

8 March 2017

T +61 8 9214 1444  
F +61 8 9214 1400  
E [perth@fh.com.au](mailto:perth@fh.com.au)  
[www.ferrierhodgson.com](http://www.ferrierhodgson.com)

**TO CREDITORS**

Dear Sir/Madam

**Killarnee Civil & Concrete Contractors Pty Ltd (In Liquidation)**  
**ACN 085 230 486 (the Company)**  
**ATF The Thompson Family Trust and in its own right**

**Liquidators' Annual Report and Notice of Meeting**

We enclose our annual report to creditors in relation to the conduct of the liquidation to date.

Pursuant to section 508 of the Corporations Act ("the Act"), the Liquidators are required to convene an annual general meeting of the Company. Accordingly, a meeting of creditors of the Company has been convened on **Friday, 24 March 2016**.

This report should be read in conjunction with the circulars to creditors dated 16 May 2016, 19 July 2016 and 9 September 2016 which are available on the Ferrier Hodgson website ([www.ferrierhodgson.com](http://www.ferrierhodgson.com)).

Included as attachments to this report are:

- Form 529: Notice of Meeting of Creditors to be held on **Friday, 24 March 2017**. The meeting commences at 11.00am (AWST). Please arrive for registration at least fifteen (15) minutes prior to the meeting
- Remuneration Approval Request Report, setting out:
  - the remuneration claim that we intend to seek approval for at the meeting
  - disbursements paid to Ferrier Hodgson from the liquidation to date
  - an account of receipts and payments in the liquidation to date
- Appointment of Proxy form and Formal Proof of Debt / Employee Claim Form for the purposes of voting at the meeting. These forms should be lodged with this office by 4.00pm on the day prior to the meeting.

Pursuant to Section 539(5) of the Corporations Act 2001, our account of receipts and payments in the liquidation to date can be inspected at this office upon request.

Should you require any further information concerning the contents of this report, or the liquidation in general, please contact either Nirav Shah or Yvonne Liew of this office.

Yours faithfully

**Killarnee Civil & Concrete Contractors Pty Ltd**



**Martin Jones**

Joint and Several Liquidator

Encl.

SYDNEY  
MELBOURNE  
ADELAIDE  
BRISBANE  
PERTH  
KUALA LUMPUR  
SINGAPORE

Affiliated through:  
Zolfo Cooper  
CARIBBEAN  
UNITED STATES  
KLC Kennic Lui & Co.  
CHINA  
HONG KONG

# **Killarnee Civil & Concrete Contractors Pty Ltd (In Liquidation)**

**ACN 085 230 486 (the Company)**

**ATF The Thompson Family Trust and in its own right**

## **Annual Report**

**8 March 2017**

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A	Remuneration Approval Request Report
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D	Appointment of Proxy Form



## **1 Introduction**

The purpose of this report is to provide an update to creditors on the Liquidators' acts and dealings since our previous reports.

This report should be read in conjunction with the Liquidators' Reports to Creditors dated 16 May 2016, 19 July 2016 and 9 September 2016 which are also available on the Ferrier Hodgson website at [www.ferrierhodgson.com](http://www.ferrierhodgson.com).

## **2 Lot 1031 Mardie Road, Karratha Industrial Estate, WA 6714 (the Mardie Road property)**

The Liquidators entered into a contract to sell the Mardie Road property on 14 June 2016. Settlement occurred on 19 October 2016 following buyer due diligence.

Westpac held a first registered mortgage over the Mardie Road property and the net sale proceeds of \$668,956 remitted to Westpac to reduce the Company's debt.

## **3 Liquidators' further Court application**

On 12 May 2016 the Liquidators made an application to the Federal Court of Australia ("FCA") for directions (WAD 181/2016), to determine whether Westpac has a priority in the preference claim recovery to the extent of the amounts paid to the employees pursuant to section 561 by the Administrators / Liquidators which would otherwise have been available to Westpac in its capacity as secured creditor.

Subsequently our application was amended to also include:

- an order that any sale of the assets of the Thompson Family Trust ("Trust") which have already taken place be deemed to be a sale within the power of the Liquidators and the Company as the trustee of the Trust
- an order that the Company through its liquidator be permitted to realise all assets of the Trust
- directions that the Trust assets (including sale proceeds of any Trust assets) be dealt with by the Liquidators as assets of the Company.

At the hearing on 9 December 2016 the Court reserved its decision in relation to the trust issues and adjourned the hearing of the subrogation issue to after it had determined the trust issues.

As at the time of writing, we have yet to receive the Court's decision on the trust issues.

## **4 Estimated Return to Creditors**

The estimated dividend rates for the creditors are tabled below under three (3) different scenarios in light of our court application.



Statement of Position as at 28 February 2017	Westpac entitled to subrogation	Westpac not entitled to subrogation	Trust assets <i>pari passu</i>
	Liquidators' ERV		
<b>Assets available</b>			
Cash at Bank	160,116	160,116	160,116
Term Deposit	3,951,737	3,951,737	3,951,737
<b>Total Assets available</b>	<b>4,111,853</b>	<b>4,111,853</b>	<b>4,111,853</b>
<b>Less: Cost of Liquidation</b>			
Liquidators' fees to 24 February 2017	(122,212)	(122,212)	(122,212)
Estimated future Liquidators' fees to completion	(150,000)	(150,000)	(150,000)
Estimated future Liquidators' disbursements	(10,000)	(10,000)	(10,000)
Legal cost and contingencies	(50,000)	(50,000)	(50,000)
<b>Total estimated cost of Liquidation</b>	<b>(332,212)</b>	<b>(332,212)</b>	<b>(332,212)</b>
<b>Total Funds available</b>	<b>3,779,641</b>	<b>3,779,641</b>	<b>3,779,641</b>
<b>Less: Priority Creditors (employee entitlements)</b>			
Payment to Westpac (subrogated)*	(1,531,099)	N/A	N/A
Pre-appointment employee entitlements	(2,005,000)	(2,005,000)	N/A
<b>Total Priority Creditors</b>	<b>(3,536,099)</b>	<b>(2,005,000)</b>	<b>N/A</b>
<b>Surplus / (Deficit) after Priority Creditors</b>	<b>243,542</b>	<b>1,774,641</b>	<b>3,779,641</b>
Add: Further voidable transactions and other recoveries (net of costs)	1,200,000	1,200,000	1,200,000
<b>Total Funds Available to meet Ordinary Unsecured Creditors' Claims</b>	<b>1,443,542</b>	<b>2,974,641</b>	<b>4,979,641</b>
<b>Less: Creditors</b>			
Trade & Other Creditors (unsecured)	(17,000,000)	(17,000,000)	(17,000,000)
Pre-appointment employee entitlements	N/A	N/A	(2,005,000)
Secured Creditor's estimated claim*	N/A	(1,531,099)	(1,531,099)
<b>Total Unsecured Creditors' Claims</b>	<b>(17,000,000)</b>	<b>(18,531,099)</b>	<b>(20,536,099)</b>
<b>Estimated Surplus / (Deficiency)</b>	<b>(15,556,458)</b>	<b>(15,556,458)</b>	<b>(15,556,458)</b>
<b>Estimated Dividend Rate to unsecured creditors (cents in \$)</b>	<b>8</b>	<b>16</b>	<b>24</b>

\*amount as at October 2016. Interest continues to accrue until full settlement

Our analysis indicates that the estimated dividend rate will be:

- approximately 8 cents in the dollar in the event Westpac is entitled to be subrogated to the position of the employees
- approximately 16 cents in the dollar if the Bank is not entitled to subrogation
- approximately 24 cents in the dollar if distribution is to be made *pari passu* (same rate) to all creditors.

Ultimately, the final dividend rate will be dependent on the final funds available (i.e. from further preference recoveries), the quantum of claims adjudicated and the outcome of the Liquidators' Federal Court application.

## 5 Investigations into the Company's Affairs

A liquidator is required to lodge a report to the ASIC pursuant to section 533 of the Act in circumstances where a past or present officer may have been guilty of an offence, or if it is unlikely that the Company will be able to pay its unsecured creditors more than 50 cents in the dollar.

On 15 August 2016, we submitted a report pursuant to section 533 of the Act to the ASIC on the basis that the Company is unable to pay its unsecured creditors more than 50 cents in the dollar.

The report to ASIC includes an examination of various aspects of the Company's trading activities and also considers if offences have been committed by any officers of the Company. These investigations also include the review of any voidable transactions pursuant to section 588FA of the Act and the director's duty to prevent insolvent trading pursuant to section 558G of the Act.

ASIC responded on 16 August 2016 and requested that we lodge a supplementary report. In this regard, we confirm that we are collecting the information requested and will be lodging the supplementary report in due course.

## 6 Receipts and payments

A summary of the receipts and payments for the period 5 May 2016 to 24 February 2017 is set out in section 9 of the Remuneration Approval Request Report at **Annexure A**.

## 7 Liquidators' remuneration

We will seek approval from creditors at the forthcoming meeting for additional Liquidators' fees totalling \$251,165 (plus GST).

Below is a summary of the Liquidators' remuneration from the commencement of the Liquidation to 24 February 2017 and estimated cost to completion:

Period	Amount Approved \$	Amount Incurred \$	Amount Drawn \$	Balance of Fee Approval \$	Fees to be approved \$
9 December 2014 to 30 April 2016	512,032	512,032	512,032	-	-
1 May 2016 to 24 February 2017	200,000	301,165	178,953	21,047	101,165
25 February 2017 to conclusion of liquidation	-	-	-	-	150,000
<b>Total further remuneration approval sought</b>	<b>712,032</b>	<b>813,197</b>	<b>690,985</b>	<b>21,047</b>	<b>251,165</b>

Details of the Liquidators' remuneration and disbursements are available in the Remuneration Approval Request Report attached at **Annexure A**.



## 8 Annual Meeting of Creditors

The annual meeting of creditors is scheduled to be held at **11.00am (AWST) on Friday, 24 March 2017 at the offices of Ferrier Hodgson, Level 28, 108 St Georges Terrace, Perth WA 6000.**

The main purpose of the meeting is to provide stakeholders with an opportunity:

- to be provided with an account of the Liquidators' acts and dealings and of the conduct of the winding up to date
- to fix the further remuneration of the Liquidators.

In this regard, we enclose the following documents:

- Form 529: Notice of Meeting of Creditors (**Annexure B**). Please arrive for registration fifteen (15) minutes prior to the meeting
- Form 535: Formal Proof of Debt Form ("FPOD") / Employee Claim Form (**Annexure C**). A creditor is not entitled to vote at the meeting unless they provide particulars of the debt or claim to me before the meeting. All creditors must furnish full details of their claims, indicating whether they rank as secured, preferential or unsecured. If you have previously submitted the FPOD or the employee claim form, you do not need to submit another form unless you wish to amend your claim
- Form 532: Appointment of Proxy Form (**Annexure D**). The form enables you to appoint a person to act on your behalf at the meeting. Proxy Forms submitted for prior creditor meetings are not valid at this meeting. A proxy form will be deemed invalid by the Chairman if any of the following occurs:
  - the form is not completed in full
  - if a company wishes to appoint a proxy, the proxy form must be completed and signed by an officer of the company under the company seal. The presence of a company manager without being appointed as proxy is insufficient
  - a creditor will not be permitted to vote at the meeting unless that creditor is present in person or his representative has provided a correctly completed proxy form or Power of Attorney.

Creditors should lodge the FPOD (if applicable) and Proxy form with this office before the meeting and, in any event, **no later than 4.00pm on Thursday, 23 March 2017**. Forms can be sent by facsimile on **(08) 9214 1400** marked to the attention of Nirav Shah or scanned and emailed to [nirav.shah@fh.com.au](mailto:nirav.shah@fh.com.au). However, Corporations Regulation 5.6.36A requires lodgement of the original of the Proxy form with the Liquidators' office within 72 hours of lodging the faxed copy.



## 9 Outstanding Matters to Finalise the Liquidation

At the time of writing, the main outstanding tasks in the liquidation include:

- pursuing (and resolving of) further potential unfair preference claims
- lodging a supplementary report under section 533(2) of the Act with ASIC
- subject to the outcome of our application for Court direction, dividend distribution to priority and ordinary unsecured creditors.

Any enquiries in relation to this matter should be directed to either Nirav Shah or Yvonne Liew of this office.

Yours faithfully

**Killarnee Civil and Concrete Contractors Pty Ltd**



**Martin Jones**  
Joint and Several Liquidator

Encl.

## Glossary of terms

Abbreviation	Description
ABN	Australian Business Number
ACN	Australian Company Number
Act	The Corporations Act 2001
ARITA	Australian Restructuring Insolvency & Turnaround Association
ASIC	Australian Securities and Investments Commission
ATO	Australian Taxation Office
Bank or Westpac	Westpac Banking Corporation ACN 007 467 141
ERV	Estimated Realisable Value
M	Million dollars

## A Remuneration Approval Request Report

*Corporations Act 2001  
Section 499(7)*

**Killarnee Civil & Concrete Contractors Pty Ltd (In Liquidation)**  
**ACN 085 230 486 (the Company)**  
**ATF The Thompson Family Trust and in its own right**

### 1 Declaration

We, Martin Jones and Andrew Smith of Ferrier Hodgson, have undertaken a proper assessment of this remuneration claim for our appointment as Joint and Several Liquidators of the Company in accordance with the Corporations Act 2001 (Cth) (**the Act**), the Australian Restructuring Insolvency & Turnaround Association (**ARITA**) Code of Professional Practice (**the Code**) and applicable professional standards.

We are satisfied that the remuneration claimed is in respect of necessary work, properly performed, or to be properly performed, in the conduct of the liquidation.

### 2 Executive summary

#### 2.1 Summary of remuneration approval sought for the Company

To date, remuneration totalling \$712,032.00 has been approved and \$690,984.50 paid in the liquidation of the Company. This remuneration report details approval sought for the following fees:

Period	Report Reference	Amount (ex GST) \$
<b>Past remuneration approved:</b>		
9 December 2014 to 30 April 2016		512,032
1 May 2016 to the conclusion of liquidation		200,000
<b>Total past remuneration approved</b>		<b>712,032</b>
<b>Further remuneration approval sought:</b>		
Resolution 1:		
1 May 2016 to 24 February 2017	4.1	101,165
Resolution 2:		
25 February 2017 to the conclusion of liquidation	4.2	150,000
<b>Total further remuneration approval sought</b>		<b>251,165</b>

*\* Approval for the future remuneration sought is based on an estimate of the work necessary to the completion of the administration. Should additional work be necessary beyond what is contemplated, further approval may be sought from creditors.*

Please refer to Part 4 for full details of the calculation and composition of the remuneration approval sought.



## 2.2 Remuneration drawn and to be approved

Period	Amount Approved \$	Amount Incurred \$	Amount Drawn \$	Balance of Fee Approval \$	Fees to be approved \$
9 December 2014 to 30 April 2016	512,032	512,032	512,032	-	-
1 May 2016 to 24 February 2017	200,000	301,165	178,953	21,047	101,165
25 February 2017 to conclusion of liquidation	-	-	-	-	150,000
<b>Total further remuneration approval sought</b>	<b>712,032</b>	<b>813,197</b>	<b>690,985</b>	<b>21,047</b>	<b>251,165</b>

As detailed in the summary above, at the forthcoming annual meeting, we intend to seek creditors' approval for additional Liquidators' remuneration of:

- \$101,165 (plus GST) for the period 1 May 2016 to 24 February 2017
- a further approval of \$150,000 (plus GST) for the period 25 February 2017 to the conclusion of liquidation.

## 2.3 Comparison to estimate of costs provided in advice to creditors

The remuneration approval sought differs to the estimate of costs provided in our Remuneration Approval Request Report dated 16 May 2016 for the following reasons:

- in respect to our Federal Court application for Court directions for a determination on the application of proceeds of trust property and the subrogation
- issuing circulars and notices to creditors seeking their response regarding our Federal Court application and subsequent amendments
- our time spent on locating and reviewing additional information to quantify and resolve the outstanding superannuation amount owed to individual employees with the Australian Taxation Office. The review is still ongoing
- our time spent on collating and reviewing outstanding employee entitlements and issuing letters to individual employees advising them of same.

## 3 Schedule of hourly rates & general guide to staff experience

The hourly rates for our remuneration calculation are set out in the following table together with a general guide showing the qualifications and experience of staff engaged in the liquidation and the role they take. The hourly rates encompass the total cost of providing professional services and should not be compared to an hourly wage.

Title	Rate / hour (2015-16)	Rate / hour (2016-17)	Experience
Partner / Appointee	\$595	\$625	The Partner / Appointee is a registered liquidator and member of CAANZ and, generally, ARITA, bringing specialist skills to the liquidation or insolvency task. For specific experience and other details of the appointee(s), please visit our website at <a href="http://www.ferrierhodgson.com">www.ferrierhodgson.com</a> .
Executive Director	\$525	\$575	The Executive Director is a registered liquidator and member of CAANZ and, generally, ARITA, bringing specialist skills to the liquidation or insolvency task.
Director	\$510	\$550	Generally, minimum of 12 years' experience at least 2 years of which is to be at Manager level. University degree; member of CAANZ and, generally,

Title	Rate / hour (2015-16)	Rate / hour (2016-17)	Experience
			ARITA, with deep knowledge and lengthy experience in relevant insolvency legislation and issues.
Senior Manager	\$465	\$500	Generally, more than 7 years' experience with at least 2 years as a Manager. University degree; member of CAANZ and, generally, ARITA; very strong knowledge of relevant insolvency legislation and issues.
Manager	\$400	\$450	Generally, 5 to 7 years' chartered accounting or insolvency management experience. University degree; member of CAANZ and, generally, ARITA; sound knowledge of relevant insolvency legislation and issues.
Assistant Manager	\$360	\$390	Generally, 4 to 6 years' chartered accounting or insolvency management experience. University degree; member of CAANZ; completing ARITA Insolvency Education Program. Good knowledge of relevant insolvency legislation and issues.
Senior Analyst	\$305	\$330	Generally, 2 to 4 years' chartered accounting or insolvency management experience. University degree; completing CAANZ's CA program. Good knowledge of basic insolvency legislation and issues.
Analyst	\$270	\$290	Generally, 2 to 3 years' chartered accounting or insolvency management experience. University degree, CAANZ's CA program commenced.
Accountant	\$230	\$250	0 to 2 years' experience. Has completed or substantially completed, on a part-time basis, a degree in finance/accounting. Under supervision, takes direction from senior staff in completing administrative tasks.
Junior Accountant	\$150	\$170	0 to 1 years' experience. Undertaking a degree part-time in finance/accounting. Under supervision, takes directions from senior staff in completing administrative tasks.
Personal / Team Assistant	\$180	\$180	Appropriate skills including machine usage.
Accounts Supervisor / Assistant	\$180	\$180	Generally non-qualified administrative assistant. Classification depends on experience, salary and complexity of work to be completed.
Administration Supervisor / Assistant	\$140	\$140	Completed schooling and plans to undertake further studies. Required to assist in administration and day to day field work under the supervision of more senior staff.

**Notes:**

- The hourly rates are exclusive of GST.
- The guide to staff experience is intended only as a general guide to the qualifications and experience of staff engaged in the liquidation. Staff may be engaged under a classification considered appropriate for their experience.
- Time is recorded and charged in six-minute increments.
- Creditor approval will be sought prior to the application of any new rates to this liquidation.



## 4 Description of work completed / to be completed

### 4.1 Resolution 1

**Company:** Killarnee Civil & Concrete Contractors Pty Ltd (In Liquidation)  
**Administration Type:** Creditors Voluntary Liquidation  
**Practitioners:** Martin Jones and Andrew Smith of Ferrier Hodgson  
**Period:** 1 May 2016 to 24 February 2017

Task area	General description	Includes
<b>Assets</b>	Sale of real property	<ul style="list-style-type: none"> <li>Tasks associated with the sale of property at 1031 Mardie Road, Karratha</li> </ul>
<b>117.0 hours</b> <b>\$45,856</b> <b>(excl. GST)</b>	Assets subject to specific charges	<ul style="list-style-type: none"> <li>All tasks associated with realising a charged asset including liaising with financiers to determine strategy</li> </ul>
<b>Creditors</b>	Creditor enquiries	<ul style="list-style-type: none"> <li>Receive and follow up creditor enquiries via telephone and email</li> <li>Maintaining creditor enquiry register</li> <li>Review and prepare correspondence to creditors and their representatives via facsimile, email and post</li> </ul>
<b>296.1 hours</b> <b>\$109,957</b> <b>(excl. GST)</b>	Creditor reports	<ul style="list-style-type: none"> <li>Prepare further reports to creditors</li> </ul>
	Dealing with proofs of debt	<ul style="list-style-type: none"> <li>Receipting and filing proofs of debt when not related to a dividend</li> <li>Corresponding with OSR and ATO regarding proofs of debt when not related to a dividend</li> </ul>
	Meeting of creditors	<ul style="list-style-type: none"> <li>Preparation of meeting notices, proxies and advertisements</li> <li>Forward notice of meeting to all known creditors/stakeholders</li> <li>Preparation of meeting file, including agenda, certificate of postage, attendance register, list of creditors, reports to creditors, advertisement of meeting and draft minutes of meeting</li> <li>Preparation of reports for annual meetings and/or ASIC lodgement</li> </ul>
	Secured creditor reporting	<ul style="list-style-type: none"> <li>Correspondence with secured creditor regarding sale of Mardie Road property and application to court for directions in respect to secured creditor entitlement to the preference claim recovery</li> <li>Responding to queries</li> </ul>
<b>Employees</b>	Employee enquiries	<ul style="list-style-type: none"> <li>Receive and follow up employee enquiries via telephone</li> <li>Review and prepare correspondence to creditors and their representatives via facsimile, email and post</li> <li>Preparation of letters to employees advising of their entitlements</li> </ul>
<b>205.6 hours</b> <b>\$71,183</b> <b>(excl. GST)</b>	Fair Entitlements Guarantee (FEG)	<ul style="list-style-type: none"> <li>Correspondence with FEG</li> </ul>



Task area	General description	Includes
	Calculation of entitlements	<ul style="list-style-type: none"> <li>Reconciliation of award and review records regarding outstanding employee entitlements</li> </ul>
	Employee dividend	<ul style="list-style-type: none"> <li>Correspondence with ATO regarding SGC proof of debt and resolving discrepancies</li> <li>Calculating estimated dividend rate</li> <li>Preparing dividend file</li> <li>Receiving employee claim forms</li> </ul>
<b>Trade on</b>		
<b>2.8 hours</b> <b>\$986</b> <b>(excl. GST)</b>	Processing payments	<ul style="list-style-type: none"> <li>Entering receipts and payments into accounting system</li> </ul>
<b>Investigation</b>		<ul style="list-style-type: none"> <li>Reviewing Company's books and records</li> <li>Review and preparation of Company nature and history</li> <li>Conducting and summarising statutory searches</li> <li>Preparation of comparative financial statements</li> <li>Preparation of deficiency statement</li> <li>Review of specific transactions and liaising with directors regarding certain transactions</li> <li>Preparation of investigation file</li> <li>Lodgement of investigation with ASIC</li> <li>Reviewing and pursuing preference recoveries</li> </ul>
<b>48.0 hours</b> <b>\$19,530</b> <b>(excl. GST)</b>	Conducting investigation	
	ASIC reporting	<ul style="list-style-type: none"> <li>Preparing statutory investigation reports and lodgement with ASIC</li> </ul>
<b>Dividend</b>		<ul style="list-style-type: none"> <li>Preparation of correspondence to potential creditors inviting lodgement of proofs of debt</li> <li>Receipt of proofs of debt</li> <li>Maintain proof of debt register</li> <li>Adjudicating proofs of debt</li> </ul>
<b>11.5 hours</b> <b>\$4,119</b> <b>(excl. GST)</b>	Processing proofs of debt	
	Correspondence	<ul style="list-style-type: none"> <li>General correspondence</li> <li>Liaising with solicitors regarding Federal Court Application (which included compiling the relevant supporting documents, reviewing affidavits and submissions, issuing notices to creditors)</li> </ul>
<b>Administration</b>		<ul style="list-style-type: none"> <li>Six monthly administration review</li> <li>Filing of documents</li> <li>File reviews</li> <li>Updating checklists</li> </ul>
<b>141.3 hours</b> <b>\$49,535</b> <b>(excl. GST)</b>	Document maintenance / file review / checklist	
	Insurance	<ul style="list-style-type: none"> <li>Identification of potential issues requiring attention of insurance specialists</li> <li>Correspondence with insurer regarding ongoing insurance requirements</li> <li>Reviewing insurance policies</li> </ul>
	Bank account administration	<ul style="list-style-type: none"> <li>Requesting bank statements</li> </ul>

Task area	General description	Includes
		<ul style="list-style-type: none"> <li>▪ Bank account reconciliations</li> </ul>
	ASIC Form 524 and other forms	<ul style="list-style-type: none"> <li>▪ Preparing and lodging ASIC forms including 505, 524, 911, etc.</li> <li>▪ Correspondence with ASIC regarding statutory forms</li> </ul>
	ATO and other statutory reporting	<ul style="list-style-type: none"> <li>▪ Notification of appointment</li> <li>▪ Preparing BASs</li> <li>▪ Completing group certificates</li> </ul>
	Planning / review	<ul style="list-style-type: none"> <li>▪ Discussions regarding status / strategy of administration</li> </ul>
	Books and records / storage	<ul style="list-style-type: none"> <li>▪ Dealing with records in storage</li> </ul>



#### 4.1.1 Summary of work completed for the period 1 May 2016 to 24 February 2017

Employee	Position	Rate (ex GST)	Task Area									
			Total	Assets	Creditors	Employees	Trade On	Investigation	Dividend	Administration		
		(\$/Hr)	(Hrs)	(\$)	(Hrs)	(\$)	(Hrs)	(\$)	(Hrs)	(\$)	(Hrs)	(\$)
Jones, Martin	Partner	625	1.4	875	-	-	-	-	-	-	1.4	875
Jones, Martin	Partner	595	6.0	3,570	-	-	-	-	-	-	6.0	3,570
Smith, Andrew	Partner	625	0.4	250	-	-	-	-	-	-	0.4	250
Field, Malcolm	Executive Director	575	4.2	2,415	0.5	288	0.4	230	-	1,553	-	345
Field, Malcolm	Director	525	6.2	3,255	1.5	788	3.3	1,733	-	263	0.2	105.0
Powell, Sean	Director	550	1.4	770	-	-	-	1.4	770	-	-	-
Chu, Kieran	Senior Manager	500	76.6	38,300	20.3	10,150	29.1	14,550	4.6	2,300	0.2	100
Chu, Kieran	Senior Manager	485	29.0	13,485	6.0	2,790	6.8	3,162	3.6	1,674	-	-
Chu, Kieran	Manager	400	86.3	34,520	22.2	8,880	42.2	16,880	20.1	8,040	0.9	360
McCann, Lauren	Manager	450	1.8	810	-	-	-	-	1.8	810	-	-
Bickford, Bob	Assistant Manager	390	1.6	624	-	-	1.6	624	-	-	-	-
Liew, Yvonne	Assistant Manager	390	111.8	43,602	16.3	6,357	44.9	17,511	26.9	10,491	0.3	117
Liew, Yvonne	Assistant Manager	360	207.0	74,520	20.1	7,236	90.6	32,616	85.0	30,600	-	-
Stephens, Miranda	Assistant Manager	390	3.4	1,326	-	-	-	-	-	-	-	-
Stephens, Miranda	Assistant Manager	360	2.0	720	-	-	-	-	-	-	-	-
Hulmes, William	Senior Analyst	330	16.3	5,379	-	-	-	-	-	-	-	-
Hulmes, William	Senior Analyst	305	2.5	763	-	-	-	-	-	-	-	-
Shah, Nirav	Senior Analyst	330	64.5	21,285	3.5	1,155	19.2	6,336	3.7	1,221	-	-
Shah, Nirav	Senior Analyst	305	21.0	6,405	-	-	5.7	1,739	4.1	1,251	-	-
Shah, Nirav	Senior Analyst	270	119.4	32,238	-	-	43.5	11,745	56.2	15,174	-	-
Soo, Jason	Senior Analyst	330	11.4	3,762	4.0	1,320	6.5	2,145	0.2	66	0.6	198
Soo, Jason	Analyst	305	27.2	8,296	22.6	6,893	1.3	397	1.2	366	0.2	61
George, William	Analyst	290	1.3	377	-	-	1.0	290	-	-	-	-
Cohen-Cooke, Samuel	Accountant	250	6.1	1,525	-	-	-	-	-	-	0.6	150
Mukosera, Precious	Accountant	230	1.1	253	-	-	-	-	-	-	-	-
Titelstad, Jacqui	Team Assistant	180	2.6	468	-	-	-	-	-	-	-	-
Herriman, Samuel	Administration Assistant	140	5.6	784	-	-	-	-	-	-	-	-
Newland, Jacob	Administration Assistant	140	4.2	588	-	-	-	-	-	-	-	-
<b>Total (excluding GST)</b>			<b>822.3</b>	<b>301,165</b>	<b>117.0</b>	<b>45,856</b>	<b>296.1</b>	<b>109,957</b>	<b>205.6</b>	<b>71,183</b>	<b>2.8</b>	<b>986</b>
Fees approved				<b>(200,000)</b>								
<b>Resolution 1</b>				<b>101,165</b>								
GST				10,116								
<b>Total (including GST)</b>				<b>111,281</b>								



## 4.2 Resolution 2

**Company:** Killarnee Civil & Concrete Contractors Pty Ltd (In Liquidation)  
**Administration Type:** Creditors Voluntary Liquidation  
**Practitioners:** Martin Jones and Andrew Smith of Ferrier Hodgson  
**Period:** 25 February 2017 to completion of the liquidation

Task area	General description	Includes
<b>Creditors</b>  <b>85.0 hours</b> <b>\$30,575</b> <b>(excl. GST)</b>	Creditor enquiries	<ul style="list-style-type: none"> <li>Receive and follow up creditor enquiries via telephone and email</li> <li>Maintaining creditor enquiry register</li> <li>Review and prepare correspondence to creditors and their representatives via facsimile, email and post</li> </ul>
	Creditor reports/circulars	<ul style="list-style-type: none"> <li>Prepare further reports to creditors</li> </ul>
	Dealing with proofs of debt	<ul style="list-style-type: none"> <li>Receipting and filing proofs of debt when not related to a dividend</li> <li>Corresponding with OSR and ATO regarding proofs of debt when not related to a dividend</li> </ul>
	Meeting of creditors	<ul style="list-style-type: none"> <li>Preparation of meeting notices, proxies and advertisements</li> <li>Forward notice of meeting to all known creditors</li> <li>Preparation of meeting file, including agenda, certificate of postage, attendance register, list of creditors, reports to creditors, advertisement of meeting and draft minutes of meeting.</li> <li>Preparation and lodgement of minutes of meetings with ASIC</li> <li>Respond to stakeholder queries and questions immediately following meeting</li> </ul>
	Secured creditor reporting	<ul style="list-style-type: none"> <li>Correspondence with secured creditor regarding application to court for directions in respect to secured creditor entitlement to preference claim recovery</li> </ul>
<b>Employees</b>  <b>60.0 hours</b> <b>\$20,655</b> <b>(excl. GST)</b>	Employee enquiries	<ul style="list-style-type: none"> <li>Receive and follow up employee enquiries via telephone</li> <li>Review and prepare correspondence to creditors and their representatives via facsimile, email and post</li> <li>Preparation of letters to employees advising of their entitlements</li> </ul>
	Calculation of entitlements	<ul style="list-style-type: none"> <li>Calculating employee entitlements</li> <li>Reviewing employee files and Company's books and records</li> <li>Reconciling superannuation accounts</li> <li>Reviewing awards and contracts</li> </ul>
	Employee dividend	<ul style="list-style-type: none"> <li>Correspondence with employees regarding dividend</li> <li>Correspondence with ATO regarding SGC proof of debt</li> <li>Calculating dividend rate</li> </ul>

Task area	General description	Includes
		<ul style="list-style-type: none"> <li>▪ Preparing dividend file</li> <li>▪ Advertising dividend notice</li> <li>▪ Preparing distribution</li> <li>▪ Receipting proofs of debt</li> <li>▪ Adjudicating proofs of debt</li> <li>▪ Ensuring PAYG is remitted to ATO</li> </ul>
	Other employee issues	<ul style="list-style-type: none"> <li>▪ Correspondence with Child Support</li> <li>▪ Correspondence with Centrelink</li> </ul>
<b>Investigation</b>		<ul style="list-style-type: none"> <li>▪ Reviewing Company's books and records</li> <li>▪ Review and preparation of Company nature and history</li> <li>▪ Preparation of comparative financial statements</li> <li>▪ Preparation of deficiency statement</li> <li>▪ Review of specific transactions and liaising with directors regarding certain transactions</li> <li>▪ Preparation of investigation file</li> <li>▪ Preparation and lodgement of supplementary report</li> <li>▪ Reviewing and pursuing preference recoveries</li> </ul>
<b>85.0 hours \$30,350 (excl. GST)</b>	Conducting investigation	
	ASIC reporting	<ul style="list-style-type: none"> <li>▪ Preparing supplementary section 533 report and lodgement of same with ASIC</li> </ul>
<b>Dividend</b>		<ul style="list-style-type: none"> <li>▪ Preparation of correspondence to potential creditors inviting lodgement of proofs of debt</li> <li>▪ Receipt of proofs of debt</li> <li>▪ Maintain proof of debt register</li> <li>▪ Adjudicating proofs of debt</li> <li>▪ Request further information from claimants regarding proofs of debt</li> <li>▪ Preparation of correspondence to claimant advising outcome of adjudication</li> </ul>
<b>91.0 hours \$33,655 (excl. GST)</b>	Processing proofs of debt	
	Dividend procedures	<ul style="list-style-type: none"> <li>▪ Preparation of correspondence to creditors advising of intention to declare dividend</li> <li>▪ Advertisement of intention to declare dividend</li> <li>▪ Obtain clearance from ATO to allow distribution of Company's assets</li> <li>▪ Preparation of dividend calculations</li> <li>▪ Preparation of correspondence to creditors announcing declaration of dividend</li> <li>▪ Advertise announcement of dividend</li> <li>▪ Preparation of distribution</li> <li>▪ Preparation of dividend file</li> <li>▪ Preparation of payment vouchers to pay dividend</li> <li>▪ Preparation of correspondence to creditors enclosing payment of dividend</li> </ul>
	Correspondence	<ul style="list-style-type: none"> <li>▪ General correspondence</li> <li>▪ Liaising with solicitors regarding Federal Court Application</li> </ul>

Task area	General description	Includes
<b>Administration</b>  <b>97.9 hours</b> <b>\$34,765</b> <b>(excl. GST)</b>	Document maintenance / file review / checklist	<ul style="list-style-type: none"> <li>▪ Six monthly administration review</li> <li>▪ Filing of documents</li> <li>▪ File reviews</li> <li>▪ Updating checklists</li> </ul>
	Bank account administration	<ul style="list-style-type: none"> <li>▪ Preparing correspondence opening and closing accounts</li> <li>▪ Requesting bank statements</li> <li>▪ Bank account reconciliations</li> <li>▪ Correspondence with bank regarding specific transfers</li> </ul>
	ASIC Form 524 and other forms	<ul style="list-style-type: none"> <li>▪ Preparing and lodging ASIC forms including 505, 524, 911, etc.</li> <li>▪ Correspondence with ASIC regarding statutory forms</li> </ul>
	ATO and other statutory reporting	<ul style="list-style-type: none"> <li>▪ Notification of appointment</li> <li>▪ Preparing BASs</li> <li>▪ Completing group certificates</li> </ul>
	Finalisation	<ul style="list-style-type: none"> <li>▪ Notifying ATO of finalisation</li> <li>▪ Cancelling ABN / GST / PAYG registration</li> <li>▪ Completing checklists</li> <li>▪ Finalising WIP</li> </ul>
	Planning / review	<ul style="list-style-type: none"> <li>▪ Discussions regarding status / strategy of administration</li> </ul>
	Books and records / storage	<ul style="list-style-type: none"> <li>▪ Dealing with records in storage</li> <li>▪ Sending job files to storage</li> </ul>



#### 4.2.1 Summary of work to be completed for the period 25 February 2017 to the conclusion of Liquidation

Employee	Position	Rate (ex GST) \$/Hour	Total		Creditors		Employees		Investigation		Dividend		Administration	
			Hrs	\$	Hrs	\$	Hrs	\$	Hrs	\$	Hrs	\$	Hrs	\$
Jones, Martin	Partner	625	18.0	11,250	5.0	3,125	1.0	625	2.0	1,250	5.0	3,125	5.0	3,125
Smith, Andrew	Partner	625	2.0	1,250	-	-	-	-	-	-	-	-	2.0	1,250
Field, Malcolm	Executive Director	575	15.0	8,625	10.0	5,750	-	-	-	-	-	-	5.0	2,875
Chu, Kieran	Senior Manager	500	30.0	15,000	-	-	2.0	1,000	3.0	1,500	15.0	7,500	10.0	5,000
Liew, Yvonne	Assistant Manager	390	60.0	23,400	10.0	3,900	5.0	1,950	20.0	7,800	15.0	5,850	10.0	3,900
Stephens, Miranda	Assistant Manager	390	15.0	5,850	-	-	-	-	-	-	5.0	1,950	10.0	3,900
Shah, Nirav	Senior Analyst	330	125.0	41,250	30.0	9,900	50.0	16,500	-	-	30.0	9,900	15.0	4,950
Hulmes, William	Senior Analyst	330	61.0	20,130	-	-	-	-	60.0	19,800	-	-	1.0	330
George, William	Analyst	290	27.0	7,830	10.0	2,900	2.0	580	-	-	2.0	580	13.0	3,770
Cohen-Cooke, Samuel	Accountant	250	53.0	13,250	20.0	5,000	-	-	-	-	19.0	4,750	14.0	3,500
Tittestad, Jacqui	Team Assistant	180	9.0	1,620	-	-	-	-	-	-	-	-	9.0	1,620
Newland, Jacob	Administration Assistant	140	3.9	545	-	-	-	-	-	-	-	-	3.9	545
<b>Total (excluding GST)</b>			<b>418.9</b>	<b>150,000</b>	<b>85.0</b>	<b>30,575</b>	<b>60.0</b>	<b>20,655</b>	<b>85.0</b>	<b>30,350</b>	<b>91.0</b>	<b>33,655</b>	<b>97.9</b>	<b>34,765</b>
GST				15,000										
<b>Total (including GST)</b>				<b>165,000</b>										

## 5 Statement of remuneration claim

### 5.1 Resolutions to be put to creditors at the meeting convened for 24 March 2017

At the meeting convened for 24 March 2017, creditors will be asked to consider the following resolutions:

#### Resolution 1:

*“That the further remuneration of the Liquidators, as set out in the Remuneration Approval Request Report dated 8 March 2017, for the period from 1 May 2016 to 24 February 2017 be fixed in the amount of \$101,165 (plus GST), and may be paid.”*

#### Resolution 2:

*“That the further remuneration of the Liquidators, their staff and their related parties as set out in the Remuneration Approval Request Report dated 8 March 2017, for the period from 25 February 2017 to completion of the liquidation be fixed at the hourly rates summarised in the said Report up to a maximum amount of \$150,000 (plus GST), but subject to upward revision by resolution of creditors, and that the Liquidators be authorised to make monthly payments on account of such accruing remuneration as incurred.”*

Please note that the above is an estimate only. If costs exceed the estimate, creditors will be advised accordingly and further approval of the Liquidators remuneration will be sought in the future.

## 6 Remuneration recoverable from external sources

The Liquidators have not received, and are not entitled to receive, any funding from external sources in respect of remuneration other than mentioned in our previous report dated 16 May 2016.

## 7 Disbursements

### 7.1 Types of disbursements

Disbursements are divided into three types:

- externally provided professional services. These are recovered at cost. An example is legal fees
- externally provided non-professional costs such as travel, accommodation and search fees. These disbursements are recovered at cost
- internal disbursements such as photocopying, printing and postage. These disbursements, if charged to the liquidation, would generally be charged at cost; though some expenses such as telephone calls, photocopying and printing may be charged at a rate which recoups both variable and fixed costs. The relevant rates are set out below:



Disbursement Type	Charges (excluding GST)
Advertising	At cost
Couriers	At cost
Data room hosting	At cost
Mileage reimbursement	\$0.66 per kilometre
Photocopying (colour)	\$0.50 per page
Photocopying (mono)	\$0.20 per page
Photocopying (outsourced)	At cost
Printing (colour)	\$0.50 per page
Printing (mono)	\$0.20 per page
Printing (outsourced)	At cost
Postage	At cost
Searches	At cost
Storage and storage transit	At cost
Telephone calls	At cost

*Note: Above rates are applicable for the financial year ending 30 June 2017*

## 7.2 Disbursements paid from the liquidation to Ferrier Hodgson

The following disbursements have been paid from the liquidation to Ferrier Hodgson for the period from 9 December 2014 to 24 February 2017.

Disbursements paid	Basis	Total (ex GST) (\$)
<b>Externally provided non-professional services</b>		
Advertising	At Cost	608.70
Courier	At Cost	149.09
Mileage Reimbursement	\$0.66 per kilometre	66.88
Miscellaneous	At Cost	90.00
Other	At Cost	193.00
Search Fees	At Cost	531.70
Taxi	At Cost	1,265.11
Telephone & Fax	At Cost	140.31
<b>Internal disbursements</b>		
Photocopying - Mono	1,146 pages @ \$0.20/page	229.20
Postage	At Cost	774.34
Printing - Mono	7,496 pages @ \$0.20/page	1,499.20
Stationery	At Cost	87.00
<b>Total</b>		<b>5,634.53</b>

In relation to these disbursements:

- we have undertaken a proper assessment of disbursements claimed for the Company, in accordance with the law and applicable professional standards. We are satisfied that the disbursements claimed are necessary and proper
- where amounts have been paid to Ferrier Hodgson for externally provided services and costs, those payments are in reimbursement of costs previously paid by Ferrier Hodgson,



either due to a lack of funds in the liquidation at the time the payment was due, or the direct invoicing of Ferrier Hodgson by the supplier

- all of the transactions in the above table appear in the summary of receipts and payments at Part 9 as Appointee disbursements. Where payments to third parties are paid directly from the liquidation bank account, they are included in the summary of receipts and payments at Part 9
- creditor approval for the payment of disbursements is not required. However, the Liquidators must account to creditors. Creditors have the right to question the incurring of disbursements and can challenge disbursements in court
- future disbursements provided by Ferrier Hodgson will be charged to the liquidation on the same basis as the table in Part 7.1

## 8 Report on progress of the liquidation

The Remuneration Approval Request Report must be read in conjunction with the report to creditors dated 8 March 2017.

## 9 Summary of receipts and payments

A summary of receipts and payments for the period from 5 May 2016 to 24 February 2017 is set out below:

Receipts and payments	Total (incl GST)
Receipts	\$
<b>Balance c/f from 5 May 2016</b>	<b>9,484,210</b>
Council Rates Refund	5,695
GST Refund	48,211
Insurance Refund	1,634
Interest Income	59,617
Sale of Mardi Road Property	819,500
Sale of Plant & Equipment	33,000
Water Rates Refund	8
<b>Total receipts</b>	<b>10,451,875</b>
Payments	
<b>Balance c/f from 5 May 2016</b>	<b>(4,964,378)</b>
Consulting Fees	(103,149)
Distribution to Secured Creditor	(696,956)
External Payroll Expense	(80)
External Printing Expense	(6,724)
GST Paid	(72,672)
Land Tax	(158)
Legal Fees	(139,151)
Liquidators' Disbursements	(2,858)
Liquidators' Fees	(320,083)
Property Sales Agent's Fees	(16,390)
Registrar's Fees	(1,617)
Shire Rates	(8,610)
Superannuation	(319)

Receipts and payments	Total (incl GST)
Utilities	(187)
Valuation Expense	(4,015)
Wages & Salaries	(476)
WHS Expenses	(2,200)
<b>Total payments</b>	<b>(6,340,022)</b>
<b>Net receipts and payments</b>	<b>4,111,853</b>

## 10 Queries

Should you have any queries in relation to the above, please contact Nirav Shah of this office on (08) 9214 1444.

## 11 Information available

The partners of Ferrier Hodgson are members of ARITA. Ferrier Hodgson follows the Code. A copy of the Code may be found on the ARITA website at [www.arita.com.au](http://www.arita.com.au).

An information sheet concerning approval of remuneration in external administrations can also be obtained from the Australian Securities & Investments Commission website at [www.asic.gov.au](http://www.asic.gov.au).

Dated this 8<sup>th</sup> day of March 2017.



**Martin Jones**  
Joint and Several Liquidator

## B Notice of Meeting of Creditors

### Form 529

### Notice of meeting of creditors

*Corporations Act 2001*

*Section 508, Subregulation 5.6.12(2)*

**Killarnee Civil & Concrete Contractors Pty Ltd (In Liquidation)**

**ACN 085 230 486 (the Company)**

**ATF The Thompson Family Trust and in its own right**

NOTICE IS GIVEN that pursuant to section 508 of the Corporations Act 2001 a meeting of creditors of the Company will be held at the offices of **Ferrier Hodgson, Level 28, 108 St Georges Terrace, PERTH WA 6000** on **Friday, 24 March 2017 at 11:00am (AWST)**.

### Agenda

1. To receive an account of the Liquidators' acts and dealings and of the conduct of the winding up to date.
2. To approve the further remuneration of the Liquidators.
3. Any other business that may be lawfully brought forward.

Dated this 8<sup>th</sup> day of March 2017.



**Martin Jones**

Joint and Several Liquidator



# Annexure

## C Formal Proof of Debt Form / Employee Claim Form

### Form 535

### Formal Proof of Debt or Claim (General Form)

*Corporations Act 2001  
Regulation 5.6.49(2)*

**Killarnee Civil & Concrete Contractors Pty Ltd (In Liquidation)**  
**ACN 085 230 486 (the Company)**  
**ATF The Thompson Family Trust and in its own right**

#### **Instructions:**

Please complete Sections A, B and C and submit to:  
Killarnee Civil and Concrete Contractors Pty Ltd (In Liquidation)  
c/- Ferrier Hodgson  
GPO Box 2537, PERTH WA 6001  
Tel: 08 9214 1444 Fax: 08 9214 1400  
Email: [nirav.shah@fh.com.au](mailto:nirav.shah@fh.com.au)

\* Strike out if inapplicable.

---

#### **A. Name and Contact Details of Creditor**

**(the Creditor)**

*(if in a personal capacity, given name and surname; if a corporate entity, full name of company, etc)*

of

*(address)*

Tel:

Fax:

Email:

- ☐ Tick this box to elect to receive electronic notification of notices or documents, in accordance with Section 600G of the Corporations Act 2001, at the email address or fax number specified above.
-

## B. Details of Debt or Claim

To the Liquidators of the Company

1. This is to state that the Company was, on Monday, 1 September 2014, and still is justly and truly indebted to the Creditor for

dollars

(amount in words)

and

cents (inclusive of GST, if applicable).

Particulars of the debt are:

Date	Consideration <sup>1</sup>	Net (\$)	GST (\$)	Total (\$)	Remarks <sup>2</sup>
------	----------------------------	----------	----------	------------	----------------------

1. Under "Consideration" state how the debt arose, for example "goods sold and delivered to the company between the dates of .....", "moneys advanced in respect of the Bill of Exchange".
2. Under "Remarks" include details of vouchers substantiating payment.

2. To my knowledge or belief the Creditor has not, nor has any person by the Creditor's order, had or received any satisfaction or security for the sum or any part of it,  
\*except for:

(insert particulars of all securities held. If the securities are on the property of the company, assess the value of those securities. If any bills or other negotiable securities are held, indicate "refer attached" above and show them in a schedule in the following form:)

Date	Drawer	Acceptor	Amount (\$)	Due Date
------	--------	----------	-------------	----------

3. \*I am employed by the Creditor / \*I am the Creditor's agent  
\*and authorised in writing by the Creditor to make this statement.

I know that the debt was incurred for the consideration stated and that the debt, to the best of my knowledge and belief, remains unpaid and unsatisfied.

---

**C. Signature**

Dated:

---

Signature:

---

Name / Capacity #:

---

- #      If the Creditor is an individual, insert full name
- If the Creditor is a sole trader, insert in accordance with the following example: "full name, proprietor"
- If the Creditor is a partnership, insert in accordance with the following example: "full name, partner of the firm named in Section A above"
- If the Creditor is a company, insert in accordance with the following example: "full name, director / secretary / director/secretary of the company named in Section A above" or under the hand of some officer duly authorised in that capacity, and the fact that the officer is so authorised must be stated in accordance with the following example: "full name, for the company named in Section A above (duly authorised under the seal of the company)".
- Where this form is completed by, for example, a solicitor or accountant of the Creditor, sign this form as the Creditor's authorised agent; where this form is completed by an authorised employee of the Creditor, indicate occupation (e.g.: credit manager, etc.).





**ATF The Thompson Family Trust and in its own right**

### Claim of Employee

Name \_\_\_\_\_

Address: Street Number and Name: \_\_\_\_\_

Suburb: \_\_\_\_\_ State: \_\_\_\_\_ Postcode: \_\_\_\_\_

Contact number: \_\_\_\_\_

Position: \_\_\_\_\_

Wages/Salary: \$\_\_\_\_\_per week/fortnight\_\_\_\_\_

Period of Employment: From     /     /     to     /     /

Details of Claim: Wages and salaries for the period from / / to

/ / \$

Superannuation: \_\_\_\_\_

Unused annual leave: \_\_\_\_\_

Long service leave: \_\_\_\_\_

Sick Leave: \_\_\_\_\_

Pay in Lieu of Notice: \_\_\_\_\_

Redundancy: \_\_\_\_\_

Other (provide details): \_\_\_\_\_

Total \$ \_\_\_\_\_

Please complete to the best of your knowledge with the relevant supporting documents and return to Ferrier Hodgson using any of the following methods:

Mail:  
Ferrier Hodgson  
GPO Box 2537  
Perth WA 6001

Facsimile:  
(08) 9214 1400  
Attention: Nirav Shah

Email:  
Nirav.Shah@fh.com.au

# Annexure

## D Appointment of Proxy Form

### Form 532 Appointment of Proxy

Corporations Act 2001  
Regulation 5.6.29

**Killarnee Civil & Concrete Contractors Pty Ltd (In Liquidation)**  
**ACN 085 230 486 (the Company)**  
**ATF The Thompson Family Trust and in its own right**

#### **Instructions:**

Please complete Sections A, B, C and D and submit in accordance with the Section E. See back page for instructions on completion.

---

#### **A. Name and Contact Details of Person or Entity Entitled to Attend Meeting**

1

(if entitled in a personal capacity, given name and surname; if a corporate entity, full name of company, etc)

2 of

(address)

3 Tel:

4 Fax:

---

#### **B. Appointment of Person to Act as Proxy**

*Note: You may nominate "the Chairperson of the meeting" as your proxy (or your alternate proxy in the event that the first-named proxy is not in attendance).*

1 \*I / \*We, as named in Section A above, a \*creditor / \*contributory / \*debenture holder / \*member of the Company / \*eligible employee creditor, appoint

2

(name of person appointed as proxy)

3

(address of person appointed as proxy)

4 or in his / her absence

5

(name of person appointed as alternate proxy)

6

(address of person appointed as alternate proxy)

7 as \*my / \*our proxy



to vote at the meeting of creditors to be held on **Friday, 24 March 2017 at 11:00am (AWST) at the offices of Ferrier Hodgson, Level 28, 108 St Georges Terrace, PERTH WA 6000** or at any adjournment of that meeting in accordance with the instructions in Section C below.

#### **D. Voting Instructions**

<sup>1</sup> \*My / \*Our proxy, as named in Section B above, is entitled to act as \*my / \*our :

- ☐ <sup>2</sup> **general proxy**, to vote on \*my / \*our behalf generally, as \*he / \*she determines, subject to any specific instructions below, if applicable.

and / or

- ☐ <sup>3</sup> **special proxy**, to vote on \*my / \*our behalf specifically, in accordance with the following special instructions: *(for each resolution for which you wish to give specific voting instructions, please tick one option only)*

Resolution	For	Against	Abstain
1. That the further remuneration of the Liquidators, as set out in the Remuneration Approval Request Report dated 8 March 2017, for the period from 1 May 2016 to 24 February 2017 be fixed in the amount of \$101,165 (plus GST), and may be paid.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. That the further remuneration of the Liquidators, their staff and their related parties as set out in the Remuneration Approval Request Report dated 8 March 2017, for the period from 25 February 2017 to completion of the liquidation be fixed at the hourly rates summarised in the said Report up to a maximum amount of \$150,000 (plus GST), but subject to upward revision by resolution of creditors, and that the Liquidators be authorised to make monthly payments on account of such accruing remuneration as incurred.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

#### **E. Signature**

<sup>1</sup> Dated:

<sup>2</sup> Signature:

<sup>3</sup> Name / Capacity:

**Certificate of Witness (to be completed only in special circumstances – see below)**

*This certificate is only to be completed **only if the person giving the proxy is blind or incapable of writing**. The certificate of the creditor, contributory, debenture holder or member must not be witnessed by the person nominated as proxy.*

I  
(name of witness)

of

(address of witness)

certify that the above instrument appointing a proxy was completed by me in the presence of and at the request of the person appointing the proxy and read to him/her before he/she signed or marked the instrument.

Dated:

Signature:

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**F. Submitting the Proxy**

For a person to be eligible to attend and vote at the meeting on your behalf, this form is to be completed and submitted by **no later than 4pm on Thursday, 23 March 2017** to:

Killarnee Civil and Concrete Contractors Pty Ltd (In Liquidation)  
c/- Ferrier Hodgson  
GPO Box 2537  
PERTH WA 6001

Tel: 08 9214 1444  
Fax: 08 9214 1400  
Email: Nirav.Shah@fh.com.au

*Note: In accordance with Regulation 5.6.36A of the Corporations Regulations 2001, if a proxy is submitted by facsimile, the original document must be lodged within 72 hours after lodging the faxed copy.*



## Creditor Assistance Sheet: Completing a Proxy Form

### Section A – Name and Contact Details of Person or Entity Entitled to Attend Meeting

1. Insert the full name of the employee, individual, sole trader, partnership or company that the debt is owed to.
2. Insert the address of the employee, individual, sole trader, partnership or company that the debt is owed to.
3. Insert the telephone number of the employee, individual, sole trader, partnership or company that the debt is owed to.
4. Insert the fax number of the employee, individual, sole trader, partnership or company that the debt is owed to.

### Section B – Appointment of Person to Act as Proxy

1. Cross out any wording that is **not** applicable. For example, if the employee/individual/sole trader/partnership/company is a creditor, cross out ‘\*eligible employee creditor’, ‘\*contributory’, ‘\*debenture holder’ and ‘\*member’.
2. Insert the name of the person who will be exercising the creditor’s vote at the meeting. If someone is attending the meeting in person, that person’s name should be inserted. Alternatively, if someone is unable to attend, but you still want to cast a vote at the meeting, then you can appoint the Chairperson of the meeting to vote on your behalf by inserting the words ‘the Chairperson’ here.
3. Insert the address of the person nominated at (2) that will be attending the meeting as proxy. If you have elected ‘the Chairperson’ because no one is attending in person, leave this row blank.
4. Cross out any wording that is **not** applicable.
5. If the person you have elected to attend is unavailable on the day, you may nominate a second person to attend in their absence. Alternatively, you can appoint the Chairperson of the meeting to vote on your behalf by inserting ‘the Chairperson’.
6. Insert the address of the second person here. If you have elected ‘the Chairperson’, leave this row blank.
7. Cross out any wording that is not applicable.

### Section C – Voting Instructions

1. Cross out any wording that is not applicable.
2. Insert an ‘X’ in this box if you want the person who is attending the meeting to vote as they see fit on each of the resolutions in the ‘Resolution’ table. If you select this option, proceed to Section D, **unless** you wish to vote specifically on certain resolutions, in which case you also insert an ‘X’ in the special proxy box and select ‘For’, ‘Against’ or ‘Abstain’ on the resolutions. The person voting at the meeting will have discretion to vote as they see fit on any resolutions where you have **not** selected ‘For’, ‘Against’ or ‘Abstain’.
3. Insert an ‘X’ in this box if you want the person who is attending the meeting, to vote exactly in accordance with your instructions. If you select this option, you must select ‘For’, ‘Against’ or ‘Abstain’ for each of the resolutions in the ‘Resolution’ table. Do not tick more than one box for each resolution.

### Section D – Signature Instructions

1. Insert the date that the proxy form is being signed.
2. The form should be signed by **one** of the following persons:
  - If the debt is owed to an employee/individual, then the individual that the debt is owed to; or
  - If the debt is owed to a sole trader, then the sole trader that the debt is owed to; or
  - If the debt is owed to a partnership, then one of the partners of the partnership; or
  - If the debt is owed to a company, then a duly authorised office of the company (normally a director or secretary of the company).
3. Insert the name of the person signing the form, and note their capacity (that is, their role):
  - If the debt is owed to a sole trader, note their capacity as proprietor, eg: “[Full name], proprietor”; or
  - If the debt is owed to a partnership, note their capacity as partner, eg: “[Full name], partner of the firm named in Section A above”; or
  - If the debt is owed to a company, note their capacity as director or secretary, eg: “[Full name], director/secretary of the company named in Section A above”]