



McGrathNicol

**McGrathNicol  
Partnership**

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**Autonomous Energy Pty Ltd  
ACN 113 593 383  
(Autonomous Energy)**

**Circular to Suppliers - Update**

- I refer to the appointment of Jason Ireland, Jason Preston and I as joint and several Voluntary Administrators (**Administrators**) of Autonomous Energy on 21 July 2021, pursuant to s436E(4) of the Corporations Act 2001 (**Act**), replacing Domenico Alessandro Calabretta, Grahame Robert Ward and Thyge Trafford-Jones of Mackay Goodwin as administrators (**Former Administrators**).
- I also note our previous Circular to Suppliers dated 26 July 2021 regarding continued trading arrangements for the Administration period.

**Execution and effectuation of a Deed of Company Arrangement**

At the meeting of Autonomous Energy's creditors convened on 12 August 2021, creditors resolved to accept the terms of a proposed Deed of Company Arrangement (**DOCA**). An outline of the terms of the DOCA was provided to creditors in the Administrators' report dated 5 August 2021.

I confirm that the DOCA for Autonomous Energy on the terms proposed was executed on 13 August 2021 and effectuated (meaning its obligations have been fulfilled) on 16 August 2021.

**Control of operations**

Following effectuation, control of Autonomous Energy's affairs and possession of its assets has reverted to its directors, being Matthew Linney and Simon Mason (**Directors**), effective from 17 August 2021.

All matters relating to ongoing supplies or purchase orders for goods or services supplied to Autonomous Energy from (and including) 17 August 2021 onwards should be directed to the Directors of Autonomous Energy and Jodie Fox at [accounts@autonomousenergy.com](mailto:accounts@autonomousenergy.com).

**Finalisation of supplies made to the Administrators**

The Administrators ceased to have control of Autonomous Energy's affairs and operations from 16 August 2021.

The Administrators' liability for goods or services supplied to Autonomous Energy will cease accordingly.





Please adopt the following procedure for the Administrators account(s):

- close your account(s) that were opened as at the date of either the appointment of the Former Administrators being 8 July, or our appointment date 21 July 2021, being accounts in the name of Autonomous Energy Pty Ltd (Administrators Appointed);
- please finalise your account(s) for goods or services authorised by the Administrators during the period 21 July 2021 to 16 August 2021 (inclusive); and
- forward relevant tax invoices to the Administrators for payment according to the terms of the previous account arrangements.

Any purchase orders previously authorised by the Administrators, where goods or services **have not been** supplied or delivered to Autonomous Energy by 16 August 2021, are revoked.

Suppliers may wish to contact Autonomous Energy to confirm if goods or services previously ordered by the Administrators are required by Autonomous Energy after 16 August 2021.

The Administrators **will not be liable** for goods or services delivered to Autonomous Energy after 16 August 2021, notwithstanding that a prior authorised purchase order may have been issued by the Administrators.

Payments made by the Administrators must be applied against debts incurred by the Administrators and cannot be applied against any pre-appointment debt owed to you by Autonomous Energy.

Please note:

- If there are any outstanding or unfulfilled orders placed by Autonomous Energy prior to our or the Former Administrators' appointment, including those under which there are goods in transit, please contact Autonomous Energy directly as a matter of urgency to ascertain whether the goods or services are still required by Autonomous Energy.
- The Administrators did not and have not personally adopted any contract that existed, between you and the Autonomous Energy at the date of appointment of the Administrators or the Former Administrators. Payment for any goods or services by the Administrators is not an adoption of a contract or liability.
- Under taxation legislation, we are obliged to withhold 46.5% from payments to suppliers who do not quote a current Australian Business Number (**ABN**). Please ensure that a current ABN is quoted for each supply made by you.
- Input tax credits for payments made to registered suppliers cannot be claimed until a valid tax invoice has been received. Accordingly, suppliers must provide a valid tax invoice for GST purposes before payment will be made.

### **Privacy and Personal Information**

We may have collected personal information from you, Autonomous Energy or otherwise, in connection with your trading arrangements with the Autonomous Energy. McGrathNicol takes all reasonable steps to protect the information that we hold (including personal information) from misuse, loss and from unauthorised access, modification or disclosure. Our Privacy Policy can be found on the McGrathNicol website.

### **Pre-appointment debts**

Pursuant to terms of the DOCA amounts owed by Autonomous Energy prior to 8 July 2021 are liabilities of the Autonomous Energy Creditors Trust and are not payable by the Administrators or Former Administrators.



As detailed in the Administrators' report dated 5 August 2021, a dividend to unsecured creditors in the amount of 55 to 78 cents in the dollar is expected in the Creditors Trust. The return may vary depending on the final quantum of Proof of Debts received and admitted in the Creditors Trust.

**Further information**

A copy of the information sheet, "Insolvency information for directors, employees, creditors and shareholders", issued by the Australian Securities & Investments Commission (**ASIC**) is also enclosed for your information.

We thank you in advance for your assistance and cooperation. If you require any further information, please email [autonomous@mcgrathnicol.com](mailto:autonomous@mcgrathnicol.com).

Dated: 17 August 2021  
*Autonomous Energy Pty Ltd*

Kathy Sozou  
*Former Deed Administrator*

Enclosure:

- Insolvency information for directors, employees, creditors and shareholders



ASIC

Australian Securities & Investments Commission

## Insolvency information for directors, employees, creditors and shareholders

ASIC has 11 insolvency information sheets to assist you if you're affected by a company's insolvency and have little or no knowledge of what's involved.

These plain language information sheets give directors, employees, creditors and shareholders a basic understanding of the three most common company insolvency procedures—liquidation, voluntary administration and receivership. There is an information sheet on the independence of external administrators and one that explains the process for approving the fees of external administrators. A glossary of commonly used insolvency terms is also provided.

The Insolvency Practitioners Association (IPA), the leading professional organisation in Australia for insolvency practitioners, endorses these publications and encourages its members to make their availability known to affected people.

### List of information sheets

- INFO 41 *Insolvency: a glossary of terms*
- INFO 74 *Voluntary administration: a guide for creditors*
- INFO 75 *Voluntary administration: a guide for employees*
- INFO 45 *Liquidation: a guide for creditors*
- INFO 46 *Liquidation: a guide for employees*
- INFO 54 *Receivership: a guide for creditors*
- INFO 55 *Receivership: a guide for employees*
- INFO 43 *Insolvency: a guide for shareholders*
- INFO 42 *Insolvency: a guide for directors*
- INFO 84 *Independence of external administrators: a guide for creditors*
- INFO 85 *Approving fees: a guide for creditors*

### Getting copies of the information sheets

To get copies of the information sheets, visit ASIC's website at [www.asic.gov.au/insolvencyinfosheets](http://www.asic.gov.au/insolvencyinfosheets). The information sheets are also available from the IPA website at [www.ipaa.com.au](http://www.ipaa.com.au). The IPA website also contains the IPA's Code of Professional Practice for Insolvency Professionals, which applies to IPA members.

**Important note:** The information sheets contain a summary of basic information on the topic. It is not a substitute for legal advice. Some provisions of the law referred to may have important exceptions or qualifications. These documents may not contain all of the information about the law or the exceptions and qualifications that are relevant to your circumstances. You will need a qualified professional adviser to take into account your particular circumstances and to tell you how the law applies to you.