

SUPREME COURT OF QUEENSLAND

Registry: Brisbane  
No 4023 of 2023

IN THE MATTER OF PCA (QLD) PTY LTD (SUBJECT TO DEED OF  
COMPANY ARRANGEMENT)

ACN 141 148 245

Applicants: DESTINATION BRISBANE CONSORTIUM INTEGRATED  
RESORT OPERATIONS PTY LTD AS TRUSTEE FOR THE  
DESTINATION BRISBANE CONSORTIUM INTEGRATED  
RESORT OPERATING TRUST AND QWB RESIDENTIAL  
PRECINCT OPERATIONS PTY LTD AS TRUSTEE FOR  
THE QWB RESIDENTIAL PRECINCT OPERATIONS  
TRUST

Respondents: PCA (QLD) PTY LTD (SUBJECT TO DEED OF COMPANY  
ARRANGEMENT) AND OTHERS NAMED IN THE  
SCHEDULE

SECOND AFFIDAVIT OF PATRICK XAVIER ROBERT MACKENZIE

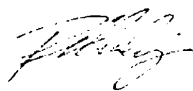
PATRICK XAVIER ROBERT MACKENZIE, of King & Wood Mallesons, at Level 30, 250  
St Georges Terrace, Perth, WA, 6000, Australia, solicitor, solemnly, sincerely and truly affirm  
and declare:

PART A – INTRODUCTION

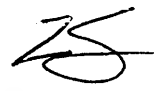
- 1 I am a solicitor at King & Wood Mallesons, and subject to the supervision of  
Samantha Kinsey and the partners of King & Wood Mallesons, I am assisting with  
this matter on behalf of the second named respondents (the **Deed Administrators**),  
and the (**DOCA Companies**).

Page 1

Signed:



Taken by:



AFFIDAVIT

Filed on behalf of the Second Respondents

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T +61 7 3244 8000  
F +61 7 3244 8999  
Ref: SJK/PXM:603-0072630




- 2 Unless otherwise stated, this affidavit is based on my own knowledge and belief and from information I, and other solicitors at KWM, have obtained through my role in acting for the Deed Administrators, which I believe to be true. In making this affidavit, I have reviewed KWM's files in relation to this matter.
- 3 I also refer to my first affidavit in these proceedings dated 12 June 2023 (the **First Mackenzie Affidavit**), and have had regard to the affidavits of David Michael Orr dated 7 June 2023 (the **First Orr Affidavit**) and 15 December 2023 (the **Second Orr Affidavit**). Unless otherwise defined, I adopt the definitions used in the First Mackenzie Affidavit, First Orr Affidavit, and the Second Orr Affidavit.
- 4 In preparing this affidavit I have had regard to a number of documents which I refer to throughout this affidavit. This bundle of documents is marked "**PXRM-2**" (**Exhibit PXRM-2**) and exhibited to this affidavit. A reference to a tab in this affidavit is to a tab in Exhibit PXRM-2, unless otherwise stated.
- 5 The purpose of this affidavit is to provide this Honourable Court with an update on the service of the Deed Administrators' Second IA (**Part B**), and the recovery of the Deed Administrators' costs in respect of dealing with insured claims (**Part C**).

## **PART B – SERVICE OF THE DEED ADMINISTRATORS' SECOND IA**

### ***B1. Service on the Potentially Insured Creditors***

- 6 On 11 January 2024, I received a copy of the sealed orders made at the review hearing by this Honourable Court on 19 December 2023 (**19 December Orders**). As foreshadowed in paragraphs 84 and 92 of the Second Orr Affidavit, KWM was instructed by the Deed Administrators to effect service of the Deed Administrators' Second IA on the Potentially Insured Creditors, being those parties named in the Deed Administrators' Second IA.
- 7 On 11 January 2024, I sent an email to each of the Potentially Insured Creditors, at the email addresses set out in the Deed Administrators' Second IA, which attached a copy of the Deed Administrators' Second IA and the 19 December Orders.

Signed:



Taken by:



Copies of the emails I sent to each of the Potentially Insured Creditors on 11 January 2024, are at **tab 1** of **Exhibit PXR-2**. The attachments to these emails have been omitted given they are repetitions of documents on the Court's file.

- 8 Due to the size of the Second Orr Affidavit, it was not possible for this to be emailed to the Potentially Insured Creditors. Instead, I sent each of them an email which contained a link to download the Second Orr Affidavit, and Exhibit DMO-2, from KWM Share, which is KWM's secure online document sharing platform.

A copy of the email which was sent to each of the Potentially Insured Creditors providing them with a link to download the Second Orr Affidavit on 11 January 2024 is at **tab 2** of **Exhibit PXR-2**.

- 9 In response to the service of the Deed Administrators' Second IA, I received the following written responses:

- (a) on 11 January 2024, Natalie Colbert, of ASIC, confirmed receipt of the Deed Administrators' Second IA on behalf of ASIC:

A copy of the email from ASIC to KWM dated 11 January 2024 is at **tab 3** of **Exhibit PXR-2**.

- (b) on 12 January 2024, Shiva Kotur, of S&V Lawyers, confirmed the proceedings CI-22-00900 in the Victorian County Court had been discontinued on 15 December 2023, and provided a copy of the relevant orders:

Copies of the email from S&V Lawyers to KWM dated 12 January 2024, and the orders dated 15 December 2023 are at **tab 4** of **Exhibit PXR-2**.

- (c) on 12 January 2024, David Burstyner, of Adley Burstyner, emailed me saying they no longer acted for the plaintiff in VCAT Proceedings BP1236/2021 against Probuild:

- (d) on 17 January 2024, Isabel Ko, of Strata Title Lawyers, emailed KWM saying they now act for the plaintiff in in VCAT Proceedings BP1236/2021 against Probuild:



- (c) on 17 January 2024, I forwarded the email (which attached the 19 December Orders and the Deed Administrators' Second IA) which I had sent to Adley Burstyner on 11 January 2024 to Strata Title Lawyers, along with a link to download the Second Orit Affidavit; and

Copies of the emails from Adley Burstyner and Strata Title Lawyers dated 12 and 17 January 2024, along with my emails of 17 January 2024 are at **tab 5 of Exhibit PXR-2**.

- (d) on 22 January 2024, Raymond Cayamanda, of vbr Lawyers, who act for the plaintiff in BS 6804 of 2023, sent KWM a letter purporting to make, on behalf of their client, an 'Insured Claim Election' as defined in clause 1.1 of the amended DOCA annexed to the Deed Administrators' Second IA.

A copy of the letter from vbr Lawyers to KWM dated 22 January 2024 is at **tab 6 of Exhibit PXR-2**.

- 10 I was instructed to send a letter to vbr Lawyers seeking clarification of their client's position as it was clear they had misunderstood from the service of the Deed Administrators' Second IA that the amendments had been made. On 22 February 2024, I caused the letter seeking clarification to be sent to vbr Lawyers. As at the date of this, my affidavit, no response has been received from vbr Lawyers.

A copy of the letter from KWM to vbr Lawyers dated 22 February 2024 is at **tab 7 of Exhibit PXR-2**.

- 11 To assist this Honourable Court, I have prepared a table summarising my communications with the Potentially Insured Creditors, including the limited instances of telephone communications with solicitors for the Potentially Insured Creditors.

A copy of the table summarising my communications with the Potentially Insured Creditors as at 11 March 2024 is at **tab 8 of Exhibit PXR-2**.

- 12 As at the date of this, my affidavit, I have not received any further substantive responses to the Deed Administrators' Second IA, save for limited requests for the link to KWM Share to be provided to an alternative email address.



**B2. Correspondence from Taylor Scott**

13 On 2 February 2024, the Deed Administrators provided KWM with a copy of a letter from Taylor & Scott Lawyers dated 10 January 2024 addressed to David Michael Orr (one of the Deed Administrators). The letter related to a subpoena dated 10 January 2024 issued by the New South Wales Supreme Court in proceedings 2021/00181372 concerning a claim against XL Insurances Company SE.

14 On 5 February 2024, I was instructed to send a response to Taylor & Scott Lawyers in relation to the subpoena.

A copy of the email I sent to Taylor & Scott Lawyers on 5 February 2024 is at **tab 9** of **Exhibit PXR-2**.

15 On 13 February 2024, the Deed Administrators provided KWM with a copy of a further letter from Taylor & Scott Lawyers dated 5 February 2024 in relation to the same subpoena. On 13 February 2024, I was instructed to respond to Taylor & Scott Lawyer's letter of 5 February 2024.

A copy of the email I sent to Taylor & Scott Lawyers on 13 February 2024 is at **tab 10** of **Exhibit PXR-2**.

**PART C – KWM'S COSTS OF DEALING WITH INSURED CLAIMS**

16 Since the DOCA was executed on 21 July 2022, KWM has been dealing with numerous *ad hoc* requests to assist in relation to various insured claims, as described at paragraphs 35 and 71 to 74 of the Second Orr Affidavit. These requests have involved assisting the solicitors appointed by insurers (where insurers have taken carriage of the matters), and claimants' lawyers, with various tasks, including:

- (a) attending to tasks associated with applications for leave to proceed against a DOCA Company under section 444E of the *Corporations Act 2001* (Cth), including court attendances;
- (b) drafting and settling deeds of settlement in respect of claims against DOCA Companies;

Signed:



Taken by:



- (c) reviewing documents for legal professional privilege and confidentiality prior to production;
- (d) responding to compulsory third-party production notices;
- (e) providing documents relevant to the defence of the proceedings;
- (f) reviewing and amending affidavits of documents; and
- (g) preparing and providing answers to interrogatories for and on behalf of DOCA Companies, predominantly in relation to personal injury claims in Victoria.

- 17 I have reviewed KWM's time recording and invoicing software in relation to this work, which indicates there have been three KWM partners and 11 KWM staff working on this workstream. Although there are 14 people working on this workstream, most of the work since 21 July 2022 has been performed by myself and Sarah Lethlean, another solicitor employed by KWM, under Ms Kinsey's supervision. Between us, we are responsible for the day-to-day management of the litigation which is on foot against the DOCA Companies.
- 18 In managing this workstream, KWM has been instructed to request the insurer, or claimant, pay for, or at least contribute to, the costs of the Deed Administrators and their staff, and KWM's costs, in dealing with their requests. Despite making these requests, almost invariably the insurer (or claimant) either does not agree to pay for these costs, or the costs offered are not adequate to completely indemnify the Deed Administrators for the costs incurred in dealing with these issues.
- 19 In certain instances, especially responding to interrogatories, the assistance is compelled by the relevant court rules. In these instances, should the Deed Administrators fail to comply with the request, or fail to cause the relevant defendant company to comply with the request, there may be consequences for the defendant company's defence of the proceedings, including having its defence struck out.
- 20 As the Deed Administrators are the only officers of the Deed Companies, where court processes require certification by an officer of the relevant company, such as

Signed:

Taken by:

answers to interrogatories, or affidavits of documents in discovery, the Deed Administrators are typically the only people who can sign these documents.

- 21 I am only aware of one instance in which the Deed Administrators were able to identify a former Probuild employee with direct knowledge of the incident subject of the proceedings who was willing and able to provide answers to interrogatories on behalf of the relevant company. In accordance with the relevant court rules, that employee was duly authorised to provide those answers instead of the Deed Administrators. However, unless such an employee is identified, the Deed Administrators themselves must provide sworn answers to interrogatories.
- 22 We are also instructed the Deed Administrators will not provide answers to interrogatories without first reviewing the documents necessary to inform themselves of the answers to which they are deposing. In these instances, whenever I am aware of the costs being requested, the insurers (or claimants) have not agreed to pay for these costs.
- 23 Another example of the costs being incurred in respect of insured claims is in relation to assisting with providing documents to assist certain DOCA Companies discharge their discovery obligations. Based on my work in assisting with these requests, I am aware that the Deed Administrators have access to terabytes of data for the DOCA Companies which they have imaged and now have access to, as well as 'Aconex' databases which generally exist in relation to each project which was being undertaken by Probuild.
- 24 Given the volume of data which is available, and the different formats and platforms in which this data is stored, based on my interactions with insurers' and claimants' solicitors third parties to date, Ms Lethlean and I have often had to engage with both the Deed Administrators and the insurer and/or claimants' solicitors (and, occasionally, electronic and hard copy third-party document storage providers) to be able to provide accurate explanations of what information is available where, and how this information can be accessed. As at the date of this, my affidavit, I am not aware of KWM (or the Deed Administrators) recovering KWM's costs from any insurer or claimant in relation to these requests, or the Deed Administrators recovering their time costs in dealing with these requests.

Signed:

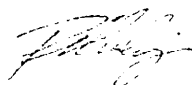


Taken by:



- 25 I am aware of the Deed Administrators recovering limited third-party disbursements relating to the provision of Aconex databases, but I am not aware of them recovering for their time costs incurred in these requests.
- 26 Finally, I also note there are often costs incurred in dealing with claimants' solicitors in relation to applications for leave to proceed against a DOCA Company under section 444E of the *Corporations Act 2001* (Cth). While KWM and the Deed Administrators have reached an agreed position in respect of the 'usual' orders which we are instructed to seek in respect of these leave applications, there are invariably costs associated with engaging with these applications, including the initial engagement with Probuild's insurance brokers and identifying whether there is a responsive insurance policy and insurer. These costs have not been recovered.

Signed:



Taken by:





27 As at the date of this, my affidavit, and despite the requests being made of the third parties, only one insurer agreed to pay for four hours of KWM time, of which 3.9 hours was charged.

**The contents of this affidavit are true, except where they are stated on the basis of information and belief, in which case they are true to the best of my knowledge.**

**I understand that a person who provides a false matter in the affidavit commits an offence.**

I state that:

- (A) This affidavit was made in the form of an electronic document.
- (B) This affidavit was electronically signed.
- (C) This affidavit was made, signed and witnessed under part 6A of the *Oaths Act 1867*.

SWORN by  
PATRICK XAVIER ROBERT  
MACKENZIE at PERTH

signature of deponent

12 March 2024  
date

BEFORE ME:

Zachary Sharp

signature of witness

Australian legal practitioner, King  
& Wood Mallesons

I am a **special witness** under the  
*Oaths Act 1867*.

12 March 2024  
date

This affidavit was made in the form of an electronic document.

I electronically signed this affidavit.

This affidavit was made, signed and witnessed under part 6A of the *Oaths Act 1867* – I understand the requirements for witnessing a document by audio visual link and have complied with those requirements. The affidavit was made, signed and witnessed under *Oaths Act 1867* part 6A.

Signed:

Taken by:

## **SCHEDULE OF PARTIES**

First Applicant:	<b>DESTINATION BRISBANE CONSORTIUM INTEGRATED RESORT OPERATIONS PTY LTD AS TRUSTEE FOR THE DESTINATION BRISBANE CONSORTIUM INTEGRATED RESORT OPERATING TRUST</b>
Second Applicant:	<b>QWB RESIDENTIAL PRECINCT OPERATIONS PTY LTD AS TRUSTEE FOR THE QWB RESIDENTIAL PRECINCT OPERATIONS TRUST</b>
First Respondent:	<b>PCA (QLD) PTY LTD (SUBJECT TO DEED OF COMPANY ARRANGEMENT)</b>
Second Respondents:	<b>SALVATORE ALGERI, JASON TRACY, DAVID ORR AND MATTHEW DONNELLY IN THEIR CAPACITIES AS JOINT AND SEVERAL DEED ADMINISTRATORS OF THE DEED COMPANIES</b>
Third Respondent:	<b>DEXUS FUNDS LIMITED AS TRUSTEE FOR THE DEXUS MARTIN PLACE TRUST</b>
First Fourth Respondent:	<b>WADREN PTY LTD AS TRUSTEE FOR THE HOPPERS CROSSING UNIT TRUST</b>
Second Fourth Respondent:	<b>QIC WERRIBEE PTY LTD AS TRUSTEE FOR THE QIC WERRIBEE TRUST</b>
Fifth Respondent:	<b>WBHO CONSTRUCTION (PTY) LIMITED</b>
Sixth Respondent:	<b>CBUS PROPERTY BRISBANE PTY LTD (ACN 169 683 292) AS TRUSTEE FOR THE BRISBANE UNIT TRUST</b>

**Signed:**

**Taken by:**

**SUPREME COURT OF QUEENSLAND**

Registry: Brisbane  
No 4023 of 2023

**IN THE MATTER OF PCA (QLD) PTY LTD (SUBJECT TO DEED OF  
COMPANY ARRANGEMENT)**

**ACN 141 148 245**

**Applicants: DESTINATION BRISBANE CONSORTIUM INTEGRATED  
RESORT OPERATIONS PTY LTD AS TRUSTEE FOR THE  
DESTINATION BRISBANE CONSORTIUM INTEGRATED  
RESORT OPERATING TRUST AND ANOTHER  
ACCORDING TO THE ATTACHED SCHEDULE**

**Respondents PCA (QLD) PTY LTD (SUBJECT TO DEED OF COMPANY  
ARRANGEMENT) AND OTHERS ACCORDING TO THE  
ATTACHED SCHEDULE**

Exhibit "PXR-2" to the affidavit of **PATRICK XAVIER ROBERT MACKENZIE** affirmed  
on 12 March 2024.



Deponent



Witness

Australian legal practitioner, King & Wood  
Malleons

CERTIFICATE OF EXHIBIT  
Filed on behalf of the Defendant  
Form 47, Version 3  
Uniform Civil Procedure Rules 1999  
Rule 435

King & Wood Malleons  
Level 33, Waterfront Place, 1 Eagle Street,  
Brisbane Qld 4000  
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F +61 7 3244 8999  
Ref: SJK PXM:603-0072630

## INDEX TO BUNDLE OF DOCUMENTS

### MARKED EXHIBIT “PXRM-2”

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**From:** Mackenzie, Patrick (AU)  
**Sent:** Thursday, 11 January 2024 12:55 PM  
**To:** Legal.Document.Service  
**Cc:** Kinsey, Samantha (AU); Lethlean, Sarah (AU)  
**Subject:** BS 4023 of 2023 | Destination Brisbane Consortium Integrated Resort Operations Pty Ltd & Anor v PCA (Queensland) Pty Ltd (subject to deed of company arrangement) & Ors [KWM-DOCUMENTS.FID4430114]  
**Attachments:** 20231215 - BS 4023 23 Interlocutory Application by Second Respondent 15 December 2023.pdf; 20240111 - Orders of Hindman J made 19 December 2023 (Sealed).pdf

Good afternoon

We refer to the above proceeding in the Queensland Supreme Court. We act for the first and second respondents.

On 19 December 2023, we filed the **attached** interlocutory application in the proceeding on behalf of the second respondents, who are the deed administrators of the first respondent. As the interlocutory application seeks relief under section 90-15 of the *Insolvency Practice Schedule (Corporations)* as it appears at Schedule 2 of the *Corporations Act 2001* (Cth), we are required to serve a copy of it on ASIC in accordance with item 11 of rule 2.8(3) of the Schedule 1A of the *Uniform Civil Procedure Rules 1999* (Qld). Due to its size, a copy of the supporting affidavit will be sent to you separately via KWM Share, our secure document sharing platform.

Pursuant to the **attached** orders of the Hon Justice Hindman made on 19 December 2023, the interlocutory application has been set down for a hearing of one day on Friday 26 April 2024. Non-parties who wish to oppose the relief sought in the interlocutory application are to file and serve their notice of appearance and any submissions by no later than 25 March 2024.

Please do not hesitate to contact us if you have any questions.

Kind regards

**Patrick Mackenzie | Senior Associate**  
**King & Wood Mallesons**

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**M** +61 409 902 877

**F** +61 8 9269 7999

**E** patrick.mackenzie@au.kwm.com

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**From:** Mackenzie, Patrick (AU)  
**Sent:** Thursday, 11 January 2024 3:13 PM  
**To:** lfitch@mauriceblackburn.com.au  
**Cc:** Kinsey, Samantha (AU); Lethlean, Sarah (AU)  
**Subject:** BS 4023 of 2023 | Destination Brisbane Consortium Integrated Resort Operations Pty Ltd & Anor v PCA (Queensland) Pty Ltd (subject to deed of company arrangement) & Ors [KWM-DOCUMENTS.FID4430114]  
**Attachments:** 20231215 - BS 4023 23 Interlocutory Application by Second Respondent 15 December 2023.pdf; 20240111 - Orders of Hindman J made 19 December 2023 (Sealed).pdf

Dear Mr Fitch

We refer to the above proceeding in the Queensland Supreme Court regarding an application to amend the deed of company arrangement for certain entities in the Probuild Group of Companies. We act for the first and second respondents.

Please see **attached** by way of notice, an interlocutory application in the proceeding on behalf of the second respondents, who are the deed administrators of the first respondent. We are serving the application on you as your client, Timothy Lepp, the plaintiff in proceedings against Probuild Constructions (Aust) Pty Ltd, may be an 'Insured Creditor', and may wish to be heard in relation to the application. Your client's claim would be considered a worker's compensation claim for the purposes of clause 13.11(a)(ii) of the proposed amended deed of company arrangement.

Pursuant to the **attached** orders of the Hon Justice Hindman made on 19 December 2023, the interlocutory application has been set down for a hearing of one day on Friday 26 April 2024. Non-parties who wish to oppose the relief sought in the interlocutory application are to file and serve their notice of appearance and any submissions by no later than 25 March 2024. Alternatively, if your client would like to express their views on the application, they may do so by providing them to us, in writing, and these will be brought to the attention of the court by the second respondents.

Please do not hesitate to contact us if you have any questions.

Kind regards

**Patrick Mackenzie | Senior Associate**  
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**From:** Mackenzie, Patrick (AU)  
**Sent:** Thursday, 11 January 2024 3:15 PM  
**To:** kiran.malai@lawpartners.com.au  
**Cc:** Kinsey, Samantha (AU); Lethlean, Sarah (AU)  
**Subject:** BS 4023 of 2023 | Destination Brisbane Consortium Integrated Resort Operations Pty Ltd & Anor v PCA (Queensland) Pty Ltd (subject to deed of company arrangement) & Ors [KWM-DOCUMENTS.FID4430114]  
**Attachments:** 20231215 - BS 4023 23 Interlocutory Application by Second Respondent 15 December 2023.pdf; 20240111 - Orders of Hindman J made 19 December 2023 (Sealed).pdf

Dear Kiran

We refer to the above proceeding in the Queensland Supreme Court regarding an application to amend the deed of company arrangement for certain entities in the Probuild Group of Companies. We act for the first and second respondents.

Please see **attached** by way of notice, an interlocutory application in the proceeding on behalf of the second respondents, who are the deed administrators of the first respondent. We are serving the application on you as your client, Dimitrios Konomos, the plaintiff in proceedings against Probuild Constructions (Aust) Pty Ltd, may be an 'Insured Creditor', and may wish to be heard in relation to the application. Your client's claim would be considered a worker's compensation claim for the purposes of clause 13.11(a)(ii) of the proposed amended deed of company arrangement.

Pursuant to the **attached** orders of the Hon Justice Hindman made on 19 December 2023, the interlocutory application has been set down for a hearing of one day on Friday 26 April 2024. Non-parties who wish to oppose the relief sought in the interlocutory application are to file and serve their notice of appearance and any submissions by no later than 25 March 2024. Alternatively, if your client would like to express their views on the application, they may do so by providing them to us, in writing, and these will be brought to the attention of the court by the second respondents.

Please do not hesitate to contact us if you have any questions.

Kind regards

**Patrick Mackenzie | Senior Associate**  
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**From:** Mackenzie, Patrick (AU)  
**Sent:** Thursday, 11 January 2024 3:18 PM  
**To:** christophers@rmblawyers.com.au  
**Cc:** Kinsey, Samantha (AU); Lethlean, Sarah (AU)  
**Subject:** BS 4023 of 2023 | Destination Brisbane Consortium Integrated Resort Operations Pty Ltd & Anor v PCA (Queensland) Pty Ltd (subject to deed of company arrangement) & Ors [KWM-DOCUMENTS.FID4430114]  
**Attachments:** 20231215 - BS 4023 23 Interlocutory Application by Second Respondent 15 December 2023.pdf; 20240111 - Orders of Hindman J made 19 December 2023 (Sealed).pdf

Dear Christopher

We refer to the above proceeding in the Queensland Supreme Court regarding an application to amend the deed of company arrangement for certain entities in the Probuild Group of Companies. We act for the first and second respondents.

We have previously written to you in relation to the proceeding in June 2023. Please see **attached** by way of notice, an interlocutory application in the proceeding on behalf of the second respondents, who are the deed administrators of the first respondent. We are serving the application on you as your client, Jason Lennard, may be an 'Insured Creditor', and may wish to be heard in relation to the application. Your client's claim would be considered a worker's compensation claim for the purposes of clause 13.11(a)(ii) of the proposed amended deed of company arrangement.

Pursuant to the **attached** orders of the Hon Justice Hindman made on 19 December 2023, the interlocutory application has been set down for a hearing of one day on Friday 26 April 2024. Non-parties who wish to oppose the relief sought in the interlocutory application are to file and serve their notice of appearance and any submissions by no later than 25 March 2024. Alternatively, if your client would like to express their views on the application, they may do so by providing them to us, in writing, and these will be brought to the attention of the court by the second respondents.

Please do not hesitate to contact us if you have any questions.

Kind regards

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**King & Wood Mallesons**

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**From:** Mackenzie, Patrick (AU)  
**Sent:** Thursday, 11 January 2024 3:25 PM  
**To:** Ray Cayamanda; greg@vbrlaw.com.au  
**Cc:** Kinsey, Samantha (AU); Lethlean, Sarah (AU)  
**Subject:** BS 4023 of 2023 | Destination Brisbane Consortium Integrated Resort Operations Pty Ltd & Anor v PCA (Queensland) Pty Ltd (subject to deed of company arrangement) & Ors [KWM-DOCUMENTS.FID4430114]  
**Attachments:** 20231215 - BS 4023 23 Interlocutory Application by Second Respondent 15 December 2023.pdf; 20240111 - Orders of Hindman J made 19 December 2023 (Sealed).pdf

Dear Colleagues

We refer to the above proceeding in the Queensland Supreme Court regarding an application to amend the deed of company arrangement for certain entities in the Probuild Group of Companies. We act for the first and second respondents.

Please see **attached** by way of notice, an interlocutory application in the proceeding on behalf of the second respondents, who are the deed administrators of the first respondent. We are serving the application on you as your client, Michael Kennefick, the plaintiff in proceeding BS 6804 / 2023, may be an 'Insured Creditor', and may wish to be heard in relation to the application. Your client's claim would be considered a worker's compensation claim for the purposes of clause 13.11(a)(ii) of the proposed amended deed of company arrangement.

Pursuant to the **attached** orders of the Hon Justice Hindman made on 19 December 2023, the interlocutory application has been set down for a hearing of one day on Friday 26 April 2024. Non-parties who wish to oppose the relief sought in the interlocutory application are to file and serve their notice of appearance and any submissions by no later than 25 March 2024. Alternatively, if your client would like to express their views on the application, they may do so by providing them to us, in writing, and these will be brought to the attention of the court by the second respondents.

Please do not hesitate to contact us if you have any questions.

Kind regards

**Patrick Mackenzie | Senior Associate**  
**King & Wood Malleons**

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**From:** Mackenzie, Patrick (AU)  
**Sent:** Thursday, 11 January 2024 3:29 PM  
**To:** Manny Carbone; Samuel Schwartz  
**Cc:** Kinsey, Samantha (AU); Lethlean, Sarah (AU)  
**Subject:** BS 4023 of 2023 | Destination Brisbane Consortium Integrated Resort Operations Pty Ltd & Anor v PCA (Queensland) Pty Ltd (subject to deed of company arrangement) & Ors [KWM-DOCUMENTS.FID4430114]  
**Attachments:** 20231215 - BS 4023 23 Interlocutory Application by Second Respondent 15 December 2023.pdf; 20240111 - Orders of Hindman J made 19 December 2023 (Sealed).pdf

Dear Colleagues

We refer to the above proceeding in the Queensland Supreme Court regarding an application to amend the deed of company arrangement for certain entities in the Probuild Group of Companies. We act for the first and second respondents.

Please see **attached** by way of notice, an interlocutory application in the proceeding on behalf of the second respondents, who are the deed administrators of the first respondent. We are serving the application on you as your client, Giuseppe Cuscuna, the plaintiff in proceeding E SCI 2023 05663, may be an 'Insured Creditor', and may wish to be heard in relation to the application. Your client's claim would be considered a worker's compensation claim for the purposes of clause 13.11(a)(ii) of the proposed amended deed of company arrangement.

Pursuant to the **attached** orders of the Hon Justice Hindman made on 19 December 2023, the interlocutory application has been set down for a hearing of one day on Friday 26 April 2024. Non-parties who wish to oppose the relief sought in the interlocutory application are to file and serve their notice of appearance and any submissions by no later than 25 March 2024. Alternatively, if your client would like to express their views on the application, they may do so by providing them to us, in writing, and these will be brought to the attention of the court by the second respondents.

Please do not hesitate to contact us if you have any questions.

Kind regards

**Patrick Mackenzie | Senior Associate**  
**King & Wood Mallesons**

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**From:** Mackenzie, Patrick (AU)  
**Sent:** Thursday, 11 January 2024 3:31 PM  
**To:** mackay@shine.com.au  
**Cc:** Kinsey, Samantha (AU); Lethlean, Sarah (AU)  
**Subject:** BS 4023 of 2023 | Destination Brisbane Consortium Integrated Resort Operations Pty Ltd & Anor v PCA (Queensland) Pty Ltd (subject to deed of company arrangement) & Ors [KWM-DOCUMENTS.FID4430114]  
**Attachments:** 20231215 - BS 4023 23 Interlocutory Application by Second Respondent 15 December 2023.pdf; 20240111 - Orders of Hindman J made 19 December 2023 (Sealed).pdf

Dear Colleagues

We refer to the above proceeding in the Queensland Supreme Court regarding an application to amend the deed of company arrangement for certain entities in the Probuild Group of Companies. We act for the first and second respondents.

Please see **attached** by way of notice, an interlocutory application in the proceeding on behalf of the second respondents, who are the deed administrators of the first respondent. We are serving the application on you as your client, Mary Spurway, may be an 'Insured Creditor', and may wish to be heard in relation to the application. Your client's claim would be considered a worker's compensation claim for the purposes of clause 13.11(a)(ii) of the proposed amended deed of company arrangement.

Pursuant to the **attached** orders of the Hon Justice Hindman made on 19 December 2023, the interlocutory application has been set down for a hearing of one day on Friday 26 April 2024. Non-parties who wish to oppose the relief sought in the interlocutory application are to file and serve their notice of appearance and any submissions by no later than 25 March 2024. Alternatively, if your client would like to express their views on the application, they may do so by providing them to us, in writing, and these will be brought to the attention of the court by the second respondents.

Please do not hesitate to contact us if you have any questions.

Kind regards

**Patrick Mackenzie | Senior Associate**  
**King & Wood Mallesons**

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**E** [patrick.mackenzie@au.kwm.com](mailto:patrick.mackenzie@au.kwm.com)

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**From:** Mackenzie, Patrick (AU)  
**Sent:** Thursday, 11 January 2024 3:36 PM  
**To:** christiand@gells.com.au; paulb@gells.com.au  
**Cc:** Kinsey, Samantha (AU); Lethlean, Sarah (AU)  
**Subject:** BS 4023 of 2023 | Destination Brisbane Consortium Integrated Resort Operations Pty Ltd & Anor v PCA (Queensland) Pty Ltd (subject to deed of company arrangement) & Ors [KWM-DOCUMENTS.FID4430114]  
**Attachments:** 20231215 - BS 4023 23 Interlocutory Application by Second Respondent 15 December 2023.pdf; 20240111 - Orders of Hindman J made 19 December 2023 (Sealed).pdf

Dear Colleagues

We refer to the above proceeding in the Queensland Supreme Court regarding an application to amend the deed of company arrangement for certain entities in the Probuild Group of Companies. We act for the first and second respondents.

Please see **attached** by way of notice, an interlocutory application in the proceeding on behalf of the second respondents, who are the deed administrators of the first respondent. We are serving the application on you as your client, Allianz Australia Insurance Limited, may wish to be heard in relation to the application.

Pursuant to the **attached** orders of the Hon Justice Hindman made on 19 December 2023, the interlocutory application has been set down for a hearing of one day on Friday 26 April 2024. Non-parties who wish to oppose the relief sought in the interlocutory application are to file and serve their notice of appearance and any submissions by no later than 25 March 2024. Alternatively, if your client would like to express their views on the application, they may do so by providing them to us, in writing, and these will be brought to the attention of the court by the second respondents.

Please do not hesitate to contact us if you have any questions.

Kind regards

**Patrick Mackenzie | Senior Associate**  
**King & Wood Mallesons**

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**From:** Mackenzie, Patrick (AU)  
**Sent:** Thursday, 11 January 2024 3:38 PM  
**To:** jim.vrettos@rankinellison.com.au; melissa.mcdonald@rankinellison.com.au  
**Cc:** Kinsey, Samantha (AU); Lethlean, Sarah (AU)  
**Subject:** BS 4023 of 2023 | Destination Brisbane Consortium Integrated Resort Operations Pty Ltd & Anor v PCA (Queensland) Pty Ltd (subject to deed of company arrangement) & Ors [KWM-DOCUMENTS.FID4430114]  
**Attachments:** 20231215 - BS 4023 23 Interlocutory Application by Second Respondent 15 December 2023.pdf; 20240111 - Orders of Hindman J made 19 December 2023 (Sealed).pdf

Dear Colleagues

We refer to the above proceeding in the Queensland Supreme Court regarding an application to amend the deed of company arrangement for certain entities in the Probuild Group of Companies. We act for the first and second respondents.

Please see **attached** by way of notice, an interlocutory application in the proceeding on behalf of the second respondents, who are the deed administrators of the first respondent. We are serving the application on you as your client, Employers Mutual Limited, may wish to be heard in relation to the application.

Pursuant to the **attached** orders of the Hon Justice Hindman made on 19 December 2023, the interlocutory application has been set down for a hearing of one day on Friday 26 April 2024. Non-parties who wish to oppose the relief sought in the interlocutory application are to file and serve their notice of appearance and any submissions by no later than 25 March 2024. Alternatively, if your client would like to express their views on the application, they may do so by providing them to us, in writing, and these will be brought to the attention of the court by the second respondents.

Please do not hesitate to contact us if you have any questions.

Kind regards

**Patrick Mackenzie | Senior Associate**  
**King & Wood Mallesons**

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**From:** Mackenzie, Patrick (AU)  
**Sent:** Thursday, 11 January 2024 3:40 PM  
**To:** stephen.greenham@idplawyers.com.au  
**Cc:** Kinsey, Samantha (AU); Lethlean, Sarah (AU)  
**Subject:** BS 4023 of 2023 | Destination Brisbane Consortium Integrated Resort Operations Pty Ltd & Anor v PCA (Queensland) Pty Ltd (subject to deed of company arrangement) & Ors [KWM-DOCUMENTS.FID4430114]  
**Attachments:** 20231215 - BS 4023 23 Interlocutory Application by Second Respondent 15 December 2023.pdf; 20240111 - Orders of Hindman J made 19 December 2023 (Sealed).pdf

Dear Stephen

We refer to the above proceeding in the Queensland Supreme Court regarding an application to amend the deed of company arrangement for certain entities in the Probuild Group of Companies. We act for the first and second respondents.

Please see **attached** by way of notice, an interlocutory application in the proceeding on behalf of the second respondents, who are the deed administrators of the first respondent. We are serving the application on you as your client, the Victorian WorkCover Authority, the plaintiff in Proceeding No. CI-20-03047, may wish to be heard in relation to the application.

Pursuant to the **attached** orders of the Hon Justice Hindman made on 19 December 2023, the interlocutory application has been set down for a hearing of one day on Friday 26 April 2024. Non-parties who wish to oppose the relief sought in the interlocutory application are to file and serve their notice of appearance and any submissions by no later than 25 March 2024. Alternatively, if your client would like to express their views on the application, they may do so by providing them to us, in writing, and these will be brought to the attention of the court by the second respondents.

Please do not hesitate to contact us if you have any questions.

Kind regards

**Patrick Mackenzie | Senior Associate**  
**King & Wood Mallesons**

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**From:** Mackenzie, Patrick (AU)  
**Sent:** Thursday, 11 January 2024 3:41 PM  
**To:** ccox@rk.com.au  
**Cc:** Kinsey, Samantha (AU); Lethlean, Sarah (AU)  
**Subject:** BS 4023 of 2023 | Destination Brisbane Consortium Integrated Resort Operations Pty Ltd & Anor v PCA (Queensland) Pty Ltd (subject to deed of company arrangement) & Ors [KWM-DOCUMENTS.FID4430114]  
**Attachments:** 20231215 - BS 4023 23 Interlocutory Application by Second Respondent 15 December 2023.pdf; 20240111 - Orders of Hindman J made 19 December 2023 (Sealed).pdf

Dear Cameron

We refer to the above proceeding in the Queensland Supreme Court regarding an application to amend the deed of company arrangement for certain entities in the Probuild Group of Companies. We act for the first and second respondents.

Please see **attached** by way of notice, an interlocutory application in the proceeding on behalf of the second respondents, who are the deed administrators of the first respondent. We are serving the application on you as your client, the Victorian WorkCover Authority, the plaintiff in Proceeding No. CI-21-03889, may wish to be heard in relation to the application.

Pursuant to the **attached** orders of the Hon Justice Hindman made on 19 December 2023, the interlocutory application has been set down for a hearing of one day on Friday 26 April 2024. Non-parties who wish to oppose the relief sought in the interlocutory application are to file and serve their notice of appearance and any submissions by no later than 25 March 2024. Alternatively, if your client would like to express their views on the application, they may do so by providing them to us, in writing, and these will be brought to the attention of the court by the second respondents.

Please do not hesitate to contact us if you have any questions.

Kind regards

Patrick Mackenzie | Senior Associate  
King & Wood Mallesons

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**From:** Mackenzie, Patrick (AU)  
**Sent:** Thursday, 11 January 2024 1:19 PM  
**To:** dbrett@dtch.com.au  
**Cc:** Kinsey, Samantha (AU); Lethlean, Sarah (AU)  
**Subject:** BS 4023 of 2023 | Destination Brisbane Consortium Integrated Resort Operations Pty Ltd & Anor v PCA (Queensland) Pty Ltd (subject to deed of company arrangement) & Ors [KWM-DOCUMENTS.FID4430114]  
**Attachments:** 20231215 - BS 4023 23 Interlocutory Application by Second Respondent 15 December 2023.pdf; 20240111 - Orders of Hindman J made 19 December 2023 (Sealed).pdf

Dear Mr Brett

We refer to the above proceeding in the Queensland Supreme Court. We act for the first and second respondents.

We have previously written to you in relation to the proceeding in June 2023. Please see **attached** by way of notice, an interlocutory application in the proceeding on behalf of the second respondents, who are the deed administrators of the first respondent. We are serving the application on you as your client Clive Bowles, the plaintiff in BP 1812 of 2021, may be an 'Insured Creditor', and may wish to be heard in relation to the application.

Pursuant to the **attached** orders of the Hon Justice Hindman made on 19 December 2023, the interlocutory application has been set down for a hearing of one day on Friday 26 April 2024. Non-parties who wish to oppose the relief sought in the interlocutory application are to file and serve their notice of appearance and any submissions by no later than 25 March 2024. Alternatively, if your client would like to express their views on the application, they may do so by providing them to us, in writing, and these will be brought to the attention of the court by the second respondents.

Please do not hesitate to contact us if you have any questions.

Kind regards

Patrick Mackenzie | Senior Associate  
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**From:** Mackenzie, Patrick (AU)  
**Sent:** Thursday, 11 January 2024 3:45 PM  
**To:** gavin.macrae@hallandwilcox.com.au; Lisa.Brown@hallandwilcox.com.au; Trevor.Jones@hallandwilcox.com.au; Ben.Halstead@hallandwilcox.com.au  
**Cc:** Kinsey, Samantha (AU); Lethlean, Sarah (AU)  
**Subject:** BS 4023 of 2023 | Destination Brisbane Consortium Integrated Resort Operations Pty Ltd & Anor v PCA (Queensland) Pty Ltd (subject to deed of company arrangement) & Ors [KWM-DOCUMENTS.FID4430114]  
**Attachments:** 20231215 - BS 4023 23 Interlocutory Application by Second Respondent 15 December 2023.pdf; 20240111 - Orders of Hindman J made 19 December 2023 (Sealed).pdf

Dear Colleagues

We refer to the above proceeding in the Queensland Supreme Court regarding an application to amend the deed of company arrangement for certain entities in the Probuild Group of Companies. We act for the first and second respondents.

Please see **attached** by way of notice, an interlocutory application in the proceeding on behalf of the second respondents, who are the deed administrators of the first respondent. We are serving the application on you as your client, the Victorian WorkCover Authority, the plaintiff in Proceedings No. CI-21-03760, CI-21-02279, CI-22-01963 and CI-20-04307, may wish to be heard in relation to the application.

Pursuant to the **attached** orders of the Hon Justice Hindman made on 19 December 2023, the interlocutory application has been set down for a hearing of one day on Friday 26 April 2024. Non-parties who wish to oppose the relief sought in the interlocutory application are to file and serve their notice of appearance and any submissions by no later than 25 March 2024. Alternatively, if your client would like to express their views on the application, they may do so by providing them to us, in writing, and these will be brought to the attention of the court by the second respondents.

Please do not hesitate to contact us if you have any questions.

Kind regards

Patrick Mackenzie | Senior Associate  
 King & Wood Mallesons

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M [+61 409 902 877](tel:+61409902877)

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**From:** Mackenzie, Patrick (AU)  
**Sent:** Thursday, 11 January 2024 3:47 PM  
**To:** dburstyner@adleyburstyner.com.au  
**Cc:** Kinsey, Samantha (AU); Lethlean, Sarah (AU)  
**Subject:** BS 4023 of 2023 | Destination Brisbane Consortium Integrated Resort Operations Pty Ltd & Anor v PCA (Queensland) Pty Ltd (subject to deed of company arrangement) & Ors [KWM-DOCUMENTS.FID4430114]  
**Attachments:** 20231215 - BS 4023 23 Interlocutory Application by Second Respondent 15 December 2023.pdf; 20240111 - Orders of Hindman J made 19 December 2023 (Sealed).pdf

Dear David

We refer to the above proceeding in the Queensland Supreme Court regarding an application to amend the deed of company arrangement for certain entities in the Probuild Group of Companies. We act for the first and second respondents.

Please see **attached** by way of notice, an interlocutory application in the proceeding on behalf of the second respondents, who are the deed administrators of the first respondent. We are serving the application on you as your client, the Owners Corporation 620160U, the plaintiff in VCAT Proceeding No. BP 1236/2021, may wish to be heard in relation to the application.

Pursuant to the **attached** orders of the Hon Justice Hindman made on 19 December 2023, the interlocutory application has been set down for a hearing of one day on Friday 26 April 2024. Non-parties who wish to oppose the relief sought in the interlocutory application are to file and serve their notice of appearance and any submissions by no later than 25 March 2024. Alternatively, if your client would like to express their views on the application, they may do so by providing them to us, in writing, and these will be brought to the attention of the court by the second respondents.

Please do not hesitate to contact us if you have any questions.

Kind regards

Patrick Mackenzie | Senior Associate  
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**From:** Mackenzie, Patrick (AU)  
**Sent:** Thursday, 11 January 2024 3:50 PM  
**To:** perth.litigation@dentons.com  
**Cc:** Kinsey, Samantha (AU); Lethlean, Sarah (AU)  
**Subject:** BS 4023 of 2023 | Destination Brisbane Consortium Integrated Resort Operations Pty Ltd & Anor v PCA (Queensland) Pty Ltd (subject to deed of company arrangement) & Ors [KWM-DOCUMENTS.FID4430114]  
**Attachments:** 20231215 - BS 4023 23 Interlocutory Application by Second Respondent 15 December 2023.pdf; 20240111 - Orders of Hindman J made 19 December 2023 (Sealed).pdf

Dear Colleagues

We refer to the above proceeding in the Queensland Supreme Court regarding an application to amend the deed of company arrangement for certain entities in the Probuild Group of Companies. We act for the first and second respondents.

Please see **attached** by way of notice, an interlocutory application in the proceeding on behalf of the second respondents, who are the deed administrators of the first respondent. We are serving the application on you as your client, the Owners of Lot 9 - The Towers at Elizabeth Quay Strata Plan 72010, the plaintiff in SAT Proceeding No. CC 2011/2021, may wish to be heard in relation to the application.

Pursuant to the **attached** orders of the Hon Justice Hindman made on 19 December 2023, the interlocutory application has been set down for a hearing of one day on Friday 26 April 2024. Non-parties who wish to oppose the relief sought in the interlocutory application are to file and serve their notice of appearance and any submissions by no later than 25 March 2024. Alternatively, if your client would like to express their views on the application, they may do so by providing them to us, in writing, and these will be brought to the attention of the court by the second respondents.

Please do not hesitate to contact us if you have any questions.

Kind regards

**Patrick Mackenzie | Senior Associate**  
**King & Wood Mallesons**

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**From:** Mackenzie, Patrick (AU)  
**Sent:** Thursday, 11 January 2024 3:52 PM  
**To:** paul.berrill@gracelawyers.com.au  
**Cc:** Kinsey, Samantha (AU); Lethlean, Sarah (AU)  
**Subject:** BS 4023 of 2023 | Destination Brisbane Consortium Integrated Resort Operations Pty Ltd & Anor v PCA (Queensland) Pty Ltd (subject to deed of company arrangement) & Ors [KWM-DOCUMENTS.FID4430114]  
**Attachments:** 20231215 - BS 4023 23 Interlocutory Application by Second Respondent 15 December 2023.pdf; 20240111 - Orders of Hindman J made 19 December 2023 (Sealed).pdf

Dear Paul

We refer to the above proceeding in the Queensland Supreme Court regarding an application to amend the deed of company arrangement for certain entities in the Probuild Group of Companies. We act for the first and second respondents.

Please see **attached** by way of notice, an interlocutory application in the proceeding on behalf of the second respondents, who are the deed administrators of the first respondent. We are serving the application on you as your client, The Owners - Strata Plan No. 92548, the plaintiff in NSWSC Proceedings No. 2021/309522, may wish to be heard in relation to the application.

Pursuant to the **attached** orders of the Hon Justice Hindman made on 19 December 2023, the interlocutory application has been set down for a hearing of one day on Friday 26 April 2024. Non-parties who wish to oppose the relief sought in the interlocutory application are to file and serve their notice of appearance and any submissions by no later than 25 March 2024. Alternatively, if your client would like to express their views on the application, they may do so by providing them to us, in writing, and these will be brought to the attention of the court by the second respondents.

Please do not hesitate to contact us if you have any questions.

Kind regards

**Patrick Mackenzie | Senior Associate**  
**King & Wood Mallesons**

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**From:** Mackenzie, Patrick (AU)  
**Sent:** Thursday, 11 January 2024 3:54 PM  
**To:** Anne Fernando  
**Cc:** Kinsey, Samantha (AU); Lethlean, Sarah (AU)  
**Subject:** BS 4023 of 2023 | Destination Brisbane Consortium Integrated Resort Operations Pty Ltd & Anor v PCA (Queensland) Pty Ltd (subject to deed of company arrangement) & Ors [KWM-DOCUMENTS.FID4430114]  
**Attachments:** 20231215 - BS 4023 23 Interlocutory Application by Second Respondent 15 December 2023.pdf; 20240111 - Orders of Hindman J made 19 December 2023 (Sealed).pdf

Dear Anne

We refer to the above proceeding in the Queensland Supreme Court regarding an application to amend the deed of company arrangement for certain entities in the Probuild Group of Companies. We act for the first and second respondents.

Please see **attached** by way of notice, an interlocutory application in the proceeding on behalf of the second respondents, who are the deed administrators of the first respondent. We are serving the application on you as your client, The Owners - Strata Plan No. 88827, the plaintiff in NSWSC Proceedings No. 2020/249700, may wish to be heard in relation to the application.

Pursuant to the **attached** orders of the Hon Justice Hindman made on 19 December 2023, the interlocutory application has been set down for a hearing of one day on Friday 26 April 2024. Non-parties who wish to oppose the relief sought in the interlocutory application are to file and serve their notice of appearance and any submissions by no later than 25 March 2024. Alternatively, if your client would like to express their views on the application, they may do so by providing them to us, in writing, and these will be brought to the attention of the court by the second respondents.

Please do not hesitate to contact us if you have any questions.

Kind regards

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**From:** Mackenzie, Patrick (AU)  
**Sent:** Thursday, 11 January 2024 3:59 PM  
**To:** emelton@mcw.com.au; vleary@mcw.com.au  
**Cc:** Kinsey, Samantha (AU); Lethlean, Sarah (AU)  
**Subject:** BS 4023 of 2023 | Destination Brisbane Consortium Integrated Resort Operations Pty Ltd & Anor v PCA (Queensland) Pty Ltd (subject to deed of company arrangement) & Ors [KWM-DOCUMENTS.FID4430114]  
**Attachments:** 20231215 - BS 4023 23 Interlocutory Application by Second Respondent 15 December 2023.pdf; 20240111 - Orders of Hindman J made 19 December 2023 (Sealed).pdf

Dear Colleagues

We refer to the above proceeding in the Queensland Supreme Court regarding an application to amend the deed of company arrangement for certain entities in the Probuild Group of Companies. We act for the first and second respondents.

Please see **attached** by way of notice, an interlocutory application in the proceeding on behalf of the second respondents, who are the deed administrators of the first respondent. We are serving the application on you as your client, WorkCover Queensland, which has foreshadowed an application against PCA (Qld) Pty Ltd (subject to deed of company arrangement) in respect of compensation paid to Kent Lewis, may wish to be heard in relation to the application.

Pursuant to the **attached** orders of the Hon Justice Hindman made on 19 December 2023, the interlocutory application has been set down for a hearing of one day on Friday 26 April 2024. Non-parties who wish to oppose the relief sought in the interlocutory application are to file and serve their notice of appearance and any submissions by no later than 25 March 2024. Alternatively, if your client would like to express their views on the application, they may do so by providing them to us, in writing, and these will be brought to the attention of the court by the second respondents.

Please do not hesitate to contact us if you have any questions.

Kind regards

Patrick Mackenzie | Senior Associate  
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**From:** Mackenzie, Patrick (AU)  
**Sent:** Thursday, 11 January 2024 4:08 PM  
**To:** Joshua Salkilld-Campbell  
**Cc:** natasha@ppil.com.au; Kinsey, Samantha (AU); Lethlean, Sarah (AU)  
**Subject:** BS 4023 of 2023 | Destination Brisbane Consortium Integrated Resort Operations Pty Ltd & Anor v PCA (Queensland) Pty Ltd (subject to deed of company arrangement) & Ors [KWM-DOCUMENTS.FID4430114]  
**Attachments:** 20231215 - BS 4023 23 Interlocutory Application by Second Respondent 15 December 2023.pdf; 20240111 - Orders of Hindman J made 19 December 2023 (Sealed).pdf

Dear Colleagues

We refer to the above proceeding in the Queensland Supreme Court regarding an application to amend the deed of company arrangement for certain entities in the Probuild Group of Companies. We act for the first and second respondents.

We have previously written to you in relation to the proceeding in June 2023. Please see **attached** by way of notice, an interlocutory application in the proceeding on behalf of the second respondents, who are the deed administrators of the first respondent. We are serving the application on you as your client, Warren Manning, the plaintiff in District Court Proceeding CIV 1619 of 2022, may be an 'Insured Creditor', and may wish to be heard in relation to the application. Your client's claim would be considered a worker's compensation claim for the purposes of clause 13.11(a)(ii) of the proposed amended deed of company arrangement.

Pursuant to the **attached** orders of the Hon Justice Hindman made on 19 December 2023, the interlocutory application has been set down for a hearing of one day on Friday 26 April 2024. Non-parties who wish to oppose the relief sought in the interlocutory application are to file and serve their notice of appearance and any submissions by no later than 25 March 2024. Alternatively, if your client would like to express their views on the application, they may do so by providing them to us, in writing, and these will be brought to the attention of the court by the second respondents.

Please do not hesitate to contact us if you have any questions.

Kind regards

**Patrick Mackenzie | Senior Associate**  
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**From:** Mackenzie, Patrick (AU)  
**Sent:** Thursday, 11 January 2024 2:50 PM  
**To:** 1967sdm7297@gmail.com  
**Cc:** Kinsey, Samantha (AU); Lethlean, Sarah (AU)  
**Subject:** BS 4023 of 2023 | Destination Brisbane Consortium Integrated Resort Operations Pty Ltd & Anor v PCA (Queensland) Pty Ltd (subject to deed of company arrangement) & Ors [KWM-DOCUMENTS.FID4430114]  
**Attachments:** 20231215 - BS 4023 23 Interlocutory Application by Second Respondent 15 December 2023.pdf; 20240111 - Orders of Hindman J made 19 December 2023 (Sealed).pdf

Dear Danmei

We refer to the above proceeding in the Queensland Supreme Court. We act for the first and second respondents.

We have previously written to you in relation to the proceeding in June 2023. Please see **attached** by way of notice, an interlocutory application in the proceeding on behalf of the second respondents, who are the deed administrators of the first respondent. We are serving the application on you as you may be an 'Insured Creditor', and may wish to be heard in relation to the application.

Pursuant to the **attached** orders of the Hon Justice Hindman made on 19 December 2023, the interlocutory application has been set down for a hearing of one day on Friday 26 April 2024. Non-parties who wish to oppose the relief sought in the interlocutory application are to file and serve their notice of appearance and any submissions by no later than 25 March 2024. Alternatively, if you would like us to put forward your views to the Court, please put them to us in writing, and these will be brought to the attention of the court by the second respondents.

Please do not hesitate to contact us if you have any questions.

Kind regards

**Patrick Mackenzie | Senior Associate**  
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**From:** Mackenzie, Patrick (AU)  
**Sent:** Thursday, 11 January 2024 2:54 PM  
**To:** ahagan@dwllegal.com.au  
**Cc:** Kinsey, Samantha (AU); Lethlean, Sarah (AU)  
**Subject:** BS 4023 of 2023 | Destination Brisbane Consortium Integrated Resort Operations Pty Ltd & Anor v PCA (Queensland) Pty Ltd (subject to deed of company arrangement) & Ors [KWM-DOCUMENTS.FID4430114]  
**Attachments:** 20231215 - BS 4023 23 Interlocutory Application by Second Respondent 15 December 2023.pdf; 20240111 - Orders of Hindman J made 19 December 2023 (Sealed).pdf

Dear Ms Hagan

We refer to the above proceeding in the Queensland Supreme Court regarding an application to amend the deed of company arrangement for certain entities in the Probuild Group of Companies. We act for the first and second respondents.

We have previously written to you in relation to the proceeding in June 2023. Please see **attached** by way of notice, an interlocutory application in the proceeding on behalf of the second respondents, who are the deed administrators of the first respondent. We are serving the application on you as your client, Stephen Sanders, the plaintiff in WADC CIV 1809 of 2021, may be an 'Insured Creditor', and may wish to be heard in relation to the application. Your client's claim would be considered a worker's compensation claim for the purposes of clause 13.11(a)(ii) of the proposed amended deed of company arrangement.

Pursuant to the **attached** orders of the Hon Justice Hindman made on 19 December 2023, the interlocutory application has been set down for a hearing of one day on Friday 26 April 2024. Non-parties who wish to oppose the relief sought in the interlocutory application are to file and serve their notice of appearance and any submissions by no later than 25 March 2024. Alternatively, if your client would like to express their views on the application, they may do so by providing them to us, in writing, and these will be brought to the attention of the court by the second respondents.

Please do not hesitate to contact us if you have any questions.

Kind regards

**Patrick Mackenzie | Senior Associate**  
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**From:** Mackenzie, Patrick (AU)  
**Sent:** Thursday, 11 January 2024 2:58 PM  
**To:** Michelle.Cavalieri@slatertgordon.com.au  
**Cc:** Kinsey, Samantha (AU); Lethlean, Sarah (AU)  
**Subject:** BS 4023 of 2023 | Destination Brisbane Consortium Integrated Resort Operations Pty Ltd & Anor v PCA (Queensland) Pty Ltd (subject to deed of company arrangement) & Ors [KWM-DOCUMENTS.FID4430114]  
**Attachments:** 20231215 - BS 4023 23 Interlocutory Application by Second Respondent 15 December 2023.pdf; 20240111 - Orders of Hindman J made 19 December 2023 (Sealed).pdf

Dear Ms Cavalieri

We refer to the above proceeding in the Queensland Supreme Court regarding an application to amend the deed of company arrangement for certain entities in the Probuild Group of Companies. We act for the first and second respondents.

We have previously written to you in relation to the proceeding in June 2023. Please see **attached** by way of notice, an interlocutory application in the proceeding on behalf of the second respondents, who are the deed administrators of the first respondent. We are serving the application on you as your client, Valde Bozinovski, the plaintiff in County Court CI 22-01180, may be an 'Insured Creditor', and may wish to be heard in relation to the application. Your client's claim would be considered a worker's compensation claim for the purposes of clause 13.11(a)(ii) of the proposed amended deed of company arrangement.

Pursuant to the **attached** orders of the Hon Justice Hindman made on 19 December 2023, the interlocutory application has been set down for a hearing of one day on Friday 26 April 2024. Non-parties who wish to oppose the relief sought in the interlocutory application are to file and serve their notice of appearance and any submissions by no later than 25 March 2024. Alternatively, if your client would like to express their views on the application, they may do so by providing them to us, in writing, and these will be brought to the attention of the court by the second respondents.

Please do not hesitate to contact us if you have any questions.

Kind regards

**Patrick Mackenzie | Senior Associate**  
**King & Wood Mallesons**

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**From:** Mackenzie, Patrick (AU)  
**Sent:** Thursday, 11 January 2024 3:00 PM  
**To:** gboyd@zaparaslaw.com.au; msepulveda@zaparaslaw.com.au  
**Cc:** Kinsey, Samantha (AU); Lethlean, Sarah (AU)  
**Subject:** BS 4023 of 2023 | Destination Brisbane Consortium Integrated Resort Operations Pty Ltd & Anor v PCA (Queensland) Pty Ltd (subject to deed of company arrangement) & Ors [KWM-DOCUMENTS.FID4430114]  
**Attachments:** 20231215 - BS 4023 23 Interlocutory Application by Second Respondent 15 December 2023.pdf; 20240111 - Orders of Hindman J made 19 December 2023 (Sealed).pdf

Dear Colleagues

We refer to the above proceeding in the Queensland Supreme Court regarding an application to amend the deed of company arrangement for certain entities in the Probuild Group of Companies. We act for the first and second respondents.

We have previously written to you in relation to the proceeding in June 2023. Please see **attached** by way of notice, an interlocutory application in the proceeding on behalf of the second respondents, who are the deed administrators of the first respondent. We are serving the application on you as your client, Vasile Magdau, the plaintiff in proceeding CI-20-02780, may be an 'Insured Creditor', and may wish to be heard in relation to the application. Your client's claim would be considered a worker's compensation claim for the purposes of clause 13.11(a)(ii) of the proposed amended deed of company arrangement.

Pursuant to the **attached** orders of the Hon Justice Hindman made on 19 December 2023, the interlocutory application has been set down for a hearing of one day on Friday 26 April 2024. Non-parties who wish to oppose the relief sought in the interlocutory application are to file and serve their notice of appearance and any submissions by no later than 25 March 2024. Alternatively, if your client would like to express their views on the application, they may do so by providing them to us, in writing, and these will be brought to the attention of the court by the second respondents.

Please do not hesitate to contact us if you have any questions.

Kind regards

**Patrick Mackenzie | Senior Associate**  
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**From:** Mackenzie, Patrick (AU)  
**Sent:** Thursday, 11 January 2024 3:02 PM  
**To:** gverhagen@gordonlegal.com.au; wdo@gordonlegal.com.au  
**Cc:** Kinsey, Samantha (AU); Lethlean, Sarah (AU)  
**Subject:** BS 4023 of 2023 | Destination Brisbane Consortium Integrated Resort Operations Pty Ltd & Anor v PCA (Queensland) Pty Ltd (subject to deed of company arrangement) & Ors [KWM-DOCUMENTS.FID4430114]  
**Attachments:** 20231215 - BS 4023 23 Interlocutory Application by Second Respondent 15 December 2023.pdf; 20240111 - Orders of Hindman J made 19 December 2023 (Sealed).pdf

Dear Colleagues

We refer to the above proceeding in the Queensland Supreme Court regarding an application to amend the deed of company arrangement for certain entities in the Probuild Group of Companies. We act for the first and second respondents.

We have previously written to you in relation to the proceeding in June 2023. Please see **attached** by way of notice, an interlocutory application in the proceeding on behalf of the second respondents, who are the deed administrators of the first respondent. We are serving the application on you as your client, Sati Albadry, the plaintiff in proceeding CI-22-00477, may be an 'Insured Creditor', and may wish to be heard in relation to the application. Your client's claim would be considered a worker's compensation claim for the purposes of clause 13.11(a)(ii) of the proposed amended deed of company arrangement.

Pursuant to the **attached** orders of the Hon Justice Hindman made on 19 December 2023, the interlocutory application has been set down for a hearing of one day on Friday 26 April 2024. Non-parties who wish to oppose the relief sought in the interlocutory application are to file and serve their notice of appearance and any submissions by no later than 25 March 2024. Alternatively, if your client would like to express their views on the application, they may do so by providing them to us, in writing, and these will be brought to the attention of the court by the second respondents.

Please do not hesitate to contact us if you have any questions.

Kind regards

**Patrick Mackenzie | Senior Associate**  
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**From:** Mackenzie, Patrick (AU)  
**Sent:** Thursday, 11 January 2024 3:05 PM  
**To:** aroberts@fortitudelegal.com.au  
**Cc:** Kinsey, Samantha (AU); Lethlean, Sarah (AU)  
**Subject:** BS 4023 of 2023 | Destination Brisbane Consortium Integrated Resort Operations Pty Ltd & Anor v PCA (Queensland) Pty Ltd (subject to deed of company arrangement) & Ors [KWM-DOCUMENTS.FID4430114]  
**Attachments:** 20231215 - BS 4023 23 Interlocutory Application by Second Respondent 15 December 2023.pdf; 20240111 - Orders of Hindman J made 19 December 2023 (Sealed).pdf

Dear Mr Roberts

We refer to the above proceeding in the Queensland Supreme Court regarding an application to amend the deed of company arrangement for certain entities in the Probuild Group of Companies. We act for the first and second respondents.

We have previously written to you in relation to the proceeding in June 2023. Please see **attached** by way of notice, an interlocutory application in the proceeding on behalf of the second respondents, who are the deed administrators of the first respondent. We are serving the application on you as your client, Stepan Masljak, the plaintiff in proceeding CI-21-01040, may be an 'Insured Creditor', and may wish to be heard in relation to the application. Your client's claim would be considered a worker's compensation claim for the purposes of clause 13.11(a)(ii) of the proposed amended deed of company arrangement.

Pursuant to the **attached** orders of the Hon Justice Hindman made on 19 December 2023, the interlocutory application has been set down for a hearing of one day on Friday 26 April 2024. Non-parties who wish to oppose the relief sought in the interlocutory application are to file and serve their notice of appearance and any submissions by no later than 25 March 2024. Alternatively, if your client would like to express their views on the application, they may do so by providing them to us, in writing, and these will be brought to the attention of the court by the second respondents.

Please do not hesitate to contact us if you have any questions.

Kind regards

**Patrick Mackenzie | Senior Associate**  
**King & Wood Mallesons**

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**From:** Mackenzie, Patrick (AU)  
**Sent:** Thursday, 11 January 2024 3:07 PM  
**To:** dvissenjoux@svinjurylaw.com.au; skotur@svinjurylaw.com.au  
**Cc:** Kinsey, Samantha (AU); Lethlean, Sarah (AU)  
**Subject:** BS 4023 of 2023 | Destination Brisbane Consortium Integrated Resort Operations Pty Ltd & Anor v PCA (Queensland) Pty Ltd (subject to deed of company arrangement) & Ors [KWM-DOCUMENTS.FID4430114]  
**Attachments:** 20231215 - BS 4023 23 Interlocutory Application by Second Respondent 15 December 2023.pdf; 20240111 - Orders of Hindman J made 19 December 2023 (Sealed).pdf

Dear Colleagues

We refer to the above proceeding in the Queensland Supreme Court regarding an application to amend the deed of company arrangement for certain entities in the Probuild Group of Companies. We act for the first and second respondents.

We have previously written to you in relation to the proceeding in June 2023. Please see **attached** by way of notice, an interlocutory application in the proceeding on behalf of the second respondents, who are the deed administrators of the first respondent. We are serving the application on you as your client, Shannon Molloy, the plaintiff in proceeding CI-22-00900, may be an 'Insured Creditor', and may wish to be heard in relation to the application. Your client's claim would be considered a worker's compensation claim for the purposes of clause 13.11(a)(ii) of the proposed amended deed of company arrangement.

Pursuant to the **attached** orders of the Hon Justice Hindman made on 19 December 2023, the interlocutory application has been set down for a hearing of one day on Friday 26 April 2024. Non-parties who wish to oppose the relief sought in the interlocutory application are to file and serve their notice of appearance and any submissions by no later than 25 March 2024. Alternatively, if your client would like to express their views on the application, they may do so by providing them to us, in writing, and these will be brought to the attention of the court by the second respondents.

Please do not hesitate to contact us if you have any questions.

Kind regards

**Patrick Mackenzie | Senior Associate**  
**King & Wood Mallesons**

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**From:** Mackenzie, Patrick (AU)  
**Sent:** Thursday, 11 January 2024 1:08 PM  
**To:** jtypaldos@zaparaslaw.com.au; ktrajkovski@zaparaslaw.com.au  
**Cc:** Kinsey, Samantha (AU); Lethlean, Sarah (AU)  
**Subject:** BS 4023 of 2023 | Destination Brisbane Consortium Integrated Resort Operations Pty Ltd & Anor v PCA (Queensland) Pty Ltd (subject to deed of company arrangement) & Ors [KWM-DOCUMENTS.FID4430114]  
**Attachments:** 20231215 - BS 4023 23 Interlocutory Application by Second Respondent 15 December 2023.pdf; 20240111 - Orders of Hindman J made 19 December 2023 (Sealed).pdf

Dear Colleagues

We refer to the above proceeding in the Queensland Supreme Court. We act for the first and second respondents.

We have previously written to you in relation to the proceeding in June 2023. Please see **attached** by way of notice, an interlocutory application in the proceeding on behalf of the second respondents, who are the deed administrators of the first respondent. We are serving the application on you as your client Nick Tseros, the plaintiff in S ECI 2021 03351, may be an 'Insured Creditor', and may wish to be heard in relation to the application. Your client's claim would be considered a worker's compensation claim for the purposes of clause 13.11(a)(ii) of the proposed amended deed of company arrangement.

Pursuant to the **attached** orders of the Hon Justice Hindman made on 19 December 2023, the interlocutory application has been set down for a hearing of one day on Friday 26 April 2024. Non-parties who wish to oppose the relief sought in the interlocutory application are to file and serve their notice of appearance and any submissions by no later than 25 March 2024. Alternatively, if your client would like to express their views on the application, they may do so by providing them to us, in writing, and these will be brought to the attention of the court by the second respondents.

Please do not hesitate to contact us if you have any questions.

Kind regards

Patrick Mackenzie | Senior Associate  
 King & Wood Mallesons

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## BS 4023 of 2023 | Destination Brisbane Consortium Integrated Resort Operations Pty Ltd & Anor v PCA (Queensland) Pty Ltd (subject to deed of company arrangement) & Ors



patrick.mackenzie@au.kwm.com

Jan 11, 2024, 3:55 PM

Cc: sarah.lethlean@au.kwm.com, samantha.kinsey@au.kwm.com, patrick.mackenzie@au.kwm.com

Bcc:

legal.document.service@asic.gov.au, jtypaldos@zapaslaw.com.au, ktajkovski@zapaslaw.com.au, dbrett@dtch.com.au, 1967sd  
m7297@gmail.com, natalie.colbert@asic.gov.au, ahagan@dwlegal.com.au, michelle.cavalieri@slatergordon.com.au, msepulveda  
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andwilcox.com.au, paul.berrill@gracelawyers.com.au, paulb@gells.com.au, jim.vrettos@rankinellison.com.au, ccox@rk.com.au, gre  
g@vbrlaw.com.au, lisa.brown@hallandwilcox.com.au, manny.carbone@carbonelawyers.com.au, raymond@vbrlaw.com.au, christia  
nd@gells.com.au, melissa.mcdonald@rankinellison.com.au, perth.litigation@dentons.com, mackay@shine.com.au, gavin.macrae  
@hallandwilcox.com.au, stephen.greenham@idplawyers.com.au

1 attachment - Expires: 1707580799000

Good afternoon

Further to my earlier email, please use this link to download the affidavit of David Michael Orr sworn 15 December 2023, in support of the second respondents' interlocutory application dated 19 December 2023.

Please let me know if you have any difficulties in downloading the document. The link is personal to the recipient of this email, so please let me know if an additional person requires access to the link.

Kind regards

**Patrick Mackenzie | Senior Associate**

**King & Wood Mallesons**

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**F** +61 8 9269 7999

**E** patrick.mackenzie@au.kwm.com

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File attachment expires: Feb 10, 2024



Name

Size



Affidavit of D Orr in BS 4023 15 December 2023 and Ex... 93.9 MB



**From:** KWM Share Support  
**Sent:** Thursday, 11 January 2024 3:56 PM  
**Cc:** Kinsey, Samantha (AU); Mackenzie, Patrick (AU); Lethlean, Sarah (AU)  
**Subject:** BS 4023 of 2023 | Destination Brisbane Consortium Integrated Resort Operations Pty Ltd & Anor v PCA (Queensland) Pty Ltd (subject to deed of company arrangement) & Ors



patrick.mackenzie@au.kwm.com sent you a  
secure message

[Access message](#)

Good afternoon

Further to my earlier email, please use this link to download the affidavit of David Michael Orr sworn 15 December 2023, in support of the second respondents' interlocutory application dated 19 December 2023.

Please let me know if you have any difficulties in downloading the document. The link is personal to the recipient of this email, so please let me know if an additional person requires access to the link.

Kind regards

**Patrick Mackenzie | Senior Associate**  
**King & Wood Mallesons**

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**F** +61 8 9269 7999

**E** patrick.mackenzie@au.kwm.com

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 Attachments expire on Feb 10, 2024

 1 PDF

Affidavit of D Orr in BS 4023 15 December 2023 and Exhibit DMO-2.pdf

This message requires that you sign in to access the message and any file attachments.



**From:** Natalie Colbert <Natalie.Colbert@asic.gov.au>  
**Sent:** Thursday, 11 January 2024 2:06 PM  
**To:** Mackenzie, Patrick (AU); Legal.Document.Service  
**Cc:** Kinsey, Samantha (AU); Lethlean, Sarah (AU)  
**Subject:** RE: BS 4023 of 2023 | Destination Brisbane Consortium Integrated Resort Operations Pty Ltd & Anor v PCA (Queensland) Pty Ltd (subject to deed of company arrangement) & Ors [KWM-DOCUMENTS.FID4430114] [SEC=OFFICIAL]

## **EXTERNAL**

Dear Mr Mackenzie

We acknowledge receipt of your email below and documents attached therein.

Kind regards

**Nat Colbert**  
Senior Specialist, Civil Litigation  
Legal Services  
**Australian Securities and Investments Commission**  
Level 5, 100 Market Street, Sydney NSW 2000  
[natalie.colbert@asic.gov.au](mailto:natalie.colbert@asic.gov.au)



ASIC acknowledges the Traditional Owners of the lands and waters on which we live and work. We pay respect to Elders past and present as the custodians of the world's oldest continuing cultures.

**From:** Mackenzie, Patrick (AU) <Patrick.Mackenzie@au.kwm.com>  
**Sent:** Thursday, 11 January 2024 3:55 PM  
**To:** Legal.Document.Service <Legal.Document.Service@asic.gov.au>  
**Cc:** Kinsey, Samantha (AU) <Samantha.Kinsey@au.kwm.com>; Lethlean, Sarah (AU) <Sarah.Lethlean@au.kwm.com>  
**Subject:** BS 4023 of 2023 | Destination Brisbane Consortium Integrated Resort Operations Pty Ltd & Anor v PCA (Queensland) Pty Ltd (subject to deed of company arrangement) & Ors [KWM-DOCUMENTS.FID4430114]

Some people who received this message don't often get email from [patrick.mackenzie@au.kwm.com](mailto:patrick.mackenzie@au.kwm.com). [Learn why this is important](#)

**EXTERNAL EMAIL:** Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Good afternoon

We refer to the above proceeding in the Queensland Supreme Court. We act for the first and second respondents.

On 19 December 2023, we filed the **attached** interlocutory application in the proceeding on behalf of the second respondents, who are the deed administrators of the first respondent. As the interlocutory application seeks relief under section 90-15 of the *Insolvency Practice Schedule (Corporations)* as it appears at Schedule 2 of the *Corporations Act 2001* (Cth), we are required to serve a copy of it on ASIC in accordance with item 11 of rule 2.8(3) of the Schedule 1A of the *Uniform Civil Procedure Rules 1999* (Qld). Due to its size, a copy of the supporting affidavit will be sent to you separately via KWM Share, our secure document sharing platform.

Pursuant to the **attached** orders of the Hon Justice Hindman made on 19 December 2023, the interlocutory application has been set down for a hearing of one day on Friday 26 April 2024. Non-parties who wish to oppose the relief sought in the interlocutory application are to file and serve their notice of appearance and any submissions by no later than 25 March 2024.

Please do not hesitate to contact us if you have any questions.

Kind regards

**Patrick Mackenzie | Senior Associate**  
**King & Wood Malletsons**

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**From:** Shiva Kotur <skotur@svinjurylaw.com.au>  
**Sent:** Friday, 12 January 2024 7:10 AM  
**To:** Mackenzie, Patrick (AU)  
**Cc:** Kinsey, Samantha (AU); Lethlean, Sarah (AU)  
**Subject:** Re: BS 4023 of 2023 | Destination Brisbane Consortium Integrated Resort Operations Pty Ltd & Anor v PCA (Queensland) Pty Ltd (subject to deed of company arrangement) & Ors [KWM-DOCUMENTS.FID4430114]  
**Attachments:** CI-22-00900 - Orders Dated 15 December 2023.pdf

## **EXTERNAL**

Dear Patrick,

Thank you for your email.

Please be advised that proceeding CI-22-00900 has been dismissed by consent. Attached are a copy of the orders.

Kind Regards,



**Shiva Kotur**  
Lawyer

**T 03 9964 4977 F 03 9960 2707**  
110 Jolimont Road, East Melbourne VIC 3002  
[www.svinjurylaw.com.au](http://www.svinjurylaw.com.au)

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---

**From:** "Mackenzie, Patrick (AU)" <Patrick.Mackenzie@au.kwm.com>  
**Date:** Thursday, 11 January 2024 at 6:10 pm  
**To:** Daniel Vissenjoux <dvisenjoux@svinjurylaw.com.au>, Shiva Kotur <skotur@svinjurylaw.com.au>  
**Cc:** "Kinsey, Samantha (AU)" <Samantha.Kinsey@au.kwm.com>, "Lethlean, Sarah (AU)" <Sarah.Lethlean@au.kwm.com>  
**Subject:** BS 4023 of 2023 | Destination Brisbane Consortium Integrated Resort Operations Pty Ltd & Anor v PCA (Queensland) Pty Ltd (subject to deed of company arrangement) & Ors [KWM-DOCUMENTS.FID4430114]

Dear Colleagues

We refer to the above proceeding in the Queensland Supreme Court regarding an application to amend the deed of company arrangement for certain entities in the Probuild Group of Companies. We act for the first and second respondents.

We have previously written to you in relation to the proceeding in June 2023. Please see **attached** by way of notice, an interlocutory application in the proceeding on behalf of the second respondents, who are the deed administrators of the first respondent. We are serving the application

on you as your client, Shannon Molloy, the plaintiff in proceeding CI-22-00900, may be an 'Insured Creditor', and may wish to be heard in relation to the application. Your client's claim would be considered a worker's compensation claim for the purposes of clause 13.11(a)(ii) of the proposed amended deed of company arrangement.

Pursuant to the **attached** orders of the Hon Justice Hindman made on 19 December 2023, the interlocutory application has been set down for a hearing of one day on Friday 26 April 2024. Non-parties who wish to oppose the relief sought in the interlocutory application are to file and serve their notice of appearance and any submissions by no later than 25 March 2024. Alternatively, if your client would like to express their views on the application, they may do so by providing them to us, in writing, and these will be brought to the attention of the court by the second respondents.

Please do not hesitate to contact us if you have any questions.

Kind regards

**Patrick Mackenzie | Senior Associate**  
**King & Wood Malletsons**

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F +61 8 9269 7999

E patrick.mackenzie@au.kwm.com

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IN THE COUNTY COURT OF VICTORIA  
AT MELBOURNE  
COMMON LAW DIVISION - GENERAL LIST

PROCEEDING NO: CI-22-00900

**PLAINTIFF:** Shannon Darcy-Molloy  
**DEFENDANT:** Colab Building Tech Pty Ltd; formerly trading as Proglass  
Building Tech Pty Ltd and Anor  
**BEFORE:** **HIS HONOUR JUDGE PILLAY**  
**TYPE OF ORDER:** In Chambers Order (based on correspondence dated 15  
December 2023)  
**DATE OF ORDER:** 15 December 2023

**ORDERS**

1. The post mediation administrative mention listed on 30 January 2024 is vacated.
2. The trial listed on 27 February 2024 is vacated.
3. The proceeding is otherwise dismissed.
4. No order as to costs.



**HIS HONOUR JUDGE PILLAY**

**From:** David Burstyner <dburstyner@adleyburstyner.com.au>  
**Sent:** Thursday, 11 January 2024 8:59 PM  
**To:** Mackenzie, Patrick (AU)  
**Cc:** Kinsey, Samantha (AU); Lethlean, Sarah (AU)  
**Subject:** Re: BS 4023 of 2023 | Destination Brisbane Consortium Integrated Resort Operations Pty Ltd & Anor v PCA (Queensland) Pty Ltd (subject to deed of company arrangement) & Ors [KWM-DOCUMENTS.FID4430114]

## **EXTERNAL**

I do not act for that owners corporation anymore so this is not service or delivery to it.

Please forgive brevity and informality - Sent from a phone by [Outlook for Android](#)

---

**From:** Mackenzie, Patrick (AU) <Patrick.Mackenzie@au.kwm.com>  
**Sent:** Thursday, January 11, 2024 4:46:47 PM  
**To:** David Burstyner <dburstyner@adleyburstyner.com.au>  
**Cc:** Kinsey, Samantha (AU) <Samantha.Kinsey@au.kwm.com>; Lethlean, Sarah (AU) <Sarah.Lethlean@au.kwm.com>  
**Subject:** BS 4023 of 2023 | Destination Brisbane Consortium Integrated Resort Operations Pty Ltd & Anor v PCA (Queensland) Pty Ltd (subject to deed of company arrangement) & Ors [KWM-DOCUMENTS.FID4430114]

Dear David

We refer to the above proceeding in the Queensland Supreme Court regarding an application to amend the deed of company arrangement for certain entities in the Probuild Group of Companies. We act for the first and second respondents.

Please see **attached** by way of notice, an interlocutory application in the proceeding on behalf of the second respondents, who are the deed administrators of the first respondent. We are serving the application on you as your client, the Owners Corporation 620160U, the plaintiff in VCAT Proceeding No. BP 1236/2021, may wish to be heard in relation to the application.

Pursuant to the **attached** orders of the Hon Justice Hindman made on 19 December 2023, the interlocutory application has been set down for a hearing of one day on Friday 26 April 2024. Non-parties who wish to oppose the relief sought in the interlocutory application are to file and serve their notice of appearance and any submissions by no later than 25 March 2024. Alternatively, if your client would like to express their views on the application, they may do so by providing them to us, in writing, and these will be brought to the attention of the court by the second respondents.

Please do not hesitate to contact us if you have any questions.

Kind regards

Patrick Mackenzie | Senior Associate  
King & Wood Mallesons

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**From:** Mackenzie, Patrick (AU)  
**Sent:** Wednesday, 17 January 2024 12:49 PM  
**To:** Isabel Ko  
**Cc:** Tom Bacon; Emma Swords; Kinsey, Samantha (AU); Lethlean, Sarah (AU)  
**Subject:** RE: BS 4023 of 2023 | Destination Brisbane Consortium Integrated Resort Operations Pty Ltd & Anor v PCA (Queensland) Pty Ltd (subject to deed of company arrangement) & Ors [KWM-DOCUMENTS.FID4430114]  
**Attachments:** BS 4023 of 2023 | Destination Brisbane Consortium Integrated Resort Operations Pty Ltd & Anor v PCA (Queensland) Pty Ltd (subject to deed of company arrangement) & Ors [KWM-DOCUMENTS.FID4430114]

Dear Isabel

Thank you for your email. Please see **attached** a copy of the email which was sent to Adley Burstyn, who we understand previously acted for Owners Corporation 620160U.

Shortly, you, Tom and Emma will separately receive an email from KWM Share Support, which will contain a link to download the supporting affidavit of David Orr, sworn 15 December 2023 in support of the second respondents' interlocutory application.

Please do not hesitate to reach out if you have any questions.

Kind regards

Patrick Mackenzie | Senior Associate  
 King & Wood Mallesons

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 E [patrick.mackenzie@au.kwm.com](mailto:patrick.mackenzie@au.kwm.com)

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**From:** Isabel Ko <isabel@stratatitlelawyers.com.au>  
**Sent:** Wednesday, January 17, 2024 2:21 PM  
**To:** Mackenzie, Patrick (AU) <Patrick.Mackenzie@au.kwm.com>  
**Cc:** Tom Bacon <tom@stratatitlelawyers.com.au>; Emma Swords <emma@stratatitlelawyers.com.au>; Kinsey, Samantha (AU) <Samantha.Kinsey@au.kwm.com>; Lethlean, Sarah (AU) <Sarah.Lethlean@au.kwm.com>  
**Subject:** RE: BS 4023 of 2023 | Destination Brisbane Consortium Integrated Resort Operations Pty Ltd & Anor v PCA (Queensland) Pty Ltd (subject to deed of company arrangement) & Ors

**EXTERNAL**

Dear Patrick,

We refer to the matter above and note that you act for the first and second applicant.

We are emailing you to advise you that we act for the Owners Corporation 620160U, the plaintiff in VCAT Proceeding No. BP 1236/2021. We would be grateful if you could direct all future correspondences in relation to this matter to us too.

Thank you.

**Kind Regards,**

**Isabel Ko**  
**Associate Lawyer**



**Sydney**  
Level 10, 46 Market Street  
Sydney NSW 2000  
P 02 9091 8068

**Melbourne**  
Level 27, 101 Collins Street  
Melbourne VIC 3000  
P 03 8680 2471

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Our Ref: GB:RC:2019292  
Direct email: raymond@vbrlaw.com.au

22 January 2024

**Attention: Patrick Mackenzie**

King & Wood Mallesons  
Level 30, QC1 Building  
250 Georges Terrace  
Perth WA 6000

**By email: *Patrick.Mackenzie@au.kwm.com***

Dear Patrick,

**RE: MICHAEL CHARLES KENNEFICK IN THE SUPREME COURT MATTER OF  
BS4023 OF 2023**

We refer to your interlocutory application set down for a hearing on 26 April 2024 and the Deed of Company Arrangement included with the application served.

Our client makes an insured claim election as defined in 1.1 of your client's Deed of Company Arrangement.

That is, our client agrees to accept, in full and final satisfaction of his insured claim, any proceeds of applicable insurance to which they would be entitled to under clause 8.5 of the deed and furthermore waives any right to bring a claim or submit proof of debt in addition to the proceeds of any applicable insurance they receive under clause 8.5 of this deed.

It follows that our client will not be appearing at the hearing scheduled on 26 April 2024.

Yours faithfully  
**vbr Lawyers Pty Ltd**

  
**Per: Ray Gayamanda**  
**Associate**

  
**Per: Greg Black**  
**Director**



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TO Greg Black and Ray Cayamanda  
Level 16, 15 Adelaide Street  
Brisbane City Qld 4000  
**By email:** [greg@vbrlaw.com.au](mailto:greg@vbrlaw.com.au) and  
[raymond@vbrlaw.com.au](mailto:raymond@vbrlaw.com.au)

12 FEBRUARY 2024

Dear Colleagues

**BS 4023 of 2023 | Destination Brisbane Consortium Integrated Resort Operations Pty Ltd as trustee for the Destination Brisbane Consortium Integrated Resort Operations Trust & Anor v PCA (Qld) Pty Ltd (subject to deed of company arrangement) & Ors**

- 1 We refer to the above matter, and confirm we act for the first and second respondents.
- 2 We also refer to our email to you of 11 January 2024 and your letter of 22 January 2024 regarding our clients' interlocutory application dated 19 December 2023 seeking to amend the deed of company arrangement (**Interlocutory Application**) to conform with the version of the amended deed of company arrangement set out in Annexure A to the Interlocutory Application (**Proposed Amended DOCA**).
- 3 Your letter of 22 January 2024 provides your client is willing to make an Insured Claim Election Notice (as defined in the Proposed Amended DOCA), for the purposes of the Proposed Amended DOCA.
- 4 However, at present, the Court has not yet made orders to implement the Proposed Amended DOCA, nor have creditors voted on the Proposed Amended DOCA. As such, the Proposed Amended DOCA is not yet on foot, and your client cannot make an Insured Claim Election Notice at this time.
- 5 Notwithstanding this, by purporting to make an Insured Claim Election Notice, we understand your client is supportive of the orders sought by our clients in the Interlocutory Application, and in turn, supportive of the Proposed Amended DOCA. If this understanding is not correct, please let us know.

#### Next steps

- 6 We would be grateful if you can, by no later than **5pm AEDT on 13 February 2024**, confirm your clients consent to the Deed Administrators:
  - (a) putting your letter of 22 January 2024 into evidence before the Court at the hearing on 26 April 2024; and
  - (b) informing the Court of your client's support for the Interlocutory Application and the Proposed Amended DOCA.

7 Should the Court make the orders sought in the Interlocutory Application, and the Proposed Amended DOCA is adopted by creditors, the Deed Administrators will treat your letter of 22 January 2024 as your client's Insured Claim Election Notice.

8 We look forward to hearing from you by no later than 5pm AEDT on 13 February 2024.

Yours sincerely



Samantha Kinsey | Partner  
King & Wood Mallesons

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M +61 408 433 554  
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Partner profile

Patrick Mackenzie | Senior Associate  
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E [patrick.mackenzie@au.kwm.com](mailto:patrick.mackenzie@au.kwm.com)

BS 4023 of 2023 - Destination Brisbane Consortium Integrated Resorts Pty Ltd & Anor v PCA (Qld) Pty Ltd (subject to deed of company arrangement) & Ors

Creditor Notification Tracker (as at 11 March 2024)

ITEM	MATTER / CREDITOR	CREDITOR CONTACT	NOTIFIED	RESPONSE (N/A IF NO RESPONSE)
Parties required to have notice				
1	ASIC	<a href="mailto:Legal.documents.service@asic.gov.au">Legal.documents.service@asic.gov.au</a> <a href="mailto:natalie.colbert@asic.gov.au">natalie.colbert@asic.gov.au</a>	11/1/24	11/1/24 Receipt confirmed
2	DOCA Companies	<a href="mailto:dorr@deloitte.com">dorr@deloitte.com</a> <a href="mailto:dlinaker@deloitte.com">dlinaker@deloitte.com</a>	11/1/24	N/A
Worker's compensation claims				
3	Tseros (S ECI 2021 03351)	<a href="mailto:jtypaldos@zapaslaw.com.au">jtypaldos@zapaslaw.com.au</a> <a href="mailto:ktrajkovski@zapaslaw.com.au">ktrajkovski@zapaslaw.com.au</a>	11/1/24	N/A
4	Bowles (BP 1812 of 2021)	<a href="mailto:dbrett@dtch.com.au">dbrett@dtch.com.au</a>	11/1/24	N/A
5	Danmei Song	<a href="mailto:1967sdm7297@gmail.com">1967sdm7297@gmail.com</a>	11/1/24	N/A
6	Sanders (WADC CIV 1809 of 2021)	<a href="mailto:ahagan@dwlllegal.com.au">ahagan@dwlllegal.com.au</a>	11/1/24	N/A
7	Bozinovski (VCC CI 22-01180)	<a href="mailto:Rod.Matthews@slatergordon.com.au">Rod.Matthews@slatergordon.com.au</a> <a href="mailto:Selinda.Jakupi@slatergordon.com.au">Selinda.Jakupi@slatergordon.com.au</a>	11/1/24	12/1/2024 T/A with R Matthews, asked if it would really impact his client. PXM said no funding contribution would be sought as this claim would be a 'worker's compensation claim'. RM understood, nothing to do.
8	Magdau (VCC CI-20-02780)	<a href="mailto:gboyd@zapaslaw.com.au">gboyd@zapaslaw.com.au</a> <a href="mailto:msepulveda@zapaslaw.com.au">msepulveda@zapaslaw.com.au</a>	11/1/24	N/A
9	Masljak (VCC CI-21-01040)	<a href="mailto:aroberts@fortitudelegal.com.au">aroberts@fortitudelegal.com.au</a>	11/1/24	N/A
10	Albadry (VCC CI-22-00477)	<a href="mailto:wdo@gordonlegal.com.au">wdo@gordonlegal.com.au</a>	11/1/24	N/A

ITEM	MATTER / CREDITOR	CREDITOR CONTACT	NOTIFIED	RESPONSE (N/A IF NO RESPONSE)
11	Molloy (CI-22-00900)	<a href="mailto:dvissenjoux@svinjurylaw.com.au">dvissenjoux@svinjurylaw.com.au</a> <a href="mailto:skotur@svinjurylaw.com.au">skotur@svinjurylaw.com.au</a>	11/1/24	12/1/2024  Dismissed by consent orders dated 15/12/2023
12	Kennefick (BS 6804 2023)	<a href="mailto:greg@vbrlaw.com.au">greg@vbrlaw.com.au</a> <a href="mailto:raymond@vbrlaw.com.au">raymond@vbrlaw.com.au</a>	11/1/24	22/1/2024  Received letter from vbr lawyers purporting to be an Insured Creditor Election Notice (#66,422,786). Sent response seeking explicit confirmation of position on interlocutory application on 12 February 2024 (#66,423,227).
13	Cuscuna (E SCI 2023 05663)	<a href="mailto:manny.carbone@carbonelawyers.com.au">manny.carbone@carbonelawyers.com.au</a> <a href="mailto:samuel.schwartz@carbonelawyers.com.au">samuel.schwartz@carbonelawyers.com.au</a>	11/1/24	N/A
14	Manning (WADC CIV 1619 of 2022)	<a href="mailto:Joshua@ppil.com.au">Joshua@ppil.com.au</a> <a href="mailto:natasha@ppil.com.au">natasha@ppil.com.au</a>	11/1/24	N/A
15	Lepp (not commenced)	<a href="mailto:lfitch@mauriceblackburn.com.au">lfitch@mauriceblackburn.com.au</a>	11/1/24	N/A
16	Konomos (not commenced)	<a href="mailto:kiran.malai@lawpartners.com.au">kiran.malai@lawpartners.com.au</a>	11/1/24	27/2/2024  Received letter from Law Partners seeking details of insurer and claim and copy of the DOCA (#66,422,786). PXM emailed response on 5 March 2024.
17	Lennard (not commenced)	<a href="mailto:christophers@rmbllawyers.com.au">christophers@rmbllawyers.com.au</a>	11/1/24	N/A
18	Spurway (not commenced)	<a href="mailto:mackay@shine.com.au">mackay@shine.com.au</a>	11/1/24	11 March 2024  T/A from C Colman re claim, requested copy of amended DOCA.
<b>Workcover Claims</b>				
19	VWA (CI-20-03047)	<a href="mailto:stephen.greenham@idplawyers.com.au">stephen.greenham@idplawyers.com.au</a>	11/1/24	N/A
20	VWA (CI-21-03889)	<a href="mailto:ccox@rk.com.au">ccox@rk.com.au</a>	11/1/24	N/A



ITEM	MATTER / CREDITOR	CREDITOR CONTACT	NOTIFIED	RESPONSE (N/A IF NO RESPONSE)
21	VWA (CI-21-03760, CI-21-02279, CI-22-01963 and CI-20-04307)	<a href="mailto:gavin.macrae@hallandwilcox.com.au">gavin.macrae@hallandwilcox.com.au</a> <a href="mailto:Lisa.Brown@hallandwilcox.com.au">Lisa.Brown@hallandwilcox.com.au</a> <a href="mailto:Trevor.Jones@hallandwilcox.com.au">Trevor.Jones@hallandwilcox.com.au</a> <a href="mailto:Ben.Halstead@hallandwilcox.com.au">Ben.Halstead@hallandwilcox.com.au</a>	11/1/24	N/A
22	Queensland WorkCover Authority	<a href="mailto:emelton@mcw.com.au">emelton@mcw.com.au</a> <a href="mailto:vleary@mcw.com.au">vleary@mcw.com.au</a>	11/1/24	N/A
Other potential insured creditors				
23	Allianz Australia Insurance Limited	<a href="mailto:christiand@gells.com.au">christiand@gells.com.au</a> <a href="mailto:paulb@gells.com.au">paulb@gells.com.au</a>	11/1/24	N/A
24	Employers Mutual Limited	<a href="mailto:jim.vrettos@rankinellison.com.au">jim.vrettos@rankinellison.com.au</a> <a href="mailto:melissa.mcdonald@rankinellison.com.au">melissa.mcdonald@rankinellison.com.au</a>	11/1/24	N/A
25	Owners' Corporation 620160U (VCAT BP 1236/2021)	<a href="mailto:tom@stratatitlelawyers.com.au">tom@stratatitlelawyers.com.au</a> <a href="mailto:emma@stratatitlelawyers.com.au">emma@stratatitlelawyers.com.au</a> <a href="mailto:isabel@stratatitlelawyers.com.au">isabel@stratatitlelawyers.com.au</a>	11/1/24	12/1/2024  <b>Adley Burstyner</b> no longer act for the plaintiff. PXM seeking confirmation and contact details of new solicitor.  17/1/2024  <b>Strata Title Lawyers</b> now have carriage of the matter on behalf of the plaintiffs.  PXM responded to email from Isabel Ko, provided documents to Strata Title Lawyers.
26	Owners of Lot 9 - The Towers at Elizabeth Quay Strata Plan 72010 (SAT CC 2011/2021)	<a href="mailto:perth.litigation@dentons.com">perth.litigation@dentons.com</a>	11/1/24	N/A
27	The Owners - Strata Plan No. 92548 (NSWSC 2021 / 309522)	<a href="mailto:paul.berrill@gracelawyers.com.au">paul.berrill@gracelawyers.com.au</a>	11/1/24	N/A

ITEM	MATTER / CREDITOR	CREDITOR CONTACT	NOTIFIED	RESPONSE (N/A IF NO RESPONSE)
28	The Owners - Strata Plan No. 88827 (NSWSC 2020/249700)	<a href="mailto:afernando@sglawyers.com.au">afernando@sglawyers.com.au</a>	11/1/24	N/A

**From:** Mackenzie, Patrick (AU)  
**Sent:** Monday, 5 February 2024 10:59 AM  
**To:** smeigan@tayscott.com.au  
**Cc:** Kinsey, Samantha (AU); Lethlean, Sarah (AU)  
**Subject:** Adam Stephan v XL Insurance Company SE & Anor - NSWSC Proceeding 2021/00181372 [KWM-DOCUMENTS.FID4430114]  
**Attachments:** Document.pdf

Dear Colleagues

We refer to the **attached** subpoena issued in the above proceeding.

We act for (among others) Mr Orr in his capacity as a joint and several deed administrator of Probuild Constructions (Aust) Pty Ltd (subject to deed of company arrangement), and other related entities.

The subpoena was not served on Mr Orr personally prior to 20 January 2024, being the last date for service. Mr Orr only became aware of the subpoena in the week commencing 29 January 2024, i.e. 9 days after the last date for service. It follows our client will not be producing any documents in response to the subpoena.

Further, the deed administrators are not aware of the substantive proceeding in which the subpoena was issued. We would be grateful if you can provide us with the contact details of the solicitors for XL Insurance Company SE so we can discuss this claim with them.

Finally, we are happy to engage in an informal conferral for the production of documents without the need for a further subpoena to be issued. As a preliminary observation, category two of the documents requested in the subpoena seems to be oppressively wide. We do not understand on what basis documents across a range of 9 months are relevant to your client's discrete incident.

Kind regards

**Patrick Mackenzie | Senior Associate**  
**King & Wood Mallesons**

T +61 8 9269 7267  
M +61 409 902 877  
E patrick.mackenzie@au.kwm.com

Level 30, QV1 Building, 250 St Georges Terrace, Perth WA 6000  
kwm.com

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See kwm.com for more information.

**From:** Mackenzie, Patrick (AU)  
**Sent:** Tuesday, 13 February 2024 6:22 PM  
**To:** smeigan@tayscott.com.au  
**Cc:** Kinsey, Samantha (AU); Lethlean, Sarah (AU)  
**Subject:** RE: Adam Stephan v XL Insurance Company SE & Anor - NSWSC Proceeding 2021/00181372 [KWM-DOCUMENTS.FID4430114]  
**Attachments:** 20240213 - Letter from Taylor Scott to Deloitte re subpoena(66714098.1).pdf

Dear Colleagues

We refer to our below email and your previous letter and subpoena dated 10 January 2024. Our clients have just received the **attached** letter dated 5 February 2024 (being the same day as our first email). We would be grateful if you could provide a response to our email below as soon as possible, and in advance of the next return date of 16 February 2024. Further, please direct your correspondence in relation to the subpoena addressed to Mr Orr dated 10 January 2024 to King & Wood Mallesons.

Our clients' rights remain reserved.

Kind regards

**Patrick Mackenzie | Senior Associate**  
**King & Wood Mallesons**

**T** +61 8 9269 7267  
**M** +61 409 902 877  
**E** patrick.mackenzie@au.kwm.com

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**From:** Mackenzie, Patrick (AU) <Patrick.Mackenzie@au.kwm.com>  
**Sent:** Monday, February 5, 2024 10:59 AM  
**To:** smeigan@tayscott.com.au  
**Cc:** Kinsey, Samantha (AU) <Samantha.Kinsey@au.kwm.com>; Lethlean, Sarah (AU) <Sarah.Lethlean@au.kwm.com>  
**Subject:** Adam Stephan v XL Insurance Company SE & Anor - NSWSC Proceeding 2021/00181372 [KWM-DOCUMENTS.FID4430114]

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Kind regards

**Patrick Mackenzie | Senior Associate**  
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