



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD4/2024

ANDREW CUMMINS & STEFAN DOPKING & PETER KREJCI & JONATHON KEENAN AS JOINT AND SEVERAL ADMINISTRATORS OF THE SECOND TO EIGHT PLAINTIFFS and others named in the schedule
First Plaintiffs

ORDER

JUDGE: JUSTICE LEE

DATE OF ORDER: 4 January 2024

WHERE MADE: Sydney

THE COURT ORDERS THAT:

1. Pursuant to ss 443B(8) and 447A(1) of the *Corporations Act 2001* (Cth) (**Corporations Act**), Pt 5.3A of the Corporations Act is to operate in relation to each of the second to eighth plaintiffs (**Companies**) as if:
 - (a) the personal liability of the first plaintiffs (**Administrators**) under ss 443A(1)(c) and 443B(2) of the Corporations Act begins on 25 January 2024, such that the Administrators are not personally liable for any liability with respect to any property leased, used or occupied by any of the Companies (including amounts payable pursuant to any leases entered into by any of the Companies), from any lessors, in the period from 5 January 2024 to 24 January 2024 inclusive; and
 - (b) the words “within five business days after the beginning of the administration” in s 443B(3) of the Corporations Act instead read “by 24 January 2024”.
2. Within two business days of these orders being made, the Administrators are to:
 - (a) take all reasonable steps to give notice of these orders to creditors of each of the second to eighth plaintiffs (including persons claiming to be creditors) by means of a circular:



- (i) to be published on the website maintained by the Administrators in respect of the administration of the second plaintiff; and
 - (ii) to be sent by email or by post to all known creditors of the second to eighth plaintiffs; and
 - (b) cause notice of these orders to be given to the Australian Securities and Investments Commission.
3. Any person who can demonstrate a sufficient interest has liberty to apply to vary or discharge Order 1 above.
 4. The Administrators have liberty to apply to the Court in relation to any variation or discharge of these orders or for any other purpose in connexion with the administration of the Companies, including quantification of costs pursuant to Order 5 below.
 5. The plaintiffs' reasonable costs of this application be costs in the administration of the second to eighth plaintiffs in an amount to be approved by the Court.

Date that entry is stamped: 4 January 2024

Sia Lagos
Registrar



Schedule

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| Second Plaintiff | NEW WILKIE ENERGY PTY LTD (ADMINISTRATORS APPOINTED) ACN 007 683 454 |
| Third Plaintiff | NWE COAL HOLDINGS PTY LTD (ADMINISTRATORS APPOINTED) ACN 664 827 098 |
| Fourth Plaintiff | NWE COAL PTY LTD (ADMINISTRATORS APPOINTED) ACN 664 827 016 |
| Fifth Plaintiff | NWE FINANCE PTY LTD (ADMINISTRATORS APPOINTED) ACN 664 827 141 |
| Sixth Plaintiff | NEW RENEWABLE ENERGY PTY LTD (ADMINISTRATORS APPOINTED) ACN 164 937 633 |
| Seventh Plaintiff | NEC NO 2 PTY LTD (ADMINISTRATORS APPOINTED) ACN 164 937 704 |
| Eighth Plaintiff | CORVUS COAL PTY LTD (ADMINISTRATORS APPOINTED) ACN 621 700 472 |