

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: 13/05/2026 4:06:27 PM AEST
Date Accepted for Filing: 14/05/2026 1:21:53 PM AEST
File Number: NSD791/2026
File Title: ANDREW MCCABE AND CHRISTOPHER JOHNSON AS LIQUIDATORS OF ADCON VIC PTY LTD ACN 606 820 375, ADCON ACT PTY LTD ACN 630 177 267 AND ADCON LOGISTICS PTY LTD ACN 614 026 238 (ALL IN LIQUIDATION) AND ORS v BUSIFUND PTY LTD ACN 631 566 446 & ANOR
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing: To Be Advised
Time and date for hearing: To Be Advised
Place: To Be Advised



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.



ORIGINATING PROCESS

Rules 2.2 and 15A.3

FEDERAL COURT OF AUSTRALIA
DISTRICT REGISTRY: NEW SOUTH WALES
DIVISION: GENERAL DIVISION

No: NSD

IN THE MATTER OF ADCON VIC PTY LTD (ACN 606 820 375) , ADCON ACT PTY LTD (ACN 630 177 267) AND ADCON LOGISTICS PTY LTD (ACN 614 026 238) (ALL IN LIQUIDATION)

ANDREW MCCABE AND CHRISTOPHER JOHNSON AS LIQUIDATORS OF ADCON VIC PTY LTD (ACN 606 820 375) , ADCON ACT PTY LTD (ACN 630 177 267) AND ADCON LOGISTICS PTY LTD (ACN 614 026 238) (ALL IN LIQUIDATION) and Ors (listed in the Schedule)

First Plaintiffs

BUSIFUND PTY LTD (ACN 631 566 446) and Anor (listed in the Schedule)

First Defendant

A. DETAILS OF APPLICATION

This application is made under s 90-15 of the *Insolvency Practice Schedule (Corporations) (IPS)*, being Schedule 2 to the *Corporations Act 2001 (Cth)*.

This is an application by the liquidators of Adcon VIC Pty Ltd (ACN 606 820 375), Adcon ACT Pty Ltd (ACN 630 177 267) and Adcon Logistics Pty Ltd (ACN 614 026 238) (together, **Companies**) for directions as to how they ought treat funds remaining in their custody following termination of a deed of company arrangement made in relation to the Companies (**Deed Fund**).

On the facts stated in the supporting affidavit(s), the Plaintiffs claim:

1. A direction pursuant to s 90-15 of the IPS that the First Plaintiffs are justified, and acting reasonably, in:
 - (a) conducting the liquidation of the Companies on the basis that the Deed Fund is not, under any circumstances, refundable or repayable to the First Defendant;

Filed on behalf of: The Plaintiffs
Prepared by: Stuart McKenzie
COLIN BIGGERS & PAISLEY
Level 42, 2 Park Street
SYDNEY NSW 2000

Tel: + 61 2 8281 4555
Fax: + 61 2 8281 4567
Ref: SWM:EOW:2406231
Attention: Stuart McKenzie
Email: stuart.mckenzie@cbp.com.au
emily.webber@cbp.com.au



- (b) not paying or transferring the Deed Fund, or any part of it, to or at the direction of the First Defendant or the Second Defendants; and/or
 - (c) not accounting to the First Defendant or the Second Defendants in respect of the Deed Fund or any part of it.
2. An order that the Liquidators' costs of and incidental to this application:
- (a) be costs in the winding up of the Companies; and/or
 - (b) be paid from the Deed Fund.
3. Costs.
4. Such further or other orders as the nature of the case requires.

Date: 13 May 2026

Stuart McKenzie
Legal practitioner for the plaintiff

This application will be heard by the Federal Court of Australia at

B. NOTICE TO THE DEFENDANT(S)

TO: Busifund Pty Ltd (ACN 631 566 446)
c/- McCoy Accounting & Assurance
42 Bonds Road
Peakhurst NSW 2210

Nelson Huang and Mitchell Warren Ball in their capacity as Joint and Several Receivers and Managers of Adcon Vic Pty Ltd (ACN 606 820 375) , Adcon ACT Pty Ltd (ACN 630 177 267) and Adcon Logistics Pty Ltd (ACN 614 026 238) (All in Liquidation)

c/- Amberlake Lawyers
Level 13, 74 Castlereagh Street
Sydney NSW 2000

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

NA

D. FILING

Date of filing:

Signed by an officer acting with the authority
of the District Registrar

This originating process is filed by Stuart McKenzie of Colin Biggers & Paisley for the plaintiff.

E. SERVICE

The plaintiff's address for service is:

Partner Name	Stuart McKenzie
Firm	COLIN BIGGERS & PAISLEY
Contact solicitor	Aaron Edmonds - Emily Webber
Address	Level 42, 2 Park Street, Sydney NSW 2000
Telephone	+61 (02) 8281 4555
Fax	+61 (02) 8281 4567
Email	stuart.mckenzie@cbp.com.au aaron.edmonds@cbp.com.au emily.webber@cbp.com.au

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

Australian Securities and Investments Commission
By email to:
rl.legal@asic.gov.au

Australian Taxation Office
By email to:
katelyn.banks@ato.gov.au
ryan.parlevliet@ato.gov.au



FEDERAL COURT OF AUSTRALIA
DISTRICT REGISTRY: NEW SOUTH WALES
DIVISION: GENERAL

No: NSD

**IN THE MATTER OF ADCON VIC PTY LTD (ACN 606 820 375) , ADCON ACT PTY LTD
(ACN 630 177 267) AND ADCON LOGISTICS PTY LTD (ACN 614 026 238)
(ALL IN LIQUIDATION)**

Second Plaintiff ADCON VIC PTY LTD (IN LIQUIDATION) (ACN 606 820 375)

Third Plaintiff ADCON ACT PTY LTD (IN LIQUIDATION) (ACN 630 177 267)

Fourth Plaintiff ADCON LOGISTICS PTY LTD (IN LIQUIDATION) (ACN 614 026 238)

Second Defendant NELSON HUANG AND MITCHELL WARREN BALL IN THEIR
CAPACITY AS JOINT AND SEVERAL RECEIVERS AND MANAGERS
OF ADCON VIC PTY LTD (ACN 606 820 375), ADCON ACT PTY LTD
(ACN 630 177 267) AND ADCON LOGISTICS PTY LTD (ACN 614 026
238) (ALL IN LIQUIDATION)

Date: 13 May 2026