

IN THE MATTER OF NUHEARA LIMITED (ADMINISTRATORS APPOINTED)(ACN 125 167 133), NUHEARA IP PTY LTD (ADMINISTRATORS APPOINTED)(ACN 605 704 096) AND TERRACE GOLD PTY LTD (ADMINISTRATORS APPOINTED)(ACN 072 608 952)

EX PARTE

**Martin Bruce JONES as joint
and several administrator of
NUHEARA LIMITED
(ACN 125 167 133)**

First named First Plaintiff

-and-

**Matthew David WOODS as joint
and several administrator of
NUHEARA LIMITED
(ACN 125 167 133)**

Second named First Plaintiff

-and-

**Clint Peter JOSEPH as joint
and several administrator of
NUHEARA LIMITED
(ACN 125 167 133)**

Third named First Plaintiff

-and-

**Martin Bruce JONES as joint
and several administrator of
NUHEARA IP PTY LTD
(ACN 605 704 096)**

First named Second Plaintiff

-and-

**Matthew David WOODS as joint
and several administrator of
NUHEARA IP PTY LTD
(ACN 605 704 096)**

Second named Second Plaintiff

-and-

**Clint Peter JOSEPH as joint
and several administrator of
NUHEARA IP PTY LTD
(ACN 605 704 096)**

Third named Second Plaintiff

-and-

**Martin Bruce JONES as joint
and several administrator of
TERRACE GOLD PTY LTD
(ACN 072 608 952)**

First named Third Plaintiff

-and-

Matthew David WOODS as joint

Second named Third Plaintiff



FILED

26 AUG 2024

Via eLodgment
**CENTRAL OFFICE
SUPREME COURT**

**and several administrator of
TERRACE GOLD PTY LTD
(ACN 072 608 952)**

-and-

**Clint Peter JOSEPH as joint
and several administrator of
TERRACE GOLD PTY LTD
(ACN 072 608 952)**

Third named Third Plaintiff

ORIGINATING PROCESS PURSUANT TO CORPORATIONS LAW

Date of Document:

26/08/2024

Filed on Behalf of:

The Plaintiffs

Date of Filing:

26/08/2024



Prepared By:

Thomson Geer - Perth
Level 29, Central Park Tower
152-158 St Georges Terrace
PERTH WA 6000
Australia

Telephone: 08 9404 9100

Facsimile:

A. DETAILS OF APPLICATION

This application is made under sections 439A(6) and 447A.

The Plaintiffs seek an extension of the convening period in relation to the administration of each of Nuheara Limited (Administrators Appointed)(ACN 125 167 133) and its subsidiaries Nuheara IP Pty Ltd (Administrators Appointed)(ACN 605 704 096) and Terrace Gold Pty Ltd (Administrators Appointed)(ACN 072 608 704) (collectively, the "Companies") to facilitate steps by the Plaintiffs to recapitalise the Companies and/or realise the business or assets of the Companies for the benefit of their creditors and associated relief.

On the facts stated in the supporting affidavit(s), the plaintiff claims:

1. An order pursuant to section 439A(6) of the Corporations Act 2001 (Cth) (Act) that the convening period for the purposes of the second meeting of the creditors of each of Nuheara Limited (Administrators Appointed) ACN 125 167 133, Nuheara IP Pty Ltd (Administrators Appointed) ACN 605 704 096 and Terrace Gold Pty Ltd (Administrators Appointed) ACN 072 608 952 (together the Companies) under section 439A(5) (b) of the Act be extended to midnight on 11 December 2024 (the Extended Convening Period).
2. An order pursuant to section 447A of the Act, that Part 5.3A of the Act is to operate in relation to each of the Companies as if the meeting of creditors of the Companies required by s 439A of the Act may be held at any time during the Extended Convening Period or the period of five business days after the end of the Extended Convening Period, notwithstanding the provisions of s 439A(2) of the Act.
3. The Plaintiffs have liberty to apply to the Court for any further extensions of the convening period of the Companies, and such application may be made at any time during the Extended Convening Period.
4. The Plaintiffs provide a copy of these orders to all creditors of the Company within 2 business days after they are made, by uploading them to the creditors' portal and by sending them to creditors (by email to those creditors for whom the Plaintiffs have an email address).
5. Any person has leave to apply to vary these orders upon 3 business days' notice to the Plaintiffs.
6. The costs of this application be costs in the administration of the Companies, and be paid out of the assets of the Companies.

Date: 26/08/2024

Thomson Geer - Perth

This application will be heard by a Master in Chambers at the Supreme Court of Western Australia in Perth.

B. NOTICE TO DEFENDANT(S) (IF ANY)

TO:

If you or your legal practitioner do not appear before the Court at the time shown above, the application may be dealt with, and an order made, in your absence. As soon after that time as the business of the Court will allow, any of the following may happen —

- (a) the application may be heard and final relief given;
- (b) directions may be given for the future conduct of the proceeding;
- (c) any interlocutory application may be heard.

Before appearing before the Court, you must file a notice of appearance, in the prescribed form, in the Registry and serve a copy of it on the plaintiff.

Note: Unless the Court otherwise orders, a defendant that is a corporation must be represented at a hearing by a legal practitioner. It may be represented at a hearing by a director of the corporation only if the Court grants leave.

C. APPLICATION FOR WINDING-UP ON GROUND OF INSOLVENCY

D. FILING

Date of filing: 26/08/2024

This originating process is filed by **Thomson Geer - Perth** for the plaintiff.

E. SERVICE

The plaintiff's address for service is -

Thomson Geer - Perth
Level 29, Central Park Tower
152-158 St Georges Terrace
PERTH WA 6000
Australia



It is not intended to serve a copy of this originating process on any person.

[Form 2 amended in Gazette 13 Feb 2009 p. 308.]



**SUPREME COURT
OF WESTERN AUSTRALIA**

ABN: 70 598 519 443
DAVID MALCOLM JUSTICE CENTRE
28 BARRACK STREET
PERTH WA 6000
TELEPHONE: 9421 5333
FACSIMILE: 9421 5353

**JONES & Ors
SUPREME COURT MATTER No. PER COR 137 of 2024**

This application has been listed for Friday, 30 August 2024 at 09:15 AM at the Supreme Court, David Malcolm Justice Centre, 28 Barrack Street, PERTH.

All parties are required to attend the hearing date unless otherwise advised.

Issued by the Supreme Court of Western Australia
27 Aug 2024

