

## NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 16/02/2022 3:47:27 PM AEST and has been accepted for filing under the Court's Rules. Filing and hearing details follow and important additional information about these are set out below.

### Filing and Hearing Details

Document Lodged:	Interlocutory process (Rule 2.2): Federal Court (Corporations) Rules 2000 form 3
File Number:	QUD45/2022
File Title:	JESSICA JANE KELLOW IN THEIR CAPACITY AS LIQUIDATORS OF ADVANCED BUILDING & CONSTRUCTION LIMITED (IN LIQUIDATION) NZBN 9429046385574 & ANOR v ADVANCED BUILDING & CONSTRUCTION LIMITED (IN LIQUIDATION) NZBN 9429046385574
Registry:	QUEENSLAND REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing:	To Be Advised
Time and date for hearing:	To Be Advised
Place:	To Be Advised



*Sia Lagos*

Dated: 18/02/2022 4:33:12 PM AEST

Registrar

### Important Information

As required by the Court's Rules, this Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The Reason for Listing shown above is descriptive and does not limit the issues that might be dealt with, or the orders that might be made, at the hearing.

The date and time of lodgment also shown above are the date and time that the document was received by the Court. Under the Court's Rules the date of filing of the document is the day it was lodged (if that is a business day for the Registry which accepts it and the document was received by 4.30 pm local time at that Registry) or otherwise the next working day for that Registry.



## Interlocutory Process

No.

Federal Court of Australia  
District Registry: Queensland  
Division: General

IN THE MATTER OF Advanced Building & Construction Limited (in liquidation)  
NZBN 9429046385574

**Jessica Jane Kellow and Iain Bruce Shephard in their capacity as liquidators of  
Advanced Building & Construction Limited (in liquidation) NZBN 9429046385574**

Applicants

**Advanced Building & Construction Limited (in liquidation) NZBN 9429046385574**

Respondent

### A Details of application

This application is made under rule section 6 of the *Cross-Border Insolvency Act 2008* (Cth) (**CBIA**), article 21 of the *Model Law on Cross-Border Insolvency of the United Nations Commission on International Trade Law* (**Model Law**) and rule 15A.8 of the *Federal Court (Corporations) Rules 2000* (**Rules**).

On the facts stated in the supporting affidavit(s), the applicants claim the following relief:

1 Pursuant to Articles 21(1)(a), 21(1)(b) and 21(1)(c) of the Model Law:

(a) except with the leave of the court or with the Applicants' written consent:

- (i) the commencement, continuation or enforcement of any individual action or legal proceeding (including without limitation any arbitration, mediation, or any judicial, quasi-judicial, administrative action, proceeding or process whatsoever) against the respondent or any of its assets, rights and obligations, be stayed;
- (ii) the enforcement or execution of any judgment, order, or award against the respondent or its assets be stayed; and
- (iii) the right to transfer, encumber or otherwise dispose of any of the respondent's property be suspended,

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Filed on behalf of (name & role of party)	The Applicants
Prepared by (name of person/lawyer)	Scott Butler
Law firm (if applicable)	<b>Hall &amp; Wilcox</b>
Tel	+61 7 3231 7722
	Fax +61 7 3231 7799
Email	scott.butler@hallandwilcox.com.au
<b>Address for service</b> (include state and postcode)	Level 18, 240 Queen Street, Brisbane, QLD, 4000, Australia



to the same extent as would apply if each such stay or suspension arose under a liquidation of the respondent under the *Corporations Act 2001* (Cth).

- 2 Pursuant to Article 21(1)(e) of the Model Law, the administration, realisation and distribution of the respondent's assets located in Australia be entrusted to the applicants.
- 3 Pursuant to Article 21(1)(g) of the Model Law, all powers normally available to a liquidator appointed under the provisions of the *Corporations Act 2001* (Cth) be conferred on and exercisable by the applicants in relation to the respondent.
- 4 Pursuant to Article 21(1)(d) of the Model Law, the applicants may, as they deem appropriate, examine witnesses, take evidence and obtain delivery of information concerning the respondent's assets, affairs, rights, obligations or liabilities.
- 5 The requirement for the applicant to send a notice of the making of these orders to known creditors pursuant to rule 15A.7(1)(c) of the Rules be dispensed with.
- 6 Pursuant to rule 15A.7(1)(b) of the Rules, the applicants serve a notice of the making of these orders to the respondent by:
  - (a) sending hard copies of these orders by pre-paid post to the residential address of:
    - (i) Darryn William Harmer of 10 Lagoon Court, Brisbane, QLD 4503; and
    - (ii) Wayne Patrick O'Brien of 68 Boxer Avenue, Brisbane, QLD 4128;
  - (b) sending a copy of these orders electronically to:
    - (i) Mr Darren William Harmer's email address at [darryn@partnersinproperty.com.au](mailto:darryn@partnersinproperty.com.au); and
    - (ii) Mr Wayne Patrick O'Brien's email address at [OBEO6668@outlook.com](mailto:OBEO6668@outlook.com),

within five business days of the date these orders are made.
- 7 Pursuant to rule 15A.7(1)(d) of the Rules, within five business days of the date these orders are made, the applicants publish a notice of the making of these orders in accordance with Form 21 in the
  - (a) Dominion Post, circulated in the lower North Island of New Zealand; and
  - (b) New Zealand Herald, circulated nationally in New Zealand.
- 8 Any party affected by these orders be at liberty to apply on five business days' notice.
- 9 The costs of this application be costs in the liquidation of the respondent.



Dated: 16 February 2022

Signed: 

Scott Butler

Solicitor for the applicants

This application will be heard by the Federal Court at Harry Gibbs Commonwealth Law Courts Building, 119 North Quay, Brisbane City, Qld 4000 at \_\_\_\_\_ am/pm on \_\_\_\_\_.

**B Notice to respondent(s) (if any)**

TO: Advanced Building & Construction Limited (in liquidation) NZBN 9429046385574  
c/- Level 1, Chartered Accountants House  
50 Customhouse Quay  
Wellington, 6011  
North Island, New Zealand

If you or your legal practitioner do not appear before the Court at the time shown above, the application may be dealt with, and an order made, in your absence.

Before appearing before the Court, you must, except if you have already done so or you are the plaintiff in this proceeding, file a notice of appearance, in the prescribed form, in the Registry and serve a copy of it on the plaintiff in the originating process.

Note: Unless the Court otherwise orders, a respondent that is a corporation must be represented at a hearing by a legal practitioner. It may be represented at a hearing by a director of the corporation only if the Court grants leave.

**C Filing**

This interlocutory process is filed by Scott Butler, solicitor for the Applicants.

**D Service**

The applicants' address for service is:

Place: Hall & Wilcox, Level 18, 240 Queen Street, Brisbane QLD 4000

Email: Scott.Butler@hallandwilcox.com.au

It is intended to serve this application on the parties and in the manner directed in accordance with an order of this Court made upon the hearing of an interlocutory application filed in accordance with Rules 15A.8 of the *Federal Court (Corporations) Rules 2000*.