

3 October 2025

To the Creditor
as addressed

Dear Sir / Madam

Adcon VIC Pty Ltd ACN 606 820 375 (Adcon VIC)
Adcon ACT Pty Ltd ACN 630 177 267 (Adcon ACT)
Adcon Logistics Pty Ltd ACN 614 026 238 (Adcon Logistics)
(All Subject to Deed of Company Arrangement) (“the Companies”)

We refer to our appointment as Deed Administrators of the Companies on 6 September 2024 and our recent updates on 18 September 2025 and 29 September 2025.

We a brief update on the matter of *The Deputy Commissioner of Taxation v Andrew McCabe and Christopher Johnson as Deed Administrators of Adcon VIC Pty Limited (ACN: 606 820 375) Adcon ACT Pty Limited (ACN: 630 177 267) and Adcon Logistics Pty Ltd (ACN 614 026 238) Subject to Deed of Company Arrangement & Ors* (NSD1321/2025) in the Federal Court of Australia, New South Wales Registry (“the ATO Proceedings”).

Case Management Hearing - 30 September 2025

At the case management hearing on 30 September 2025, counsel for Mr Danny Isaac sought an adjournment to allow time to prepare, inter alia, an expert report comparing returns to creditors under liquidation versus the DOCA and file submissions.

Justice Moore granted orders for Mr Isaac to be joined to the proceedings and set out the following timeline for the ATO Proceedings:

- a) Any creditor wishing to appear and be heard, should obtain independent legal advice and file and serve a notice of appearance pursuant to rule 2.9 of the *Federal Court (Corporations) Rules 2000* (Cth) by 4:00pm on 14 October 2025;
- b) Any party who has filed a notice of appearance in accordance with point (a) must file all supporting materials by 4:00pm 29 October 2025;
- c) The deputy Commissioner of Taxation to file their reply submissions by 4:00pm 14 November 2025; and
- d) The matter be listed for hearing at 10:15am on 25 November 2025.

Please note any creditor wishing to be heard, must file and serve a notice of appearance by **4:00pm 14 October 2025**, and all supporting documents by **4:00pm 29 October 2025**.

A copy of the court orders is attached for your reference. They are also available via the Wexted Website at <https://wexted.com/creditors/adcon-vic-pty-ltd>.

In the interim, should creditors have any queries in relation to this report or any other matters, please do not hesitate to contact Tom Silk on 02 9210 1727 or via email to tsilk@wexted.com.

Yours faithfully

Adcon VIC Pty Ltd, Adcon ACT Pty Ltd and Adcon Logistics Pty Ltd
(All Subject to Deed of Company Arrangement)



Andrew McCabe
Joint and Several Deed Administrator



Federal Court of Australia

District Registry: New South Wales Registry

Division: General

No: NSD1321/2025

DEPUTY COMMISSIONER OF TAXATION

Plaintiff

**ANDREW MCCABE AND CHRISTOPHER JOHNSON AS DEED
ADMINISTRATORS OF ADCON VIC PTY LIMITED (ACN: 606 820 375) AND
OTHERS LISTED IN THE SCHEDULE** and others named in the schedule
Defendants

ORDER

JUDGE: Justice Moore

DATE OF ORDER: 2 October 2025

WHERE MADE: Sydney

THE COURT ORDERS THAT:

1. Danny Isaac be joined as the fifth defendant to this proceeding pursuant to r 9.05 of the *Federal Court Rules 2011* (Cth).
2. By 4:00 pm on 14 October 2025, the fifth defendant and any other party who wishes to appear and be heard in respect of the Originating Process filed on 31 July 2025 (OP) file and serve a notice of appearance pursuant to r 2.9 of the *Federal Court (Corporations) Rules 2000* (Cth).
3. By 4:00 pm on 29 October 2025, the fifth defendant and any other party who has filed a notice of appearance in accordance with Order 2 file and serve:
 - (a) any evidence (including lay evidence, expert evidence, and any documents provided to the expert) upon which they rely; and
 - (b) any written submissions.
4. By 4:00 pm on 14 November 2025, the plaintiff file and serve:
 - (a) any evidence in reply (including lay evidence, expert evidence, and any documents provided to the expert) upon which it relies; and
 - (b) any written submissions in reply.



5. By 4:00 pm on 19 November 2025, the plaintiff send to the Associate to Justice Moore a joint supplementary electronic Court Book containing any submissions and evidence filed and served after the date of these orders, which is to be prepared in accordance with Justice Moore's preferred format enclosed with these orders.
6. By 4:00 pm on 19 November 2025, the plaintiff send to the Associate to Justice Moore a joint electronic bundle of authorities, prepared in accordance with Justice Moore's preferred format enclosed with these orders.
7. The first defendants provide a copy of these orders to the creditors of the second defendant, third defendant and fourth defendant.
8. The hearing listed on 2 October 2025 in respect of the OP be vacated.
9. The proceeding be listed for hearing in respect of the OP at 10:15 am on 25 November 2025.
10. Costs be reserved.
11. Should any party fail to comply with these orders, the plaintiff is to take steps to notify the Associate to Justice Moore and request that the proceeding be relisted.

Date orders authenticated: 2 October 2025


Registrar

Note: Entry of orders is dealt with in Rule 39.32 of the *Federal Court Rules 2011*.



Schedule

No: NSD1321/2025

Federal Court of Australia

District Registry: New South Wales Registry

Division: General

Second Defendant	ADCON VIC PTY LTD ACN 606 820 375
Third Defendant	ADCON ACT PTY LTD ACN 630 177 267
Fourth Defendant	ADCON LOGISTICS PTY LTD ACN 614 026 238
Fifth Defendant	DANNY ISAAC