



PITCHER PARTNERS

NSW PTY LIMITED

ACCOUNTANTS & ADVISORS

Level 22 MLC Centre  
19 Martin Place  
Sydney NSW 2000  
Australia

Postal Address:  
GPO Box 1615  
Sydney NSW 2001  
Australia

Tel: +61 2 9221 2099  
Fax: +61 2 9223 1762

[www.pitcher.com.au](http://www.pitcher.com.au)  
[partners@pitcher-nsw.com.au](mailto:partners@pitcher-nsw.com.au)

Pitcher Partners is an association of independent firms  
Melbourne | Sydney | Perth | Adelaide | Brisbane | Newcastle

**ASX Announcement**  
**THO SERVICES LIMITED (ASX Code: THO)**  
**A.C.N. 000 263 678**  
**(Administrators Appointed)**  
**(the Company)**

**23 March 2016**

We refer to the appointment of Geoffrey Trent Hancock and Paul Gerard Weston as Joint and Several Administrators of the Company (**the Administrators**) on 25 January 2016, in accordance with Section 436A of the Corporations Act 2001.

The Company is a party to an arbitration proceeding in relation to a claim made against it by the Commonwealth of Australia.

On 3 March 2016, the Administrators made an application to the Supreme Court of New South Wales for an order that, pursuant to s 447A of the Corporations Act, Part 5.3A of the Corporations Act operate in relation to the Company as if, for the purpose of s 440D(1), a "proceeding in a court" included an arbitration proceeding, to the intent that s 440D(1) applies to the arbitration proceeding between the Company and the Commonwealth ("the Application").

The Commonwealth opposed the Application and a contested hearing took place before the Honourable Justice Brereton on Thursday, 17 March 2016.

Notice is given that on Monday, 21 March 2016, the Supreme Court delivered judgment in the Administrators' favour. A sealed copy of the Orders made is **attached**.

The practical effect of the Orders is that during the administration of the Company the arbitration proceeding commenced by the Commonwealth against the Company is stayed, or cannot be proceeded with, except with the Administrators' written consent or with the leave of the Court.

Should you have any queries, please contact Daniel Matta of Pitcher Partners on (02) 9228 2259 or email [daniel.matta@pitcher.com.au](mailto:daniel.matta@pitcher.com.au).

**PAUL G. WESTON**

Joint and Several Administrator  
THO Services Limited (Administrators Appointed)



Issued: 21 March 2016 4:52 PM

## JUDGMENT/ORDER

### COURT DETAILS

Court	Supreme Court of NSW
Division	Equity
List	Corporations List
Registry	Supreme Court Sydney
Case number	2016/00052533

### TITLE OF PROCEEDINGS

First Applicant	Paul Gerard Weston & Geoffrey Trent Hancock as Administrators of THO Services Limited (Administrators Appointed)
First Respondent	THO Services Limited (in liquidation) ACN 000263678
Corporation subject of the proceeding	THO Services Limited (in liquidation)

### DATE OF JUDGMENT/ORDER

Date made or given	21 March 2016
Date entered	21 March 2016

### TERMS OF JUDGMENT/ORDER

THE COURT ORDERS THAT:

1. Pursuant to Corporations Act s447A, Part 5.3A of the Corporations Act operate in relation to the second plaintiff as if, for the purpose of s440D(1), a "proceeding in a court" included an arbitration proceeding, to the intent that s440D(1) applies to the arbitration proceeding between the company and the Commonwealth of Australia in the International Chamber of Commerce Court of Arbitration, being case number 2132/1CK.
2. Costs of the application be costs in the administration of the company.

### SEAL AND SIGNATURE



Signature	T. Langer L.S.
Capacity	Chief Clerk
Date	21 March 2016

If this document was issued by means of the Electronic Case Management System (ECM), pursuant to Part 3 of the Uniform Civil Procedure Rules (UCPR), this document is taken to have been signed if the person's name is printed where his or her signature would otherwise appear.