



Issued: 12 December 2018 2:22 PM

JUDGMENT/ORDER

COURT DETAILS

Court	Supreme Court of NSW
Division	Equity
List	Corporations List
Registry	Supreme Court Sydney
Case number	2018/00361179

TITLE OF PROCEEDINGS

First Applicant	Jason Preston, William J Harris, Robert C Brauer & Matthew W Caddy in their capacity as joint & several administrators of RCR Tomlinson Ltd (administrators appointed) & COMPANIES LISTED IN SCHEDULE 1
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Corporation subject of the proceeding	RCR Tomlinson Ltd (administrators appointed) & ORS
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DATE OF JUDGMENT/ORDER

Date made or given	12 December 2018
Date entered	12 December 2018

TERMS OF JUDGMENT/ORDER

Filed in Court for Plaintiff: Interlocutory Process dated 11 December 2018; Affidavit of Jason Preston dated 1 December 2018.

VERDICT, ORDER OR DIRECTION:

- Black J grants leave to file in Court Interlocutory Process dated 11 December 2017 on the undertaking of the solicitor for the Plaintiff to pay applicable filing fee.
- Black J grants leave to file in Court affidavit of Jason Preston sworn 11 December 2018.

Ex tempore judgment delivered as to extension of convening period for second meeting of creditors and electronic notifications to creditors.

Black J makes orders in accordance with the Order initialled by him and placed in the file.

TERMS OF ORDER MADE BY THE COURT

Extension of convening period

1. Pursuant to section 439A(6) of the Corporations Act 2001 (Cth) (Act), the convening period within which the plaintiffs must convene the second meeting of creditors of RCR Tomlinson Ltd (Administrators Appointed) ACN 008 898 486 (RCR) and each of the companies listed in Schedule 1 (RCR Subsidiaries) (together with RCR, the Appointment Entities) under section 439A of the Act (Second Meetings) be extended to 19 March 2019.

2. Pursuant to section 447A(1) of the Act, Part 5.3A of the Act is to operate such that the Second

Meetings may be held at any time during, or within five business days after the end of the convening period as extended by paragraph 1 above, notwithstanding the provisions of section 439A(2) of the Act.

Notification of application and orders

3. The plaintiffs must take all reasonable steps to cause notice of these orders to be given to the creditors of the Appointment Entities within 2 business days of the making of these orders by:

- (a) where the plaintiffs have an email address for a creditor, 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;
- (b) where the plaintiffs do not have an email address for a creditor but have a postal address for that creditor, notifying each such creditor in writing of the making of the orders and providing a link to a website where the creditor may download the orders; and
- (c) publishing the orders on the website maintained by the plaintiffs at <http://www.mcgrathnicol.com> and the RCR website at <https://www.rcrtom.com.au>.

Notification of the Second Meetings

4. Pursuant to section 447A(1) of the Act, Part 5.3A of the Act is to operate in relation to each of the Appointment Entities such that notice of the Second Meetings required to be given pursuant to sections 75-225(1) and 75-15 of the Insolvency Practice Rules (Corporations) 2016 (Cth) (IPR) (Notice) will be validly given to creditors of the Appointment Entities by, not less than five business days prior to the date of the proposed meeting:

- (a) where the plaintiffs have an email address for a creditor, sending the Notice by email to each such creditor;
- (b) where the plaintiffs do not have an email address for a creditor but have a postal address for the creditor, sending by post a copy the Notice to the postal address for each such creditor;
- (c) causing the Notice to be published on the ASIC published notices website at <https://insolvencyntices.asic.gov.au/>; and
- (d) publishing the Notice on the website maintained by the plaintiffs at <http://www.mcgrathnicol.com> and the website of RCR at <https://www.rcrtom.com.au/>.

Subsequent notices to creditors

5. If pursuant to Part 5.3A of the Act, Part 5.3A of the Corporations Regulations 2001 (Cth), the Insolvency Practice Schedule to the Act, or the IPR the plaintiffs are required to provide any other notification to creditors of the Appointment Entities during the administration of the Appointment Entities, the applicable notice requirements will be satisfied if the Administrators give such notice by:

- (a) where the plaintiffs have an email address for a creditor, notifying each such creditor of the relevant matter via email;
- (b) where the plaintiffs do not have an email address for a creditor but have a postal address for that creditor, notifying each such creditor in writing of the relevant matter via post;
- (c) publishing notice of the relevant matter on the website maintained by the plaintiffs at <http://www.mcgrathnicol.com> and the RCR website at <https://www.rcrtom.com.au/>; and
- (d) to the extent the matter relates to a meeting covered by section 75-40(4) of the IPR, publishing notice of the meeting on the ASIC published notices website.

Other

6. The following parties have liberty to apply upon giving all other interested parties not less than 3 business days' notice:

- (a) any person who can demonstrate a sufficient interest (including any creditor of the Appointment Entities) for the purpose of modifying or discharging any orders made pursuant to paragraphs 1 to 5

above; and
(b) the plaintiffs.

7. The plaintiffs' costs of and incidental to this application be costs and expenses in the administration of each of the Appointment Entities and be paid out of the assets of each of the Appointment Entities.

8. These orders be entered forthwith.

SEAL AND SIGNATURE



Signature M. Little (LS)
Capacity Chief Clerk
Date 12 December 2018

If this document was issued by means of the Electronic Case Management System (ECM), pursuant to Part 3 of the Uniform Civil Procedure Rules (UCPR), this document is taken to have been signed if the person's name is printed where his or her signature would otherwise appear.

ATTACHMENTS TO ORDERS

(Schedule 1 to Orders - 12.12.18.pdf)

[attach.]

SCHEDULE 1

	Name	ACN
1	RCR Tomlinson (Custodian) Pty Ltd (Administrators Appointed)	060 012 419
2	RCR Corporate Pty. Ltd. (Administrators Appointed)	009 246 182
3	RCR Resources Pty Ltd (Administrators Appointed)	063 053 814
4	RCR Energy (Gladstone) Pty Ltd (Administrators Appointed)	010 941 054
5	RCR Resources (Tripower) Pty Ltd (Administrators Appointed)	075 567 734
6	RCR Mining Pty Ltd (Administrators Appointed)	060 002 940
7	RCR Energy Pty Ltd (Administrators Appointed)	080 753 680
8	RCR Energy Service Pty Ltd (Administrators Appointed)	009 133 475
9	Positron Group Pty Ltd (Administrators Appointed)	053 751 009
10	RCR Power Pty Ltd (Administrators Appointed)	106 084 879
11	RCR Laser Pty Ltd (Administrators Appointed)	116 641 144
12	RCR Oil & Gas Pty Ltd (Administrators Appointed)	121 838 702
13	RCR Infrastructure Pty Ltd (Administrators Appointed)	060 002 959
14	RCR Infrastructure Group (XNFK) Pty Ltd (Administrators Appointed)	125 709 971
15	RCR O'Donnell Griffin Pty Ltd (Administrators Appointed)	003 905 093
16	RCR Haden Pty Ltd (Administrators Appointed)	000 694 173
17	RCR Haden (Telco) Pty Ltd (Administrators Appointed)	086 284 871
18	RCR Haden (Holdings) Pty Ltd (Administrators Appointed)	111 148 844
19	RCR Resolve FM Pty Ltd (Administrators Appointed)	054 527 865
20	RCR Resolve FM (Holdings) Pty Ltd (Administrators Appointed)	111 148 862
21	RCR Infrastructure (Corporate) Pty Ltd (Administrators Appointed)	126 817 883
22	RCR Water Pty. Ltd. (Administrators Appointed)	606 869 005
23	RCR Water (WA) Pty Ltd (Administrators Appointed)	134 043 815
24	RCR O'Donnell Griffin (Holdings) Pty Ltd (Administrators Appointed)	111 148 835
25	RCR O'Donnell Griffin (Projects) Pty Ltd (Administrators Appointed)	151 990 573
26	Applied Laser Pty Ltd (Administrators Appointed)	123 597 991
27	RCR Energy (Stelform) Pty Ltd (Administrators Appointed)	003 416 564
28	RCR Energy (Stelform VRBT) Pty Ltd (Administrators Appointed)	099 683 584
29	Stelform Piping Systems Pty Ltd (Administrators Appointed)	099 683 566
30	Sartap Pty Ltd (Administrators Appointed)	003 412 628
31	RCR Resources (Heat Treatment) Pty Ltd (Administrators Appointed)	060 002 968
32	Positron Power Pty. Ltd. (Administrators Appointed)	100 647 756
33	RCR Asset Maintenance Pty Ltd (Administrators Appointed)	123 094 735
34	RCR Building Products (Holdings) Pty Ltd (Administrators Appointed)	111 148 853
35	A.C.N. 076 421 755 Pty Limited (Administrators Appointed)	076 421 755
36	RCR Trafalgar Building Products Pty Ltd (Administrators Appointed)	004 924 252
37	RCR Building Services (Egan Bros) Pty Ltd (Administrators Appointed)	056 237 006
38	RCR Resolve FM (Engineering) Pty Ltd (Administrators Appointed)	064 596 854
39	RCR Rel Corp Management Services Pty Ltd (Administrators Appointed)	080 877 756
40	RCReate Pty Ltd (Administrators Appointed)	614 291 879