

NOTICE OF FILING AND HEARING

Filing and Hearing Details

Document Lodged: Interlocutory process (Rule 2.2): Federal Court (Corporations) Rules 2000 form 3
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File Number: WAD256/2022
File Title: IN THE MATTER OF MURRAY & ROBERTS PTY LTD
(ADMINISTRATORS APPOINTED) ACN 105 617 865
Registry: WESTERN AUSTRALIA REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing: Interlocutory Hearing
Time and date for hearing: 15/02/2023, 9:30 AM
Place: Please check Daily Court List for details



Sia Lagos

Registrar

Important Information

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

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



Form 3 Interlocutory process

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

Federal Court of Australia

WAD256/2022

District Western Australia

Registry:

Division: Commercial and Corporations

IN THE MATTER OF IN THE MATTER OF MURRAY & ROBERTS PTY LTD
(ADMINISTRATORS APPOINTED) ACN 105 617 865

**SALVATORE ALGERI, JASON TRACY, GLEN KANEVSKY AND DAVID ORR in their
capacities as joint and several voluntary administrators of Murray & Roberts
(administrators appointed) and the Third to Thirteenth Plaintiffs named in the Schedule**

First Plaintiffs

AND THE OTHERS NAMED IN THE SCHEDULE

Second to Thirteenth Plaintiffs

A. DETAILS OF INTERLOCUTORY APPLICATION

This interlocutory application is made under s 447A(1) of the *Corporations Act 2001* (Cth) (**Corporations Act**), s 90-15 of the *Insolvency Practice Schedule (Corporations)* (Schedule 2 to the Corporations Act) (**IPS**) and rule 1.32 of the *Federal Court Rules 2011* (Cth).

On the facts stated in the supporting affidavit of David Michael Orr sworn 10 February 2023 (**Fourth Orr Affidavit**), the Plaintiffs seek the following orders:

Further extension of convening period

- 1 Pursuant to s 447A(1) of the *Corporations Act 2001* (Cth), that s 439A operate 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;

Filed on behalf of the Plaintiffs:

Prepared by
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- (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, that 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 IPS, the First Plaintiffs are justified in relying on the Report to Creditors (as defined in the Fourth Orr Affidavit) 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 IPR 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 rule 1.32 of the *Federal Court Rules 2011* (Cth), the single committee of inspection formed in respect of the Second to Thirteenth Plaintiffs (**Committee**) (by order of this Court on 13 December 2022) be modified such that the Committee will continue in respect of the Non-DOCA Companies and cease in respect to the DOCA Companies (as that term is defined in the Fourth Orr Affidavit).



Other 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: 10 February 2023



Sam Dundas
Lawyer for the Plaintiffs
King & Wood Mallesons

This interlocutory application will be heard by the Federal Court of Australia at Commonwealth Law Courts, 1 Victoria Avenue, Perth atam/pm on.....

B. NOTICE TO RESPONDENT(S) (IF ANY)

It is intended to provide a copy of this interlocutory process on each of the persons listed below:

1. Australian Securities and Investments Commission

C. FILING

This interlocutory process is filed by Sam Dundas of King & Wood Mallesons, solicitors for the Plaintiffs.

D. SERVICE

The Plaintiffs' address for service is:

King & Wood Mallesons
Level 30, QV.1 Building
250 St Georges Terrace
Perth WA 6000
Sam.Dundas@au.kwm.com



Schedule

Federal Court of Australia

WAD256/2022

District Western Australia
Registry:

Division: Commercial and Corporations

IN THE MATTER OF IN THE MATTER OF MURRAY & ROBERTS PTY LTD
(ADMINISTRATORS APPOINTED)

ACN: 105 617 865

MURRAY & ROBERTS PTY LTD (ADMINISTRATORS APPOINTED) ACN 105 617 865

Second Plaintiff

CLOUGH LIMITED (ADMINISTRATORS APPOINTED) ACN 008 678 813

Third Plaintiff

CLOUGH OPERATIONS PTY LTD (ADMINISTRATORS APPOINTED) ACN 109 444 279

Fourth Plaintiff

CLOUGH OVERSEAS PTY LTD (ADMINISTRATORS APPOINTED) ACN 067 272 182

Fifth Plaintiff

CLOUGH SEAM GAS PTY LTD (ADMINISTRATORS APPOINTED) ACN 139 610 656

Sixth Plaintiff

CLOUGH ENGINEERING & INTEGRATED SOLUTIONS (CEIS) PTY LTD (ADMINISTRATORS APPOINTED) ACN 097 480 736

Seventh Plaintiff

E20 PTY LTD (ADMINISTRATORS APPOINTED) ACN 125 234 924

Eighth Plaintiff

SHARP RESOURCES PTY LTD (ADMINISTRATORS APPOINTED) ACN 166 613 127

Ninth Plaintiff

CLOUGH PROJECTS PTY LTD (ADMINISTRATORS APPOINTED) ACN 109 444 831

Tenth Plaintiff

CLOUGH ENGINEERING PTY LTD (ADMINISTRATORS APPOINTED) ACN 009 093 869

Eleventh Plaintiff

CLOUGH PROJECTS INTERNATIONAL PTY LTD (ADMINISTRATORS APPOINTED) ACN 109 444 902

Twelfth Plaintiff

CLOUGH PROJECTS AUSTRALIA PTY LTD (ADMINISTRATORS APPOINTED) ACN 109 444 215

Thirteenth Plaintiff

Date: 10 February 2023