

Form 3 (rules 2.2, 15A.4, 15A.8 and 15A.9)

IN THE SUPREME COURT OF NEW SOUTH WALES

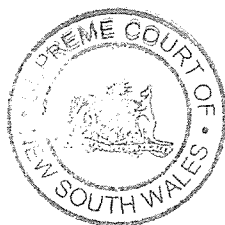
DIVISION: EQUITY
REGISTRY: SYDNEY

No. 169447 of 2017-008

IN THE MATTER OF PLUTUS PAYROLL AUSTRALIA PTY LIMITED (IN LIQUIDATION)
ACN 169 205 127

FILED

25 MAY 2018



Deputy Commissioner of Taxation
Plaintiff

Plutus Payroll Australia Pty Limited (in liquidation)
ACN 169 205 127
and the entities listed in the Schedule
Defendants

INTERLOCUTORY PROCESS

A. DETAILS OF APPLICATION

This interlocutory application is made under sections 473(2), 1581(1), 477(2B), 1322(4)(d), 579E(1) and 579G(1) of the *Corporations Act 2001* (Cth).

On the facts stated in the supporting affidavits, the applicants, Timothy Norman and Salvatore Algeri of Deloitte Financial Advisory Pty Ltd as the former joint and several provisional liquidators of the first to tenth defendants (**Provisional Liquidation Companies**), and as the joint and several liquidators of the Provisional Liquidation Companies and the twelfth defendant (together the **Relevant Defendants**), apply for the following relief:

Remuneration

1. An order pursuant to former subsection 473(2) and subsection 1581(1) of the Corporations Act that the remuneration of the applicants as former joint and several provisional liquidators of the Provisional Liquidation Companies in the sum of

Filed on behalf of the applicants

MINTERELLISON
Governor Macquarie Tower
1 Farrer Place
SYDNEY NSW 2000

DX 117 SYDNEY
Telephone (02) 9921 8888
Facsimile (02) 9921 8123
Reference 1172152
Bulk user no. 246

\$809,499.35 (including GST) in respect of the period 9 June 2017 to 9 October 2017 be approved.


Long Term Agreement

2. An order pursuant to subsection 1322(4)(d) of the Corporations Act, the period for making an application under subsection 477(2B) of the Corporations Act for approval of the entry by the applicants as the former joint and several provisional liquidators into the Deed of Indemnity dated on or around 30 August 2017 between the plaintiff and the applicants (**Agreement**) be extended.
3. An order pursuant to subsection 477(2B) of the Corporations Act that approval be granted *nunc pro tunc* to the applicants to enter into the Agreement.
4. An order pursuant to subsection 1322(4)(d) of the Corporations Act that the Agreement is not invalid by reason of having been entered into by the applicants prior to obtaining the approval of the Court.

Pooling

5. An order pursuant to subsection 579E(1) of the Corporations Act that the Relevant Defendants constitute a pooled group for the purposes of section 579E of the Corporations Act.
6. An order pursuant to subsection 579G(1) of the Corporations Act that the property of the pooled group referred to in paragraph 5 be combined into a single fund.
7. An order that the costs of this application be costs in the winding up of the Relevant Defendants.
8. An order that there be liberty to apply on 3 days' notice, specifying the relief sought.
9. Such further or other orders as the Court deems fit.

Date: 25 May 2018



Caitlin Maria Murray
Solicitor for the applicants

This interlocutory application will be heard by at the
Supreme Court of New South Wales, Queens Square, Sydney at . 9:45 *am/*pm
on 4/6/18

C. FILING

This interlocutory process is filed by MinterEllison, solicitors for the applicants.

D. SERVICE

The applicants' address for service is: c/- MinterEllison
Lawyers
Level 40, Governor Macquarie Tower
1 Farrer Place
Sydney NSW 2000
Attention: Courtney Locke
Reference 1172152

It is not intended to serve a copy of this interlocutory process on any person.

SCHEDULE OF ADDITIONAL PARTIES

PPA Contractors Australia Pty Ltd (in liquidation) ACN 605 218 273	Second Defendant
PPA Services Australia Pty Ltd (in liquidation) ACN 605 903 660	Third Defendant
PP AUS Holdings Pty. Ltd. (in liquidation) ACN 613 038 654	Fourth Defendant
PP Australia NSW Pty. Ltd. (in liquidation) ACN 613 037 442	Fifth Defendant
PP Services (WA) Pty. Ltd. (in liquidation) ACN 613 042 587	Sixth Defendant
PPA (SA) Pty. Ltd. (in liquidation) ACN 613 038 234	Seventh Defendant
PPA NT Pty. Ltd. (in liquidation) ACN 613 037 175	Eighth Defendant
RAM Enterprises Australia Pty Ltd (in liquidation) ACN 157 988 639	Ninth Defendant
SAI Solutions Australia Pty Ltd (in liquidation) ACN 159 529 183	Tenth Defendant
Synep Pty Limited ACN 611 299 328	Eleventh Defendant
BRW Services Pty Limited (in liquidation) ACN 613 733 430	Twelfth Defendant