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NOTICE TO CREDITORS

27 August 2019

RCR Tomlinson Ltd (In Liquidation) ACN 008 898 486 and subsidiaries as listed in Annexure A (collectively, the RCR Group or the Companies)

As previously advised, on 21 November 2018 Jason Preston, Jamie Harris, Matthew Caddy and Rob Brauer, all Partners of McGrathNicol, were appointed Joint and Several Voluntary Administrators ("**Administrators**") of the RCR Group and were appointed joint and several liquidators on 26 March 2019 at the second meeting of creditors of the RCR Group. On 28 June 2019 Jason Preston, Jamie Harris, Matthew Caddy and Rob Brauer resigned from certain dormant entities that are in the process of being deregistered and Jamie Harris and Rob Brauer from certain other entities. The current appointments are shown in Annexure A.

Directions Application

We are writing to creditors of the RCR Group to notify them that we have filed a directions application to the Supreme Court of NSW to seek the Court's guidance as to how the proceeds of various assets owned by the entities within the RCR Group are to be distributed. The outcome of the application will have a material bearing on the distribution of funds realised throughout the insolvency process.

A copy of the interlocutory application is available on the McGrathNicol website:

<http://www.mcgrathnicol.com/creditors/rcr-group/>

If you require a copy of the supporting affidavit of Jason Preston, please contact us on the details below.

Significance

The directions application concerns the correct application of the law to the classification of assets of the RCR Group as either circulating or non-circulating, including the relevant date at which that classification is to be made. These matters are significant in that they affect the priorities in the distribution of funds in the insolvency process between employees with outstanding entitlements and the RCR Group's secured creditors.

The outcome of the application will be of direct relevance to:

- the Commonwealth of Australia; represented by the Attorney General's Department in relation to the administration of the Fair Entitlements Guarantee scheme ("**FEG**");
- employees who still have unsatisfied claims against the RCR Group (ie unsatisfied by FEG);
- CBA Corporate Services (NSW) Pty Ltd ("**CBA**") as trustee for various banks in relation to the General Security Agreements dated 11 July 2013, 10 December 2013 and 21 October 2015; and
- secured creditors which rank **ahead** of CBA's registered security interests.



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We note that:

- FEG stands in the shoes of employee creditors whose entitlements it has paid and enjoys the rights and statutory priorities which those employees would have had against their employer company. While FEG does not formally represent all employee creditors in the proceedings, it can be expected that FEG may or will advance arguments in furtherance of the rights of employees as priority unsecured creditors in relation to the proceedings;
- the Deputy Commissioner of Taxation stands in the shoes of employee creditors in respect of unpaid superannuation entitlements (**Superannuation Guarantee Charges**);
- other than unpaid Superannuation Guarantee Charges, employees who have had their claims paid in full via the Fair Entitlements Guarantee process will **not be impacted** by the application; and
- the application is **not of relevance to ordinary unsecured creditors**, who are not required to take any action in response to this notice as there will not be sufficient funds for a dividend after priority creditors have been paid.

Current status

The first directions hearing in the application was held on Monday, 26 August 2019 before Justice Black.

At that hearing His Honour ordered that this notice be sent to creditors of the RCR Group.

A copy of the orders is available for download at: <http://www.mcgrathnicol.com/creditors/rcr-group/>.

Next steps

The matter is listed for a further directions hearing at 2 pm on 16 September 2019. It is expected that at that directions hearing, the Court will fix the final hearing date for the matter.

If you require any further information in relation to the directions application, please urgently contact McGrathNicol on (02) 9338 2600 or by email rcrtomgeneral@mcgrathnicol.com.

Dated: 27 August 2019

Jason Preston
Joint and Several Liquidator



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Annexure A

Name	ACN	Appointees / Status
RCR Tomlinson Ltd	008 898 486	Jason Preston, Matthew Wayne Caddy, William James Harris, Robert Conry Brauer
A.C.N. 076 421 755 Pty Limited	076 421 755	None – in process of being deregistered
Applied Laser Pty Ltd	123 597 991	None – in process of being deregistered
Positron Group Pty Ltd	053 751 009	Jason Preston, Matthew Wayne Caddy
Positron Power Pty. Ltd.	100 647 756	None – in process of being deregistered
RCR Asset Maintenance Pty Ltd	123 094 735	Jason Preston, Matthew Wayne Caddy, Robert Conry Brauer
RCR Building Products (Holdings) Pty Ltd	111 148 853	Jason Preston, Matthew Wayne Caddy
RCR Building Services (Egan Bros) Pty Ltd	056 237 006	None – in process of being deregistered
RCR Corporate Pty. Ltd.	009 246 182	Jason Preston, Matthew Wayne Caddy
RCR Energy (Gladstone) Pty Ltd	010 941 054	Jason Preston, Matthew Wayne Caddy, William James Harris
RCR Energy (Stelform VRBT) Pty Ltd	099 683 584	None – in process of being deregistered
RCR Energy (Stelform) Pty Ltd	003 416 564	None – in process of being deregistered
RCR Energy Pty Ltd	080 753 680	Jason Preston, Matthew Wayne Caddy, William James Harris
RCR Energy Service Pty Ltd	009 133 475	Jason Preston, Matthew Wayne Caddy, William James Harris
RCR Haden (Holdings) Pty Ltd	111 148 844	Jason Preston, Matthew Wayne Caddy
RCR Haden (Telco) Pty Ltd	086 284 871	Jason Preston, Matthew Wayne Caddy
RCR Haden Pty Ltd	000 694 173	Jason Preston, Matthew Wayne Caddy
RCR Infrastructure (Corporate) Pty Ltd	126 817 883	Jason Preston, Matthew Wayne Caddy
RCR Infrastructure Group (XNFK) Pty Ltd	125 709 971	Jason Preston, Matthew Wayne Caddy
RCR Infrastructure Pty Ltd	060 002 959	Jason Preston, Matthew Wayne Caddy
RCR Laser Pty Ltd	116 641 144	Jason Preston, Matthew Wayne Caddy, William James Harris
A.C.N. 060 002 940 Pty Ltd (formerly known as RCR Mining Pty Ltd)	060 002 940	Jason Preston, Matthew Wayne Caddy, Robert Conry Brauer
A.C.N. 111 148 835 Pty Ltd (formerly known as RCR O'Donnell Griffin (Holdings) Pty Ltd)	111 148 835	Jason Preston, Matthew Wayne Caddy
A.C.N. 151 990 573 Pty Ltd (formerly known as RCR O'Donnell Griffin (Projects) Pty Ltd)	151 990 573	Jason Preston, Matthew Wayne Caddy
A.C.N. 003 905 093 Pty Ltd (formerly known as RCR O'Donnell Griffin Pty Ltd)	003 905 093	Jason Preston, Matthew Wayne Caddy, William James Harris, Robert Conry Brauer
RCR Oil & Gas Pty Ltd	121 838 702	Jason Preston, Matthew Wayne Caddy
RCR Power Pty Ltd	106 084 879	Jason Preston, Matthew Wayne Caddy
RCR Rel Corp Management Services Pty Ltd	080 877 756	None – in process of being deregistered



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Name	ACN	Appointees / Status
A.C.N. 064 596 854 Pty Ltd (formerly known as RCR Resolve FM (Engineering) Pty Ltd)	064 596 854	None – in process of being deregistered
A.C.N. 111 148 862 Pty Ltd (formerly known as RCR Resolve FM (Holdings) Pty Ltd)	111 148 862	Jason Preston, Matthew Wayne Caddy
A.C.N. 054 527 865 Pty Ltd (formerly known as RCR Resolve FM Pty Ltd)	054 527 865	Jason Preston, Matthew Wayne Caddy
A.C.N. 060 002 968 Pty Ltd (formerly known as RCR Resources (Heat Treatment) Pty Ltd)	060 002 968	Jason Preston, Matthew Wayne Caddy, Robert Conry Brauer
RCR Resources (Tripower) Pty Ltd	075 567 734	Jason Preston, Matthew Wayne Caddy
A.C.N. 063 053 814 Pty Ltd (formerly known as RCR Resources Pty Ltd)	063 053 814	Jason Preston, Matthew Wayne Caddy, Robert Conry Brauer
RCR Tomlinson (Custodian) Pty Ltd	060 012 419	Jason Preston, Matthew Wayne Caddy
RCR Trafalgar Building Products Pty Ltd	004 924 252	None – in process of being deregistered
RCR Water (WA) Pty Ltd	134 043 815	Jason Preston, Matthew Wayne Caddy, Robert Conry Brauer
A.C.N. 606 869 005 Pty Ltd (formerly known as RCR Water Pty. Ltd.)	606 869 005	Jason Preston, Matthew Wayne Caddy
RCReate Pty Ltd	614 291 879	None – in process of being deregistered
Sartap Pty Ltd	003 412 628	None – in process of being deregistered
Stelform Piping Systems Pty Ltd	099 683 566	None – in process of being deregistered