



**A.C.N. 650 026 314 Limited
A.C.N. 145 324 910 Pty Ltd
A.C.N. 095 500 280 Pty Ltd
Tritium Nominee Pty Ltd
ACN 627 582 610**

(All in Liquidation)

**(Collectively, the ‘Tritium
Group’)**

Statutory Report by Liquidator

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Glossary

Abbreviation	Description
ACN	Australian Company Number
Act	The Corporations Act 2001
ASIC	Australian Securities and Investments Commission
AUD	Australian Dollars
c.	Circa or approximately
Code	ARITA Code of Professional Practice
Creditors' Portal	The online platform used by the Liquidators to communicate with creditors, manager creditor claims and allow creditors to vote on resolutions put forward by the Liquidators. Please refer to Annexure A for further information
Directors	The Directors of the relevant entity. Refer to Annexure A of the Voluntary Administrators' Report for details.
DIRRI	Declaration of Independence, Relevant Relationships and Indemnities, pursuant to s436DA of the Act and Code
FEG	Fair Entitlements Guarantee
GST	Goods and Services Tax
Liquidators	Peter Gothard, James Dampney and Will Colwell of KPMG
Liquidation Group	A.C.N. 650 026 314 Limited (formerly, Tritium DCFC Limited) A.C.N. 145 324 910 Pty Ltd (formerly, Tritium Holdings Pty Ltd) A.C.N. 095 500 280 Pty Ltd (formerly, Tritium Pty Ltd) (All Receivers and Managers Appointed) (in Liquidation) Tritium Nominee Pty Ltd (in Liquidation)
Receivers and Managers	Shaun Fraser, Kathy Sozou, Matthew Hutton and Jamie Harris of McGrath Nicol.
ROCAP	Report on Company Activities and Property
The Tritium Group	The Liquidation Group and all international subsidiaries as outlined in Section 3.2 of the Voluntary Administrators' Report.
Voluntary Administrators' Report	Report to Creditors dated 20 September 2024

1 Introduction

I refer to our Voluntary Administrators' Report dated 20 September 2024.

At the meeting of creditors held on 27 September 2024, creditors resolved that the Tritium Group be wound up under Section 439C(c) of the Corporations Act 2001 and Peter Gothard, James Dampney and Will Colwell were appointed Liquidators of the following entities:

- A.C.N. 650 026 314 Limited (formerly, Tritium DCFC Limited)
- A.C.N. 145 324 910 Pty Ltd (formerly, Tritium Holdings Pty Ltd)
- A.C.N. 095 500 280 Pty Ltd (formerly, Tritium Pty Ltd)
- Tritium Nominee Pty Ltd

I now take this opportunity to report to you on the following matters relating to the liquidation of the Liquidation Group:

- An update on the progress of the liquidation;
- The current position in relation to the realisation of assets;
- The results of my investigations into the Company's affairs; and
- The likelihood of a dividend being paid in the liquidation.

This report should be read in conjunction with the information contained in my Circular to Creditors dated 19 April 2024, Initial Notice to Creditors dated 10 October 2024 and the Voluntary Administrators' Report.

My investigations are ongoing and as such I am not in a position to advise if there is any prospect of a return for any class of creditor. Any return to creditor is entirely subject to the outcome of those investigations.

2 Declaration of independence, relevant relationships and indemnities

A copy of our DIRRI was enclosed in our Circular to Creditors dated 19 April 2024 during the Voluntary Administration. There have been no changes to the information disclosed in that DIRRI since it was provided to creditors.

3 Current position

3.1 Matters addressed during the liquidation

Since my appointment, the following matters have been attended to:

- Collection and review of further books and records of the Tritium Group obtained from the Receivers and Managers;
- Liaising with employees and FEG in relation to the payment of outstanding employee entitlements by the Fair Entitlements Guarantee Scheme;
- Investigations into the recovery of potential unfair preference payments and other antecedent transactions;
- Issued correspondence to a number of parties to recover unfair preference payments;
- Attendance to statutory requirements; and
- Investigation into the affairs of the Company and lodgement of a statutory report with ASIC.

3.2 Financial position of the Tritium Group

As outlined in the Voluntary Administrators' Report, the Directors provided a ROCAP for each company within the Liquidation Group on 10 May 2024.

A summary of the financial position of the Liquidation Group as disclosed in the ROCAPs was included in our Voluntary Administrators' Report (refer to section 5.1).

3.3 Summary of receipts and payments

Outlined below is a copy of the receipts and payments from the 18 April 2024 to 6 December 2024:

	AUD
Receipts	
Funding loan	380,000
Interest income	4,997
Total receipts	384,997
Payments	
Legal disbursements	(33,730)
Legal fees	(180,445)
Total payments	(214,175)
Cash at bank at 6 December 2024	170,822

4 Investigation into the Tritium Group's affairs

Creditors should refer to the Voluntary Administrators' Report for details on the Administrators' preliminary investigations. The following provides an update on our detailed investigations into the affairs of the Tritium Group.

A copy of the Voluntary Administrators' Report can be accessed electronically via this [link](#).

4.1 Statutory information

A summary of statutory information of the Liquidation Group was included in our Voluntary Administrators' Report (refer to section 3.7).

4.2 History of the Tritium Group and reasons for its failure

4.2.1 History of the Tritium Group

A summary of the history of the Tritium Group was included in our Voluntary Administrators' Report (refer to sections 3.3, 3.4, 3.5, and 3.6).

4.2.2 Reasons for failure

A summary of the reasons for failure of the Liquidation Group was included in our Voluntary Administrators' Report (refer to sections 5.3 and 5.4).

4.3 Books and records

A summary of observations in regard to adequacy of books and records of the Tritium Group was included in our Voluntary Administrators' Report (refer to section 7.8).

4.4 Voidable transactions

4.4.1 Unfair preferences

As detailed in the Voluntary Administrators' Report (refer to sections 8.1 – 8.3) my investigations identified potential unfair preference payments made to creditors of the Liquidation Group totalling c. AUD 13.4m across 114 individual creditors.

The Liquidators have issued correspondence to 11 creditors regarding c. AUD 3.8m of claims. Due to commercial sensitivities specific details of these claims will not be disclosed in this report.

The Liquidators will look to finalise claims for unfair preferences over the next three months.

4.4.2 Uncommercial transactions

As detailed in the Voluntary Administrators' Report (refer to sections 8.4 and 8.6) my investigations identified potential unreasonable director-related transaction relating to the purchase of certain insurance policies immediately prior to the appointment of Voluntary Administrators. The transactions involved the payment of c. AUD 2.7m.

Since the appointment of Liquidators, additional information has been sought regarding this payment. This payment remains subject to review by the Liquidators.

4.4.3 Unfair loans

As detailed in the Voluntary Administrators' Report (refer to section 8.5) my investigations did not identify any unfair loans pursuant to s 588FD of the Act. No further information has been received through the liquidation to alter this view.

4.4.4 Voidable transactions – related parties

Section 588FE(4) of the Act requires investigations of transactions which may be deemed to be insolvent transactions with a related party entered into within 4 years of the commencement of the winding up.

From the information available to me, I have not identified any transactions which would constitute voidable transactions with related parties.

4.5 Insolvent trading

As detailed in the Voluntary Administrators' Report (refer to sections 7.3 – 7.7) my investigations identified that the Tritium Group may have been insolvent from as early as July 2023.

Since the issuance of the Voluntary Administrators' Report we have received further documentation from the Directors in relation to potential insolvent trading. I am in the process of reviewing and assessing relevant documentation and am not in a position at the date of this report to comment further on insolvent trading.

I note that Section 588R entitles creditors to commence proceedings under Section 588M against the Director of the Company subject to the consent of the Liquidator.

Should creditors have any further information that may assist my investigations into the conduct of the Tritium Group's affairs, they should communicate details in writing to my office **within 7 days from the date of this report**.

The Liquidators' investigations into potential claims against the Directors are ongoing and the Liquidators intend to seek funding from creditors, or third parties should they form the view that there are viable claims against the Directors which could be pursued for the benefit of the creditors.

As detail in the Initial Notice to Creditors dated 10 October 2023, should any creditor be willing to fund the costs and expenses to undertake examinations with a view to commencing proceedings against the Directors or wish to discuss further, would you please contact Lauren Pickard of this office at lpickard@kpmg.com.au.

Additionally, should any creditor be willing to fund the costs and expenses to commence proceedings against the Directors or wish to discuss further, would you please contact Lauren Pickard of this office at lpickard@kpmg.com.au.

5 Return to creditors

As detailed in the Voluntary Administrators' Report (refer to section 9), any return to any class of creditor is entirely subject to any future recovery of funds from liquidator actions. My investigations and pursuit of these claims are ongoing and as such I am not currently in a position to update creditors with regards prospects or timing.

6 Conclusion

The following matters will continue to be progressed:

- Completing my investigations into the Tritium Group's affairs;
- Completing assessment and undertaking preference claim actions;
- Continue to assess and pursue (if appropriate) insolvent trading claims;
- Completing my reporting to ASIC; and
- Attending to statutory obligations.

The liquidators will report to creditors again as and when there are significant updates on the progress of the liquidation.

As detailed in the Voluntary Administrators' Report (refer to section 9), we expect to have completed this liquidation within 2 years of the date of Liquidation. This timeframe is entirely dependent on the time it takes to recover voidable transactions including initiating and resolving proceedings.

Should you have any questions, please email this office at tritiumcreditors@kpmg.com.au.

Dated this 19th day of December 2024



Peter Gothard
Liquidator

Annexure

A – Short guide to the Creditors’ Portal

We are using the Creditors’ Portal as the primary tool for communicating with creditors and managing claims.

We have prepared this short guide to assist you as a creditor to understand the process that you must undertake to ensure you are appropriately registered as a creditor of the Tritium Group.

Please note, the email registered on the Creditors’ Portal will receive all notifications including circulars and reports issued by the Liquidators.

Please refer to the following link for further guidance on how to register, submit and manage a claim:

<https://creditors.accountants/Help>

Step 1: Register



- Register as a user at the following link: <https://creditors.accountants/> (use chrome, edge or firefox).
- You will receive a confirmation email to verify your account (verify your email address within 24 hours of registering as a user).
- Once verified, you will be redirected to the Portal.
- If you are already a registered user, please skip to “Login” below.

Step 2: Log in



- Log into the Portal using your username and password.
- You will be redirected to a screen where you need to input the following details:
 - Company creditor – an ABN; or
 - Individual creditor – first and last name.
- You will be prompted to make a declaration to confirm that you are authorised to act on behalf of the company or individual and agree on how you wish to receive future correspondence.

Step 3: Link creditor



- Once you have completed your declaration, you will be redirected to the Portal landing page where you can view the Company under “Recent Interactions”.
- If you cannot view the Company listed on the landing page you may need a creditor code to link your profile to the Company.
- Please contact tritiumcreditors@kpmg.com.au for a unique code to register your claim.
- Once you receive your creditor code, log in and click on your username in the top right hand side and click on “Creditor Admin” and input your code and click “Link”
- There will be an option to provide an ABN (if relevant) for company creditors, click “I do not have an ABN” (individuals) and then click “continue”

Step 4: View company and documents



- You will be able to view the Company on the landing page or under the “*Debtors*” tab and click “*My debtors*” or “*My claims*”. Click on “*Details*” to be directed to the Company.
- You will be able to view any documents uploaded under the “*Documents*” tab that relate to the Company.
- There are additional resources that you can also access under the “*Resources*” tab.

Step 5: Submit a Formal Proof of Debt Form (POD)



- You will be able to view the Company on the landing page or under the “*Debtors*” tab and click “*My debtors*” or “*My claims*”. Click on “*Details*” to be directed to the Company.
- Click on the “*Proof of Debt*” tab.
- Click on the “*Submit*” button and start completing the POD form.
- Tick “*No*” to the question “*Is your proof of debt informal*”. If you are an employee creditor, this will not be an option.
- Upload any supporting documentation for consideration.
- Press “*Next*” and “*Submit*”.