



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1343/2024

**ALAN WALKER AND GLENN LIVINGSTONE, IN THEIR CAPACITY AS ADMINISTRATORS OF CHILDCARE DEVELOPMENT OPPORTUNITIES PTY LTD ACN 609 149 582, CIVIC AVENUE EARLY LEARNING PTY LTD ACN 618 154 251, ST HELENA EARLY LEARNING PTY LTD ACN 623 522 010 AND STURT STR**  
and another/others named in the schedule

Plaintiff

### **ORDER**

**JUDGE:** JUSTICE STEWART

**DATE OF ORDER:** 25 September 2024

**WHERE MADE:** Sydney

#### **THE COURT ORDERS THAT:**

1. The Originating Process filed 25 September 2024 be returnable on 25 September 2024 and the requirement of service be dispensed with.
2. Pursuant to s 37AF and s 37AG(1)(a) of the *Federal Court of Australia Act 1976* (Cth) (**Federal Court Act**), on the ground that it is necessary to prevent prejudice to the proper administration of justice, the transcript of the hearing today not record or refer to the identity of any of the parties in Federal Circuit and Family Court proceedings SYC2832/2022).
3. Subject to order 4 below and further order pursuant to s 37AF and s 37AG(1)(a) of the Federal Court Act, on the ground that it is necessary to prevent prejudice to the proper administration of justice:
  - a) the affidavit of Alan Walker affirmed on 25 September 2024 and exhibit AW-1 thereto;
  - b) the written submissions filed on 25 September 2024 on behalf of the first plaintiff (**Administrators**)

((a)-(b) collectively, the **Court Documents**)



not be published and not be made available to any person other than a party to the proceeding or their legal representatives.

4. With seven (7) days of the date of these orders, the Administrators provide to the Associate to Stewart J proposed redactions to the Court Documents, having the effect of preserving the confidentiality of:
  - (a) the identity of the parties in Federal Circuit and Family Court proceedings SYC2832/2022; and
  - (b) the steps taken by the Administrators to sell the childcare businesses operated by each of Civic Avenue Early Learning Pty Ltd ACN 618 154 251, St Helena Early Learning Pty Ltd ACN 623 522 010, and Sturt Street Early Learning Pty Ltd ACN 614 078 394,whereafter the Court will direct what redacted versions of the Court documents should be filed without further restriction.
5. Pursuant to s 447A of the *Corporations Act 2001* (Cth) (**Corporations Act**), the Court orders that Pt 5.3 of the Corporations Act is to operate in relation to each of:
  - a) Childcare Development Opportunities Pty Ltd ACN 609 149 582;
  - b) Civic Avenue Early Learning Pty Ltd ACN 618 154 251;
  - c) St Helena Early Learning Pty Ltd ACN 623 522 010; and
  - d) Sturt Street Early Learning Pty Ltd ACN 614 078 394;((a)-(d) collectively, the **Companies**)  
as if the resolution purportedly passed on 22 August 2024 as a resolution of the directors of each of the Companies was valid for the purposes of s 436A of the Corporations Act to the effect that the Administrators' appointment pursuant to that resolution is valid.
6. The Administrators' costs of and incidental to the Originating Process, so far as the relief sought in connection with the Companies is concerned, be treated as costs and expenses in the administration of the Companies.
7. The Administrators give notice of these orders to:



- a) the director of the Companies within 24 hours, by sending a PDF copy of the sealed orders by email; and
  - b) all creditors of the Companies by the following means:
    - i. within five (5) business days, by sending a PDF copy of the sealed orders by email to the creditors at their known email addresses;
    - ii. within five (5) business days, by placing a PDF copy of the sealed orders on the Administrators' website, with reference to each of the Companies; and
    - iii. within ten (10) business days, by informing all known creditors by circular, sent to them at their known postal addresses, that these orders have been made and that a copy of the sealed orders has been placed on the plaintiffs' website, with reference to each of the Companies.
8. The Court grants liberty to apply to any person who can demonstrate sufficient interest, to modify or discharge the orders on reasonable notice to the Administrators, such application to be made within 21 days of these orders subject to further order.

Date orders authenticated: **25 September 2024**

  
Registrar

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



**Schedule**

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|------------------|--|
| Second Plaintiff | CHILDCARE DEVELOPMENT OPPORTUNITIES PTY LTD<br>ACN 609 149 582 |
| Third Plaintiff  | CIVIC AVENUE EARLY LEARNING PTY LTD ACN 618 154<br>251         |
| Fourth Plaintiff | ST HELENA EARLY LEARNING PTY LTD ACN 623 522 010               |
| Fifth Plaintiff  | STURT STREET EARLY LEARNING PTY LTD ACN 614 078<br>394         |