



Federal Court of Australia

District Registry: Western Australia

Division: General

No: WAD256/2022

SALVATORE ALGERI, JASON TRACY, GLEN KANEVSKY AND DAVID ORR IN THEIR CAPACITIES AS JOINT AND SEVERAL ADMINISTRATORS OF THE SECOND TO THIRTEENTH PLAINTIFFS NAMED IN THE SCHEDULE and another/others named in the schedule
Plaintiff

ORDER

JUDGE: JUSTICE BANKS-SMITH

DATE OF ORDER: 15 February 2023

WHERE MADE: Perth

THE COURT ORDERS THAT:

Further extension of convening period

1. Pursuant to s 447A(1) of the *Corporations Act* 2001 (Cth), s 439A operates as if the period within which the first plaintiffs must convene the second meetings of creditors of each of:
 - (a) Murray & Roberts Pty Ltd (Administrators Appointed) (ACN 105 617 865), the second plaintiff in these proceedings;
 - (b) Clough Limited (Administrators Appointed) (ACN 008 678 813), the third plaintiff in these proceedings;
 - (c) Clough Operations Pty Ltd (Administrators Appointed) (ACN 109 444 279), the fourth plaintiff in these proceedings;
 - (d) Clough Overseas Pty Ltd (Administrators Appointed) (ACN 067 272 182), the fifth plaintiff in these proceedings;
 - (e) Clough Seam Gas Pty Ltd (Administrators Appointed) (ACN 139 610 656), the sixth plaintiff in these proceedings;
 - (f) Clough Engineering Pty Ltd (Administrators Appointed) (ACN 009 093 869), the eleventh plaintiff in these proceedings; and



(g) Clough Projects International Pty Ltd (Administrators Appointed) (ACN 109 444 902), the twelfth plaintiff in these proceedings,

(together the **Non-DOCA Companies**) under s 439A of the *Corporations Act* be further extended from 17 February 2023 (as ordered by the Court on 21 December 2022) to midnight on 6 April 2023.

2. Pursuant to s 447A(1) of the *Corporations Act*, Part 5.3A of the *Corporations Act* is to operate in relation to each of the Non-DOCA Companies such that, notwithstanding s 439A(2) of the *Corporations Act*, the second meetings of creditors of each of the Non-DOCA Companies may be held at any time during, or within five (5) business days after the end of, the convening period as extended by order 1 above.

Report to creditors

3. Pursuant to s 90-15 of the *Insolvency Practice Schedule (Corporations)* (Schedule 2 to the *Corporations Act*), the first plaintiffs are justified in relying on the report to creditors of the seventh, eighth, ninth, tenth and thirteenth plaintiffs (together the **DOCA Companies**) issued 7 February 2023 to accompany a notice convening the second meeting of creditors of any of the Non-DOCA Companies for the purposes of s 75-225(3) of the *Insolvency Practice Rules (Corporations) 2016* (Cth), along with any supplementary report to creditors which is produced by the first plaintiffs specifically for any of those companies.

Committee of inspection

4. Pursuant to r 1.32 of the *Federal Court Rules 2011* (Cth), the single committee of inspection formed in respect of the second to thirteenth plaintiffs be modified such that the committee will continue in respect of the Non-DOCA Companies and cease in respect to the DOCA Companies.

Ancillary orders

5. The first plaintiffs must take all reasonable steps to cause notice of these orders to be given, within one business day after the making of these orders, to:
 - (a) the creditors (including persons or entities claiming to be creditors) of each of the Non-DOCA Companies and additional Clough Companies, in the following manner:



- (i) where the creditor is a registered user on the Halo platform, by publishing a notice via the Halo platform;
 - (ii) where the creditor is not a registered user on the Halo platform but the first plaintiffs have an email address for a creditor, notifying each such creditor, via email, of the making of the orders and providing a link to a website where the creditor may download the orders and this interlocutory process;
 - (iii) where a creditor is not a registered user on the Halo platform and the first plaintiffs do not have an email address for a creditor but have a postal address for that creditor (or have received notification of non-delivery of a notice sent by email in accordance with (a)(ii) above), notifying each such creditor, via post, of the making of the orders and providing a link to a website where the creditor may download the orders and this interlocutory process; and
 - (iv) placing scanned, sealed copies of the orders and this interlocutory process on the website maintained by the first plaintiffs at <https://aurestructuring.deloitte-halo.com/clough>;
- (b) the Australian Securities and Investments Commission;
 - (c) the Deputy Commissioner of Taxation; and
 - (d) the Department of Employment and Workplace Relations (administering the Fair Entitlements Guarantee Scheme).
6. Any person who can demonstrate a sufficient interest has liberty to apply to the Court to vary or discharge any of the above orders on three business days' notice to the first plaintiffs.
7. The first plaintiffs' costs of and incidental to this application be costs in the administration of the Non-DOCA Companies, jointly and severally.

Date that entry is stamped: 15 February 2023


Registrar



Schedule

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Second Plaintiff	MURRAY & ROBERTS PTY LTD (ADMINISTRATORS APPOINTED) ACN 105 617 865
Third Plaintiff	CLOUGH LIMITED (ADMINISTRATORS APPOINTED) ACN 008 678 813
Fourth Plaintiff	CLOUGH OPERATIONS PTY LTD (ADMINISTRATORS APPOINTED) ACN 109 444 279
Fifth Plaintiff	CLOUGH OVERSEAS PTY LTD ADMINISTRATORS APPOINTED) ACN 067 272 182
Sixth Plaintiff	CLOUGH SEAM GAS PTY LTD (ADMINISTRATORS APPOINTED) ACN 139 610 656
Seventh Plaintiff	CLOUGH ENGINEERING & INTEGRATED SOLUTIONS (CEIS) PTY LTD (ADMINISTRATORS APPOINTED) ACN 097 480 736
Eighth Plaintiff	E20 PTY LTD (ADMINISTRATORS APPOINTED) ACN 125 234 924
Ninth Plaintiff	SHARP RESOURCES PTY LTD (ADMINISTRATORS APPOINTED) ACN 166 613 127
Tenth Plaintiff	CLOUGH PROJECTS PTY LTD (ADMINISTRATORS APPOINTED) ACN 109 444 831
Eleventh Plaintiff	CLOUGH ENGINEERING PTY LTD (ADMINISTRATORS APPOINTED) ACN 009 093 869
Twelfth Plaintiff	CLOUGH PROJECTS INTERNATIONAL PTY LTD (ADMINISTRATORS APPOINTED) ACN 109 444 902
Thirteenth Plaintiff	CLOUGH PROJECTS AUSTRALIA PTY LTD (ADMINISTRATORS APPOINTED) ACN 109 444 215