

5 January 2024

To the Creditor
As Addressed

CIRCULAR TO CREDITORS

Dear Sir or Madam,

**NEW WILKIE ENERGY PTY LIMITED
ACN 007 683 454 / ABN 93 007 683 454**

**NWE FINANCE PTY LTD
ACN 664 827 141 / ABN 92 664 827 141**

**NWE COAL HOLDINGS PTY LTD
ACN 664 827 098**

**NWE COAL PTY LTD
ACN 664 827 016**

**NEW RENEWABLE ENERGY PTY LIMITED
ACN 164 937 633**

**NEC NO.2 PTY LIMITED
ACN 164 937 704 / ABN 97 164 937 704**

**CORVUS COAL PTY LIMITED
ACN 621 700 472 / ABN 51 621 700 472**

**(ALL ADMINISTRATORS APPOINTED)
("THE COMPANIES")**

I refer to previous correspondence regarding this matter.

Peter Krejci, Jonathon Keenan, Stefan Dopking, and I were appointed Joint and Several Administrators of the Companies on 27 December 2023 pursuant to Section 436A of the Corporations Act 2001.

In accordance with our first report to creditors, we have been conducting an urgent assessment of the financial position and ongoing viability of the business operations, primarily New Wilkie Energy Pty Ltd. We are working with management, staff, financiers and strategic partners as part of this review. We have sought support of key stakeholders to secure the funding requirements, as we explore a sale and/or restructure of the business.

The Companies operations are complex, and coupled with the current time of year, we applied to the Federal Court of Australia ("the Court") to provide us additional time to deal with contractual elements of the business. We advise that on 4 January 2024, we obtained orders from Justice Lee of the Court, whereby the Administrators would not be personally liable for any liability with respect to property leased, used or

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occupied by the Companies until after 24 January 2024.

A copy of the sealed orders made by the Court have been uploaded to our website and is available here:

<https://briferrier.com.au/about-us/current-matters/new-wilkie-group-of-companies>

Should you have any queries, please contact this office on (02) 8044 0535 or by email to nwe@brifnsw.com.au.

Yours faithfully

NEW WILKIE ENERGY PTY LIMITED

NWE FINANCE PTY LTD

NWE COAL HOLDINGS PTY LTD

NWE COAL PTY LTD

NEW RENEWABLE ENERGY PTY LIMITED

NEC NO.2 PTY LIMITED

CORVUS COAL PTY LIMITED

(ALL ADMINISTRATORS APPOINTED)



ANDREW CUMMINS

Joint and Several Voluntary Administrator



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

No: NSD4/2024

Federal Court of Australia
District Registry: New South Wales
Division: General

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