the sealed orders on the website maintained by the first plaintiff at: <https://www.fticonsulting.com/creditors/quintis-australia-pty-limited>
3. Within 21 days of the making of these orders, any person who can demonstrate a sufficient interest (including any Affected Person) has liberty to apply to modify or discharge these orders on the giving of two business days' notice to the plaintiffs.
4. The plaintiffs have liberty to apply to modify or discharge these orders on two business days' notice to all persons who have demonstrated a sufficient interest, including any Affected Persons, and otherwise liberty to apply generally.
5. The plaintiffs' costs of, or incidental to, the application be costs in the receivership of the second to tenth plaintiffs.

6. The action be listed for a hearing at 10.30am on Wednesday, 5 June 2024, in respect of any further application by the plaintiffs for orders under s 419A(7) of the *Corporations Act 2001* (Cth).
7. Pursuant to O 59 r 9(2) of the *Rules of the Supreme Court 1971* (WA) any requirement for conferral is waived.



THE HONOURABLE JUSTICE L STRK

ANNEXURE A

FORM OF NOTIFICATION PROPOSED BY THE PLAINTIFFS

Dear Sir / Madam

Quintis (Australia) Pty Ltd (Receivers and Managers Appointed)

(Administrators Appointed) ACN 626 970 821 and the Quintis Group

companies (as defined in Schedule 1 to the Originating Process) ('Quintis Group')

[The Leased Property]

1. We refer to:
 - The appointment of Daniel Woodhouse, Hayden White and John Park as joint and several receivers and managers (the '**Receivers**') to the Quintis Group on 2 April 2024; and
 - The **attached** Orders of Justice [name] of the Supreme Court of Western Australia dated [X] April 2024 in [Proceeding Number].
2. On 15 April 2024, the Receivers applied to the Supreme Court of Western Australia to seek orders under section 419A(7) of the *Corporations Act 2001* (Cth) (the '**Act**') to extend the time in which they are excused from liability under section 419A(2) of the Corporations Act for so much of the rent or other amounts of payable by the relevant Quintis Group entity until [insert time period granted].
3. By way of service, please find attached the Orders of Justice [name] of the Supreme Court of Western Australia dated [X] April 2024 (the '**Orders**').
4. The Receivers sought the extension as they require further time, noting the complexity and size of the Quintis Group, to identify and investigate those lease arrangements and develop a plan in respect of these existing arrangements of the Quintis Group entities.
5. The Receivers will use the time granted to continue expediting their investigations into the affairs of the Quintis Group and the related lease agreements.

6. Any person who can demonstrate a sufficient interest (including any affected person) will have liberty to apply on two business days notice being given to the Receivers and the Court to modify or discharge the Orders within twenty-one days of the granting of the Orders, being [insert date].

Should you have any queries in relation to this matter, please contact the Receivers on +61 8 9321 8533 or by quintiscreditors@fticonsulting.com.

Yours faithfully

The Receivers