

In the High Court of New Zealand
Auckland Registry
I Te Kōti Matua O Aotearoa
Tāmaki Makaurau Rohe

CIV-2018-404-2756

under: Part 15A of the Companies Act 1993

in the matter of: **Halifax New Zealand Limited (administrators appointed)**, a duly incorporated company having its registered office at Floor 11, 41 Shortland Street, Auckland Central, Auckland, 1010, New Zealand

and: an application by **Philip Alexander Quinlan** and **Morgan John Kelly**, of Sydney, and **Stewart McCallum**, of Melbourne, all insolvency practitioners, as joint and several administrators of Halifax New Zealand Limited, for an order extending the convening period
Applicants

Orders of Wylie J extending the convening period



Dated: 18 December 2018

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**CHAPMAN
TRIPP** 

ORDERS OF WYLIE J EXTENDING THE CONVENING PERIOD

- 1 The originating application made by the applicants on 14 December 2018 was determined by the Honourable Justice Wylie on 18 December 2018.
- 2 The determination was made without a hearing.
- 3 The following orders were made:
 - 3.1 the originating application can properly be dealt with on a without notice basis;
 - 3.2 the convening period in the administration of Halifax New Zealand Limited (**Halifax NZ**) is extended so that it expires on 29 March 2019, rather than on 3 January 2019;
 - 3.3 pursuant to section 239ADO(1) of the Act, Part 15A of the Act is to have effect in relation to the applicants and Halifax NZ such that the watershed meeting of Halifax NZ required by section 239AT of the Act may be held at any time during the period up to, or within 5 business days after, the end of the convening period as extended by paragraph 3.2 above, notwithstanding section 239AV of the Act;
 - 3.4 within three working days of the date of these orders, the applicants shall give notice of the making of these orders to each known creditor of Halifax NZ, and notice of these orders will be effectively served on each known creditor of Halifax NZ by the applicants:
 - (a) placing a copy of the orders on the website maintained by the applicants at www.ferrierhodgson.com/au/creditors/halifax-new-zealand-limited;
 - (b) alerting clients of Halifax NZ who use the electronic trading platforms provided by Halifax NZ to the publication of the orders on the applicants' website via



a message published on those electronic trading platforms;

- (c) sending a hyperlink to the orders by email to the email address of each creditor at such email address as is recorded in the books and records of Halifax NZ;
 - (d) where an email address is not recorded in the books and records of Halifax NZ but a postal address is recorded, sending by post the orders to the postal address of each creditor at such postal address as is recorded in the books and records of Halifax NZ; and
 - (e) advertising once in The New Zealand Herald, in accordance with section 3(1)(b) of the Act;
- 3.5 any other document to be served on creditors in this proceeding (or required to be sent to creditors under Part 15A of the Act) may be served/sent effectively in accordance with paragraphs 3.4(a) to 3.4(d);
- 3.6 leave to apply is granted to any person who can demonstrate a sufficient interest to modify or discharge the above orders upon appropriate notice being given to the applicants;
- 3.7 leave is reserved for the applicants to apply further in respect of any ancillary issues arising out of the orders made; and
- 3.8 the costs of this application will be an expense incurred by the applicants in carrying out their duties as administrators of Halifax NZ.

Date:

18 December, 2018



Registrar/Deputy Registrar
Auckland

JOTI SINGH
Deputy Registrar
High Court
Auckland

