



IN THE SUPREME COURT OF NEW SOUTH WALES

2025/00090155

DIVISION: Equity

REGISTRY: Sydney

**IN THE MATTER OF FINNISH EARLY CHILDHOOD EDUCATION (AUSTRALIA)
PTY LTD (ADMINISTRATORS APPOINTED) ACN 630 629 435 & ORS**

**Alan Walker, Glenn Livingstone and Nicholas Charlwood in their capacity as
Joint and Several Voluntary Administrators of Finnish Early Childhood
Education (Australia) Pty Ltd (Administrators Appointed) and the Third to
Seventeenth Plaintiffs named in the Schedule
First Plaintiffs**

And others listed in the schedule

ORIGINATING PROCESS

A. DETAILS OF APPLICATION

This application is made under sections 439A and 447A of the *Corporations Act 2001* (Cth) (Act).

Through this application, the Plaintiffs seek to extend the convening period for the second meetings of creditors (**Second Meetings**) of the Second to Seventeenth Plaintiffs (**Companies**).

On the facts stated in the supporting affidavit of Alan Walker affirmed 6 March 2025 and filed in support of this application, the Plaintiffs seek the following orders:

Extension of Convening Period

1. An order pursuant to section 439A(6) of the Act that the date of the convening period, as defined by section 439A(5) of the Act, within which the Plaintiffs must convene the Second Meetings of the Companies as required by s 439A of the Act , be extended up to and including 11 June 2025.
2. An order pursuant to s 447A(1) of the Act, that Part 5.3A of the Act is to operate in relation to the Companies such that the Second Meetings may be convened and held, at any time during, or within five (5) business days after, the end of the

convening period as extended by proposed order 1 above, notwithstanding the provisions of section 439A(2) of the Act.

Notice and other orders

3. An order, pursuant to section 447A(1) of the Act, that Part 5.3A of the Act is to operate in relation to the Companies as if any notice required to be given under section 75-225(1) and 75-15 of the *Insolvency Practice Rules (Corporations) 2016 (Cth) (Rules)* will be validly given to the creditors of the Companies (including persons claiming to be creditors) by reason of the following steps having been taken not less than 5 business days prior to the date of the proposed meeting:
 - a. where the First Plaintiffs:
 - i. have an email address for a creditor, by sending such notice electronically to the email address of the creditor; and
 - ii. do not have an email address for the creditor, by sending the notice by posting a copy of it to the postal address for the creditor;
 - b. by causing such notice to be published on the website of the First Plaintiffs at <https://www.wlpr.com.au/client-stories-1>;
 - c. by causing the notice to be published on the Australian Securities and Investments Commission (**ASIC**) published notices website at <https://insolvencynotices.asic.gov.au/>.

Notification of the application

4. An order that the First Plaintiffs must take all reasonable steps to cause notice of the orders to be given within 2 business days of the making of these orders, to:
 - a. the creditors (including persons or entities claiming to be creditors) of the Companies, 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 the orders and providing a link to a website where the creditor may download the orders and the Originating Process;
 - ii. where the First Plaintiffs do not have an email address for a creditor, but have a postal address for that creditor (or have received

notification of non-delivery of a notice sent by email in accordance with (a)(i) above) – by notifying each such creditor, via post, of the making of the orders and providing a link to a website where the creditor may download the orders and the Originating Process;

- iii. placing sealed copies of the Originating Process and the orders on the website maintained by the First Plaintiffs at [“https://www.wlpr.com.au/client-stories-1”](https://www.wlpr.com.au/client-stories-1); and

b. the ASIC.

Other relief

5. An order that any person who can demonstrate a sufficient interest has liberty to apply to vary or discharge any orders made pursuant to order 1 to 4 above, on 3 business days’ written notice being given to the Plaintiffs and to the Associate to the presiding corporations lists judge.
6. An order that the Plaintiffs have liberty to apply on three (3) business days’ written notice to the Court in relation to any variation of these orders or any other matter generally arising in the administration of the Companies.
7. An order that the Plaintiffs’ costs and expenses of and incidental to the application are to be treated as costs in the administration of the Companies, jointly and severally.
8. An order that these orders be entered forthwith.
9. Such further or other orders or directions as the Court considers appropriate.

Date: 6 March 2025



Signature of plaintiffs’ legal practitioner

This application will be heard by Justice Nixon at the Supreme Court of New South Wales, Law Courts Building, Queens Square, 184 Phillip Street, Sydney, NSW 2000 on ___ March 2025 or another time set by the Court.

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

Not applicable.

C. APPLICATION FOR WINDING UP ON GROUND OF INSOLVENCY

Not applicable.

D. FILING

Date of filing: 6 March 2025

This originating process is filed by Hamilton Locke for the plaintiffs.

E. SERVICE

The plaintiffs' address for service is:

C/-Hamilton Locke
Attention: Brit Ibanez
Level 37, Salesforce Tower
180 George Street
SYDNEY NSW 2000

It is not intended to serve a copy of this originating process on any person.

SCHEDULE**IN THE MATTER OF FINNISH EARLY CHILDHOOD EDUCATION (AUSTRALIA) PTY LTD (ADMINISTRATORS APPOINTED) ACN 630 629 435 & ORS****Plaintiffs**

First Plaintiffs: Alan Walker, Glenn Livingston and Nicholas Charlwood, in their capacity as joint and several voluntary administrators of the Second to Fourteenth Plaintiffs

Second Plaintiff: Finnish Early Childhood Education (Australia) Pty Ltd (Administrators Appointed) ACN 630 629 435

Third Plaintiff: ILO Early Learning (Australia) Pty Ltd (Administrators Appointed) ACN 649 081 069

Fourth Plaintiff: ILO Early Learning (Kurunjang) Pty Ltd (Administrators Appointed) ACN 649 106 909

Fifth Plaintiff: Finnish Early Childhood Education (Dandenong) Pty Ltd (Administrators Appointed) ACN 630 411 675

Sixth Plaintiff: Finnish Early Childhood Education (Hampton Park) Pty Ltd (Administrators Appointed) ACN 637 712 951

Seventh Plaintiff: ILO Early Learning (Ballan) Pty Ltd (Administrators Appointed) ACN 652 090 465

Eighth Plaintiff: Holistic Development Pty Ltd (Administrators Appointed) ACN 621 106 287

Ninth Plaintiff: Finnish Early Childhood Education (Norlane) Pty Ltd (Administrators Appointed) ACN 630 411 791

Tenth Plaintiff: Finnish Early Childhood Education (Gosford) Pty Ltd (Administrators Appointed) ACN 643 367 720

Eleventh Plaintiff: Finnish Early Childhood Education (Charlotte) Pty Ltd (Administrators Appointed) ACN 646 582 881

Twelfth Plaintiff: Finnish Early Childhood Education (St Leonards) Pty Ltd (Administrators Appointed) ACN 645 781 460

Thirteenth Plaintiff: Finnish Early Childhood Education (Brunswick East) Pty Ltd (Administrators Appointed) ACN 641 722 607

Fourteenth Plaintiff: Finnish Early Childhood Education (Ballarat Central) Pty Ltd (Administrators Appointed) ACN 649 365 006

Fifteenth Plaintiff: Finnish Early Childhood Education (Armstrong Creek) Pty Ltd (Administrators Appointed) ACN 660 849 374

Sixteenth Plaintiff: Finnish Early Childhood Education (Waurin Ponds) Pty Ltd (Administrators Appointed) ACN 638 461 579

Seventeenth Plaintiff: Finnish Early Childhood Education (Longwarry) Pty Ltd (Administrators Appointed) ACN 637 227 546