



Grant Thornton

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To the Creditor as Addressed

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21 November 2018

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Dear Sir / Madam

NORTHERN ENERGY CORPORATION LIMITED (ADMINISTRATORS APPOINTED)
ACN 081 244 395
COLTON COAL PTY LTD (ADMINISTRATORS APPOINTED)
ACN 140 768 636
(Collectively referred to as “the Companies”)

We refer to the appointment of Shaun McKinnon and I as Joint and Several Administrators of the Companies on 17 October 2018.

We also refer to our notice to creditors dated 8 November 2018 advising that we were seeking Orders of the Federal Court of Australia (“the Court”) that the statutory convening period be extended up to and including 21 February 2019 pursuant to Section 439A(6) of the Corporations Act 2001 (“the Act”).

Extension of Convening Period

At a hearing on 9 November 2018, the Court provided a two (2) week extension to the convening period to allow a contradictor creditor who opposed the initial application sufficient time to prepare submissions for a subsequent hearing date. The application was brought before the Court again on 16 November 2018 to consider the original application for extension until 21 February 2018.

On 20 November 2018, Justice Farrell of the Court ordered that, pursuant to Section 439A(6) of the Act, the convening period within which the Administrators must convene the second meeting of creditors as prescribed by Section 439A(5) of the Act be extended up to an including 21 February 2019. A copy of this Order is enclosed.

We do not intend to prolong the voluntary administration period for any longer than is necessary. The purpose of the extension is to enable the greatest possible return to creditors and was granted to, *inter alia*, permit the following:

Grant Thornton Australia Limited ABN 41 127 556 389 ACN 127 556 389

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Our Ref: Notice To Creditors Re Extension Application2.Docx



- Interested parties to undertake necessary due diligence on the assets offered for sale;
- To explore options in relation to the proposal of a deed of company arrangement; and
- Further investigations into the business, property and affairs of the Companies.

Report to Creditors and Second Meeting

A report to creditors prepared pursuant to Section 75-225 of the Insolvency Practice Rules will be provided to creditors convening the second meeting of creditors five (5) business days prior to the meeting being held.

Should you have any further queries, please do not hesitate to contact Chris Hillier of this office on (02) 8297 2645.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Said Jahani', written over a horizontal line.

Said Jahani
Joint and Several Administrator

Enc.



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD2058/2018

AN APPLICATION BY SAID JAHANI & SHAUN MCKINNON IN THEIR CAPACITY AS JOINT AND SEVERAL ADMINISTRATORS OF NORTHERN ENERGY CORPORATION LTD (ADMINISTRATORS APPOINTED) & COLTON COAL PTY LTD (ADMINISTRATORS APPOINTED) and another named in the schedule
Plaintiff

ORDER

JUDGE: JUSTICE FARRELL

DATE OF ORDER: 20 November 2018

WHERE MADE: Sydney

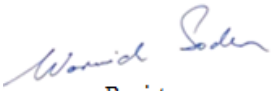
THE COURT ORDERS THAT:

1. Pursuant to s 447A(1) of the *Corporations Act 2001* (Cth), the period within which the plaintiffs must convene the second meeting of creditors in respect of each of Northern Energy Corporation Limited (administrators appointed) ACN 081 244 395 and Colton Coal Pty Ltd (administrators appointed) ACN 140 768 636 (each a **Company** and together, **Companies**) required to be held under s 439A of the *Corporations Act* be further extended up to and including 21 February 2019.
2. Pursuant to s 447A(1) of the *Corporations Act*, Part 5.3A of the *Corporations Act* is to operate in relation to the Companies as if the meetings of creditors of the Companies, required by s 439A of the *Corporations 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 *Corporations Act*.
3. Liberty to apply be granted to any person, including any creditor of the Company or the Australian Securities and Investments Commission, who can demonstrate sufficient interest to vary the orders sought on the giving of reasonable notice to the plaintiffs, and to the Court.
4. Pursuant to s 37AF of the *Federal Court of Australia Act 1976* (Cth):
 - a. Tab 14 of exhibit SJ-1 to the affidavit of Said Jahani affirmed 8 November 2018 is not to be published or disclosed except pursuant to an order of the Court. This order is to operate until 30 June 2022, unless further extended by



- the Court, and is necessary to prevent prejudice to the proper administration of justice;
- b. Tab 15 of exhibit SJ-1 to the affidavit of Said Jahani affirmed 8 November 2018 is not to be published or disclosed except pursuant to an order of the Court. This order is to operate until 30 June 2022, unless further extended by the Court, and is necessary to prevent prejudice to the proper administration of justice;
 - c. Tab 16 of exhibit SJ-1 to the affidavit of Said Jahani affirmed 8 November 2018 is not to be published or disclosed except pursuant to an order of the Court. This order is to operate until 30 June 2022, unless further extended by the Court, and is necessary to prevent prejudice to the proper administration of justice;
 - d. Tab 18 of exhibit SJ-1 to the affidavit of Said Jahani affirmed 8 November 2018 is not to be published or disclosed except pursuant to an order of the Court. This order is to operate until 1 May 2019, unless further extended by the Court, and is necessary to prevent prejudice to the proper administration of justice;
 - e. Tab 20 of exhibit SJ-1 to the affidavit of Said Jahani affirmed 8 November 2018 is not to be published or disclosed except pursuant to an order of the Court. This order is to operate until 1 May 2019, unless further extended by the Court, and is necessary to prevent prejudice to the proper administration of justice; and
 - f. “Confidential Annexure A” to the affidavit of Said Jahani affirmed on 15 November 2018 is not to be published or disclosed except pursuant to an order of the Court. This order is to operate until 1 May 2019, unless further extended by the Court, and is necessary to prevent prejudice to the proper administration of justice.
5. An order that the plaintiffs’ costs and expenses of and incidental to this application be costs and expenses in the administration of the Companies.
 6. These orders be entered forthwith.

Date that entry is stamped: 20 November 2018


Registrar



Schedule

No: NSD2058/2018

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person WIGGINS ISLAND COAL EXPORT TERMINAL PTY LTD
ACN 131 210 038