

## NOTICE OF FILING AND HEARING

### Filing and Hearing Details

Document Lodged: Originating process (Rule 2.2): Federal Court (Corporations) Rules 2000 form 2  
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)  
Date of Lodgment: 15/08/2024 7:50:32 PM AEST  
Date Accepted for Filing: 20/08/2024 2:45:01 PM AEST  
File Number: NSD1481/2023  
File Title: IN THE MATTER OF IN THE MATTER OF GREATCELL SOLAR LIMITED (IN LIQUIDATION) ACN 111 723 883 AND GREATCELL SOLAR AUSTRALIA PTY LTD (IN LIQUIDATION) ACN 131 374 064  
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA  
Reason for Listing: Case Management Hearing  
Time and date for hearing: 23/10/2024, 9:30 AM  
Place: Please check Daily Court List for details

AMENDED ORIGINATING PROCESS



*Sia Lagos*

Registrar

### Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.



## Amended Originating process

(rules 2.2 and 15A.3)

No. NSD1481/2023

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

IN THE MATTER OF In the matter of Greatcell Solar Limited (In Liquidation) ACN 111 723 883 and  
 Greatcell Solar Australia Pty Ltd (In Liquidation) ACN 131 374 064

**Peter Krejci and Andrew Cummins in their capacity as joint and several liquidators of  
 Greatcell Solar Limited (In Liquidation) (ACN 111 723 883) and Greatcell Solar Australia Pty  
 Ltd (In Liquidation) (ACN 131 374 064)**

Plaintiffs

### A. DETAILS OF APPLICATION

This application is made under sections ~~579E and~~ 477(2B) of the *Corporations Act 2001 (Act)* by the liquidators of Greatcell Solar Limited (In Liquidation) and Greatcell Solar Australia Pty Ltd (In Liquidation) (together, **the Companies**). The liquidators are seeking ~~orders that the Companies be pooled and approval for the liquidators~~ to enter into agreements with a term of longer than 3 months.

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

#### **Pooling**

1. ~~An order pursuant to section 579E of the Act that the Companies are a pooled group for the purposes of section 579E of the Act.~~

#### **Entry into agreements**

2. An order pursuant to section 477(2B) of the Act that approval be granted *nunc pro tunc* for the plaintiffs, in their capacity as liquidators of Greatcell Solar Limited (In Liquidation) and Greatcell Solar Australia Pty Ltd (In Liquidation) (together, **the Companies**) to enter into the ~~two amendment deeds~~ consolidated funding agreement between the Commonwealth of Australia (acting through the Department of Employment and Workplace Relations ABN 96 584 957 427) (**Commonwealth**), the plaintiffs and the Companies as produced at ~~pages 356~~

Filed on behalf of (name & role of party)	Peter Krejci and Andrew Cummins in their capacity as joint and several liquidators of Greatcell Solar Limited (In Liquidation) (ACN 111 723 883) and Greatcell Solar Australia Pty Ltd (In Liquidation) (ACN 131 374 064), plaintiffs
Prepared by (name of person/lawyer)	Stuart McKenzie
Law firm (if applicable)	Colin Biggers & Paisley Pty Ltd
Tel (02) 8281 4501	Fax (02) 8281 4567
Email	stuart.mckenzie@cbp.com.au and lois.bullen@cbp.com.au
<b>Address for service</b>	
(include state and postcode) Colin Biggers & Paisley Lawyers, Level 42, 2 Park Street, Sydney NSW 2000	



~~to 369 of confidential exhibit PPK-32 to the affidavit of Peter Paul Krejci dated 15 August 2024~~ 15 August 2024 ~~6 December 2023~~.

- ~~3. An order pursuant to section 477(2B) of the Act that approval be granted for the plaintiffs, in their capacity as liquidators of the Companies to enter into a pooled funding agreement between the Commonwealth, the plaintiffs and the Companies in the same terms as that contained at pages 383 to 424 of confidential exhibit PPK-2 to the affidavit of Peter Paul Krejci dated 6 December 2023.~~
4. An order pursuant to s 477(2B) of the Act that approval be granted *nunc pro tunc* for the plaintiffs, in their capacity as liquidators of the Companies, to enter into the costs agreement with Colin Biggers & Paisley Lawyers starting 3 February 2023 as produced at pages 370 to 380 of confidential exhibit PPK-2 to the affidavit of Peter Paul Krejci dated 6 December 2023.

### Confidentiality

5. An order pursuant to s 37AF of the *Federal Court of Australia Act 1976* (Cth) that the exhibit marked "Confidential Exhibit PPK-2" to the affidavit of Peter Paul Krejci dated 6 December 2023 be treated as confidential and that access to it be granted only:
  - (a) with the consent of the plaintiffs; or
  - (b) by order of the Court.
- 6A. An order pursuant to s 37AF of the *Federal Court of Australia Act 1976* (Cth) that the exhibit marked "Confidential Exhibit PPK-3" to the affidavit of Peter Paul Krejci dated 15 August 2024 be treated as confidential and that access to it be granted only:
  - (c) with the consent of the plaintiffs; or
  - (d) by order of the Court.

### Costs and other orders

6. An order that the costs of this application be costs in the liquidation of GSL and GSA.
7. Such further or other order that the Court considers appropriate.

Date: 15 August 2024 ~~6 December 2023~~



A handwritten signature in blue ink, appearing to read "Stuart McKenzie".

Signature of Stuart McKenzie  
Lawyer for the Plaintiffs

This application will be heard by the Federal Court of Australia at Law Courts Building, Queens Square, Sydney at \_\_\_\_\_ on \_\_\_\_\_

**B. FILING**

Date of filing: \_\_\_\_\_

\_\_\_\_\_  
Signed by an officer acting with the authority of  
the District Registrar

This originating process is filed by Colin Biggers & Paisley Lawyers for the plaintiffs.

**C. SERVICE**

The plaintiffs' address for service is c/- Colin Biggers & Paisley Lawyers, Level 42, 2 Park Street, Sydney NSW 2000