



Federal Court of Australia

District Registry: Victoria

Division: General

No: VID379/2020

**MARTIN FRANCIS FORD, STEPHEN GRAHAM LONGLEY AND DAVID LAURENCE MCEVOY IN THEIR CAPACITY AS JOINT AND SEVERAL ADMINISTRATORS OF THE PAS GROUP LIMITED (ADMINISTRATORS APPOINTED) ACN 169 477 463** and others named in the schedule  
Plaintiff

### **ORDER**

**JUDGE:** JUSTICE O'CALLAGHAN

**DATE OF ORDER:** 14 August 2020

**WHERE MADE:** Melbourne

### **THE COURT ORDERS THAT:**

#### **Moneytech Agreement**

1 Pursuant to s 447A(1) of the *Corporations Act 2001* (Cth) (**Corporations Act**) and section 90-15 of the Insolvency Practice Schedule (Corporations), Pt 5.3A of the Corporations Act is to operate as if s 443A(1) of the Corporations Act provides that to the extent that:

- (a) the First Plaintiffs incur any liability under section 443A(1) of the Corporations Act for debts to Moneytech Finance Pty Ltd (**Moneytech**) in connection with:
  - (i) the debtor finance agreement dated 18 December 2019 (as amended) between Moneytech and the Seventh Plaintiff; or
  - (ii) any "Transaction Document" as defined in the debtor finance agreement;
  - (iii) the deed of indemnity dated 6 July 2020 between the Seventh Plaintiff, Moneytech and the First Plaintiffs;



(together, the **Finance Documents**); and

- (b) those debts were incurred by the First Plaintiffs in the performance and exercise of their functions and powers as joint and several administrators of the Seventh Plaintiff and without:
  - (i) any negligent or fraudulent act or omission on the part of the First Plaintiffs (or any of their employees or agents); or
  - (ii) any act or omission by the First Plaintiffs (or any of their employees or agents) in breach of their duty to exercise their powers and duties in good faith or otherwise in contravention of any statute or law,

the First Plaintiffs shall not be personally liable for such debts to the extent that the property of the Seventh Plaintiff is insufficient to satisfy the debts and liabilities incurred by the First Plaintiffs in connection with the Finance Documents.

### **Ancillary Orders**

- 2 The First Plaintiffs have liberty to apply on 1 business day's written notice to the Court in relation to any variation of these orders or any other matter generally arising in the administrations of any or all of the Second to Twentieth Plaintiffs.
- 3 The First Plaintiffs must take all reasonable steps to cause notice of these orders to be given, within two business days of the making of these orders, to:
  - (a) the creditors (including persons or entities claiming to be creditors) of each of the Second to the Twentieth Plaintiffs, in the following manner:
    - (i) where the First Plaintiffs have an email address for a creditor, by notifying each such creditor, via email, of the making of the orders and providing a link to a website where the creditor may download the orders and the Originating Process;
    - (ii) where the First Plaintiffs do not have an email address for a creditor but have a postal address for that creditor (or have received notification



of non-delivery of a notice sent by email in accordance with (a)(i) above), by notifying each such creditor, via post, of the making of the orders and providing a link to a website where the creditor may download the orders and the Originating Process; and

- (iii) placing scanned, sealed copies of the Originating Process and the orders on the website maintained by the First Plaintiffs at <https://insolvency.pwc.com.au/groupEntityCases/the-pas-group-ltd-and-associated-entities-all-administrators-appointed/casePage>; and

(b) ASIC.

- 4 The First Plaintiffs' costs of this application are to be treated as costs in the administration of the Seventh Plaintiff.

Dated: 14 August 2020

  
Registrar



## **Schedule**

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Second Plaintiff	THE PAS GROUP LIMITED (ADMINISTRATORS APPOINTED) ACN 169 477 463
Third Plaintiff	AFG RETAIL PTY LIMITED (ADMINISTRATORS APPOINTED) ACN 133 613 251
Fourth Plaintiff	BLACK PEPPER BRANDS PTY LIMITED (ADMINISTRATORS APPOINTED) ACN 112 065 559
Fifth Plaintiff	BONDI BATHER PTY LIMITED (ADMINISTRATORS APPOINTED) ACN 620 985 864
Sixth Plaintiff	CHESTNUT APPAREL PTY LIMITED (ADMINISTRATORS APPOINTED) ACN 112 091 522
Seventh Plaintiff	DESIGNWORKS CLOTHING COMPANY PTY LIMITED (ADMINISTRATORS APPOINTED) ACN 117 343 807
Eighth Plaintiff	DESIGNWORKS HOLDINGS PTY LIMITED (ADMINISTRATORS APPOINTED) ACN 113 900 057
Ninth Plaintiff	FIORELLI LICENSING PTY LIMITED (ADMINISTRATORS APPOINTED) ACN 122 295 827
Tenth Plaintiff	JETS SWIMWEAR PTY LIMITED (ADMINISTRATORS APPOINTED) ACN 068 819 581
Eleventh Plaintiff	METPAS PTY LTD (ADMINISTRATORS APPOINTED) ACN 127 957 653
Twelfth Plaintiff	PAS FINANCE PTY LTD (ADMINISTRATORS APPOINTED) ACN 169 478 291
Thirteenth Plaintiff	PASCO GROUP PTY LTD (ADMINISTRATORS APPOINTED) ACN 117 244 943
Fourteenth Plaintiff	PASCO OPERATIONS PTY LTD (ADMINISTRATORS APPOINTED) ACN 112 078 547
Fifteenth Plaintiff	REVIEW AUSTRALIA PTY LIMITED (ADMINISTRATORS



APPOINTED) ACN 122 295 836

Sixteenth Plaintiff      THE CAPELLE GROUP PTY LIMITED (ADMINISTRATORS  
APPOINTED) ACN 121 867 641

Seventeenth Plaintiff      THE HOPKINS GROUP AUST PTY LIMITED  
(ADMINISTRATORS APPOINTED) ACN 119 023 273

Eighteenth Plaintiff      WORLD BRANDS PTY LTD (ADMINISTRATORS  
APPOINTED) ACN 075 219 135

Nineteenth Plaintiff      YARRA TRAIL HOLDINGS PTY LIMITED  
(ADMINISTRATORS APPOINTED) ACN 110 901 561

Twentieth Plaintiff      YARRA TRAIL PTY LIMITED (ADMINISTRATORS  
APPOINTED) ACN 110 902 102