

SUPREME COURT OF QUEENSLAND

REGISTRY: Brisbane

NUMBER: S

of 2017

IN THE MATTER OF: OSTWALD BROS. PTY LTD (ADMINISTRATORS APPOINTED)

ACN: 099 115 009

Applicants: DERRICK CRAIG VICKERS AND SAM ANDREW MARSDEN AS ADMINISTRATORS OF OSTWALD BROS. PTY LTD (ADMINISTRATORS APPOINTED), OSTWALD CONSTRUCTION MATERIALS PTY LTD (ADMINISTRATORS APPOINTED) AND OSTWALD BROS. CIVIL PTY LTD (ADMINISTRATORS APPOINTED)

ORDER

Before: Justice Burns

Date: 1 September 2017

Initiating document: Originating application filed 1 September 2017

THE ORDER OF THE COURT IS THAT:

- 1 Pursuant to subsection 447A(1) of the *Corporations Act 2001* (Cth) ("**the Act**"), Part 5.3A of the Act is to operate in relation to Ostwald Bros. Pty Ltd (Administrators Appointed), Ostwald Construction Materials Pty Ltd (Administrators Appointed) and Ostwald Bros. Civil Pty Ltd (Administrators Appointed) (collectively, the "**Companies**" or individually a "**Company**"), as if:
 - (a) the words "that begins more than 5 business days after the administration began" in subsection 443B(2)(a) of the Act read "that begins more than 20 business days after the administration began"; and
 - (b) the words "Within 5 business days after the beginning of the administration," in section 443B(3) of the Act read "Within 20 business days after the beginning of the administration,".
- 2 Leave is reserved to any person affected by these orders and the Australian Securities and Investments Commission ("**ASIC**") to apply to vary the orders upon the giving of three business days' written notice to the applicants.
- 3 By 8 September 2017, the applicants are to:

ORDER

Filed on Behalf of the Applicants
Form 59 Rule 661

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Ref: 12376 (Mr Scott Sharry)

- (a) serve a copy of the orders on ASIC; and
- (b) give notice of the orders to the Companies' creditors by:
 - i). uploading a copy of the orders onto the Companies' website "www.ostwaldbros.com.au" (**Website**) so as to be accessible to creditors of the Companies; and
 - ii). sending a circular letter to each of the Companies' known creditors (by email in respect of those creditors who have informed the applicants of their email addresses, and by post in respect of all other known creditors) informing them of the substance of the orders and providing a link to the Website.

- 4 Leave is reserved to the applicants to apply on two days' notice, including for the purpose of seeking further modification of the operation of section 443B of the Act in relation to the Companies.
- 5 The applicants' costs of this application are costs and expenses of the administration of each of the Companies.

Signed: