



Federal Court of Australia

District Registry: Victoria

Division: General

No: VID383/2023

IN THE MATTER OF DIXON ADVISORY & SUPERANNUATION SERVICES PTY LTD (SUBJECT TO DEED OF COMPANY ARRANGEMENT) ACN 103 071 665

**STEPHEN GRAHAM LONGLEY, CRAIG DAVID CROSBIE AND REBECCA LOUISE GILL IN THEIR CAPACITY AS JOINT AND SEVERAL DEED ADMINISTRATORS OF DIXON ADVISORY & SUPERANNUATION SERVICES PTY LTD (SUBJECT TO DEED OF COMPANY ARRANGEMENT) ACN 103 071 665**  
and another named in the schedule  
Plaintiffs

### ORDER

**JUDGE:** JUSTICE BEACH

**DATE OF ORDER:** 9 February 2024

**WHERE MADE:** Melbourne

#### THE COURT ORDERS THAT:

1. The plaintiffs have leave to file an amended interlocutory process in the form submitted to the chambers of Beach J on 6 February 2024.
2. Pursuant to s 447A(1) of the *Corporations Act 2001* (Cth), Part 5.3A of the Act is to operate in relation to the second plaintiff (DASS) in such a way as to empower the Court to vary the deed of company arrangement dated 16 December 2022 (DOCA) between the first plaintiffs (the Deed Administrators), DASS, E&P Financial Group Limited (ACN 609 913 457) and E&P Operations Pty Ltd (ACN 080 207 076).
3. Pursuant to s 447A(1) of the Act, the DOCA is varied as follows:
  - (a) the definition of 'Settlement of the Representative Proceedings' in clause 1.1 is amended in the following terms:

comprehensive settlement and final resolution or the permanent stay or dismissal of the Representative Proceedings, which includes any necessary



court approval (including the expiration of the 49-day period provided for an appeal from those orders) and resolution of any and all appeals, and, if a settlement, a release of all claims against all respondents (other than the Deed Company) to the Representative Proceedings.

- (b) sub-clause 8.2(a)(2) is deleted.
4. Pursuant to ss 37AF and 37AG of the *Federal Court of Australia Act 1976* (Cth), pages 1 to 43 of the annexure marked “RG-3” to the affidavit of Rebecca Louise Gill affirmed on 29 January 2024 are to be marked “confidential” and not made available for inspection until further order, on the ground that they contain confidential information the disclosure of which may prejudice the proper administration of justice.
5. The plaintiffs are to provide a copy of these orders to the creditors of DASS within 5 business days as follows:
- (a) where the Deed Administrators have an email address for a creditor, by notifying that creditor via email;
- (b) where the Deed Administrators do not have an email address for a creditor but have a postal address, by notifying that creditor via post; and
- (c) by publishing them on the website maintained by the Deed Administrators at <https://insolvency.pwc.com.au/singleEntityCases/dixon-advisory-superannuation-services-pty-ltd/casePage>.
6. Any person on demonstrating sufficient interest has liberty to apply on 5 business days’ notice to the plaintiffs in relation to these orders, specifying the relief sought.
7. The Deed Administrators’ costs and expenses incidental to this application be costs in the deed administration of DASS.

Date that entry is stamped: 9 February 2024

  
Registrar



**Schedule**

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Second Plaintiff

DIXON ADVISORY & SUPERANNUATION SERVICES PTY  
LTD (SUBJECT TO DEED OF COMPANY ARRANGEMENT)  
ACN 103 071 665