



Federal Court of Australia

District Registry: South Australia Registry

Division: General

No: SAD183/2025

**IN THE MATTER OF SOUTHERN CROSS FARMS SA PTY LTD (ACN 142 969 980)  
(ADMINISTRATORS APPOINTED) AND SOUTHERN CROSS FARMS  
AUSTRALIA PTY LTD (ACN 138 737 989) (ADMINISTRATORS APPOINTED)**

**GLENN FRANKLIN AND PAUL ALLEN AS JOINT AND SEVERAL  
ADMINISTRATORS OF SOUTHERN CROSS FARMS SA PTY LTD (ACN 142 969  
980) (ADMINISTRATORS APPOINTED) AND SOUTHERN CROSS FARMS  
AUSTRALIA PTY LTD (ACN 138 737 989) (ADMINISTRATORS APPOINTED) and  
others named in the schedule**  
Plaintiffs

### **ORDER**

**JUDGE:** Justice Feutrill

**DATE OF ORDER:** 28 August 2025

**WHERE MADE:** Perth

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

##### **Appointment of receivers**

1. Pursuant to s 57(1) of the *Federal Court of Australia Act 1976* (Cth) and r 14.21 of the *Federal Court Rules 2011* (Cth), the first plaintiffs, Glenn Jeffrey Franklin and Paul Anthony Allen, be appointed without security as joint and several receivers over all of the assets and undertaking of the Southern Cross Farms SA Unit Trust for the objective of preserving, getting in, realising and (or) managing the assets of that trust.
2. The first plaintiffs (as receivers) have all the powers provided by s 420 of the *Corporations Act 2001* (Cth) (other than those in ss 420(2)(s), 420(2)(t), 420(2)(u) and 420(2)(w)) as if the references to 'corporation' in that section were references to 'Southern Cross Farms SA Unit Trust', including the power to do all things necessary and convenient to effect the sale of the assets and undertaking of that trust.
3. Pursuant to r 1.34 of the Rules, the requirement for the first plaintiffs (as receivers) to file a guarantee under rr 14.21 and 14.22 of the Rules be dispensed with.



4. The first plaintiffs (as receivers) not distribute the assets of the Southern Cross Farms SA Unit Trust to creditors of the second plaintiff or to beneficiaries of that trust or to any other person without direction of the Court.
5. The first plaintiffs (as receivers) be entitled to reasonable remuneration for necessary work properly performed together with all reasonable expenses properly incurred in the performance of their duties arising in connection with their appointment and in the exercise of their powers, including the costs of the originating process, such remuneration and expenses to be calculated in accordance with the Initial Remuneration Notice dated 6 August 2025 attached to the letter to the second plaintiff's creditors of that date.
6. The first plaintiffs' remuneration and expenses, as receivers, be paid out of the assets of the Southern Cross Farms SA Unit Trust and, if they be insufficient, from the assets of the second plaintiff.

#### **Extension of convening period**

7. Pursuant to s 439A(6) and 447A of the Corporations Act the period within which the first plaintiffs must convene the second meeting of creditors in respect of the second and third plaintiff (collectively, Group Companies) under s 439A of that Act (Second Meetings) be extended to 2 March 2026 (including that day).
8. Pursuant to s 447A of the Corporations Act, Part 5.3A of that Act is to operate in relation to each of the Group Companies such that, notwithstanding s 439A(2) of that Act, the Second Meetings must be held at any time before, or within five business days after, the end of the convening period as extended by paragraph 7 of these orders and the Second Meetings may be held together or separately at any time during that period.
9. The first plaintiffs' remuneration and expenses in respect of the originating process, as administrators of the Group Companies, be paid from the assets of the second and third plaintiff as remuneration and expenses in the voluntary administration of the Group Companies.



### **Confidentiality**

10. Subject to paragraph 11 of these orders and until further order, pursuant to s 37AF of the Federal Court Act, and on the ground that it is necessary to prevent prejudice to the proper administration of justice, publication or disclosure of Exhibit “C-GJF-2” to the affidavit of Glenn Jeffrey Franklin sworn on 25 August 2025 and tendered on the hearing of the originating process be prohibited and that document be confidential for the purposes of r 2.32(1)(b) of the Rules.
11. Publication or disclosure of the document identified in paragraph 10 of these orders may be made to:
  - (a) the Court, including all necessary staff of the Court, including without limitation any associate, orderly or court recording officer; and
  - (b) the plaintiffs and their legal representatives.
12. The Registrar be directed that any application by any person for leave to inspect document identified in paragraph 10 of these orders made under r 2.32(4) of the Rules, or otherwise, be referred to a Judge of the Court together with a copy of these orders and the reasons for these orders.

### **Notice, adjournment and liberty to apply**

13. The first plaintiffs take steps to cause notice of these orders to be given, within one business day of making these orders to: the creditors of the Group Companies (including persons claiming to be creditors) of the second and third plaintiff in the following manner: (i) where the first plaintiffs have an email address for a creditor, by notifying each such creditor, via email of the making of these orders; (ii) where the first plaintiffs do not have an email address, by sending a copy of the orders to the postal address as recorded in the books and records of the Group Companies; and (iii) publishing the orders on the website maintained by the first plaintiffs, and (b) the Australian Securities and Investments Commission, by its email address.
14. Any person who demonstrates a sufficient interest to do so (including any creditor of the Group Companies) have liberty to apply to set aside or vary paragraphs 1 to 12 of these orders on three business days’ written notice to the first plaintiffs.



15. Paragraphs 4 and 12 of the originating process be stood over and the hearing of the originating process be otherwise adjourned to a date to be fixed.
16. The plaintiffs have liberty to apply to re-list the originating process for further hearing and (or) to apply for further or other order on the originating process.

Date orders authenticated: 28 August 2025

*Sia Lagos*  
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                      SOUTHERN CROSS FARMS SA PTY LTD (ACN 142 969  
980) (ADMINISTRATORS APPOINTED)

Third Plaintiff                         SOUTHERN CROSS FARMS AUSTRALIA PTY LTD (ACN  
138 737 989) (ADMINISTRATORS APPOINTED)