

28 August 2024

**CIRCULAR TO CREDITORS**

Dear Sir or Madam,

**GREATCELL SOLAR LIMITED (IN LIQUIDATION)  
FORMERLY KNOWN AS "DYESOL LTD"  
ACN 111 723 883 ("GSL")**

**GREATCELL SOLAR AUSTRALIA PTY LTD (IN LIQUIDATION)  
FORMERLY KNOWN AS "DYESOL AUSTRALIA PTY LTD"  
ACN 131 374 064 ("GSA")**

We refer to our previous Circulars to Creditors dated 12 December 2023 and 19 March 2024 in respect of the Liquidations of GSL and GSA.

In the previous circulars, we notified creditors that we had filed an application in the Federal Court of Australia ("the Court") seeking orders that GSL and GSA (together, "the Companies") be a pooled group for the purposes of section 579E of the *Corporations Act 2001*, and that a pooled funding agreement with the Australian Government Department of Employment and Workplace Relations ("Commonwealth") be approved for the purpose of pursuing insolvent trading litigation against the directors of the Companies (**Directors**). That application was opposed by three (3) of the Directors, which resulted in delays and additional costs being incurred.

In consultation with Commonwealth, and having regard to the further costs that would be incurred in proceeding with that application, we now intend to take a different approach in respect of the funding of the insolvent trading litigation. To that end, we have negotiated a revised funding agreement for both Companies with the Commonwealth.

The revised funding agreement provides the Commonwealth with a recovery of the amounts advanced, plus a "funding priority" of 30% of any recoveries made by GSL as a result of the insolvent trading litigation, which will be applied by the Commonwealth in reduction of the debts owed to it by both GSL and GSA. This is a commercial arrangement with the Commonwealth that, in our view, is reasonable in the circumstances, and provides the opportunity to pursue the insolvent trading litigation and potentially make a recovery.

On 15 August 2024, we filed the amended originating application with the Court, seeking approval of the revised funding agreement with the Commonwealth. The amended originating application and a further

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supporting affidavit filed with the Court can be downloaded from our website:  
<https://briferrier.com.au/about-us/current-matters>

In summary, we are seeking orders to the following effect:

- ▶ we have retrospective approval to enter into the revised funding agreement with the Commonwealth;
- ▶ we have retrospective approval to enter into a costs agreement with our lawyers, Colin Biggers & Paisley, for the work involved in bringing this application and the insolvent trading litigation; and
- ▶ ancillary confidentiality and costs orders.

The application has been listed for hearing on **Wednesday, 11 September 2024 at 10:15 am (AEST)** before Justice Yates in the Federal Court of Australia located at the Law Courts Building 184 Phillip Street Queens Square, Sydney NSW 2000.

If any creditor wishes to be heard in respect of the application, we recommend seeking legal advice.

Yours faithfully

**GREATCELL SOLAR LIMITED (IN LIQUIDATION)**

**GREATCELL SOLAR AUSTRALIA PTY LTD (IN LIQUIDATION)**



**PETER KREJCI**

Joint and Several Liquidator