

## NOTICE OF FILING AND HEARING

### Filing and Hearing Details

Document Lodged: Originating process (Rule 2.2): Federal Court (Corporations) Rules 2000 form 2  
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)  
Date of Lodgment: 8/10/2024 4:41:40 PM ACDT  
Date Accepted for Filing: 9/10/2024 8:57:04 AM ACDT  
File Number: SAD209/2024  
File Title: TIMOTHY DAVID MABLESON, JAMES DOUGLAS DAMPNEY, GAYLE DICKERSON AND DAVID WILLIAM KIDMAN IN THEIR CAPACITIES AS JOINT AND SEVERAL ADMINISTRATORS OF BESTON GLOBAL FOOD COMPANY LIMITED (ADMINISTRATORS APPOINTED) (ACN 603 023 383) & ANOR  
Registry: SOUTH AUSTRALIA 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*

Registrar

### Important Information

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 date of the filing of the document is determined pursuant to the Court's Rules.



**Form 2      Originating process**  
(rules 2.2, 15A.3)

No. SAD                      of 2024

Federal Court of Australia  
District Registry: South Australia  
Division: Corporations

**IN THE MATTER OF BESTON GLOBAL FOOD COMPANY LIMITED (ADMINISTRATORS APPOINTED) ACN 603 023 383 AND BESTON PURE DAIRIES PTY LTD (ADMINISTRATORS APPOINTED) ACN 606 417 994**

**Timothy David Mableson, James Douglas Dampney, Gayle Dickerson and David William Kidman in their capacities as joint and several administrators of Beston Global Food Company Limited (Administrators Appointed) ACN 603 023 383**

First Plaintiff

**Timothy David Mableson, James Douglas Dampney, Gayle Dickerson and David William Kidman in their capacities as joint and several administrators of Beston Pure Dairies Pty Ltd (Administrators Appointed) ACN 606 417 994**

Second Plaintiff

**A.      DETAILS OF APPLICATION**

This application is made under sections 439A(6) and 447A(1) of the *Corporations Act 2001* (Cth) (**Act**) and section 90-15 of the *Insolvency Practice Schedule (Corporations) 2016* (Cth) (**IPS**).

This is an application seeking orders extending the convening period prescribed by section 439A(5) of the Act in the administrations of Beston Global Food Company Limited (Administrators Appointed) ACN 603 023 383 (**Beston Global**) and Beston Pure Dairies Pty Ltd (Administrators Appointed) ACN 606 417 994 (**Beston Dairies**).

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<p>Filed on behalf of (name &amp; role of party)</p> <p>Prepared by (name of person/lawyer)</p> <p>Law firm (if applicable)</p> <p>Tel      (08) 8239 7111</p> <p>Email      ben.renfrey@jws.com.au</p> <p><b>Address for service</b> (include state and postcode)</p>	<p>Timothy David Mableson, James Douglas Dampney, Gayle Dickerson and David William Kidman in their capacities as joint and several administrators of Beston Global Food Company Limited (Administrators Appointed) ACN 603 023 383 and Beston Pure Dairies Pty Ltd (Administrators Appointed) ACN 606 417 994 (<b>Plaintiffs</b>)</p> <hr/> <p>Ben Renfrey</p> <hr/> <p>Johnson Winter Slattery</p> <hr/> <p>Fax      (08) 8239 7100</p> <hr/> <p>Level 9, 211 Victoria Square, ADELAIDE SA 5000</p>
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On the facts stated in the Confidential Affidavit of Timothy David Mableson affirmed on 8 October 2024 (**Mableson Affidavit**), the Plaintiffs seek the following orders:

1. This Originating Process (**Application**) be made specifically returnable before a Justice of this Honourable Court at the earliest available listing in light of the convening period in the administrations of Beston Global and Beston Dairies expiring on 28 October 2024.
2. An order pursuant to section 439A(6) or section 447A of the Act or section 90-15 of the IPS that the period within which the Plaintiffs must convene the second meeting of creditors in the administrations of Beston Global and Beston Dairies as fixed by section 439A(5) of the Act be extended so as to expire at 5.00pm (ACST) on 28 February 2025.
3. An order pursuant to section 447A(1) of the Act that Part 5.3A of the Act is to operate in relation to Beston Global and Beston Dairies as if the second meeting of creditors of Beston Global and Beston Dairies, required by section 439A of the Act, may be convened and held at any time during the period as extended under order 2 above or within the period of five (5) business days after that period, notwithstanding the provisions of section 439A(2) of the Act.
4. An order pursuant to section 90-15 of the IPS that the First Plaintiff and Second Plaintiff were justified, and were otherwise acting reasonably in entering into and performing the loan between National Australia Bank Limited (ACN 004 044 937) (**NAB**), Beston Global, Beston Dairies, the First Plaintiff and the Second Plaintiff (**NAB Loan**).
5. An order pursuant to section 447A(1) of the Act or alternatively section 90-15 of the IPS that Part 5.3A of the Act is to operate in relation to the First Plaintiff and Second Plaintiff as if section 443A(1) of the Act provided that the First and Second Plaintiffs will not be personally liable (except as expressly provided for in the NAB Loan) to repay any debts or satisfy any liabilities arising in connection with entry into the NAB Loan.
6. An order pursuant to section 37AF of the *Federal Court of Australia Act 1976* (Cth) (**Federal Court Act**) and on the grounds specified in section 37AG(1) of the Federal Court Act, that the paragraphs and pages of the Mableson Affidavit identified in the Schedule be suppressed from publication and otherwise treated as confidential for the purposes of rule 2.32(1)(b) and rule 2.32(3)(a) of the *Federal Court Rules 2011* (Cth).
7. The Plaintiffs are to take all reasonable steps to cause a copy of the Court's orders (**Orders**) and the Application to be given to creditors (including persons or entities



claiming to be creditors) of Beston Global and Beston Dairies within three (3) business days of the date of the Orders.

- 8. An order that any person who can demonstrate a sufficient interest has liberty to apply to vary or discharge any orders made pursuant to paragraphs 2 and 3 above on three (3) business days' written notice to the Plaintiffs and the Court.
- 9. The Plaintiffs' costs of and incidental to this Application be costs in the administrations of Beston Global and Beston Dairies, jointly and severally.
- 10. An order that the Court's orders be entered forthwith.
- 11. Any other order that the Court deems fit.

Date: 8/10/2024

*Ben Renfrey*

Signed by Ben Renfrey  
Lawyer for the Plaintiffs  
Johnson Winter Slattery

This application will be heard by ..... at the Federal Court of Australia, 3 Angas Street, Adelaide South Australia 5000 at ..... am/pm on .....

**B. NOTICE TO RESPONDENT(S) (IF ANY)**

N/A

**C. APPLICATION FOR WINDING UP ON GROUND OF INSOLVENCY**

N/A

**D. FILING**

Date of filing:

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This originating process is filed by Johnson Winter Slattery for the Plaintiffs.

**D. SERVICE**

The Plaintiffs' address for service is Ben Renfrey, c/- Johnson Winter Slattery, Level 9, 211 Victoria Square, Adelaide South Australia, 5000.

It is intended to serve a copy of this originating process on the Australian Securities & Investments Commission.

**Schedule**

No. SAD of 2024

Federal Court of Australia  
District Registry: South Australia  
Division: Corporations

**IN THE MATTER OF BESTON GLOBAL FOOD COMPANY LIMITED (ADMINISTRATORS APPOINTED) ACN 603 023 383 AND BESTON PURE DAIRIES PTY LTD (ADMINISTRATORS APPOINTED) ACN 606 417 994**

The confidential parts of the Mableson Affidavit are:

- (a) Paragraph 10 on page 3;
- (b) Paragraph 20 on page 5;
- (c) Paragraphs 38 to 52 on pages 9 to 14;
- (d) Sub-paragraph 55(p) on page 16;
- (e) Sub-paragraph 70(d) on page 22;
- (f) Paragraphs 75 to 77 on pages 23 to 25;
- (g) Pages 103 to 163 of Exhibit TDM-1; and
- (h) Pages 237 to 238 of Exhibit TDM-1.