



Federal Court of Australia

District Registry: Victoria

Division: General

No: VID100/2022

IN THE MATTER OF WBHO AUSTRALIA PTY LTD (ADMINISTRATORS APPOINTED) (ACN 095 983 681)

SALVATORE ALGERI, JASON TRACY, MATTHEW DONNELLY AND DAVID ORR IN THEIR CAPACITIES AS JOINT AND SEVERAL ADMINISTRATORS OF WBHO AUSTRALIA PTY LTD (ADMINISTRATORS APPOINTED) (ACN 095 983 681) and others named in the schedule
First Plaintiffs

ORDER

JUDGE: JUSTICE BEACH

DATE OF ORDER: 2 March 2022

WHERE MADE: Melbourne

THE COURT ORDERS THAT:

Procedural orders

1. The plaintiffs have leave to amend their originating process in the form of the proposed amended originating process dated 1 March 2022.
2. WBHO Australia Pty Ltd (administrators appointed) (ACN 095 983 681) be joined as the nineteenth plaintiff to the proceeding.

Extension of the notice period contained in section 443B(3) of the Act

3. Pursuant to sections 443B(8) and 447A(1) of the *Corporations Act 2001* (Cth) (Act), Part 5.3A of the Act is to operate in relation to each of the second to nineteenth plaintiffs (the companies) as if:
 - (a) the personal liability of the first plaintiffs (the administrators) under sections 443A(1)(c) and 443B(2) of the Act begins on 24 March 2022, such that the administrators are not personally liable for any liability with respect to any



property leased, used or occupied by any of the companies (including amounts payable pursuant to any leases entered into by any of the companies), from any lessors, in the period from 23 February 2022 to 23 March 2022 inclusive; and

- (b) the words “within five business days after the beginning of the administration” in section 443B(3) of the Act instead read ‘by 23 March 2022’.

Notice of meeting

- 4. Pursuant to section 90-15 of the IPS, the requirement of section 75-25(a) of the *Insolvency Practice Rules (Corporations) 2016* (Cth) (IPR) for the inclusion, with the notice of meeting dated 24 February 2022 and issued to creditors pursuant to section 75-225 of the IPR (notice of first meeting) in respect of the first meeting of creditors of the companies to be held at 12:00pm AEDT on 4 March 2022 (first meeting), of a form for use in appointing a proxy, was satisfied by the administrators providing a link to the Halo Platform (as defined in the affidavit of David Michael Orr sworn 28 February 2022) (Halo Platform) and informing creditors that electronic proxy forms were available on the Halo Platform in the notice of first meeting.
- 5. Pursuant to section 447A(1) of the Act that section 436E is to operate in relation to each of the companies as if the words “at least 5 business days before the meeting” in section 436E(3) instead read “by 5:00pm on 2 March 2022”.

Holding of meetings by use of the Halo Platform

- 6. Pursuant to section 90-15 of the *Insolvency Practice Schedule (Corporations)*, the Halo Platform satisfies the requirements of section 75-75(1) of the IPR.

General

- 7. The administrators take all reasonable steps to cause notice of the Court’s orders to be given, within two (2) business days of the making of the orders, to:
 - (a) creditors (including persons or entities claiming to be creditors) of each of the companies, in the following manner:



- (i) where the creditor is a registered user on the Halo Platform, by publishing a notice on the Halo Platform;
 - (ii) where the creditor is not a registered user on the Halo Platform but the administrators have an email address for the creditor, by 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 the amended originating process; and
 - (iii) by placing scanned, sealed copies of the amended originating process (as may be amended) and the orders on the website maintained by the administrators at <https://www2.deloitte.com/au/en/pages/finance/articles/wbho-australia-pty-ltd.html>; and
- (b) the Australian Securities and Investments Commission.
8. Any person who can demonstrate a sufficient interest has liberty to apply to vary or discharge any orders made pursuant to paragraphs 1 to 3 above, on three (3) business days' written notice to the administrators and the Court.
 9. The administrators have liberty to apply on one (1) business days' notice to the Court in relation to any variation or discharge of the Court's orders.

Costs and other orders

10. The plaintiffs' costs of and incidental to this application be costs in the administration of each of the companies, jointly and severally.
11. The Court's orders be entered forthwith.

Date that entry is stamped: 2 March 2022


Registrar



Schedule

No: VID100/2022

Federal Court of Australia

District Registry: Victoria

Division: General

Second Plaintiff	WBHO CONSTRUCTION AUSTRALIA PTY LTD (ADMINISTRATORS APPOINTED) (ACN 149 901 931)
Third Plaintiff	WBHO INFRASTRUCTURE PTY LTD (ADMINISTRATORS APPOINTED) (ACN 089 434 220)
Fourth Plaintiff	CARR CIVIL CONTRACTING PTY LTD (ADMINISTRATORS APPOINTED) (ACN 100 438 257)
Fifth Plaintiff	NORTHCOAST HOLDINGS PTY LTD (ADMINISTRATORS APPOINTED) (ACN 009 296 780)
Sixth Plaintiff	PROBUILD CONSTRUCTIONS (AUST) PTY LTD (ADMINISTRATORS APPOINTED) (ACN 095 250 945)
Seventh Plaintiff	PROBUILD CIVIL PTY LTD (ADMINISTRATORS APPOINTED) (ACN 010 870 587)
Eighth Plaintiff	PCA (QLD) PTY LTD (ADMINISTRATORS APPOINTED) (ACN 141 148 245)
Ninth Plaintiff	PROBUILD CONSTRUCTIONS (NSW) PTY LTD (ADMINISTRATORS APPOINTED) (ACN 165 675 874)
Tenth Plaintiff	PROBUILD CONSTRUCTIONS (VIC) PTY LTD (ADMINISTRATORS APPOINTED) (ACN 165 675 865)
Eleventh Plaintiff	PROBUILD CONSTRUCTIONS (WA) PTY LTD (ADMINISTRATORS APPOINTED) (ACN 165 676 095)
Twelfth Plaintiff	PROBUILD CONSTRUCTIONS (QLD) PTY LTD (ADMINISTRATORS APPOINTED) (ACN 166 966 034)
Thirteenth Plaintiff	ACN 098 866 794 PTY LTD (ADMINISTRATORS APPOINTED) (ACN 098 866 794)
Fourteenth Plaintiff	CONTEXX HOLDINGS PTY LTD (ADMINISTRATORS APPOINTED) (ACN 144 707 022)



Fifteenth Plaintiff CONTEXX PTY LTD (ADMINISTRATORS APPOINTED)
(ACN 147 249 796)

Sixteenth Plaintiff PRODEV MURPHY PTY LTD (ADMINISTRATORS
APPOINTED) (ACN 120 758 803)

Seventeenth Plaintiff PRODEV INVESTMENTS 4 PTY LTD (ADMINISTRATORS
APPOINTED) (ACN 629 246 653)

Eighteenth Plaintiff MONACO HICKEY PTY LTD (ADMINISTRATORS
APPOINTED) (ACN 144 945 611)

Nineteenth Plaintiff WBHO AUSTRALIA PTY LTD (ADMINISTRATORS
APPOINTED) (ACN 095 983 681)