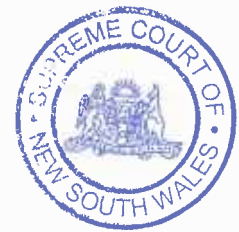


FILED

14 NOV 2018



IN THE SUPREME COURT OF NEW SOUTH WALES

DIVISION: EQUITY
REGISTRY: SYDNEY

No. 169447 of 2017

IN THE MATTER OF PLUTUS PAYROLL AUSTRALIA PTY LIMITED (IN LIQUIDATION)
ACN 169 205 127

Deputy Commissioner of Taxation
Plaintiff

Plutus Payroll Australia Pty Limited (in liquidation)
ACN 169 205 127
and the entities listed in the Schedule
Defendants

INTERLOCUTORY PROCESS

A. DETAILS OF APPLICATION

This interlocutory application is made under section 90-20 of Schedule 2 of the *Corporations Act 2001* (Cth) for the Court to determine certain questions arising in the external administration of the first to tenth defendants and the twelfth defendant (**Companies**).

On the facts stated in the supporting affidavit, the applicants, Timothy Norman and Salvatore Algeri of Deloitte Financial Advisory Pty Ltd as the joint and several liquidators of the Companies, apply for the following relief:

1. An order pursuant to section 90-15(3)(a) of Schedule 2 of the *Corporations Act 2001* (Cth), that the applicants would be justified in determining that claims in the liquidations of the Companies submitted by workers identified in the schedule appearing at pages 392 to 397 of Exhibit TBN-3 to the affidavit of Timothy Bryce Norman sworn on 14 November 2018 who were paid their wages and entitlements via the first defendant's payroll system (**Worker Creditors**) are not claims by employees of the Companies and

Filed on behalf of the applicants

MINTERELLISON
Governor Macquarie Tower
1 Farrer Place
SYDNEY NSW 2000

DX 117 SYDNEY
Telephone (02) 9921 8888
Facsimile (02) 9921 8123
Reference 1172152
Bulk user no. 246

that those claims are not required to be paid in priority pursuant to section 556 of the *Corporations Act 2001* (Cth).

2. An order that the costs of this application be costs in the winding up of the Companies.
3. An order that the applicants send (by either email or post) to Worker Creditors of the Companies a notice which:
 - (a) advises of the order made in paragraph 1 above (**Order**);
 - (b) advises of the website address that the supporting affidavit of Timothy Bryce Norman sworn on 14 November 2018 is available for download; and
 - (c) advises that any person who wishes to vary or otherwise be heard in relation to the Order are to notify the applicants' solicitors in writing within 21 days.
4. An order that the applicants have liberty to restore in circumstances of the applicants receiving notification in response to the notice issued under order 3.
5. Such further or other orders as the Court deems fit.

Date: 14 November 2018

Amy Elizabeth Southwell
 for Michael Richard Hughes by his partner
 Solicitor for the applicants

This application will be heard by the Supreme Court of New South Wales, at Law Courts Building, Queens Square, Sydney at 10 . . . *am/*pm on 26/11/18

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

If you or your legal practitioner do not appear before the Court at the time shown above, the application may be dealt with, and an order made, in your absence. As soon after that time as the business of the Court will allow, any of the following may happen:

- (a) the application may be heard and final relief given,
- (b) directions may be given for the future conduct of the proceeding,
- (c) any interlocutory application may be heard.

Before appearing before the Court, you must file a notice of appearance, in the prescribed form, in the Registry and serve a copy of it on the applicants.

Note.

Unless the Court otherwise orders, a defendant that is a corporation must be represented at a hearing by a legal practitioner. It may be represented at a hearing by a director of the corporation only if the Court grants leave.

C. FILING

This interlocutory process is filed by MinterEllison, solicitors for the applicants.

D. SERVICE

The applicants' address for service is: c/- MinterEllison
Level 40, Governor Macquarie Tower
1 Farrer Place
Sydney NSW 2000
Attention: Courtney Locke
Reference 1172152

It is not intended to serve a copy of this interlocutory process on any person.

SCHEDULE OF ADDITIONAL PARTIES

PPA Contractors Australia Pty Ltd (in liquidation) ACN 605 218 273	Second Defendant
PPA Services Australia Pty Ltd (in liquidation) ACN 605 903 660	Third Defendant
PP AUS Holdings Pty. Ltd. (in liquidation) ACN 613 038 654	Fourth Defendant
PP Australia NSW Pty. Ltd. (in liquidation) ACN 613 037 442	Fifth Defendant
PP Services (WA) Pty. Ltd. (in liquidation) ACN 613 042 587	Sixth Defendant
PPA (SA) Pty. Ltd. (in liquidation) ACN 613 038 234	Seventh Defendant
PPA NT Pty. Ltd. (in liquidation) ACN 613 037 175	Eighth Defendant
RAM Enterprises Australia Pty Ltd (in liquidation) ACN 157 988 639	Ninth Defendant
SAI Solutions Australia Pty Ltd (in liquidation) ACN 159 529 183	Tenth Defendant
Synep Pty Limited ACN 611 299 328	Eleventh Defendant
BRW Services Pty Limited (in liquidation) ACN 613 733 430	Twelfth Defendant