

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:	Originating process (Rule 2.2): Federal Court (Corporations) Rules 2000 form 2
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:	First Case Management Hearing
Time and date for hearing:	22/02/2022, 9:30 AM
Place:	Court No. 4, Level 7, Harry Gibbs Commonwealth Law Courts Building Level 6, 119 North Quay, Brisbane; By Web Conference, Harry Gibbs Commonwealth Law Courts Building Level 6, 119 North Quay, Brisbane



Sia Lagos

Dated: 18/02/2022 4:29:41 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.



Originating 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**

Plaintiffs

Advanced Building & Construction Limited (in liquidation) NZBN 9429046385574

Defendant

A Details of application

This application is made under section 6 of the *Cross-Border Insolvency Act 2008* (Cth) and articles 15 and 17 of the *Model Law on Cross-Border Insolvency of the United Nations Commission on International Trade Law* (**Model Law**).

This is an application for recognition of a foreign proceeding and other relief under the Model Law.

On the facts stated in the supporting affidavit(s), the Plaintiffs claim:

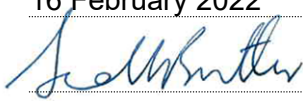
- 1 Pursuant to section 6 of the *Cross-Border Insolvency Act 2008* (**CBIA**), articles 15 and 17 of the *Model Law on Cross-Border Insolvency of the United Nations Commission on International Trade Law* (**Model Law**) and Rule 15A.3 of the *Federal Court (Corporations) Rules 2000* (**Rules**), the liquidation of the defendant (**Foreign Proceeding**), be recognised as a Foreign Proceeding within the meaning of article 2(a) of the Model Law.
- 2 Pursuant to section 6 of the CBIA and clause 2(a) of article 17 of the Model Law, the Foreign Proceeding be recognised as a Foreign Main Proceeding, within the meaning of article 2(b) of the Model Law.
- 3 The requirement for the Plaintiffs 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.

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



- 4 Pursuant to rule 15A.7(1)(b) of the Rules, the Plaintiffs serve a notice of the making of these orders on the defendant 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, 4503; and
 - (ii) Wayne Patrick O'Brien of 68 Boxer Avenue, Brisbane, 4128;
 - (b) sending a copy of these orders electronically to:
 - (i) Mr Darren William Harmer's email address at darryn@partnersinproperty.com.au; and
 - (ii) Mr Wayne Patrick O'Brien's email address at OBCO6668@outlook.com,
 within five business days of the date these orders are made.
- 5 Pursuant to rule 15A.7(1)(d) of the Rules, within five business days of the date these orders are made, the Plaintiffs publish a notice of the filing of the Originating Process 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.
- 6 Any party affected by these orders be at liberty to apply on five business days' notice.
- 7 The costs of this proceeding be costs in the liquidation of the defendant.

Dated: 16 February 2022

Signed: 
 Scott Butler
 Solicitor for the Plaintiffs

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 defendant (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. As soon after that time as the business of the Court will allow, any of the following may happen:

- (a) the application may be heard and final relief given;
- (b) directions may be given for the future conduct of the proceeding;



(c) any interlocutory application may be heard.

Before appearing before the Court, you must file a notice of appearance, in the prescribed form, in the Registry and serve a copy of it on the Plaintiff.

Note: Unless the Court otherwise orders, a defendant 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 Application for winding up on ground of insolvency

Not applicable

D Filing

Date of filing:

Registrar

This originating process is filed by Scott Butler for the Plaintiffs

E Service

The Plaintiffs' 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 Originating Process 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 with this Originating Process in accordance with Rules 15A.3(3) and 15A.6 of the *Federal Court (Corporations) Rules 2000*.