



Issued: 10 April 2025 7:13 PM

JUDGMENT/ORDER

COURT DETAILS

Court	Supreme Court of NSW
Division	Equity
List	Corporations List
Registry	Supreme Court Sydney
Case number	2025/00133006

TITLE OF PROCEEDINGS

First Plaintiff	David Alexander Hardy and Gayle Dickerson in their capacities as joint and several administrators of the Second to Seventh Plaintiffs
Second Plaintiff	JERVOIS GLOBAL LIMITED (admins apptd)
Number of Plaintiffs	7

First

DATE OF JUDGMENT/ORDER

Date made or given	10 April 2025
Date entered	10 April 2025

TERMS OF JUDGMENT/ORDER

The Court makes orders in accordance with the attached amended Short Minutes of Order, which are initialled by Nixon J on 10 April 2025, and placed with the papers.

The Court orders that:

Justification

1 Pursuant to section 447A of the Corporations Act and section 90-15 of the IPS that the Administrators (in their capacity as administrators of each of the Australian Jervois Companies) are justified in acceding, and causing the Australian Jervois Companies to accede to, to the DIP Fourth Restated Facility Agreement (DIP Facility Agreement) and the Subordination Deed (Subordination Deed) via execution of an accession deed in substantially the same form as described in the Hardy Affidavit with Acquiom Agency Services Ltd (as Agent and Security Agent in the DIP Facility Agreement) (VA Accession Deed).

Limited liability

2 Pursuant to section 447A(1) of the Corporations Act, that Part 5.3A of the Corporations Act is to operate so that, if the indemnity of the Administrators (in their capacity as joint and several voluntary administrators of each of the Australian Jervois Companies) out of the property of the relevant Australian Jervois Company under section 443D of the Corporations Act is insufficient to satisfy any debt or liability incurred by the Administrators (in their capacity as joint and several voluntary administrators of the relevant Australian Jervois Company), arising out of the execution by the Administrators of the VA Accession Deed, then the Administrators will not be personally liable to repay any such debt or liability to the extent of that insufficiency.

3 Pursuant to section 447A(1) of the Corporations Act, that Part 5.3A of the Corporations Act is to operate so that the indemnity of the Administrators (in their capacity as joint and several voluntary administrators of each of the Australian Jervois Companies) out of the property of the relevant Australian Jervois Company under section 443D of the Corporations Act is, in the case of each

of the Australian Jervois Companies, to cover all debts and liabilities incurred by each Australian Jervois Company in respect of the DIP Facility Agreement.

Notification of application and orders

4 The Plaintiffs must cause notice of these orders to be given to the creditors of the Australian Jervois Companies within 2 business days of the orders being made, by:

(a) notifying each creditor via email of the making of the orders and providing a link to a website where the creditor may download the orders, using the email address of each creditor at such email address as is recorded in the books and records of the Australian Jervois Companies;

(b) where an email address is not recorded in the books and records of the Australian Jervois Companies but a postal address is recorded, notifying each such creditor in writing of the making of the orders and providing a link to a website where the creditor may download the orders, using the postal address for each creditor recorded in the books and records of the Australian Jervois Companies; and

(c) placing the orders on the website/s maintained by the Administrators at

<https://kpmg.com/au/en/home/creditors/jervois-group.html>.

Confidentiality

5 Pursuant to sections 7 and 8 of the Court Suppression and Non-Publication Orders Act 2010 (NSW) on the grounds that the order is necessary to prevent prejudice to the proper administration of justice, third parties not be permitted to access paragraphs 76 to 79, and the document at tab 26 of Exhibit DAH-1 of the affidavit of David Alexander Hardy affirmed on 7 April 2025; such order to operate until 31 May 2025 or further order of the Court.

Liberty to apply

6 Any person who can demonstrate sufficient interest (including any creditor of the Australian Jervois Companies) for the purpose of modifying or discharging orders 1 to 5 (inclusive) above, have liberty to apply on giving all other interested parties not less than three business days' notice and stating the nature of the interest claimed and the relief sought.

Other

7 The Administrators' costs of and incidental to this application be costs and expenses in the administration of each of the Australian Jervois Companies, and be paid out of the assets of each of the Australian Jervois Companies.

SEAL AND SIGNATURE



Signature

Rebel Kenna

Capacity

Principal Registrar

Date

10 April 2025

If this document was issued by means of the Electronic Case Management System (ECM), pursuant to Part 3 of the Uniform Civil Procedure Rules (UCPR), this document is taken to have been signed if the person's name is printed where his or her signature would otherwise appear.

PERSON PROVIDING DOCUMENT FOR SEALING UNDER UCPR 36.12

Name

David Alexander Hardy and Gayle Dickerson in their capacities as joint and several administrators of the Second to Seventh Plaintiffs, Plaintiff 1

JERVOIS GLOBAL LIMITED (admins apptd), Plaintiff 2

NICO YOUNG PTY. LTD. (admins apptd), Plaintiff 3

TZ Nico (1) Pty Limited (admins apptd), Plaintiff 4

TZ Nico (2) Pty Limited (admins apptd), Plaintiff 5

HARDROCK EXPLORATION PTY. LTD. (admins apptd),

Plaintiff 6
GOLDPRIDE PTY LTD (admins apptd), Plaintiff 7

Legal representative	Samuel Dundas
Legal representative reference	
Contact name and telephone	Timothy Michael Klineberg 02 9296 2493

FURTHER DETAILS ABOUT Plaintiff(s)

First Plaintiff	
Name	David Alexander Hardy and Gayle Dickerson in their capacities as joint and several administrators of the Second to Seventh Plaintiffs
Address	Tower Three, International Towers Sydney Level 38 300 Barangaroo Street BARANGAROO NSW 2000
Telephone	
Fax	
E-mail	
Client reference	

Second Plaintiff	
Name	JERVOIS GLOBAL LIMITED (admins apptd) ACN 007626575
Address	Suite 2 1 - 11 Gordon Street CREMORNE VIC 3121
Telephone	
Fax	
E-mail	
Client reference	

Third Plaintiff	
Name	NICO YOUNG PTY. LTD. (admins apptd) ACN 132050205
Address	Suite 2 1 - 11 Gordon Street CREMORNE VIC 3121
Telephone	
Fax	
E-mail	
Client reference	

Fourth Plaintiff	
Name	TZ Nico (1) Pty Limited (admins apptd) ACN 626231267
Address	Suite 2 1 - 11 Gordon Street CREMORNE VIC 3121
Telephone	
Fax	
E-mail	
Client reference	

Fifth Plaintiff	
Name	TZ Nico (2) Pty Limited (admins apptd) ACN 626231276

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1 - 11 Gordon Street
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Telephone
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Client reference

Sixth Plaintiff
Name HARDROCK EXPLORATION PTY. LTD. (admins apptd)
ACN 004800319
Address Suite 2
1 - 11 Gordon Street
CREMORNE VIC 3121

Telephone
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Client reference

Seventh Plaintiff
Name GOLDPRIDE PTY LTD (admins apptd)
ACN 061269109
Address Studio 2
1 - 11 Gordon Street
CREMORNE VIC 3121

Telephone
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E-mail
Client reference

Legal representative

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FURTHER DETAILS ABOUT (s)