



## Shareholder Update

**Alita Resources Limited (In Liquidation)**  
**ACN 147 393 735**  
**(Alita or the Company)**

### Update following directions hearing

As detailed in the most recent shareholder update on 14 December 2023, the application by Alita directors' Fergus Jockel and Paul O'Farrell (**Plaintiffs or Directors**) (**Application**), returned before Justice Hill of the Supreme Court of Western Australia at 9.15am AWST today, 15 December 2023.

Unless otherwise stated, all capitalised terms used herein shall have the same meanings ascribed in that update.

### Direction Hearing

The Court made orders adjourning the directions hearing and relisting it for Tuesday, 19 December 2023 at 10:00am AWST. A copy of the orders is attached.

The reason for the adjournment was primarily so that the Directors could consider the impact that a proof of debt received from the Australian Taxation Office (**ATO**) by the Liquidators in the sum of \$203,045,626.28 may have on the Application.

### ATO Proof of Debt

The ATO were provided notice of the Application by the Plaintiffs and the Liquidators on 14 December 2023.

The Liquidators today received a letter enclosing a formal proof of debt from the ATO in the amount \$203,045,626.28 which states that Alita still is, justly, truly and contingently indebted to the Deputy Commissioner of Taxation for Income Tax. The calculated contingent liability for income tax is for the years ended/ending 30 June 2023 and 30 June 2024.

As previously announced, tax consultants have been engaged to prepare and finalise the Alita Group's income tax returns for FY23 and FY24 (up to the completion of the SSA on 1 November 2023) which remain outstanding. The FY24 tax returns will also include an assessment of the tax payable following the sale of Alita's shares in Tawana.

### Next Steps

The Liquidators will continue to provide updates to shareholders if there are further material developments.



McGrathNicol

If you have any further queries, these should be emailed to [alita@mcgrathnicol.com](mailto:alita@mcgrathnicol.com) or should be directed to McGrathNicol's Perth office at +61 8 6363 7600.

Dated: 15 December 2023

Yours faithfully

*Alita Resources Limited (In Liquidation)*

Rob Kirman  
*Liquidator*



IN THE SUPREME COURT OF WESTERN AUSTRALIA

COR/195/2023

BETWEEN:

**Fergus JOCKEL -and-**

First Plaintiff

**Paul Vincent O'FARRELL**

Second Plaintiff

AND

**ROBERT MICHAEL KIRMAN, ROBERT  
CONRY BRAUER AND MATTHEW WAYNE  
CADDY AS JOINT AND SEVERAL  
LIQUIDATORS OF ALITA RESOURCES  
LIMITED (IN LIQUIDATION) (ACN 147 393  
735)**

First Defendant



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**ORDERS OF JUSTICE HILL  
MADE ON 15 DECEMBER 2023**

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**IT IS ORDERED that:**

1. The originating process and the interlocutory process be adjourned for directions on 19 December 2023 at 10:00am.

BY THE COURT

THE HONOURABLE JUSTICE J HILL