

NOTICE OF FILING AND HEARING

Filing and Hearing Details

Document Lodged: Originating process (Rule 2.2): Federal Court (Corporations) Rules 2000 form 2
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment: 15/07/2025 1:19:03 PM AEST
Date Accepted for Filing: 31/07/2025 1:35:21 PM AEST
File Number: NSD1321/2025
File Title: 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 LIMITED (ACN: 614 026 238) (SUBJECT TO A DEED OF COMPANY ARRANGEMENT) AND OTHERS LISTED IN THE SCHEDULE & ORS
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing: First Case Management Hearing
Time and date for hearing: 07/08/2025, 9:30 AM
Place: Court Room Not Assigned, Level 17, Law Courts Building 184 Phillip Street
Queens Square, Sydney



Sia Lagos

Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.



Form 2
Rules 2.2 and 15A.3

Originating process

No. of 20

Federal Court of Australia
District Registry: New South Wales
Division: Corporations and Commercial

IN THE MATTER OF ADCON VIC PTY LIMITED (ACN: 606 820 375)

DEPUTY COMMISSIONER OF TAXATION

Plaintiff

**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 LIMITED (ACN: 614 026 238)
(SUBJECT TO A DEED OF COMPANY ARRANGEMENT) AND OTHERS LISTED IN
THE SCHEDULE**

First Defendant

A. DETAILS OF APPLICATION

This application is made under sections 445D and 447A or alternatively section 459A of the *Corporations Act 2001* (Cth) (**Act**).

This is an application to set aside a deed of company arrangement dated 6 September 2024 (**DOCA**) and wind up Adcon VIC Pty Ltd (ACN: 606 820 375) (**Adcon VIC**), Adcon ACT Pty Ltd (ACN: 630 177 267) (**Adcon ACT**) and Adcon Logistics Pty Ltd (ACN: 614 026 238) (**Adcon Logistics**) (together, Companies) and to appoint a liquidator to the Companies.

On the facts stated in the supporting affidavit, the plaintiff claims:

1. an order pursuant to section 445D of the Act that the DOCA be set aside;
2. an order pursuant to section 447A of the Act, or alternatively pursuant to section 459 of the Act that the Companies be wound up;



3. an order that Andrew McCabe and Christopher Johnson (or such other person ordered by the Court) be appointed liquidator of the Companies;
4. the plaintiff's costs of the proceedings be costs in the winding up of the Companies pursuant to section 556(1)(b) of the Act; and
5. such further or other order that the Court considers appropriate.

Date: 14 July 2025

A handwritten signature in blue ink, appearing to be 'H. Bates', is written over a dotted line.

*Solicitor in the employ of the
solicitor for the Applicant*

This application will be heard by at [address
of Court] at *am/*pm on

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

TO: ANDREW MCCABE AND CHRISTOPHER JOHNSON

OF: c/- Wexted Advisors, Level 17, 68 Pitt Street, Sydney NSW 2000

TO: ADCON VIC PTY LTD (ACN: 606 820 375)

OF: Level 19, 239 George Street, Brisbane QLD 4000

TO: ADCON ACT PTY LTD (ACN: 630 177 267)

OF: Level 19, 239 George Street, Brisbane QLD 4000

TO: ADCON LOGISTICS PTY LTD (ACN: 614 026 238)

OF: Level 19, 239 George Street, Brisbane QLD 4000

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. FILING

Date of filing: *[date of filing to be entered by Registrar]*

.....
Registrar

This originating process is filed by *[name]* for the plaintiff.

D. SERVICE

The Plaintiff's address for service is:

Craddock Murray Neumann Lawyers Pty Ltd

Level 21, 227 Elizabeth Street

Sydney NSW 2000

It is intended to serve a copy of this originating process on each Defendant and on any person listed below:

1. DANNY ISAAC



Schedule

Federal Court of Australia

No. SYD

District Registry: New South Wales

Division: Commercial and Corporations

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)