

IN THE FEDERAL COURT OF AUSTRALIA

No. NSD 685 of 2020

IN THE MATTER OF THAI AIRWAYS INTERNATIONAL PUBLIC COMPANY LIMITED

**Air Chief Marshal Chaiyapruk Didyasarin and Mr Peraphon Thawornsupacharoen in their
capacity as Foreign Representatives of Thai Airways International Public Company
Limited**

Plaintiffs

Thai Airways International Public Company Limited

Defendant

TO all the creditors of Thai Airways International Public Company Limited TAKE NOTICE that:

1. On 3 August 2020, the Federal Court of Australia in Proceeding No. NSD 685 of 2020, commenced by the Plaintiffs, Air Chief Marshal Chaiyapruk Didyasarin and Mr Peraphon Thawornsupacharoen in their capacity as Foreign Representatives of Thai Airways International Public Company Limited (the **Defendant**), made the following orders under the *Cross-Border Insolvency Act 2008* (Cth) in relation to the Defendant:
 - (a) Pursuant to Art 17(1) of the Model Law on Cross-Border Insolvency of the United Nations Commission on International Trade Law (the **Model Law**) and s 6 of the *Cross-Border Insolvency Act 2008* (Cth) (the **Cross-Border Insolvency Act**), the proceeding Black Case No. 10/2563 in the Central Bankruptcy Court of the Kingdom of Thailand (the **Thai Reorganisation Proceeding**) in relation to the Defendant, Thai Airways International Public Company Limited, is recognised as a foreign proceeding.
 - (b) Pursuant to Art 17(2)(a) of the Model Law, the Thai Reorganisation Proceeding is recognised as a foreign main proceeding within the meaning of Art 2(b) of the Model Law.
 - (c) Air Chief Marshal Chaiyapruk Didyasarin and Mr Peraphon Thawornsupacharoen are recognised as foreign representatives within the meaning of Art 2(d) of the Model Law.

- (d) For the purposes of Article 20(2) of the Model Law and s 16 of the Cross-Border Insolvency Act, the scope, and the modification or termination, of the stay and suspension referred to in Art 20(1) of the Model Law with respect to the defendant are the same as would apply if the stay or suspension arose under Part 5.3A in Chapter 5 of the *Corporations Act 2001* (Cth) (**Corporations Act**), and as if:
- (i) Part 5.3A of the Corporations Act applied to the Defendant (as a company subject to administration under that Part); and
 - (ii) references in Part 5.3A of the Corporations Act to the consent of the company's administrators are taken to be references to the consent of the company.
- (e) Paragraph 5 of the Plaintiffs' Originating Process, together with any Interlocutory Process filed by St Martins Centre Pty Ltd, is listed for hearing at 10:15am on 3 September 2020.

2. Air Chief Marshal Chaiyapruk Didyasarin and Mr Peraphon Thawornsupacharoen are the Plaintiffs and Foreign Representatives and their address for service is:

C/- Baker McKenzie, Solicitors (Attention Maria O'Brien and Ian Innes)

Tower One - International Towers Sydney,

Level 46, 100 Barangaroo Avenue, Barangaroo NSW 2000

Email: Maria.O'Brien@bakermckenzie.com AND Ian.Innes@bakermckenzie.com

Dated: 5 August 2020

Baker McKenzie