

**IN THE FEDERAL COURT OF AUSTRALIA
VICTORIA DISTRICT REGISTRY
GENERAL DIVISION**

No: (P)VID 283 of 2010

IN THE MATTER of FEA CARBON PTY LTD (ACN 009 505 195) (Administrators Appointed) (Receivers and Managers Appointed), FOREST ENTERPRISES AUSTRALIA LTD (ACN 009 553 548) (Administrators Appointed) (Receivers and Managers Appointed), TASMANIAN PLANTATION PTY LTD (ACN 009 560 463) (Administrators Appointed) (Controller Appointed) and FEA PLANTATIONS LTD (ACN 055 969 429) (Administrators Appointed)

**BRIAN SILVA, PETER KREJCI and MATHEW MULDOON
in their capacity as Administrators of FEA CARBON PTY LTD (ACN 009 505 195) (Administrators Appointed) (Receivers and Managers Appointed), FOREST ENTERPRISES AUSTRALIA LTD (ACN 009 553 548) (Administrators Appointed) (Receivers and Managers Appointed), TASMANIAN PLANTATION PTY LTD (ACN 009 560 463) (Administrators Appointed) (Controller Appointed) and FEA PLANTATIONS LTD (ACN 055 969 429) (Administrators Appointed)**

First Plaintiffs

**FEA PLANTATIONS LTD (ACN 055 969 429)
(Administrators Appointed)
Second Plaintiff**

and

**FEA CARBON PTY LTD (ACN 009 505 195)
(Administrators Appointed) (Receivers and Managers Appointed)
First Defendant**

**FOREST ENTERPRISES AUSTRALIA LTD (ACN 009 553 548)
(Administrators Appointed) (Receivers and Managers Appointed)
Second Defendant**

**TASMANIAN PLANTATION PTY LTD (ACN 009 560 463)
(Controllers Appointed)
Third Defendant**

ORDER

**JUDGE: JUSTICE GOLDBERG
DATE OF ORDER: 20 APRIL 2010
WHERE MADE: MELBOURNE**



Filed on behalf of the plaintiffs by
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Reference: SPS:
Attention: Mr Stephen Sawer

THE COURT ORDERS THAT:

1. Pursuant to s 447A of the *Corporations Act 2001* (Cth) ("the Act"), Part 5.3A of the Act is to operate in relation to FEA Carbon Pty Ltd (ACN 009 505 195), Forest Enterprises Australia Ltd (ACN 009 553 548), Tasmanian Plantation Pty Ltd (ACN 009 560 463) and FEA Plantations Pty Ltd (ACN 055 969 429) as if s 436E(2) of the Act provided that the meeting to be convened pursuant to s 436E(1) must be held within 9 business days after the administration of each of the said companies begins.
2. Pursuant s 447A of the Act, Part 5.3A of the Act is to operate in relation to each of the said companies as if s 443B(2)(a) provided in relation to each of the said companies "that begins more than 12 business days after the administration began".
3. Pursuant to s 447A of the Act, Part 5.3A of the Act is to operate in relation to each of the said companies as if s 443B(3) of the Act provided in relation to each of the said companies "Within 12 business days after the beginning of the administration, the administrator may give to the owner or lessor a notice that specifies the property and states that the company does not propose to exercise rights in relation to the property."
4. The orders made herein are without prejudice to the rights of any party to apply for such further or other orders as they may be advised in relation to how Part 5.3A of the Act is to operate in relation to each of the said companies.
5. The defendants file and serve any affidavits upon which they intend to rely by 4.00pm on 23 April 2010.
6. The application for the hearing of the Originating Process be adjourned until 9:30am on 28 April 2010.
5. Costs of the hearing this day be reserved for further consideration.

Date that entry is stamped:

22 APR 2010


(for) Deputy District Registrar
