



**ASIC**  
Australian Securities &  
Investments Commission

**Australian Securities  
and Investments Commission**

Office address (inc courier deliveries):  
Level 20, 240 Queen Street,  
Brisbane QLD 4000

Mail address for Brisbane office:  
GPO Box 9827,  
Brisbane QLD 4001

Tel: +61 1300 935 075  
Fax: +61 1300 729 000

[www.asic.gov.au](http://www.asic.gov.au)

Michael Johns  
Partner  
Maddocks  
Collins Square, Tower Two  
Level 25, 727 Collins Street  
Melbourne VIC 3008

Our Reference: CAS-84392-T6C0W0  
Your Reference: IMJ:5674591

**By email:** [Michael.Johns@maddock.com.au](mailto:Michael.Johns@maddock.com.au)

7 October 2021

Dear Mr Johns,

**Forest Enterprises Australia Limited (Subject to Deed of Company  
Arrangement) (Receivers and Managers Appointed) ACN 009 553 548  
(the Company)  
Extension of time to hold the Annual General Meeting (AGM)**

We refer to the Form 2501 – *Application for extension of time to hold Annual General Meeting* made by the external administrators and lodged with the Australian Securities and Investments Commission (**ASIC**) on 14 September 2021. The application is for an extension of time to hold the Company's 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019 and 2021 AGMs (the **Relevant AGMs**), at which the Company would normally present its financial reports for the financial years ending between 30 June 2010 to 30 June 2019 and 30 June 2021 respectively.

Under ASIC Instrument 21-0643, the Company's financial reporting obligations were further deferred until the earlier of:

- (a) 17 July 2023; or
- (b) the date that the Company ceases to be under external administration (as defined in the instrument<sup>1</sup>);

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<sup>1</sup> Note: The definition of 'external administrator' in the instrument does not include a receiver and manager.

(the **Financial Reporting Deferral Period**).

Under section 250P of the *Corporations Act 2001* (Cth) (the **Act**), ASIC may extend the period within which section 250N of the Act requires a company to hold an AGM. After considering the information contained in the applications, ASIC extends the period within which the Company must hold the Relevant AGMs to the date that is 2 months after the Financial Reporting Deferral Period ends (the **Extended Period**).

Accordingly, if the financial reporting deferral period expires on 17 July 2023, then the Company must hold the Relevant AGMs by 17 September 2023.

If the financial reporting deferral period ends before 17 July 2023 because the company ceased to be under external administration, then the Company must hold its 2010 to 2019 and 2021 AGMs within 2 months after the date the Company ceased to be under external administration.

Please note that under section 250P(3) of the Act, the Company must hold its AGM within the extended period, i.e., before the Extended Period expires.

Under section 250P(4) of the Act, ASIC imposes the following conditions:

- (a) the Deed Administrators, and any external administrator appointed subsequently, must maintain arrangements for answering, free of charge, reasonable enquiries from the Company's members about the consequences of the external administration of the Company and the holding of the Relevant AGMs until the AGMs have been held;
- (b) within 2 business days of receipt of this letter, the Deed Administrators must ensure that details of the extension of time for holding the Relevant AGMs are disclosed on a public website that is maintained by, or on behalf of, the Deed Administrators of the Company in a way that is readily accessible from the website; and
- (c) any external administrator appointed subsequent to the Deed Administrators must ensure that details of the extension of time for holding the Relevant AGMs are disclosed on a public website that is maintained by, or on behalf of, the Deed Administrators of the Company in a way that is readily accessible from the website.

Please note that if the financial reporting deferral relief under ASIC Instrument 21-0643 ceases for any reason earlier than 2 months before the date on which the Company would normally be required under section 250N(2) of the Act to hold the 2021 AGM, then the Company must hold the 2021 AGM within the period that it would normally be required to hold the relevant AGM under section 250N(2).

Should you have any questions about this matter, please contact my colleague Chi Nguyen at [Chi.Nguyen@asic.gov.au](mailto:Chi.Nguyen@asic.gov.au).

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'KW', is centered below the text 'Yours sincerely,'.

Kyle Wright  
as a delegate of the Australian Securities & Investments Commission



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Michael Johns  
Partner  
Maddocks  
Collins Square, Tower Two  
Level 25, 727 Collins Street  
Melbourne VIC 3008

Our Reference: CAS-85081-N1H2P4  
Your Reference: IMJ:5674591

**By email:** [Michael.Johns@maddock.com.au](mailto:Michael.Johns@maddock.com.au)

7 October 2021

Dear Mr Johns,

**Forest Enterprises Australia Limited (Subject to Deed of Company  
Arrangement) (Receivers and Managers Appointed) ACN 009 553 548 (the  
Company)  
Extension of time to hold the 2020 Annual General Meeting (AGM)**

We refer to the Form 2501 – *Application for extension of time to hold Annual General Meeting* made by the external administrators and lodged with the Australian Securities and Investments Commission (**ASIC**) on 25 November 2020. The application is for an extension of time to hold the Company's 2020 AGM (the **Relevant AGM**), at which the Company would normally present its financial reports for the financial year ending on 30 June 2020.

Under ASIC Instrument 21-0643, the Company's financial reporting obligations were further deferred until the earlier of:

- (a) 17 July 2023; or
- (b) the date that the Company ceases to be under external administration (as defined in the instrument<sup>1</sup>);

(the **Financial Reporting Deferral Period**).

Under section 250P of the *Corporations Act 2001* (Cth) (the **Act**), ASIC may extend the period within which section 250N of the Act requires a company to hold an AGM. After considering the information contained in the applications, ASIC extends the period within which the Company must hold the Relevant

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<sup>1</sup> Note: The definition of 'external administrator' in the instrument does not include a receiver and manager.

AGM to the date that is 2 months after the Financial Reporting Deferral Period ends (the **Extended Period**).

Accordingly, if the financial reporting deferral period expires on 17 July 2023, then the Company must hold the Relevant AGM by 17 September 2023.

If the financial reporting deferral period ends before 17 July 2023 because the company ceased to be under external administration, then the Company must hold its 2020 AGM within 2 months after the date the Company ceased to be under external administration.

Please note that under section 250P(3) of the Act, the Company must hold its AGM within the extended period, i.e., before the Extended Period expires.

Under section 250P(4) of the Act, ASIC imposes the following conditions:

- (a) the Deed Administrators, and any external administrator appointed subsequently, must maintain arrangements for answering, free of charge, reasonable enquiries from the Company's members about the consequences of the external administration of the Company and the holding of the Relevant AGM until the AGM has been held;
- (b) within 2 business days of receipt of this letter, the Deed Administrators must ensure that details of the extension of time for holding the Relevant AGM are disclosed on a public website that is maintained by, or on behalf of, the Deed Administrators of the Company in a way that is readily accessible from the website; and
- (c) any external administrator appointed subsequent to the Deed Administrators must ensure that details of the extension of time for holding the Relevant AGM are disclosed on a public website that is maintained by, or on behalf of, the Deed Administrators of the Company in a way that is readily accessible from the website.

Should you have any questions about this matter, please contact my colleague Chi Nguyen at [Chi.Nguyen@asic.gov.au](mailto:Chi.Nguyen@asic.gov.au).

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'KW', written over a light blue grid background.

Kyle Wright  
as a delegate of the Australian Securities & Investments Commission