

Circular to Growers

16 February 2024

Dear Sir/Madam

Quintis Leasing Pty Ltd (Administrators Appointed)
ACN 080 978 721 ('the Company')

Update on Court Applications

I refer to the orders made by the Federal Court of Australia on 30 January 2024, that:

- pursuant to section 443B(2) and/or 447A(1) of the *Corporations Act 2001* (Cth), the period under section 443B(2) of the Act ('s 443B Period') for which the Administrators are not personally liable for rent or other amounts payable by the Company under any leases to which the Company is a party; and
- pursuant to section 439A(6) or 447A(1) of the Act, the period within which the Company must convene the second meeting of the Company's creditors (the 'Convening Period'),

is extended to 13 February 2024.

I also refer to the Administrators' circular to creditors dated 12 February 2024 advising that the Administrators would shortly be filing an interlocutory application in the Court seeking a further two-week extension of the s 443B Period and Convening Period from 13 February 2024 to 27 February 2024 ('Interlocutory Application').

Interlocutory Application

The Interlocutory Application was filed on 12 February 2024 and heard by the Court at 2:30pm (AWST) today, 13 February 2024.

In summary, the Court granted the orders sought by the Administrators in the Interlocutory Application to (amongst other things) extend the 443B Period and the Convening Period to 27 February 2024. The Court agreed with the Administrators that these extensions are appropriate in the circumstances in order to provide the Administrators with additional time to:

- engage with the proponents of a proposal for the Company to enter into a deed of company arrangement ('Proposal') to better understand the timing, terms and scope of the Proposal; and
- form a view about whether the Proposal is capable of forming the basis for a viable transaction which is capable of completion and which may provide a better return for creditors than the immediate winding up of the Company.

Next steps

A sealed copy of the Court's orders in respect of the Interlocutory Application is **attached** to this circular and is also available to download from KordaMentha's website at: www.kordamentha.com/creditors.

If you require any further information, please do not hesitate to contact Isabelle Brown on 08 9220 9343 or by email at ibrown@kordamentha.com.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Richard Tucker', with a large, stylized flourish extending to the right.

Richard Tucker
Administrator

Encl.



Federal Court of Australia

District Registry: Western Australia

Division: General

No: WAD332/2023

RICHARD SCOTT TUCKER IN HIS CAPACITY AS JOINT AND SEVERAL ADMINISTRATOR OF QUINTIS LEASING PTY LTD (ADMINISTRATORS APPOINTED) ACN 080 978 727 and another/others named in the schedule
Plaintiff

FRIEDRICH GEORG BOLTEN AND ANDREA MARIE BOLTEN AS TRUSTEES FOR THE PIONEER FARMS TRUST and another/others named in the schedule
Respondent

ORDER

JUDGE: JUSTICE BANKS-SMITH

DATE OF ORDER: 13 February 2024

WHERE MADE: Perth

THE COURT ORDERS THAT:

Limitation of Administrators' liability

Property leased, used or occupied

1. Pursuant to s 443B(8) and s 447A(1) of the *Corporations Act 2001* (Cth), Part 5.3A of the *Corporations Act* be modified insofar as it applies to the first and second plaintiffs (in their capacities as joint and several administrators of the third plaintiff) and the third plaintiff (as a company under administration) such that:
 - (a) s 443B(2)(a) of the *Corporations Act* operates as if the expression 'that begins more than 5 business days after the administration began' were replaced with the expression 'that begins on 27 February 2024'; and
 - (b) s 443B(3) of the *Corporations Act* operates as if the expression 'Within 5 business days after the beginning of the administration' were replaced with the expression 'By 27 February 2024'.



Extension of the convening period

2. Pursuant to s 447A(1) and s 439A(6) of the *Corporations Act*, s 439A of the *Corporations Act* is to operate as if the period within which the first and second plaintiffs must convene the second meeting of creditors of the third plaintiff (**Second Meeting**) pursuant to s 439A of the *Corporations Act* be extended to 27 February 2024.
3. Pursuant to s 447A(1) of the *Corporations Act*, that Part 5.3A of the *Corporations Act* is to operate such that the Second Meeting of the third plaintiff may be held at any time during, or within five business days after the end of, the convening period as extended by order 2 above, notwithstanding the provisions of s 439A(2) of the *Corporations Act*.

Confidentiality

4. Pursuant to s 37AF and s 37AG(1)(a) of the *Federal Court of Australia Act 1976* (Cth), and until further order, on the ground that the order is necessary to prevent prejudice to the proper administration of justice, the following documents be marked confidential on the Court file and not be made available for inspection without prior notice being provided to the plaintiffs and an order of this Court:
 - (a) the confidential affidavit of Richard Scott Tucker dated 12 February 2024 (**Confidential Tucker Affidavit**); and
 - (b) annexure 'RST-5C' to the Confidential Tucker Affidavit.

Suppression

5. Pursuant to s 37AF and s 37AG(1)(a) of the *Federal Court of Australia Act 1976* (Cth), and until further order, on the ground that the order is necessary to prevent prejudice to the proper administration of justice, disclosure of the identity of the interested parties referred to in the Confidential Tucker Affidavit is prohibited.

Other ancillary orders

6. Pursuant to s 447A(1) of the *Corporations Act*, Part 5.3A of the *Corporations Act* is to operate such that the requirement on the first and second plaintiffs to issue notices under s 75-15 and s 75-225(1) of the *Insolvency Practice Rules (Corporations) 2016* (Cth) (**IPR**) be modified such that notice of the Second Meeting will be validly given



to any creditors, not less than five business days prior to the date of the proposed meeting, by:

- (a) giving such notice electronically by email sent to the email address of any creditor (including any persons claiming to be creditors) of the third plaintiff for whom or which the plaintiffs hold an email address;
 - (b) sending such notice to the postal address or facsimile number, or as provided for by the *Corporations Act* or IPR, to any creditors not being a creditor referred to in sub-order (a); and
 - (c) causing such notice to be published in *The Insolvency Notices* website located at: <https://insolvencynotices.asic.gov.au/>.
7. The plaintiffs must take all reasonable steps to cause notice of these orders to be given to each known creditor of the third plaintiff and each known owner or lessor and each known sub-lessee of property affected by order 1 of these orders and to the Australian Securities and Investments Commission in accordance with the regime provided for in order 2 of the Court's orders dated 22 December 2023.
8. The plaintiffs and any person who can demonstrate a sufficient interest (including any creditor of the third plaintiff) have liberty to apply on two (2) business days' notice being given to the plaintiffs and the Court to modify or discharge any orders made pursuant to orders 1 to 3 above.
9. The plaintiffs' costs of, or incidental to, this application be costs in the administration of the third plaintiff.

Date that entry is stamped: 13 February 2024


Registrar



Schedule

No: WAD332/2023

Federal Court of Australia
District Registry: Western Australia
Division: General

Second Plaintiff	SCOTT BRADLEY KERSHAW IN HIS CAPACITY AS JOINT AND SEVERAL ADMINISTRATOR OF QUINTIS LEASING PTY LTD (ADMINISTRATORS APPOINTED) ACN 080 978 721
Third Plaintiff	QUINTIS LEASING PTY LTD (ADMINISTRATORS APPOINTED) ACN 080 978 721
Interested Person	CALING DES
Second Respondent	FRIEDRICH GEORG BOLTEN
Third Respondent	MARGRET LISELOTTE CONLEY AND AIRPORT FAMILY INVESTMENTS PTY LTD
Fourth Respondent	CHRIS AND AMANDA HOWIE
Fifth Respondent	PHILIP HOWIE
Fifth Respondent	ANNETTE HOWIE