



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: 16 March 2022

WHERE MADE: Melbourne

THE COURT ORDERS THAT:

1. Pursuant to section 439A(6) of the *Corporations Act 2001* (Cth) (the Act), the convening period defined in section 439A(5)(b) of the Act in respect of the second to nineteenth plaintiffs set out in the schedule (companies) is extended until 24 June 2022.
2. Pursuant to section 447A(1) of the Act, Part 5.3A is to operate in relation to each of the companies such that, notwithstanding section 439A(2), the second meeting of the creditors of any of the companies required under section 439A may be convened at any time during, or within five business days after the end of, the convening period, as extended by paragraph 1 above, provided that the first plaintiffs (administrators) give notice of the meeting to eligible creditors of that or those companies as the case may be (including the persons claiming to be creditors of the said companies) at least five business days before the second meeting.
3. Subject to paragraphs 4 and 5 below, pursuant to sections 80-55(5) and 90-15 of the Insolvency Practice Schedule (Corporations) (IPS), leave be granted to the members of the committees of inspection (committees) formed in respect of:



- (a) Probuild Constructions (Aust) Pty Ltd (administrators appointed) (Probuild);
- (b) WBHO Infrastructure Pty Ltd (administrators appointed) (WBHO Infrastructure)

to derive a profit or advantage from the external administration of each of those companies (COI companies).

4. No leave be granted for the members of the committees to receive any gift or remuneration from the external administration of either of the COI companies by reason of their position as a member of the relevant committee.
5. Pursuant to section 447A of the Act and section 90-15 of the IPS, the Administrators are to:
 - (a) keep a schedule noting each agreement entered into by the administrators on behalf of any of the COI companies with a member of the committees or any related entity of a member (COI agreements); and
 - (b) provide an update to the committees, at each meeting of the committees, as to each of the COI agreements that the administrators have entered into on behalf of any of the COI companies.
6. 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 (as defined in the affidavit of David Michael Orr sworn 28 February 2022) (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 interlocutory process; and

(iii) by placing scanned, sealed copies of the interlocutory 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-ptyltd.html>; and

(b) the Australian Securities and Investments Commission.

7. The administrators have liberty to apply in relation to any further extension of the convening period referred to in paragraph 1 above at any time prior to 24 June 2022.
8. The plaintiffs' costs of and incidental to this application be costs in the administration of each of the companies, jointly and severally.

Date that entry is stamped: 16 March 2022

Sia Lagos
Registrar



Schedule

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Second Plaintiff	WBHO 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)