



Federal Court of Australia  
District Registry: New South Wales  
Division: General

No: NSD1515/2019

## ORDER

**JUDGE:** JUSTICE YATES

**DATE OF ORDER:** 19 September 2019

**WHERE MADE:** Sydney

### THE COURT ORDERS THAT:

1. Pursuant to s 439A(6) of the *Corporations Act 2011* (Cth) (the **Act**), the convening period, as defined by s 439A(5) of the Act, with respect to:
  - (a) Settlers Operations (Administrators Appointed) (Receivers and Managers Appointed) ACN 609 526 605; and
  - (b) Settlers Company Pty Ltd (Administrators Appointed) (Receivers and Managers Appointed) ACN 606 610 904 (together, the **Companies**),be extended up to and including 23 May 2020.
2. Pursuant to s 447A(1) of the Act, Pt 5.3A of the Act is to operate in relation to the Companies as if the meeting of creditors of the Companies required by s 439A of the Act may be convened and held at any time during the period as extended under Order 1 above, and the period of five (5) business days thereafter, notwithstanding the provisions of s 439A(2) of the Act.
3. Liberty to apply be granted to any person, including the plaintiff, any creditor of the Companies or the Australian Securities and Investment Commission (**ASIC**), who can demonstrate sufficient interest to vary or supplement these orders on the giving of reasonable notice to the plaintiff (as the case might be), and to the Court.



4. The plaintiff, within seven (7) business days of making these orders, shall take all reasonable steps to give notice of these orders to the Companies' creditors (including the persons claiming to be, or potential, creditors), by means of a notice which is to be:
- (a) published on the ASIC published notices website at <https://insolvencynotices.asic.gov.au/>;
  - (b) published on the website maintained by the plaintiff at <https://demasiagroup.com/> (**Administrator's Website**);
  - (c) sent by hyperlink to the Administrator's website, by email to the email address of each creditor at such email address as is recorded in the books and records of the Companies;
  - (d) sent by email transmission to creditors for whom the plaintiff has a current email address;
  - (e) sent by ordinary post to creditors for whom the plaintiff has only a postal address;
  - (f) published in the common areas, or an appropriate notice board, of the following retirement villages:
    - (i) Settlers Forrest Lake, 41 High Street, Forest Lake QLD; and Settlers Lakeside
    - (ii) ~~Pioneers Avenue~~, Ravenswood WA; and Settlers 76
    - (iii) ^ Ridgewood Rise, 714 Ridgewood Boulevard, Ridgewood WA; and Settlers
    - (iv) ^ Settlers Rockhampton, 14 Paulina Martin Drive; and Gillieston Heights
    - (v) Ridge Estate Retirement Village, 276 Cessnock Road,^ (together, the **Retirement Villages**); and
  - (g) sent to the village manager of each of the Retirement Villages with instructions to deliver a copy of that notice to each of the residents of the relevant Retirement Village by leaving a copy of that notice in the mailbox for those residents at each Retirement Village.
5. Pursuant to s 447A(1) of the Act, Pt 5.3A of the Act is to operate in relation to the Companies, such that any notice (including those pursuant to rr 75-225(1) and 75-15(1) of the *Insolvency Practice Rules (Corporations) 2016* (Cth) (**IPRC**)) (other



than the notice referred to in Order 4 above), report or communication that the plaintiff must or may give or send to actual or potential creditors of the Companies (**Notices**) will be validly given to those creditors provided that that such Notices are:

- (a) published on the ASIC published notices website at <https://insolvencynotices.asic.gov.au/>;
  - (b) published on the Administrator's Website;
  - (c) sent by hyperlink to the Administrator's Website, by email to the email address of each creditor at such email address as is recorded in the books and records of the Companies;
  - (d) sent by email transmission to creditors for whom the plaintiff has a current email address;
  - (e) sent by ordinary post to creditors for whom the plaintiff has only a postal address;
  - (f) published in the common areas, or an appropriate notice board, of the Retirement Villages; and
  - (g) sent to the village manager of each of the Retirement Villages with instructions to deliver a copy of that notice to each of the residents of the relevant Retirement Village by leaving a copy of that notice in the mailbox for those residents at each Retirement Village.
6. The costs and expenses of and incidental to the Originating Process be costs and expenses in the administration of the Companies.
  7. Within seven (7) days of giving notice in accordance with Orders 4(f) and (g) above, or of giving Notices in accordance with Orders 5(f) and (g) above, the plaintiff is to file, and to send the Associate to Yates J, an affidavit verifying compliance with those orders.
  8. Pursuant to s 37AF of the *Federal Court Act 1976* (Cth), the affidavit of Damien Mark Hodgkinson dated 18 September 2019 comprising 18 paragraphs and Confidential Exhibit DMH-2 to that affidavit are not to be published or disclosed, except to pursuant of an order of the Court, until 30 June 2020, on the ground that disclosure of that affidavit and those documents would be prejudicial to the proper administration of justice.



9. These orders be entered forthwith.

Date that entry is stamped: 20 September 2019

*Warrick Soden*  
Registrar