

1 December 2014

T +61 8 9214 1444  
F +61 8 9214 1400  
E perth@fh.com.au  
www.ferrierhodgson.com

**TO CREDITORS**

Dear Sir/Madam

**Killarnee Civil & Concrete Contractors Pty Ltd (Administrators Appointed)  
ACN 085 230 486 (the Company)**

We refer to the appointment of Darren Weaver, Ben Johnson and Martin Jones as Joint and Several Voluntary Administrators of the Company on 1 September 2014 pursuant to section 439A of the Corporations Act 2001 (**the Act**).

On 7 October 2014, the concurrent second meeting of creditors was held and it was resolved that the meeting would be adjourned for a period not to exceed 45 business days. We are now in a position to reconvene the concurrent second meeting of creditors to determine the Company's future.

Enclosed is the Administrators' Supplementary Report to Creditors pursuant to Section 439A(4)(a) of the Act together with the following in respect of the meeting of creditors:

1. Notice of Reconvened Concurrent Second Meetings of Creditors to be held on **Tuesday, 9 December 2014 at 11:00am at the offices of Ferrier Hodgson, Level 28, St Georges Terrace, PERTH WA 6000**. *You should arrive for registration at least 20 minutes prior to the meeting.*
2. Informal Claim Form for Voting Purposes. If you had previously submitted this form you do not need to submit another form for this meeting unless you seek to amend your claim.

A person is not entitled to vote at the meeting unless they provide particulars of their debt or claim to the Administrators before the meeting. Please note this form is for voting purposes only. All creditors must furnish details of their claims, indicating whether they rank as secured, preferential or unsecured, and whether they claim title to any goods supplied to the Company or any lien/pledge over goods in their possession which are property of the Company.

3. Appointment of Proxy Form. This form enables you to appoint another person to act on your behalf at the meeting. General Proxy Forms submitted at the second meeting of creditors on 7 October 2014 are valid for this meeting.

**The Informal Claim Form for Voting Purposes and Proxy Form should be lodged with this office before the meeting and, in any event not later than 4.00pm on the day prior to the meeting.**

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 Administrators' office within 72 hours of lodging the faxed/emailed copy.

*KCCC - Covering Cir to Crs - Reconvened Second Meeting - 2014 12 01 (2)*

Ferrier Hodgson is an affiliation of independent partnerships/entities  
Liability limited by a scheme approved under the Professional Standards Legislation

Affiliated through:  
Zolfo Cooper  
CARIBBEAN  
UNITED KINGDOM  
UNITED STATES  
KLC Kennic Lui & Co.  
CHINA  
HONG KONG  
SYDNEY  
MELBOURNE  
ADELAIDE  
BRISBANE  
PERTH  
KUALA LUMPUR  
SINGAPORE

4. Administrators' supplementary report to creditors pursuant to Section 439A(4)(a) of the Act which includes an opinion, with supporting reasons, on each of the following matters:
  - Whether it would be in the creditors' interests for the Company to be wound up.
  - Whether it would be in the creditors' interests for the administration to end.
5. Administrators' Remuneration Request Approval Report which sets out:
  - Details of time spent by category of staff at the rates applicable for such staff.
  - A summary of the work undertaken by the Administrators' and their staff in the administration.
  - A summary of the likely tasks and estimated remuneration of the Liquidators, should creditors resolve that the Company be wound up.

For further information concerning the Voluntary Administration process and Ferrier Hodgson, you may wish to visit our website at [www.ferrierhodgson.com](http://www.ferrierhodgson.com).

Should you have any questions regarding the administration or the enclosed report, please do not hesitate to contact either Nirav Shah or William Hulmes of this office on (08) 9214 1444.

Yours faithfully

**Killarnee Civil & Concrete Contractors Pty Ltd**



**Martin Jones**

Joint and Several Administrator

Encl.

**Form 529A  
Corporations Act 2001**

*Subregulation 5.6.12(2)*

**Notice of reconvened concurrent second meetings of creditors  
of a company under administration**

**Killarnee Civil & Concrete Contractors Pty Ltd (Administrators Appointed)  
ACN 085 230 486 (“KCCC”)**

**Killarnee Contracting Pty Ltd (Administrators Appointed)  
ACN 109 535 686 (“KCPL”)**

**Killarnee Equipment Holdings Pty Ltd (Administrators Appointed)  
ACN 125 969 502 (“KEH”)**

**(Collectively referred to as “the Companies”)**

NOTICE is given that the reconvened concurrent second meetings of creditors of the Companies will be held at the offices of Ferrier Hodgson, Level 28 St Georges Terrace, PERTH WA 6000 on Tuesday, 9 December 2014 at 11:00am (AWST).

Although the meetings will legally be separate meetings, we intend to conduct each of the meetings of the companies at the same time and location in order to save costs and allow for an efficient Administration process for all stakeholders, without prejudicing their respective interests.

**AGENDA**

1. To consider the report of the Administrators.
2. To fix the further remuneration of the Administrators for each of the Companies for the period since the date of the second meeting of Creditors to the date of the reconvened meetings.
3. To resolve that for each of the individual Companies:
  - the company execute a Deed of Company Arrangement; or
  - the company be wound up; or
  - the Administration should end.
4. If it is resolved that a company is to execute a Deed of Company Arrangement, to fix the future remuneration of the Administrators and future remuneration of the Deed Administrators for that company.
5. If it is resolved that a company be wound up, to fix the remuneration of the Liquidators for that company.
6. If a company is wound up, consider whether, pursuant to Section 477(2A) of the Corporations Act 2001 (**the Act**), creditors authorise the Liquidators to compromise a debt owed to that company of any amount.
7. If a company is wound up, consider whether, pursuant to Section 477(2B) of the Act, creditors authorise the Liquidators to enter into contracts with duration of longer than three (3) months for that company.

8. If a company is wound up, consider whether, subject to obtaining the approval of the Australian Securities & Investments Commission (**ASIC**) pursuant to Section 542(4) of the Act, the books and records of that company and of the Liquidators may be disposed of by the Liquidators 12 months after the dissolution of that company or earlier at the discretion of ASIC.
9. If a company is wound up or is to execute a DOCA, consider whether a Committee of Inspection is to be appointed, and if so, the members of that Committee for that company.
10. Any other business that may be lawfully brought forward.

For a person to be eligible to attend and vote at the meetings on your behalf, a Form 532: Appointment of Proxy, is to be completed and submitted by no later than 4:00 PM on Monday, 8 December 2014 to:

Attention: Mr Nirav Shah  
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.*

A company may only be represented by proxy or by an attorney appointed pursuant to Corporations Regulations 5.6.28 and 5.6.31 respectively or, by a representative appointed under Section 250D of the Act.

In accordance with Subregulation 5.6.23(1) of the Corporations Regulations, creditors will not be entitled to vote at the meeting unless they have previously lodged particulars of their claim against the Company in accordance with the Corporations Regulations and that claim has been admitted, for voting purposes, wholly or in part.

DATED this 1<sup>st</sup> day of December 2014.



**Martin Jones**  
Joint and Several Administrator of  
Killarnee Civil & Concrete Contractors Pty Ltd  
Killarnee Contracting Pty Ltd  
Killarnee Equipment Holdings Pty Ltd

**INFORMAL PROOF OF DEBT FORM**

Regulation 5.6.47

**Killarnee Civil & Concrete Contractors Pty Ltd (Administrators Appointed)  
ACN 085 230 486 (“KCCC”)**

**Killarnee Contracting Pty Ltd (Administrators Appointed)  
ACN 109 535 686 (“KCPL”)**

**Killarnee Equipment Holdings Pty Ltd (Administrators Appointed)  
ACN 125 969 502 (“KEH”)**

**(Collectively referred to as “Killarnee Group” or the “Companies”)**

**Please indicate the company for which your Informal Proof of Debt is provided (please tick)**

**If you are a creditor of more than one company, please provide a separate Informal Proof of Debt for each Company you wish to lodge a claim against.**

Company	ACN	Company for which claim is provided
Killarnee Civil & Concrete Contractors Pty Ltd	085 230 486	
Killarnee Contracting Pty Ltd	109 535 686	
Killarnee Equipment Holdings Pty Ltd	125 969 502	

Name of creditor: \_\_\_\_\_

Address: \_\_\_\_\_

Amount of debt claimed: (see note) \$ \_\_\_\_\_

Consideration for debt (nature of goods and services supplied and the period during which they were supplied): \_\_\_\_\_

Whether debt secured or unsecured: Secured / Unsecured

If secured, give details of security including dates, etc:

Balance, if any, after deducting value of security (see note): \$ \_\_\_\_\_

.....  
Signature of creditor (or person authorised by creditor)

**NOTE:**

Under the Corporations Regulations, a creditor is not entitled to vote at a meeting unless (Regulation 5.6.23):

- a. his/her claim has been admitted, wholly or in part, by the Administrator; or
- b. he/she has lodged with the Administrator particulars of the debt or claim, or if required, a formal proof of debt.

For the purposes of Part 5.3A, a secured creditor may vote (Regulation 5.6.24):

- a. for the whole of his/her debt without regard to the estimated value of his security.

Proxies must be made available to the Administrator

**Form 532  
Appointment of Proxy**

*Corporations Act 2001  
Regulation 5.6.29*

**Killarnee Civil & Concrete Contractors Pty Ltd (Administrators Appointed)  
ACN 085 230 486 (the Company)**

***Instructions:***

Please complete Sections A, B, C and D and submit in accordance with the Section E.

\* Strike out if inapplicable.

---

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

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

of

*(address)*

Tel:

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).*

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

*(name of person appointed as proxy)*

or in his / her absence

*(address of person appointed as proxy)*

*(name of person appointed as alternate proxy)*

as \*my / \*our proxy

*(address of person appointed as alternate proxy)*

to vote at the meeting of creditors to be held on **Tuesday, 9 December 2014 at 11:00 AM 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.

---

### C. Voting Instructions

Note: A **general proxy** is entitled to vote on any resolution, subject to Regulation 5.6.33 of the Corporations Regulations 2001, as they see fit at the meeting – tick the “**general proxy**” box.

A **special proxy** is entitled to vote **only** in accordance with your specific instructions – tick the “**special proxy**” box and indicate your specific voting instructions by ticking **one option only for each** resolution for which you wish to give such instructions.

Your proxy may act as both a **special proxy**, in accordance with your instructions in relation to specific resolutions, and as a **general proxy**, in relation to resolutions where you have not issued specific instructions – tick **both** the “**general proxy**” and “**special proxy**” boxes. Your proxy will then be authorised to vote specifically in accordance with your instructions in relation to those resolutions where specific instructions have been given, and generally in relation to resolutions where no specific instructions have been given, and other business of the meeting.

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

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

and / or

**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 Company be wound up.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. That the Administration should end.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. That the further remuneration of the Administrators, as set out in the Remuneration Request Approval Report dated 1 December 2014, for the period from 1 September 2014 to 21 September 2014 be fixed in the amount of \$17,586 (plus GST), and may be paid.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. That the remuneration of the Administrators, as set out in the Remuneration Request Approval Report dated 1 December 2014, for the period from 8 October 2014 to 23 November 2014 be fixed in the amount of \$279,604 (plus GST), and may be paid.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

---

5. That the remuneration of the Administrators, as set out in the Remuneration Request Approval Report dated 1 December 2014, for the period from 24 November 2014 to 9 December 2014 be fixed at the remuneration rates set out in the Remuneration Request Approval Report up to a maximum amount of \$125,000 (plus GST) but subject to upward revision by resolution of creditors, and that the Administrators be authorised to make monthly payments on account of such accruing remuneration as incurred.

---

Where the Company is placed into Liquidation:

6. That the remuneration of the Liquidators, as set out in the Remuneration Request Approval Report dated 1 December 2014, for the period from 9 December 2014 to the conclusion of Liquidation be fixed at the remuneration rates set out in the Remuneration Request Approval Report up to a maximum amount of \$400,000 (plus GST) but subject to upward revision by resolution of creditors, or the Committee of Inspection should one be appointed, and that the Liquidators be authorised to make monthly payments on account of such accruing remuneration as incurred.

---



## D. Signature

Dated: \_\_\_\_\_

Signature: \_\_\_\_\_

Name / Capacity #:

# If an individual, insert full name

If a sole trader, insert in accordance with the following example: "full name, proprietor"

If a partnership, insert in accordance with the following example: "full name, partner of the firm named in Section A above"

If a company, pursuant to Regulations 5.6.28 and 5.6.31A of the Corporations Regulations 2001, it may only be represented by proxy or attorney respectively, or by a representative appointed under Section 250D of the Corporations Act 2001. The document appointing the proxy, attorney or representative must be in executed in accordance with Section 127 of the Corporations Act 2001, in which instance, 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)" – a copy of authority / power of attorney is to be annexed.

### 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: \_\_\_\_\_

## E. 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 4:00 PM on Monday, 8 December 2014, to:

Killarnee Civil & Concrete Contractors Pty Ltd (Administrators Appointed)

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.*