



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**

First Plaintiff

ORDER

JUDGE: JUSTICE BANKS-SMITH

DATE OF ORDER: 21 December 2022

WHERE MADE: Perth

THE COURT ORDERS THAT:

1. The interlocutory application filed on 19 December 2022 be made returnable at 9.30 am on 21 December 2022.

Extension of convening period

2. Pursuant to s 439A(6) and s 447A(1) of the *Corporations Act 2001* (Cth) the period within which the first plaintiffs must convene the second meetings of creditors in respect of each of the second to thirteenth plaintiffs (**Clough Companies**) under s 439A of the *Corporations Act* (**Second Meetings**) be extended to midnight on 17 February 2023.
3. Pursuant to s 447A(1) of the Act, Part 5.3A of the *Corporations Act* is to operate in relation to each of the Clough Companies such that, notwithstanding s 439A(2) of the *Corporations Act*, the Second Meetings may be held together or separately at any time during the period during, or within five business days after the end of, the convening period as extended in paragraph 2 above, provided that the first plaintiffs give notice of the meeting in accordance with r 75-225 and r 75-15 of the *Insolvency Practice Rules (Corporations) 2016* (Cth).



Voting at the Second Meetings

4. Pursuant to s 90-15 of the *Insolvency Practice Schedule (Corporations)*, being Schedule 2 of the *Corporations Act (IPS)*, the first plaintiffs are justified in requiring that any creditors of the Clough Companies who intend to vote at the Second Meetings must register with the Halo Platform by no later than three business days before the Second Meetings are held.

Committee of Inspection

5. Subject to orders 6 and 7 below, pursuant to s 80-55(5)(b) and s 90-15(1) of the IPS, leave be granted to the members of the Committee of Inspection to derive a profit or advantage from the external administration of each of the Clough Companies.
6. No leave be granted for the members of the Committee of Inspection to receive any gift or remuneration from the external administration of any of the Clough Companies by reason of their position as a member of the Committee of Inspection.
7. Pursuant to s 90-15 of the IPS, the first plaintiffs are to:
 - (a) keep a schedule noting each agreement entered into by the first plaintiffs on behalf of any of the Clough Companies with a member of the Committee of Inspection or any related entity of a member; and
 - (b) provide an update to the Committee of Inspection, at each of its meetings, as to each of such agreements that the first plaintiffs have entered into on behalf of any of the Clough Companies

Notice

8. 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 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 the originating process; and
 - (iv) placing scanned, sealed copies of the orders and the originating 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 Attorney-General's Department (administering the Fair Entitlements Guarantee Scheme).

Liberty to apply

9. Any person who can demonstrate sufficient interest (including any creditor of any of the Clough Companies) for the purposes of modifying or discharging any order may have liberty to apply to the Court on three business days' notice to the first plaintiffs.
10. The first plaintiffs' costs and expenses of the application be costs in the administration of the Clough Companies, joint and severally.

Date that entry is stamped: 21 December 2022


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