

7 March 2019

TO THE CREDITOR AS ADDRESSED,

INITIAL INFORMATION FOR CREDITORS

44 CUMMINS STREET PTY LTD (IN LIQUIDATION)
ABN 26 605 229 463 ("THE COMPANY")

I, Robyn Karam of BRI Ferrier (NSW) Chartered Accountants, was appointed Liquidator of the Company on 20 February 2019 pursuant to an Order of the Federal Court of Australia.

The Company is now in liquidation. At this stage, I have not received a completed Report on Company Activities and Property ("ROCAP"). Based on my preliminary investigations, you may be a creditor of the Company.

I have included the following initial notices and documents in connection with my appointment for your information, pursuant to Insolvency Practice Schedule 70-40 and Insolvency Practice Rule 70-30.

Item #	Item	Description	Further Action Required by you
1	A Declaration of Independence, Relevant Relationships and Indemnities (DIRRI)	The DIRRI assists you to understand any relevant relationships that I have, and any indemnities or upfront payments that have been provided to me. None of the relationships mentioned in this document affect my independence.	No
2	Creditors Electronic Communication Method Approval form	As a creditor, you have a right to receive all communications from the Liquidator via electronic medium. It is recommended that creditors opt into this notification method. Complete form and return by post or facsimile.	Yes
3	ARITA Information Sheet – Creditor Rights in Liquidations & ASIC Information Sheet	As a creditor, you have certain rights, although you no longer have the right to seek payment by the Company of your outstanding debt. This information sheet provides a detailed list of your rights.	No
4	ARITA Information sheet – Proposals without meetings	This is an information sheet to assist you in understanding what a 'Proposals without meetings' is.	No
5	Formal Proof of Debt ("POD") form	You must provide information about what the company owes you and evidence to support your claim. Please complete and return POD form via email to jkaram@brifnsw.com.au with your supporting documents, or by facsimile.	Yes Include supporting documentation
6	Initial Remuneration Notice	This document indicates the costs associated with undertaking each task to perform the liquidation. I may send further notices from time to time to seek approval of my remuneration for the work that I do in completing the tasks. I am not seeking any determination with respect to the approval of my remuneration or disbursements in this matter at present.	No

Silvia | Krejci | Cummins | Karam

BRI Ferrier (NSW) Pty Ltd Chartered Accountants ABN 97 128 947 848
 Trading as BRI Ferrier ABN 59 212 882 443

Level 30, Australia Square, 264 George Street NSW 2000 GPO Box 7079, Sydney NSW 2001
 T 02 8263 2300 F 02 8263 2399 info@brifnsw.com.au www.briferrier.com.au

BRI Ferrier...throughout Australia, New Zealand, and the United Kingdom

BRI Ferrier is an association of independent accounting firms. Each of the member firms is a separate and independent legal entity operating under the name "BRI Ferrier" or related names

Liability limited by a scheme approved under Professional Standards Legislation

Item #	Item	Description	Further Action Required by you
7	Information Sheets on Eligibility for FEG Assistance, and how to apply.	<p>These sheets provide detailed information about the Federal Government scheme known as the Fair Entitlements Guarantee ("FEG") for payment of outstanding employee entitlements in a liquidation.</p> <p>Employee and Former Employee Creditors should read the sheets which contain important information regarding eligibility to claim under the scheme, and the process for making an application.</p>	<p>Yes</p> <p>Eligible creditors should lodge a claim with the Department of Jobs and Small Business, as directed on the information sheets.</p>

EFFECT ON CREDITORS

Creditors should be aware that they are subject to certain restrictions with respect to their claims when the Company is being wound up. I provide a summary of the effect on creditors:

Trade Suppliers:

All claims against the Company in respect of goods and/or services provided to the Company prior to my appointment are effectively frozen as at the date of my appointment.

I will not accept any responsibility or liability in respect of any goods or services you provide after the date of my appointment.

Landlords/ Lessors:

Whilst the Company is in Liquidation, a moratorium is imposed on all debts outstanding as at the date of my appointment. This extends to amounts outstanding to equipment lessors and landlords of any premises leased by the Company.

Employees:

Employee creditors (including former employees) of a company have a statutory priority of payment in respect of outstanding entitlements such as wages, superannuation, annual leave, long service leave, payment in lieu of notice and redundancy.

In circumstances where a Company is wound up and a Liquidator is appointed, employees are eligible to apply to the Federal Government, which has established a safety net scheme known as the Fair Entitlement Guarantee ("FEG") for payment of their outstanding entitlements in circumstances where their employment is terminated.

The scheme is administered by the Department of Jobs and Small Business for eligible employees who have been terminated from their employment as a result of their employer's insolvency and are owed entitlements.

In order for an employee to be eligible to claim outstanding entitlements under FEG, one of the following conditions must be met:

- The employee is terminated upon the appointment of an insolvency practitioner; or
- The employee is terminated by the Company within six (6) months of the appointment of an insolvency practitioner;
- The termination is due to the insolvency of the employer.

Claims may be submitted in respect of the following entitlements up to the maximum thresholds set out below, provided they are so entitled under their respective industrial instrument/contract of employment to claim:

- ▲ Up to three months unpaid wages;
- ▲ Unpaid annual leave and long service leave;
- ▲ Up to a maximum of five weeks unpaid payment in lieu of notice;
- ▲ Up to a maximum of four weeks redundancy entitlement for each completed year of service.

FEG will not cover:

- ▲ Outstanding superannuation entitlements.
- ▲ Entitlements such as rostered days off unless the relevant legislation, award, statutory agreement or written contract of employment provides they are payable upon termination of employment.
- ▲ Employee entitlements of directors and related party creditors.

Claims must be lodged no more than 12 months after the later of the end of employment or the date of the insolvency event. Directors who are also employees of the company, or relatives of a director of the employer company, at any time in the 12 months before the insolvency event are not eligible.

Detailed information is attached as Item 7. Further information in relation to the Scheme may be obtained using the following hyperlink: <https://docs.jobs.gov.au/documents/feg-claim-form>

Any person claiming to be a creditor of the Company in respect of outstanding employee entitlements should notify Mr Joseph Karam of my office without delay.

Secured Creditors and Security Interests:

A search of the Personal Property Securities Register ("PPSR") indicates that there is one registered security interest against the company.

If you have leased property to the Company, have a retention of title claim or hold a Personal Property Security in relation to the Company, please contact Mr Joseph Karam of this office as soon as possible.

Contracts and Agreements:

I am not aware of any contracts or agreements at the date of my appointment and unless otherwise indicated, I do not accept adoption of existing contracts. Customers, suppliers and any other parties with such contracts should contact Mr Joseph Karam of this office immediately so that they may be considered.

Legal Proceedings:

Pursuant to Section 471B of the Act, my appointment as Liquidator automatically stays any current legal proceedings against the Company.

Creditors cannot commence or continue proceedings against the Company without leave of the Court.

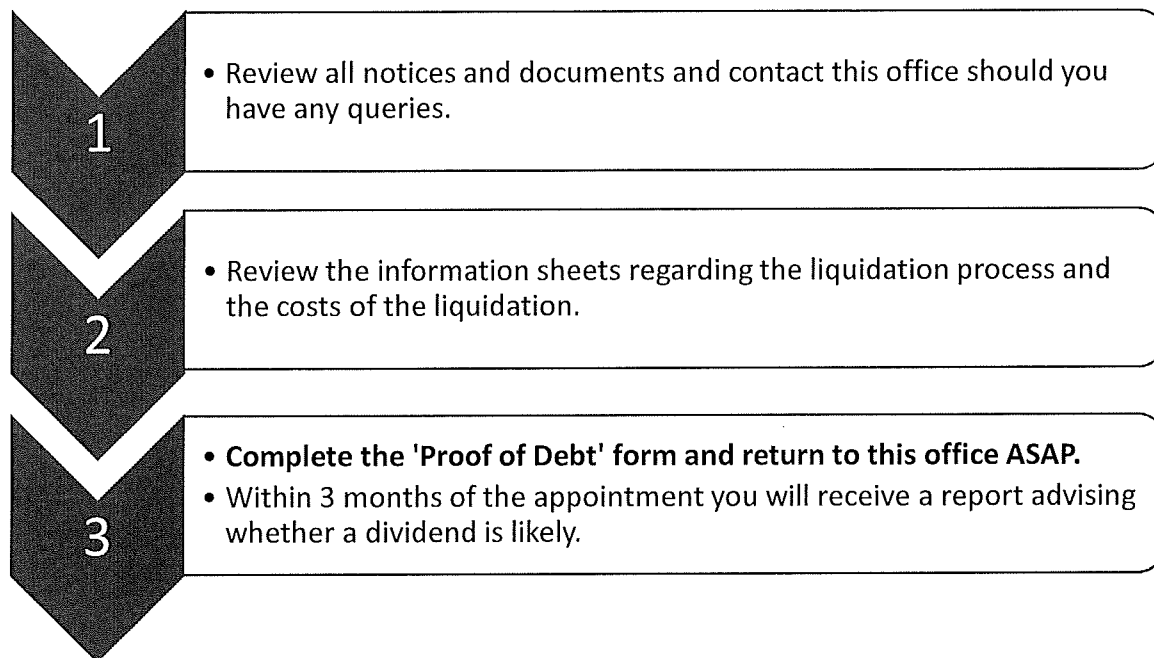
YOUR RIGHTS AS A CREDITOR

Information regarding your rights as a creditor is provided in the information sheet enclosed as **Item "3"**. This includes your right to:

- Make reasonable requests for a meeting;
- Make reasonable requests for information;
- Give directions to me;

- Appoint a reviewing liquidator; and
- To replace me as liquidator.

WHAT HAPPENS NEXT?



I will proceed with the liquidation, including:

- Recovering and selling any available property of the Company.
- Secure books and records of the Company.
- Conduct investigations into the Company's affairs.
- Reporting to the corporate regulator, ASIC.
- Pursue any recoveries available in the form of voidable transactions and insolvent trading claims, if any.

Creditors are advised to contact my office with any information that may assist with my investigations.

FURTHER INFORMATION

If creditors have any information which may assist me in my investigations, please contact my office as a matter of urgency.

Please note that Liquidators are not required to publish notices in the print media. ASIC maintains an online notices page for external administrators to publish notices in respect of companies. Creditors are encouraged to visit <http://insolyncynotices.asic.gov.au> throughout the liquidation to view any notices which may be published in respect of the Company.

ARITA provides information to assist creditors with understanding liquidations and insolvency. This information is available from ARITA's website at arita.com.au/creditors.

ASIC also provides information sheets on a range of insolvency topics. These information sheets can be accessed on ASIC's website at asic.gov.au (search for "insolvency information sheets").

Should you have any questions in relation to this matter, please contact Joseph Karam via phone (02) 8263 2300 or via email jkaram@brifnsw.com.au.

DATED this 7th day of March 2019.

A handwritten signature in black ink, appearing to read 'Robyn Karam', followed by a period.

ROBYN KARAM
Liquidator

BRI FERRIER (NSW) PTY LTD
Level 30 - Australia Square
264 George Street Sydney NSW 2000

BRI Ferrier

Item "1"
**A Declaration of Independence,
Relevant Relationships and
Indemnities ("DIRRI")**

Declaration of Independence, Relevant Relationships and Indemnities

44 CUMMINS STREET PTY LTD (IN LIQUIDATION)
("THE COMPANY")
ABN 26 605 229 463

7 March 2019

Robyn Karam, CA
Liquidator

BRI Ferrier (NSW) Pty Ltd ABN 97 128 947 848
Level 30, 'Australia Square' 264 George Street, Sydney NSW 2000
GPO Box 7079, Sydney NSW 2001
Phone (02) 8263 2300
Facsimile (02) 8263 2399
Email: info@brifnsw.com.au
Website: www.briferrier.com.au

BRI Ferrier

This document requires the Practitioner appointed to an insolvent entity to make declarations as to:

- A. their independence generally;
- B. relationships, including:
 - i the circumstances of the appointment;
 - ii any relationships with the Insolvent and others within the previous 24 months;
 - iii any prior professional services for the Insolvent within the previous 24 months;
 - iv. that there are no other relationships to declare; and
- C. any indemnities given, or up-front payments made, to the Practitioner.

This declaration is made in respect of the Liquidator, her partners and staff of BRI Ferrier and its affiliated offices.

A. INDEPENDENCE

I, Robyn Karam of BRI Ferrier (NSW) Pty Limited, have undertaken a proper assessment of the risks to my independence prior to accepting the appointment as Liquidator of 44 Cummins Street Pty Ltd in accordance with the law and applicable professional standards. This assessment identified no real or potential risks to my independence. I am not aware of any reasons that would prevent me from accepting this appointment.

B. REFERRAL SOURCE

On 15 January 2019 I was requested by an Officer of the Australian Government Solicitor on behalf of her client, Australian Taxation Office, to provide my consent to act as the Liquidator of the Company, if so appointed by the Court.

I regularly receive requests from the Australian Government Solicitor to provide consents to act as Liquidator, on behalf of their client, the Australian Taxation Office.

The referral source does not impact on my independence as:

- ◊ the Company does not have any prior relationships or common dealings with any third party previously referred to me by the referrer; and
- ◊ the referral is not contingent upon the achievement of any outcome whatsoever.

C. DECLARATION OF RELATIONSHIPS

I. CIRCUMSTANCES OF APPOINTMENT

The below communication has taken place prior to my appointment:

Names	Nature of Engagement	Reasons why not an Impediment to Independence or Conflict
<p>Ms Robyn Karam BRI Ferrier (NSW)</p> <p>An Officer of Australian Government Solicitor</p>	<p>On 15 January 2019 an Email was sent from an officer of the Australian Government Solicitor to Ms Karam, to confirm whether she was prepared to consent to act as Liquidator in respect of the possible appointment.</p> <p>This was followed with a subsequent reply on the next business day, 16 January 2019, attaching a signed Consent to Act in the matter.</p>	<p>The Email was necessary to enable a conflict and independence check to be undertaken.</p> <p>This process is a necessary precursor to every insolvency appointment and does not give rise to a conflict of interest or duty.</p>

There are no other prior professional relationships or engagements that should be disclosed.

I have not provided any information or advice to 44 Cummins Street Pty Ltd or to its director or advisors prior to my appointment. In addition, I have not received any form of payment or consideration in relation to the provision of any information or advice as outlined above.

II. RELEVANT RELATIONSHIPS (EXCLUDING PROFESSIONAL SERVICES TO THE INSOLVENT)

Neither I, nor my firm, have, or have had within the preceding 24 months, any relationships with the company, an associate of the company, a former insolvency practitioner appointed to the company or any person or entity that has a charge on the whole or substantially whole of the company's property, except as follows:

Name	Nature of relationship	Reasons why no conflict of interest or duty
<p>The Australian Taxation Office ("ATO")/ Federal Commissioner of Taxation</p>	<p>Principals and Directors of BRI Ferrier around Australia, were, until its expiration at the end of 2014, members of a panel of Official Liquidators established by the ATO and accepted appointments by Australian Courts initiated by the Federal Commissioner.</p> <p>These Official Liquidators have undertaken to the ATO to accept appointment as Liquidators appointed by a Court under the Corporations Act where the ATO</p>	<p>The ATO is a sophisticated statutory creditor and is administratively bound to act as a Model Litigant.</p> <p>In our experience the ATO does not seek to exert improper pressure on insolvency practitioners in connection with the discharge of their duties to creditors generally.</p> <p>Membership of the panel was not conditional upon and preference or benefit being conferred upon the ATO.</p>

	<p>is the applicant creditor, whether the company has assets or not.</p> <p>BRI Ferrier is likely to seek inclusion in any comparable panel should one be established in future.</p>	
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III. PRIOR PROFESSIONAL SERVICES TO THE INSOLVENT

Neither I, nor my Firm, have provided any professional services to 44 Cummins Street Pty Ltd (In Liquidation) in the previous 24 months.

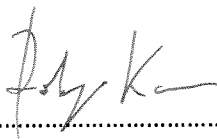
IV. NO OTHER RELEVANT RELATIONSHIPS TO DISCLOSE

There are no other known relevant relationships, including personal, business and professional relationships, from the previous 24 months with 44 Cummins Street Pty Ltd (In Liquidation), an associate of 44 Cummins Street Pty Ltd (In Liquidation), a former insolvency practitioner appointed to the Company or any person or entity that has a charge on the whole or substantially the whole of the Company's property that should be disclosed.

C. INDEMNITIES AND UP-FRONT PAYMENTS

I have not been indemnified in relation to this Liquidation, other than any indemnities that I may be entitled to under statute. I have not received any up-front payments from any party in relation to this appointment.

Dated: 7 March 2019



.....
 ROBYN KARAM - LIQUIDATOR

Notes:

1. If circumstances change, or new information is identified, I am required under the *Corporations Act 2001* and the ARITA Code of Professional Practice to update this Declaration and provide a copy to creditors with my next communication as well as table a copy of any replacement declaration at the next meeting of creditors.

2. Any relationships, indemnities or up-front payments disclosed in the DIRRI must not be such that the Practitioner is no longer independent. The purpose of components B and C of the DIRRI is to disclose relationships that, while they do not result in the Practitioner having a conflict of interest or duty, ensure that creditors are aware of those relationships and understand why the Practitioner nevertheless remains independent.

BRI Ferrier

Item "2"
Creditors Electronic Communication
Method Approval Form

**44 CUMMINS STREET PTY LTD (IN LIQUIDATION) ("COMPANY")
ABN 26 605 229 463**

**Corporations Act 2001 Section 600G
Insolvency Practice Rules (Corporations) – 75-10**

**CREDITOR'S APPROVAL TO THE USE OF EMAIL BY THE EXTERNAL ADMINISTRATOR WHEN GIVING
OR SENDING CERTAIN NOTICES UNDER SECTION 600G
OF THE CORPORATIONS ACT 2001**

Should you wish to receive notices and documents relating to the administration of 44 Cummins Street Pty Ltd by email, please complete this form and return it to Joseph Karam at the address set out below.

I/We authorise the External Administrator on behalf of the Company and his or her employees and agents to send and give notices and documents where such notices and documents may be sent by email to me using the email address provided below.

Signature:	
Creditor name:	
Creditor address:	
Contact name:	
Position:	
Email Address:	
Contact number:	

Return to: **BRI Ferrier (NSW) Pty Ltd**

By Post: GPO Box 7079 Sydney NSW 2001
By Facsimile: (02) 8263 2399

BRI Ferrier

Item "3"
Information sheet – Creditor Rights
in Liquidation



ASIC

Australian Securities & Investments Commission

Insolvency information for directors, employees, creditors and shareholders

ASIC has 11 insolvency information sheets to assist you if you're affected by a company's insolvency and have little or no knowledge of what's involved.

These plain language information sheets give directors, employees, creditors and shareholders a basic understanding of the three most common company insolvency procedures—liquidation, voluntary administration and receivership. There is an information sheet on the independence of external administrators and one that explains the process for approving the fees of external administrators. A glossary of commonly used insolvency terms is also provided.

The Insolvency Practitioners Association (IPA), the leading professional organisation in Australia for insolvency practitioners, endorses these publications and encourages its members to make their availability known to affected people.

List of information sheets

- INFO 41 *Insolvency: a glossary of terms*
- INFO 74 *Voluntary administration: a guide for creditors*
- INFO 75 *Voluntary administration: a guide for employees*
- INFO 45 *Liquidation: a guide for creditors*
- INFO 46 *Liquidation: a guide for employees*
- INFO 54 *Receivership: a guide for creditors*
- INFO 55 *Receivership: a guide for employees*
- INFO 43 *Insolvency: a guide for shareholders*
- INFO 42 *Insolvency: a guide for directors*
- INFO 84 *Independence of external administrators: a guide for creditors*
- INFO 85 *Approving fees: a guide for creditors*

Getting copies of the information sheets

To get copies of the information sheets, visit ASIC's website at www.asic.gov.au/insolvencyinfosheets. The information sheets are also available from the IPA website at www.ipaa.com.au. The IPA website also contains the IPA's Code of Professional Practice for Insolvency Professionals, which applies to IPA members.

Important note: The information sheets contain a summary of basic information on the topic. It is not a substitute for legal advice. Some provisions of the law referred to may have important exceptions or qualifications. These documents may not contain all of the information about the law or the exceptions and qualifications that are relevant to your circumstances. You will need a qualified professional adviser to take into account your particular circumstances and to tell you how the law applies to you.



Creditor Rights in Liquidations

As a creditor, you have rights to request meetings and information or take certain actions:



Right to request a meeting

In liquidations, no meetings of creditors are held automatically. However, creditors with claims of a certain value can request in writing that the liquidator hold a meeting of creditors.

A meeting may be requested in the first 20 business days in a creditors' voluntary liquidation by $\geq 5\%$ of the value of the debts held by known creditors who are not a related entity of the company.

Otherwise, meetings can be requested at any other time or in a court liquidation by:

- $> 10\%$ but $< 25\%$ of the known value of creditors on the condition that those creditors provide security for the cost of holding the meeting
- $\geq 25\%$ of the known value of creditors
- creditors by resolution, or
- a Committee of Inspection (this is a smaller group of creditors elected by, and to represent, all the creditors).

If a request complies with these requirements and is 'reasonable', the liquidator must hold a meeting of creditors as soon as reasonably practicable.

Right to request information

Liquidators will communicate important information with creditors as required in a liquidation. In addition to the initial notice, you should receive, at a minimum, a report within the first three months on the likelihood of a dividend being paid.

Additionally, creditors have the right to request information at any time. A liquidator must provide a creditor with the requested information if their request is 'reasonable', the information is relevant to the liquidation, and the provision of the information would not cause the liquidator to breach their duties.

A liquidator must provide this information to a creditor within 5 business days of receiving the request, unless a longer period is agreed. If, due to the nature of the information requested, the liquidator requires more time to comply with the request, they can extend the period by notifying the creditor in writing.

Requests must be reasonable.

They are not reasonable if:

Both meetings and information:

- complying with the request would prejudice the interests of one or more creditors or a third party
- there is not sufficient available property to comply with the request
- the request is vexatious

Meeting requests only:

- a meeting of creditors dealing with the same matters has been held, or will be held within 15 business days

Information requests only:

- the information requested would be privileged from production in legal proceedings
- disclosure would found an action for breach of confidence
- the information has already been provided
- the information is required to be provided under law within 20 business days of the request

If a request is not reasonable due to (b), (d), (g) or (h) above, the liquidator must comply with the request if the creditor meets the cost of complying with the request.

Otherwise, a liquidator must inform a creditor if their meeting or information request is not reasonable and the reason why.

Right to give directions to liquidator

Creditors, by resolution, may give a liquidator directions in relation to a liquidation. A liquidator must have regard to these directions, but is not required to comply with the directions.

If a liquidator chooses not to comply with a direction given by a resolution of the creditors, they must document their reasons.

An individual creditor cannot provide a direction to a liquidator.

Right to appoint a reviewing liquidator

Creditors, by resolution, may appoint a reviewing liquidator to review a liquidator's remuneration or a cost or expense incurred in a liquidation. The review is limited to:

- remuneration approved within the six months prior to the appointment of the reviewing liquidator, and
- expenses incurred in the 12 months prior to the appointment of the reviewing liquidator.

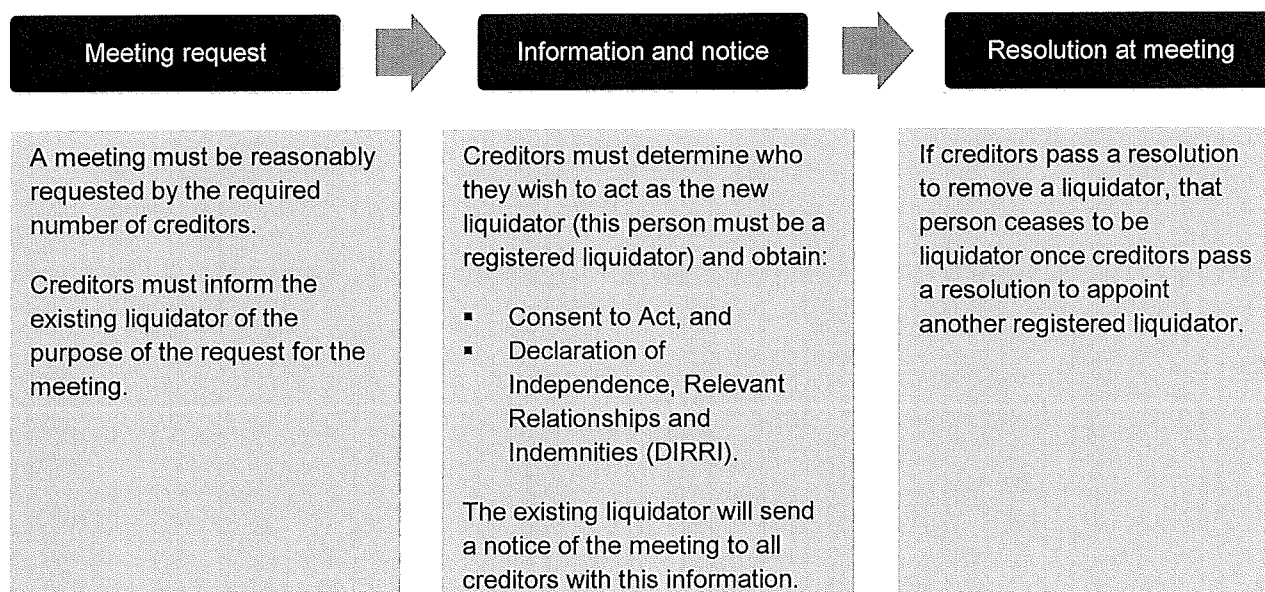
The cost of the reviewing liquidator is paid from the assets of the liquidation, in priority to creditor claims.

An individual creditor can appoint a reviewing liquidator with the liquidator's consent, however the cost of this reviewing liquidator must be met personally by the creditor making the appointment.

Right to replace liquidator

Creditors, by resolution, have the right to remove a liquidator and appoint another registered liquidator.

For this to happen, there are certain requirements that must be complied with:



For more information, go to www.arita.com.au/creditors

The logo for BRI Ferrier, featuring the text "BRI Ferrier" in white on a dark rectangular background with a diagonal gradient on the right side.

BRI Ferrier

Item "4"
Information sheet – Proposals
without a meeting

Information sheet: Proposals without meetings

You may be a creditor in a liquidation, voluntary administration or deed of company arrangement (collectively referred to as an external administration).

You have been asked by the liquidator, voluntary administrator or deed administrator (collectively referred to as an external administrator) to consider passing a proposal without a meeting.

This information sheet is to assist you with understanding what a proposal without a meeting is and what your rights as a creditor are.

What is a proposal without a meeting?

Meetings of creditors were previously the only way that external administrators could obtain the views of the body of creditors. However, meetings can be very expensive to hold.

A proposal without a meeting is a cost effective way for the external administrator to obtain the consent of creditors to a particular course of action.

What types of proposals can be put to creditors?

The external administrator is able to put a range of proposals to creditors by giving notice in writing to the creditors. There is a restriction under the law that each notice can only contain a single proposal. However, the external administrator can send more than one notice at any single time.

What information must the notice contain?

The notice must:

- include a statement of the reasons for the proposal and the likely impact it will have on creditors if it is passed
- invite the creditor to either:
 - vote yes or no to the proposal, or
 - object to the proposal being resolved without a meeting, and
- specify a period of at least 15 business days for replies to be received by the external administrator.

If you wish to vote or object, you will also need to lodge a Proof of Debt (POD) to substantiate your claim in the external administration. The external administrator will provide you with a POD to complete. You should ensure that you also provide documentation to support your claim.

If you have already lodged a POD in this external administration, you do not need to lodge another one.

The external administrator must also provide you with enough information for you to be able to make an informed decision on how to cast your vote on the proposal. With some types of proposals, the law or ARITA's Code of Professional Practice sets requirements for the information that you must be provided.

For example, if the external administrator is asking you to approve remuneration, you will be provided with a Remuneration Approval Report, which will provide you with detailed information about how the external administrator's remuneration for undertaking the external administration has been calculated.

What are your options if you are asked to vote on a proposal without a meeting?

You can choose to vote yes, no or object to the proposal being resolved without a meeting.

How is a resolution passed?

A resolution will be passed if more than 50% in number and 50% in value (of those creditors who did vote) voted in favour of the proposal, but only so long as not more than 25% in value objected to the proposal being resolved without a meeting.

What happens if the proposal doesn't pass?

If the proposal doesn't pass and an objection is not received, the external administrator can choose to amend the proposal and ask creditors to consider it again or the external administrator can choose to hold a meeting of creditors to consider the proposal.

The external administrator may also be able to go to Court to seek approval.

What happens if I object to the proposal being resolved without a meeting?

If more than 25% in value of creditors responding to the proposal object to the proposal being resolved without a meeting, the proposal will not pass even if the required majority vote yes. The external administrator will also be unable to put the proposal to creditors again without a meeting.

You should be aware that if you choose to object, there will be additional costs associated with convening a meeting of creditors or the external administrator seeking the approval of the Court. This cost will normally be paid from the available assets in the external administration.

This is an important power and you should ensure that it is used appropriately.

Where can I get more information?

The Australian Restructuring Insolvency and Turnaround Association (ARITA) provides information to assist creditors with understanding external administrations and insolvency.

This information is available from ARITA's website at artia.com.au/creditors.

ASIC also provides information sheets on a range of insolvency topics. These information sheets can be accessed on ASIC's website at asic.gov.au (search for "insolvency information sheets").

BRI Ferrier

**Item "5"
Proof of Debt ("POD") form**

FORM 535
CORPORATIONS ACT 2001

Subregulation 5.6.49(2)

FORMAL PROOF OF DEBT OR CLAIM (GENERAL FORM)
44 CUMMINS STREET PTY LTD (IN LIQUIDATION)
ACN 605 229 463

To the Liquidator of 44 CUMMINS STREET PTY LTD (IN LIQUIDATION):

1. This is to state that the Company was, on 20 February 2019 ⁽¹⁾ and still is, justly and truly indebted to⁽²⁾ (full name):

.....
(‘Creditor’)

.....
of (full address)

for \$..... dollars and..... cents.

Particulars of the debt are:

Date	Consideration ⁽⁹⁾ state how the debt arose	Amount \$	GST included \$	Remarks ⁽⁹⁾ include details of voucher 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 manner of satisfaction or security for the sum or any part of it except for the following:

Insert particulars of all securities held. Where the securities are on the property of the company, assess the value of those securities. If any bills or other negotiable securities are held, specify them in a schedule in the following form:

Date	Drawer	Acceptor	Amount \$ c	Due Date

I am **not** a related creditor of the Company ⁽⁵⁾

I am a related creditor of the Company ⁽⁵⁾
relationship: _____

3A.^{(6)*} I am employed by the creditor 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, still remains unpaid and unsatisfied.

3B.^{(6)*} I am the creditor's agent authorised to make this statement in writing. I know that the debt was incurred and for the consideration stated and that the debt, to the best of my knowledge and belief, still remains unpaid and unsatisfied.

DATED this day of 2019.

Signature of Signatory

NAME IN BLOCK LETTERS

Occupation

Address

See Directions overleaf for the completion of this form

OFFICE USE ONLY

POD No:		ADMIT (Voting / Dividend) - Ordinary	\$
Date Received:	/ /	ADMIT (Voting / Dividend) - Preferential	\$
Entered into CORE IPS:		Reject (Voting / Dividend)	\$
Amount per CRA/RATA	\$	Object or H/Over for Consideration	\$
Reason for Admitting / Rejection			
PREP BY/AUTHORISED		TOTAL PROOF	\$
DATE AUTHORISED	/ /		

Proof of Debt Form Directions

- * Strike out whichever is inapplicable.
- (1) Insert date of Court Order in winding up by the Court, or date of resolution to wind up, if a voluntary winding up.
- (2) Insert full name and address (including ABN) of the creditor and, if applicable, the creditor's partners. If prepared by an employee or agent of the creditor, also insert a description of the occupation of the creditor.
- (3) 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".
- (4) Under "Remarks" include details of vouchers substantiating payment.
- (5) Related Party / Entity: Director, relative of Director, related company, beneficiary of a related trust.
- (6) If the Creditor is a natural person and this proof is made by the Creditor personally. In other cases, if, for example, you are the director of a corporate Creditor or the solicitor or accountant of the Creditor, you sign this form as the Creditor's authorised agent (delete item 3A). If you are an authorised employee of the Creditor (credit manager etc), delete item 3B.

Annexures

- A. If space provided for a particular purpose in a form is insufficient to contain all the required information in relation to a particular item, the information must be set out in an annexure.
- B. An annexure to a form must:
 - (a) have an identifying mark;
 - (b) and be endorsed with the words:
 - i) "This is the annexure of *(insert number of pages)* pages marked *(insert an identifying mark)* referred to in the *(insert description of form)* signed by me/us and dated *(insert date of signing)*; and
 - (c) be signed by each person signing the form to which the document is annexed.
- C. The pages in an annexure must be numbered consecutively.
- D. If a form has a document annexed the following particulars of the annexure must be written on the form:
 - (a) the identifying mark; and
 - (b) the number of pages.
- E. A reference to an annexure includes a document that is with a form.

BRI Ferrier

Item "6"
Initial Remuneration Notice

INITIAL REMUNERATION NOTICE

Insolvency Practice Schedule (Corporations) 70-50
Insolvency Practice Rules (Corporations) 70-35

**44 CUMMINS STREET PTY LTD (IN LIQUIDATION) ("COMPANY")
ABN 26 605 229 463**

The purpose of the Initial Remuneration Notice is to provide you with information about how my remuneration for undertaking the Liquidation will be set.

A. Remuneration Methods

There are four basic methods that can be used to calculate the remuneration charged by an insolvency Practitioner. They are:

- 1. Time based / hourly rates**
This is the most common method. The total fee charged is based on the hourly rate charged for each person who carried out the work multiplied by the number of hours spent by each person on each of the tasks performed.
- 2. Fixed Fee**
The total fee charged is normally quoted at the commencement of the liquidation and is the total cost for the liquidation. Sometimes a Practitioner will finalise a liquidation for a fixed fee.
- 3. Percentage**
The total fee charged is based on a percentage of a particular variable, such as the gross proceeds of assets realisations.
- 4. Contingency**
The practitioner's fee is structured to be contingent on a particular outcome being achieved.

B. Method chosen

Given the nature of this liquidation I propose that my remuneration be calculated on Time based / hourly rates. This is because:

- It is often difficult to estimate accurately the likely cost of undertaking an appointment, as appointments differ in unforeseeable ways as to their factual or legal complexity;
- The Time Cost method reflects the opportunity cost to BRI Ferrier of the use of staff on a particular engagement;
- The Time Cost method reflects the extent of work undertaken, reflecting in turn the nature of the appointment; and
- The Time Cost method can be applied equally to all aspects of an appointment, while percentage or contingent remuneration normally only reflect parts of an appointment, such as the recovery of assets. Our duties include activities, such as reporting to creditors and ASIC, that do not directly yield asset recovery, while contributing to the overall return to creditors.

C. Explanation of Hourly Rates

The 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 in the liquidation. The hourly rates charged encompass the total cost of providing professional services and should not be compared to an hourly wage. Time is charged in 6 minute increments.

Title	Description	Hourly Rate (ex GST)
Appointee	A Liquidator and/or Registered Trustee. A senior accountant with over 10 years' experience who brings specialist skills & experience to the appointment. Leads the team carrying out the appointment.	\$680
Principal	A Registered Liquidator. A senior accountant with over 10 years' experience. Leads the team carrying out and controls all aspects of an appointment.	\$650
Director	An accountant with more than 10 years' experience. May be a Liquidator. Fully qualified and able to control all aspects of an appointment. May have specialist industry knowledge or skills. Assists with all facets of appointment.	\$570
Senior Manager	An accountant with more than 7 years' experience. Qualified and answerable to the Team Leader. Self-sufficient in completing and planning all aspects of large appointments.	\$525
Manager	An accountant with more than 6 years' experience. Typically qualified with well-developed technical and commercial skills. Controls and plans all aspects of medium to larger appointments, reporting to Team Leader.	\$505
Supervisor	An accountant with more than 4 years' experience. Typically qualified with sound knowledge of insolvency principles and developing commercial skill. Assists to plan and control specific tasks on medium to larger appointments. Often undertaking post qualification study specialising in Insolvency and Reconstruction.	\$420
Senior 1	An accountant with more than 2 years' experience. Typically a graduate undertaking study leading to professional qualification as a Chartered Accountant or CPA. Able to complete work on appointments with limited supervision.	\$360
Senior 2	An accountant with more than 2 years' experience. Typically a graduate who has commenced study leading to professional qualifications. Able to complete many tasks on medium to large appointments under supervision.	\$290
Intermediate 1	An accountant with less than 2 years' experience. Typically a graduate and commenced study for qualifications. Able to complete multiple tasks on smaller to medium appointments under supervision.	\$260
Intermediate 2	An accountant with less than 1 years' experience. A trainee undertaking degree with an accountancy major. Assists in the appointment under supervision.	\$235
Senior Administration	Appropriately skilled & undertakes support activities including but not limited to treasury, word processing and other administrative, clerical and secretarial tasks.	\$220
Junior Administration	Appropriately skilled & undertakes support activities including but not limited to treasury, word processing and other administrative, clerical and secretarial tasks.	\$150

D. Estimated remuneration

I estimate that this liquidation will cost approximately \$40,000 to \$60,000 to complete, subject to the following variables which may have a significant effect on this estimate, which I am unable to determine at this stage of the liquidation:

- Information provided to me about the company's financial position and trading performance is substantially accurate;
- The records of the company are made available immediately on my appointment in a form permitting examination and investigation;
- All property of the company is surrendered to me;
- All relevant officers comply with their statutory duties to provide information about the company's affairs;
- There are limited causes of action which I will be required to pursue.

Whilst I may provide an estimate of the cost of the liquidation in this document, I advise that the actual remuneration will be determined by the Creditors, Committee of Creditors/Inspection or Court, after I have provided a Remuneration Approval Request Report in accordance with the requirements set down in the legislation and ARITA Code of Professional Practice. The actual remuneration sought to be approved may be less than this estimate or exceed it.

E. Disbursements

Disbursements are divided into three types:

- **Externally provided professional services** - these are recovered at cost. An example of an externally provided professional service disbursement is legal fees.
- **Externally provided non-professional costs** such as travel, accommodation and search fees - these 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 recovery of these costs must be on a reasonable commercial basis.

I am not required to seek creditor approval for disbursements paid to third parties, but must account to creditors. However, I must be satisfied that these disbursements are appropriate, justified and reasonable.


I am required to obtain creditor's consent for the payment of internal disbursements. Creditors will be asked to approve my internal disbursements prior to these disbursements being paid from the liquidation.

Details of the basis of recovering disbursements in this liquidation are provided below.

Basis of disbursement claim

Internal Disbursements	Rate (excl. GST) (\$)
Advertising	At cost
Courier	At cost
Faxes and Photocopying	\$0.25 per page
Postage	At cost
Travel	At cost
Staff vehicle use	In accordance with ATO mileage allowances

Dated this 7th day of March 2019.


ROBYN KARAM
Liquidator

BRI Ferrier

**Item "7"
Fair Entitlements Guarantee
Information**



Eligibility for FEG assistance

This fact sheet provides information about the eligibility requirements for the Fair Entitlements Guarantee (FEG). FEG is a basic payment scheme providing financial assistance to employees who have lost their job due to the liquidation or bankruptcy of their employer and who are owed employee entitlements which are not able to be paid by their employer or from another source. For information about what assistance is available please refer to the [What assistance can FEG provide?](#) fact sheet available on the FEG website (www.jobs.gov.au/FEG).

The FEG Act

Decisions about eligibility for FEG assistance are made in accordance with the *Fair Entitlements Guarantee Act 2012* (FEG Act). FEG may apply to a person if their employer enters liquidation or bankruptcy and the person has certain unpaid employment entitlements owing to them. For information about what assistance is available please refer to the [What assistance can FEG provide?](#) fact sheet available on the [FEG website](#) (www.jobs.gov.au/FEG).

Am I eligible?

Subject to certain exclusions, you will be eligible for FEG assistance under the FEG Act if:

- your employment has ended
- your former employer entered liquidation or bankruptcy (known as an 'insolvency event') on or after 5 December 2012
- the end of your employment:
 - was due to the insolvency of your employer, or
 - occurred less than 6 months before the appointment of an insolvency practitioner for the employer, or
 - occurred on or after the appointment of an insolvency practitioner for the employer
- you are owed employment entitlements
- you have taken reasonable steps to prove those debts in the winding up or bankruptcy of the employer
- if you were owed employment entitlements before the insolvency event occurred, you took reasonable steps to have them paid
- at the time your employment ended, you were an Australian citizen or, under the *Migration Act 1958*, the holder of a permanent visa (i.e. your current visa allows

you to live in Australia indefinitely) or special category visa (i.e. your current visa allows you to stay and work in Australia as long as you remain a New Zealand citizen)

- you have made an effective claim (see s. 14).

You must meet all of the above requirements to be eligible for FEG assistance.

Making an effective claim

You must make an effective claim to be eligible for FEG assistance. It is important that you submit your claim as soon as possible because FEG has strict time limits.

To make an effective claim, you must:

- lodge a FEG claim form
- include all mandatory information and documentation requested on the form
- lodge your claim no more than 12 months after the end of your employment or the date of the insolvency event (whichever is later) and
- lodge your claim before the discharge of your former employer's bankruptcy (if your employer was a bankrupt).

If your claim is not made within this timeframe, or does not include all required information and documentation, it will not be effective and you will not be eligible for FEG assistance.

For more information about lodging a FEG claim form, please refer to the [How do I apply for FEG assistance](#) fact sheet available on the [FEG website](#) (www.jobs.gov.au/FEG).

Exclusions from eligibility

FEG is a scheme for employees only. Other classes of workers, for example contractors and sub-

contractors, are not eligible for assistance. Contract outworkers in the textile clothing and footwear industry may be covered under a special scheme for employees in that industry.

Some classes of employees are also ineligible for FEG assistance. You will be ineligible for assistance under the FEG Act if:

- you were a director of the employer company who was also an employee of the company or you were the relative (as defined by the *Corporations Act 2001*) of a director of the employer company at any time in the 12 months before the insolvency event
- you converted from contractor status to employee status with the same employer within 6 months of the insolvency event
- your former employer was within the scope of the Special Employee Entitlement Scheme for Ansett Group Employees (s. 13).

How can you help?

Whilst information provided by the insolvency practitioner is generally relied upon, it is important that you provide as much information as possible to decide if you are eligible for FEG assistance and, if so, to work out the amount of assistance you are eligible for.

The information contained in this fact sheet is of a general nature and explains, in summary form, the intended operation of the *Fair Entitlements Guarantee Act 2012* - it is not legal advice. Where necessary, you should seek your own independent legal advice relevant to your particular circumstances. The Commonwealth does not make any representation or warranty about the accuracy, reliability, currency or completeness of the information contained in this fact sheet and is not liable for any loss resulting from any action taken or reliance made by you on the information contained in this fact sheet.

For more information about the type of information you should provide please refer to the [How do I apply for FEG assistance](#) fact sheet available on the [FEG website](#) (www.jobs.gov.au/FEG).

Want more information?

You can contact the FEG Hotline if you would like more information about eligibility for FEG assistance. To contact the FEG Hotline:

- phone 1300 135 040 or
- email FEG@jobs.gov.au.

If you speak a language other than English, call the Translating and Interpreting Service (TIS) on 13 14 50 for free help anytime. If you speak an Indigenous language, call the Aboriginal Interpreter Service on 1800 334 944.

Further information is also available on the [FEG website](#) (www.jobs.gov.au/feg).



How do I apply for FEG assistance?

This fact sheet provides information about how to lodge a claim for assistance under the Fair Entitlements Guarantee (FEG). Decisions about eligibility for FEG assistance are made in accordance with the *Fair Entitlements Guarantee Act 2012* (FEG Act). For information about eligibility requirements and what assistance is available please refer to the [Eligibility for FEG assistance](#) and the [What assistance can FEG provide?](#) fact sheets available on the [FEG website](http://www.employment.gov.au/FEG) (www.employment.gov.au/FEG).

Making a claim

Making a claim is easy. Just go to [FEG Online Services](http://www.jobs.gov.au/FEGonline) (www.jobs.gov.au/FEGonline) to register and complete your claim. For more information about making your claim please refer to the [How do I access FEG Online Services](#) fact sheet available on the [FEG website](http://www.jobs.gov.au/FEG) (www.jobs.gov.au/FEG).

If you are unable to lodge a claim online, you can submit a [paper based form](#) available from the [FEG website](http://www.jobs.gov.au/FEG).

For information about eligibility requirements and what assistance is available please refer to the [Eligibility for FEG assistance](#) and the [What assistance can FEG provide?](#) fact sheets available on the [FEG website](http://www.jobs.gov.au/FEG) (www.jobs.gov.au/FEG).

How long do I have to make a claim?

You must make an effective claim to be eligible for FEG assistance. It is important that you submit your claim as soon as possible because FEG has strict time limits.

To make an effective claim, you must:

- lodge a FEG claim form
- include all mandatory information and documentation requested on the form
- lodge your claim no more than 12 months after the end of your employment or the date your employer entered liquidation or bankruptcy (whichever is later) and
- lodge your claim before the discharge of your former employer's bankruptcy (if your employer was a bankrupt).

If your claim is not made within this timeframe, or does not include all required information and documentation, it will not be effective and you will not be eligible for FEG assistance.

Mandatory and Supporting documentation

It is in your interest to provide us with any supporting documentation that may assist us in deciding your claim. The provision of some documents is mandatory.

Mandatory documents

It is mandatory that you provide documentary evidence of your residency or citizenship status at the time your employment ended to assist us in assessing your eligibility for FEG assistance (see s. 10 of the FEG Act).

Acceptable evidence of your citizenship or residency status includes a copy of at least one of the following categories of documents:

- Australian passport current at, or expired within two years of the end of your employment
- Full Australian birth certificate. **Extracts of birth certificates are insufficient**
- Australian citizenship certificate issued prior to the end of your employment **including both sides if there is anything on the reverse side**
- Immicard issued prior to the end of your employment
- Certificate of evidence of residency status
- Registration by descent document
- Where appropriate, for the purpose of proving you hold a permanent visa, a copy of the passport you used to apply for that visa
- Where appropriate, for the purpose of proving you held a special category visa at the end of your employment, the New Zealand passport that was current at the end of your employment or, if your passport had expired, the most recent expired New Zealand passport that you held at the time you entered Australia prior to working for the employer

- a Confirmation of Identity or Citizenship for Aboriginal and Torres Strait Islander people form if you are an Aboriginal or Torres Strait Islander person and you have never been issued with any of the above documents.

Please note that your driver's licence is not acceptable evidence of your citizenship or residency status.

Where the name on the document does not match the name that you are claiming under you will also need to provide proof of the change of name by providing one of the following:

- Change of name certificate
- Marriage certificate.

Other supporting documents

We will usually rely on information provided by the insolvency practitioner using the company books and records to tell us what you were owed. If this is not possible we may request further information from you. Examples of the other types of documents that may help us to assess your claim include:

- signed employment contract or letter of appointment
- payslips
- PAYG payment summaries
- bank statements for the 13 weeks prior to the initial appointment of the insolvency practitioner (or if your employment ended

before the appointment of the insolvency practitioner, bank statements for the 13 week period prior to the end of your employment)

- bank statements for the 30 days immediately after your employment ended
- evidence of weekly or annual wage rate
- separation certificate
- letter of termination

For information about how the department may use and disclose your personal information please refer to the Information Management provisions of the FEG Act (see ss. 42–45).

Want more information?

You can contact the FEG Hotline if you would like more information about how to make your claim or you are unsure about the types of supporting documentation to include.

To contact the FEG Hotline:

- phone 1300 135 040 or
- email FEG@jobs.gov.au

If you speak a language other than English, call the Translating and Interpreting Service (TIS) on 13 14 50 for free help anytime. If you speak an Indigenous language, call the Aboriginal Interpreter Service on 1800 334 944.

Further information about FEG is also available on the [FEG website](http://www.jobs.gov.au/FEG) (www.jobs.gov.au/FEG).

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