

6 September 2012

**TO CREDITORS**

Dear Sir/Madam

**D&G Hoists & Cranes (Aus) Pty Ltd  
(Administrators Appointed) (the Company)  
ACN 136 357 054**

**Report to creditors pursuant to Section 439A(4)(a) of the Corporations Act 2001**

I refer to the appointment of Andrew Saker and I as Voluntary Administrators of the Company on 10 August 2012 pursuant to Section 436A of the Corporations Act 2001 (the Act).

Creditors ratified my appointment at a first meeting of creditors held on 22 August 2012. At that meeting, creditors resolved to appoint a Committee of Creditors.

Enclosed is the Administrators' report to creditors pursuant to section 439A(4)(a) of the Corporations Act 2001. You will note that there is no proposal for a Deed of Company Arrangement between the Company and its creditors. Accordingly, I have convened a meeting of creditors for **Friday, 14 September 2012** to consider and, if thought fit, resolve that the Company be placed into liquidation. I enclose the following regarding the meeting of creditors.

1. Notice of Meeting. *Please note that the meeting commences at 10:30am (AWST). You should arrive for registration at least thirty (30) minutes prior to the meeting.*
2. Informal Claim Form for Voting Purposes. If you submitted one of these for the purposes of the first meeting of creditors, you do not need to submit another one for this meeting;

*A person is not entitled to vote at the meeting unless they provide particulars of the debt or claim to the Administrators before the meeting. **Please note this form is for voting purposes only.** All creditors must furnish full 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. The form enables you to appoint another person to act on your behalf at the meeting. Proxy Forms submitted for the first meeting of creditors are not valid for this meeting.

SYDNEY  
MELBOURNE  
ADELAIDE  
BRISBANE  
PERTH  
JAKARTA  
KUALA LUMPUR  
SINGAPORE  
TOKYO

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

**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 Jason Soo or scanned and emailed to **dghoists@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.

4. Administrators' report to creditors pursuant to section 439A(4)(a) of the Corporations Act 2001 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.

#### **The Administrators' Remuneration**

The Administrators' report includes a remuneration report explaining their remuneration claim setting out:

- (a) Details of time spent by category of staff at the rates applicable for such staff; and,
- (b) A summary of the work undertaken by the Administrators and their staff in the administration.

#### **Remuneration of Liquidators**

Where creditors resolve that the company be wound up, the Liquidators intend that their remuneration be fixed on the basis of time spent by them and their staff of an appropriate level having regard to the nature and complexity of the work and calculated by reference to the hourly rates set out in the schedule accompanying the Notice of Meeting of Creditors sent out for the purposes of the first meeting of creditors. A further copy of the schedule is included in the Administrators' report to creditors together with a schedule setting out the Liquidators' likely tasks.

Should you have any queries in relation to the above or the enclosed report, please do not hesitate to contact Jason Soo or William Hulmes of this office.

Yours faithfully  
**D&G Hoists & Cranes (Aus) Pty Ltd**



**Martin Jones**  
Joint and Several Administrator

Encl.

**FORM 529  
CORPORATIONS ACT 2001**

Subregulation 5.6.12(2)

**D&G HOISTS & CRANES (AUS) PTY LTD  
(ADMINISTRATORS APPOINTED) (THE COMPANY)  
ACN 136 357 054**

**NOTICE OF MEETING OF CREDITORS**

NOTICE is given that a second meeting of the creditors of the Company will be held at the Hotel IBIS, the Salt Room, 334 Murray Street, Perth Western Australia on 14 September 2012 at 10.30am (WST) or 12.30pm (EST).

**AGENDA**

1. To consider a statement by the director about the Company's business, property, affairs and financial circumstances.
2. To consider the circumstances leading up to the administration and the various options available to creditors.
3. To determine the remuneration of the Voluntary Administrators.
4. For creditors to resolve upon one of the following:
  - That the Company execute a Deed of Company Arrangement; or
  - That the administration should end; or
  - That the Company be wound up.
5. If a Deed of Company Arrangement is resolved upon, to determine the remuneration of the Deed Administrators.
6. If the Company is wound up, to consider the appointment of a Committee of Inspection.
7. If the Company is wound up and no Committee is appointed, to fix the remuneration of the Liquidators.
8. If the Company is wound up, to consider whether the books and records of the Company be disposed of 12 months after the dissolution of the Company or earlier at the discretion of Australian Securities and Investments Commission.
9. Any other business that may be lawfully brought forward.

Proxies to be used at the meeting should be lodged at the office of the Administrators by 4.00pm on the day prior to the meeting. **A corporation 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 Corporations Act 2001.**

In accordance with Regulation 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 claims against the company with the Administrators.

Pursuant to Corporations Regulations 5.6.13A, creditors attending the meeting telephonically are required to provide a written statement to the Administrators setting out the appointed proxy, the address and facsimile to which notices are to be sent, a telephone number at which the proxy may be contacted on and submit a proxy form with the Administrators by 4.00pm on the day prior to the meeting. Parties attending by telephone do so at their own cost and are not entitled to be reimbursed for any costs in attending.

Telephone No.	Passcode
1800 812 901	12533094

Should there be any creditors calling from an international destination, please contact this office to obtain the appropriate dial in number.

DATED this 6<sup>th</sup> day of September 2012



**MARTIN JONES**

Joint and Several Administrator of  
D&G Hoists & Cranes (Aus) Pty Ltd

Ferrier Hodgson  
Level 26  
108 St Georges Terrace  
PERTH WA 6000

Ph: +618 9214 1476  
Fx: +618 9214 1400

**INFORMAL PROOF OF DEBT FORM  
FOR CREDITORS**

**Regulation 5.6.47**

**D&G HOISTS & CRANES (AUS) PTY LTD  
(Administrators Appointed) (the Company)  
ACN 136 357 054**

Name of creditor: .....

Address of creditor: .....

.....

ABN: .....

Telephone number: .....

Amount of debt claimed: \$..... (including GST \$..... )

Consideration for debt (i.e. the nature of goods or services supplied and the period during which they were supplied):

.....  
.....

Is the debt secured? YES/NO

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

.....  
.....

Other information:

.....  
.....

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

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**Notes:**

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

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

At meetings held under Section 436E and 439A, a secured creditor may vote for the whole of his or her debt without regard to the value of the security. Proxies must be made available to the Joint and Several Administrators.

**FORM 532  
CORPORATIONS ACT 2001**

Regulation 5.6.29

**APPOINTMENT OF PROXY  
CREDITORS MEETING**

**D&G HOISTS & CRANES (AUS) PTY LTD  
(ADMINISTRATORS APPOINTED) (THE COMPANY)  
ACN 136 357 054**

\*I/\*We<sup>1</sup> .....  
of .....  
a creditor of D&G Hoists & Cranes (Aus) Pty Ltd appoint<sup>2</sup> .....  
or in his absence as .....

\*My/our \*(i) general OR \*(ii) special proxy<sup>3</sup> to vote at the meeting of creditors to be held on 14 September 2012, or at any adjournment of that meeting, to vote

(i) **GENERAL PROXIES ONLY** - on all matters arising at the meeting; OR

(ii) **SPECIAL PROXIES ONLY** - on each of the following kinds of resolution in the manner specified:

	For	Against	Abstain
(a) A resolution that the company be wound up:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) A resolution that the Administration end:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) That the Administrators' remuneration as set out in the Administrators' remuneration report dated 6 September 2012 for the period 10 August 2012 to 31 August 2012 be fixed in the amount of \$153,487.50 (exclusive of costs and GST).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d) The Administrators' estimated remuneration for the period 1 September 2012 to 14 September 2012 be fixed in accordance with the hourly rates of Ferrier Hodgson as detailed in the Administrators' remuneration report dated 6 September 2012 up to the amount of \$75,000 (exclusive of costs and GST), and that the Administrators be authorised to draw such amount monthly in arrears.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(e) That the Liquidators' remuneration, as set out in the Administrators remuneration report dated 6 September 2012 for the period 15 September 2012 to the conclusion of the liquidation be fixed in accordance with the Ferrier Hodgson hourly rates up to the sum of \$250,000 (exclusive of costs and GST), but subject to upward revision by a resolution of creditors, the Committee of Inspection or the Court, and the Liquidators be authorised to make periodic payments on account of such accruing remuneration.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(f) A resolution that a Committee of Inspection be appointed:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(g) A resolution that the books and records of the company be disposed of 12 months after the dissolution of the company or earlier at the discretion of the ASIC:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

I am an unsecured creditor and the total amount owed to me is \$ \_\_\_\_\_

**OR**

I am a secured creditor and the total amount owed to me is \$ \_\_\_\_\_

\* Strike out if inapplicable

<sup>1</sup> If a firm, strike out "I" and set out the full name of the firm.

<sup>2</sup> Insert the name, address and description of the person appointed.

<sup>3</sup> If a special proxy add the words "to vote for" or the words "to vote against" and specify the particular resolution.

