



## INITIAL REPORT TO CREDITORS

**MKM BRICKWORKS AND CONSTRUCTION PTY LTD (IN LIQUIDATION)**

**ACN: 648 754 269**

**ABN: 66 648 754 269**

**12 November 2024**

**PETER KREJCI**  
Liquidator

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## GLOSSARY

ABN	Australian Business Number
ACN	Australian Company Number
Act	Corporations Act 2001 (Cth)
ANZ	Australia & New Zealand Banking Group Limited
ARITA	Australian Restructuring Insolvency and Turnaround Association
ASIC	Australian Securities and Investments Commission
ATO	Australian Taxation Office
CL	Court Liquidation
Company	MKM Brickworks and Construction Pty Ltd (In Liquidation)
DEWR	Department of Employment and Workplace Relations
Director	Matthew Mitchell
DIRRI	Declaration of Independence, Relevant Relationships & Indemnities
DCoT	Deputy Commissioner of Taxation
FEG	Fair Entitlements Guarantee
Firm	BRI Ferrier
iCare	Workers Compensation Nominal Insurer
IPR	Insolvency Practice Rules (Corporations) 2016
IPS	Insolvency Practice Schedule (Corporations) 2016
NAB	National Australia Bank Limited
NSW	New South Wales
Petitioning Creditor	iCare
POD	Proof of Debt
PPSR	Personal Properties Securities Register
ROCAP	Report on Company Activities and Property
ROT	Retention of Title

## 1 DISCLAIMER

An investigation of the Company's affairs has been conducted and this report and the statements made herein have been prepared based upon available books and records and from my own enquiries.

Whilst I have no reason to doubt the accuracy of the information provided or contained herein, I reserve the right to alter my opinions or conclusions should the underlying data prove to be inaccurate or materially change after the date of this report.

Neither I, nor any member or employee of BRI Ferrier accepts responsibility in any way whatsoever to any person in respect of any errors in this report arising from incorrect information provided to me, or necessary estimates and assessments made for the purposes of the report.

This report is not for general circulation, publication, reproduction, or any use other than to assist creditors in evaluating their position as creditors of the Company and must not be disclosed without the prior approval of the Liquidator.

Creditors should consider seeking their own independent legal advice as to their rights and options available to them.

Should any creditor have material information in relation to the Company's affairs which they consider may impact on my investigations or report, please forward details in writing as soon as possible.

## 2 EXECUTIVE SUMMARY

I was appointed Liquidator of the Company on 15 October 2024, pursuant to an Order of the Supreme Court of NSW, on application by iCare.

This report has been prepared pursuant to Insolvency Practice Rule 70-30 of the Act. You have received this Report because I am aware that you may have a creditor claim and/or the limited books and records available identified you as a creditor.

My investigations to date into the Company's affairs and the conduct of its officers are preliminary and a more detailed report will be provided to creditors within three months. My findings, including any offences identified, will be reported to ASIC in due course.

I provide herein a brief overview of the Company's affairs as presently known to me at this time.

- The Company was incorporated on 17 March 2021.
- The Company operates a bricklaying and landscaping business in NSW.
- An internet search as at my appointment indicates that the Director is still trading the business.
- Mr Matthew Mitchell is the sole director and shareholder of the Company having been appointed director since the Company's incorporation.

- An ASIC Company search lists the Company’s Registered Address and Principal Place of Business as ‘542 Londonderry Road Londonderry NSW 2753’. I have conducted a statutory search of the registered office and note the Director to be a joint owner of this property.
- The Company previously held a Class 1 Bricklaying Contractor Licence, No. 368556C, which expired on 17 May 2022 date.
- The Director currently holds a Class 1 Bricklaying Contractor Licence, number 277901C, which is due for renewal on 22 October 2026.
- In New South Wales, the Office of Fair Trading (“OFT”) will cancel a company's and director's personal builder's licence upon notification of a liquidator's appointment. I have written to OFT advising of the liquidation of the Company and provided the license numbers known to me.
- iCare served the Company with a Statement of Claim for unpaid Workers Compensation Insurance premiums which led to a Creditor Statutory Demand being served on 10 May 2024 and thereafter an application to wind the Company up in insolvency.
- Following my appointment, my office attempted to contact the Director several times on the phone number provided by the Petitioning Creditor’s solicitors.
- On 23 October 2024, the Director called my office and advised my staff that the Company was still trading and employs several apprentices. I have written to Australian Apprenticeships advising of the Liquidation of the Company. The Director asserted that misreported wages led to the iCare debt, and he had been taking steps towards rectifying the matter prior to my appointment. He asserted that iCare acknowledged this and advised him the matter would be put on hold. On this basis the Director asserts that the Company should not have been wound up.
- My staff advised the Director of the process of reversing a winding up and informed him that if he were to continue trading then he would become liable for insolvent trading for any debts incurred. The Director was unconcerned by this and stated he would not cease trading the Company. My staff explained that he could continue trading under a license agreement, whereby he would pay a weekly fee for use of the Company’s assets. The Director advised he would be unable to afford this and ended the call.
- The Director has not advised nor provided me with a book or record that would allow me to notify the third party that engaged the Company to conduct building works and advise of the pending cancellation of the Directors license.
- I have sent requests to the Director’s email address and registered address to complete and submit a ROCAP pursuant to section 475(4) of the Act, deliver up to me the books and records of the Company and attend my office for a scheduled meeting to discuss the affairs of the Company in person. The Director confirmed receipt of the documents issued via post during the aforementioned phone call however was not willing to provide me with a current email address so I may exchange correspondences with him.

- To date, the Director has neither submitted a ROCAP and/or Company books and records to my office nor attended my office for a scheduled meeting. I note that the ROCAP was due for completion by 4 November 2024, the Director's failure of which has constituted a breach of the Act, and I have reported his non-compliance to ASIC.

In respect to preliminary investigations undertaken to date, I have not identified any assets held in the Company's name and am yet to identify any bank accounts held in the Company's name. The Director mentioned that he previously operated as a sole trader, it may be the case that he has continued to operate from bank accounts held in his personal name since the Company was incorporated.

The Company's known liabilities as at the date of this report is represented by claims from unsecured creditors being iCare for circa \$24k. I note, however, that the DCoT has not provided access to the Company's ATO portal at this time nor submitted a POD in the Liquidation, further the Company may have additional creditors unaware of the Liquidation as such, the total liabilities are likely to increase.

During the phone call with the Director, he advised that he had been through several accountants over the last few years; however, Alliance Taxation Australia was his longest serving and would hold the majority of his books and records. I have written to Alliance Taxation to provide me with any books and records of the Company they may hold in their possession and am currently awaiting a response. I have additionally issued requests to MYOB and Xero to provide me with confirmation on whether they hold an account in the Company's name as well as any Company books/records they may hold.

As there have been no asset realisations to date, the discharge of the Petitioning Creditors' costs, Liquidation costs and any return to creditors will be subject to successfully identifying and pursuing voidable recoveries or similar claims. It is too early to determine if there are any claims to be pursued in the Liquidation and/or what recoveries may result from same.

In any event, I am required to investigate the Company's affairs and the conduct of its officers and report my findings to ASIC in due course. If any creditors have information relevant to the Liquidation, they are encouraged to contact my office without delay, such that it may assist my investigations and/or improve the prospects of recovery for creditors.

### 3 LEGAL PROCEEDINGS

Pursuant to Section 500 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 my written consent or leave of the Court.

I am not aware of the Company currently being involved in any legal proceedings.

### 4 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:

#### 4.1 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 responsibility for any liability in respect of any goods or services provided after the date of my appointment unless express written authorisation has been provided.

#### 4.2 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.

I am not aware of any outstanding rent for business premises.

#### 4.3 EMPLOYEES

Whilst the Director has verbally confirmed the Company is currently employing, failing receipt of any books and records I am unable to determine if there are any employee entitlements owed by the Company.

To the extent there are outstanding employee entitlements owed by the Company, there is 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 the event that there are insufficient funds to pay a dividend to priority (employee) creditors in a winding up, employees (excluding the Directors and related parties) may lodge a claim under the FEG scheme with the DEWR in respect of certain entitlements that they are owed, subject to them meeting the eligibility requirements of the FEG scheme. FEG does not pay outstanding superannuation.

The FEG scheme is administered by the DEWR 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 the FEG scheme, 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; or
- The termination is due to the insolvency of the employer.

Claims may be submitted in respect of the following entitlements set out below up to the maximum thresholds, 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; and
- ▶ 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; and
- ▶ Employee entitlements of directors and related party creditors.

Claims must be lodged no more than 12 months after the later of the date of termination 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.

Further information in relation to the FEG scheme may be obtained using the following hyperlink: <https://fegonlineservices.dewr.gov.au/>

Any person claiming to be a creditor of the Company in respect of outstanding employee entitlements should notify Mr Joshua Coorey of this office without delay.

A distribution will only be paid in respect of superannuation if there are sufficient realisations from the Liquidation.

#### 4.4 SECURED CREDITORS AND SECURITY INTERESTS

A search of the Personal Property Securities Register did not reveal any security interests registered against the Company.

In any event, 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 Miss Sushma Mandira of this office as soon as possible.

#### 4.5 CONTRACTS AND AGREEMENTS

The Director has advised the Company is continuing to trade through a current subcontract on a building project. The Director has not provided me with any details regarding this project or the contract. Unless otherwise indicated, I do not accept adoption of existing contracts. Customers, suppliers, and any other parties with any such contracts should contact Mr Joshua Coorey of this office immediately so that they may be considered.

## 5 YOUR RIGHTS AS A CREDITOR

Information regarding your rights as a creditor is provided in the information sheet enclosed. 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.

## 6 PROPOSALS WITHOUT MEETINGS

Given the relatively small size and complexity of the matter, I advise that I will not convene a creditors' meeting at this time. Instead, I enclose Proposal without Meeting Forms for creditors' consideration in lieu of convening a Meeting of Creditors, in accordance with section 75-40 of the *Insolvency Practice Schedule (Corporations) 2016* and section 75-130 of the IPR.

If I receive a request for a meeting that complies with the guidelines set out in the creditor rights information sheet, I will hold a meeting of creditors.

## 7 INFORMATION FOR CREDITORS

I have included the following initial notices and documents in connection with my appointment for your information.

Annexure	Document	Description	Further Action Required by you
A	Formal Proof of Debt ("POD") with Request to Receive Electronic Communications	You must also provide information about what the Company owes you and evidence to support your claim. Please complete and return POD form via email to Joshua Coorey of this office to <a href="mailto:jcoorey@brifnsw.com.au">jcoorey@brifnsw.com.au</a> with your supporting documents.	Yes Include Supporting Documentation
B	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

Annexure	Document	Description	Further Action Required by you
C	Information Sheet – Creditors Rights in Liquidation	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
D	Information Sheet – Proposals without a Meeting	This is an information sheet to assist you in understanding what a “Proposal without a meeting” is.  I am seeking approval of my remuneration, internal disbursements and destruction of the Company’s books and records after the Liquidation is finalised.	No
E	Initial Remuneration Notice	This document provides an estimate of the costs to perform the Liquidation, the method of calculating remuneration and my Firm’s hourly rates.	No
F	Proposal Without Meeting Forms	These documents set out the resolutions sought from creditors, by way of proposal, rather than meeting of creditors.	No

## 8 WHAT HAPPENS NEXT?

I will proceed with the Liquidation, including:

- Collect and receive books and records of the Company;
- Recovering and selling any available property of the Company;
- Correspond with banks to identify an account held with the Company;
- Conduct investigations into the Company’s affairs, subject to available records;
- Issue a further and more detailed report to Creditors;
- Reporting to the corporate regulator, ASIC;
- Pursue any recoveries available in the form of voidable transactions and insolvent trading claims, if any, subject to funding being available;
- Pay a dividend to the creditors, if available.

I will also write to you within three (3) months of my appointment advising whether a dividend is likely and update you on the progress of my investigations. I may write to you again after that with further information on the progress of the Liquidation, if necessary.

## 9 QUERIES

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

Please note that Liquidator is 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://insolvencynotices.asic.gov.au> throughout the liquidation to view any notices which may be published in respect of the Company.

ARITA provides information to aid creditors with understanding liquidations and insolvency. This information is available from ARITA's website at <https://www.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](http://asic.gov.au) (search for "insolvency information sheets").

The BRI Ferrier staff member responsible for this matter is as follows:

- ▲ BRI Contacts: Joshua Coorey
- ▲ Phone: (02) 8263 2320
- ▲ Email: [jcoorey@brifnsw.com.au](mailto:jcoorey@brifnsw.com.au)
- ▲ Mailing: GPO Box 7079, Sydney NSW 2001

Yours faithfully

**MKM BRICKWORKS AND CONSTRUCTION PTY LTD (IN LIQUIDATION)**



**PETER KREJCI**  
LIQUIDATOR

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The logo for BRI Ferrier features the company name in white, bold, sans-serif font on a dark grey rectangular background. A green triangle is positioned at the bottom right corner of the grey rectangle.

**BRI Ferrier**

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**MKM Brickworks and Construction Pty Ltd  
(In Liquidation)  
ACN 648 754 269  
ABN 66 648 754 269**

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**Annexure "A"  
Formal Proof of Debt**

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FORMAL PROOF OF DEBT OR CLAIM (GENERAL FORM)

To the Liquidator of:

MKM Brickworks and Construction Pty Ltd (In Liquidation) ACN 648 754 269 / ABN 66 648 754 269

1. This is to state that the company was, on 15 October 2024, <sup>(1)</sup> and still is, justly and truly indebted to<sup>(2)</sup> (full name):

.....  
(‘Creditor’)

.....  
of (full address)

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

Particulars of the debt are (please attach documents to support your claim e.g. purchase orders, invoices, interest schedules):

Date	Consideration <sup>(3)</sup> state how the debt arose	Amount \$ (incl. GST)	Remarks <sup>(4)</sup> 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 <sup>(5)</sup>

I am a related creditor of the Company <sup>(5)</sup>  
relationship: .....

3A.<sup>(6)\*</sup> 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.<sup>(6)\*</sup> 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.

The External Administrators' (whether as Voluntary Administrators/Deed Administrators/Liquidators) will send and give electronic notification of documents in accordance with Section 600G and 105A of Corporations Act 2001. Please provide your email address below:

Contact Name: .....

Email Address: .....

DATED this ..... day of ..... 2024

NAME IN BLOCK LETTERS .....

Occupation .....

Address .....

Signature of Signatory .....

**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	\$
<b>Reason for Admitting / Rejection</b>			
PREP BY/AUTHORISED		<b>TOTAL PROOF</b>	\$
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.

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The logo for BRI Ferrier features the company name in white, bold, sans-serif font on a dark grey rectangular background. A green triangle is positioned at the bottom right corner of the grey rectangle.

**BRI Ferrier**

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**MKM Brickworks and Construction Pty Ltd  
(In Liquidation)  
ACN 648 754 269  
ABN 66 648 754 269**

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**Annexure "B"  
Declaration of Independence,  
Relevant Relationships, and  
Indemnities ("DIRRI")**

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# Declaration of Independence, Relevant Relationships and Indemnities

**MKM Brickworks and Construction Pty Ltd**  
(In Liquidation)  
ACN 648 754 269  
ABN 66 648 754 269

12 November 2024

**PETER KREJCI**  
Liquidator

Novabrif Pty Ltd ABN 61 643 013 610  
Level 26, 25 Bligh Street, Sydney NSW 2000  
GPO Box 7079, Sydney NSW 2001  
Phone (02) 8263 2333  
Email: [info@brifnsw.com.au](mailto:info@brifnsw.com.au)  
Website: [www.briferrier.com.au](http://www.briferrier.com.au)

**BRI Ferrier**

The purpose of this document is to assist creditors with understanding any relevant relationships that I, the Liquidator, have with parties who are closely connected to MKM Brickworks and Construction Pty Ltd (In Liquidation) and any indemnities or upfront payments that have been provided to me. None of the relationships disclosed in this document are such that my independence is affected.

This information is provided so you have trust and confidence in my independence and, if not, you can ask for further explanation or information and can act to remove and replace me if you wish.

This declaration is made in respect of myself, my partners and BRI Ferrier.

I am a Professional Member of ARITA – Australian Restructuring Insolvency and Turnaround Association. I acknowledge that I am bound by the ARITA Code of Professional Practice.

## A. INDEPENDENCE

I, Peter Krejci, of BRI Ferrier have assessed my independence prior to accepting the appointment as Liquidator of MKM Brickworks and Construction Pty Ltd (In Liquidation) (“the Company”) in accordance with the law and applicable professional standards and I am not aware of any reasons that would prevent me from accepting this. There are no other known relevant relationships, including personal, business and professional relationships that should be disclosed beyond those I have disclosed in this document.

## B. CIRCUMSTANCES OF APPOINTMENT

### I. HOW I WAS REFERRED THIS APPOINTMENT

I was appointed Liquidator of the Company by the Supreme Court on the application of Workers Compensation Nominal Insurer (“iCare”). On 21 August 2024, I received an email from Billie Kerkez of Hall & Wilcox (“HW”) seeking my consent to act as liquidator of the Company. I provided my consent to act as liquidator, on the request of HW, on 23 August 2024. This consent does not affect my independence for the reason that the giving of consent to act does not result in any duty owed to that creditor that would conflict with my interests or duties under the Corporations Act.

I believe that this referral does not result in a conflict of interest or duty because:

- I am referred matters from HW on an ad hoc basis where the only common relationship is HW.
- Referrals from solicitors, business advisors and accountants are a commonplace and do not impact my independence in carrying out my duties as liquidator.
- I have not received or paid any benefit to HW with respect of these referrals.

There is no expectation, agreement or understanding between me and Hall & Wilcox regarding the conduct of the Liquidator and I am free to act independently and in accordance with the law and applicable professional standards.

### II. DID I MEET WITH THE COMPANY, THE DIRECTORS OR THEIR ADVISER BEFORE I WAS APPOINTED?

Yes  No

Neither I, nor my Firm, have met with the Company, its directors or their advisor prior to my appointment.

### C. DECLARATION OF RELATIONSHIPS

Within the previous two years, I, or my firm, have had a relationship with:

Name	Nature of relationship
The Company	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
The Director	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Any associates of the Company?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
A former insolvency practitioner appointed to the Company?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
A secured creditor entitled to enforce a security over the whole or substantially the whole of the Company's property?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Do I have any other relationships that I consider are relevant to creditors assessing my independence?

Yes  No

#### Australian Taxation Office

- ▶ The ATO is a sophisticated statutory creditor and is administratively bound to act as a Model Litigant. In my experience the ATO does not seek to exert improper pressure on insolvency practitioners in connection with the discharge of their duties to creditors generally.
- ▶ 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. These Official Liquidators had undertaken to the ATO to accept appointments as Liquidator appointed by a Court under the Corporations Act where the ATO is the applicant creditor, whether the company has assets or not. BRI Ferrier is likely to seek inclusion in any comparable panel should one be established in future. Membership of the panel was not conditional upon any preference or benefit being conferred upon the ATO.

#### HW

- ▶ I am referred matters from HW on an ad hoc basis. These referrals represent an immaterial proportion of matters that I, my partners, and BRI Ferrier are referred on a yearly basis. I, my

partners, and BRI Ferrier have no other relationship or association with HW that would impede me acting independently regarding all decision required to be made during this liquidation.

In addition to the above, I also note that Principals of BRI Ferrier routinely accept nominations and appointments as insolvency practitioners by the major trading banks, in addition to creditors such as the ATO (as discussed above). The nature of these relationships varies over time depending on the nature of the engagements. Such relationships do not impede my independence or give rise to a conflict of duties because I accept such engagements only on the basis that my independence will be maintained and the relationships are maintained on professional commercial terms.

### III. 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 the Company, an associate of the Company, a former insolvency practitioner appointed to the Company or any person or entity that has a valid and enforceable security interest on the whole or substantially whole of the Company's property that should be disclosed.

### D. INDEMNITIES AND UP-FRONT PAYMENTS

We have not been indemnified in relation to this liquidation, other than any indemnities that we may be entitled to under statute, and have not received any up-front payments.

This does not include any indemnities I may be entitled to under the law. I have not received any other indemnities or upfront payments.

Dated: 12 November 2024



.....

Peter Krejci  
Liquidator

#### NOTE:

- 1. The assessment of independence has been made based on an evaluation of the significance of any threats to independence and in accordance with the requirements of the relevant legislation and professional Standards.*
- 2. If circumstances change, or new information is identified, I am required under the Corporations Act 2001 and ARITA's 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 the insolvent's creditors. For creditors' voluntary liquidations and voluntary administrations, this document and any updated versions of this document are required to be lodged with ASIC.*

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**BRI Ferrier**

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**MKM Brickworks and Construction Pty Ltd  
(In Liquidation)  
ACN 648 754 269  
ABN 66 648 754 269**

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**Annexure "C"  
Creditors List**

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**Novabrif Pty Limited**  
**MKM Brickworks and Construction Pty Ltd**  
**Projected Creditor Claims (Grouped)**

<b>Key</b>	<b>Name</b>	<b>ROCAP \$</b>	<b>Inf. PoD / Statement \$</b>	<b>Formal Proof \$</b>	<b>Projected Amt \$</b>
RM00	Mr Mathew Mitchell	0.00	0.00	0.00	0.00
Group Total: Directors (Preferential) (1)		0.00	0.00	0.00	0.00
* Related Creditors					
<b>1 Entries Totalling</b>		<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>1 Total Unique Creditors</b>					

\* Related Creditors

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The logo for BRI Ferrier features the company name in white, bold, sans-serif font on a dark grey rectangular background. A green triangle is positioned at the bottom right corner of the grey rectangle.

**BRI Ferrier**

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**MKM Brickworks and Construction Pty Ltd  
(In Liquidation)  
ACN 648 754 269  
ABN 66 648 754 269**

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**Annexure "D"  
ASIC Information Sheet Insolvency  
Information for Directors,  
Employees, Creditors and  
Shareholders**

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# Insolvency information for directors, employees, creditors and shareholders

This is **Information Sheet 39 (INFO 39)**. It lists ASIC's information sheets for directors, employees, creditors and shareholders affected by a company's insolvency.

We have produced these with endorsement from the Australian Restructuring Insolvency & Turnaround Association (ARITA).

The information sheets give a basic understanding of the three most common company insolvency procedures – liquidation, voluntary administration and receivership – as well as the independence requirements for external administrators and approving external administrator remuneration. There is also a glossary of commonly used insolvency terms.

## List of information sheets

- [INFO 41](#) *Insolvency: A glossary of terms*
- [INFO 42](#) *Insolvency: A guide for directors*
- [INFO 43](#) *Insolvency: A guide for shareholders*
- [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 74](#) *Voluntary administration: A guide for creditors*
- [INFO 75](#) *Voluntary administration: A guide for employees*
- [INFO 84](#) *Independence of external administrators: A guide for creditors*
- [INFO 85](#) *Approving fees: A guide for creditors*

## Where can I get more information?

Further information is available from the [ARITA website](#). The ARITA website also contains the [ARITA Code of Professional Practice for Insolvency Practitioners](#).

## Important notice

Please note that this information sheet is a summary giving you basic information about a particular topic. It does not cover the whole of the relevant law regarding that topic, and it is not a substitute for professional advice. We encourage you to seek your own professional advice to find out how the applicable laws apply to you, as it is your responsibility to determine your obligations.

You should also note that because this information sheet avoids legal language wherever possible, it might include some generalisations about the application of the law. Some provisions of the law referred to have exceptions or important qualifications. In most cases, your particular circumstances must be taken into account when determining how the law applies to you.

Information sheets provide concise guidance on a specific process or compliance issue or an overview of detailed guidance.

This information sheet was updated on 1 September 2017.

Last updated: 06/03/2024 10:14

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**MKM Brickworks and Construction Pty Ltd  
(In Liquidation)  
ACN 648 754 269  
ABN 66 648 754 269**

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**Annexure "E"  
ARITA Information Sheet  
Proposals without a Meeting**

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## 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. If the administration is a simplified creditors' voluntary liquidation (SCVL), you cannot object to the proposal being resolved without a meeting as meetings cannot be held in a SCVL.

### 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 [arita.com.au/creditors](http://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](http://asic.gov.au) (search for "insolvency information sheets").

**For more information, go to [www.arita.com.au/creditors](http://www.arita.com.au/creditors).  
Specific queries should be directed to the external administrator's office.**

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**MKM Brickworks and Construction Pty Ltd  
(In Liquidation)  
ACN 648 754 269  
ABN 66 648 754 269**

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**Annexure "F"  
Initial Remuneration Notice**

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## INITIAL REMUNERATION NOTICE

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

Date: 12 November 2024

### **MKM Brickworks and Construction Pty Ltd (In Liquidation) ACN 648 754 269 ("the Company")**

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 METHOD**

There are four methods for calculation of remuneration that can be used to calculate the remuneration of an Insolvency Practitioner. They are:

- ▲ Time-based / hourly rates or "Time Cost"

This is the most common method. It provides for remuneration to be charged at an hourly rate for each person working on the matter. The hourly rate charged will reflect the level of experience each person has.

- ▲ Fixed Fee

The total remuneration for the administration is quoted at commencement of the appointment and is the total charge for the administration. Sometimes a practitioner will finalise an administration for a fixed fee.

- ▲ Percentage

The remuneration for the appointment is based on a percentage of a particular variable, such as the gross proceeds of asset realisations.

- ▲ Contingency

The total remuneration for the matter is structured to be contingent on a particular outcome being achieved.

#### **B METHOD CHOSEN**

Given the nature of this administration, I propose that my remuneration be calculated on the time-based / hourly rates method. In my opinion, this is the fairest method for the following reasons:

- ▲ I will only be paid for work done, subject to sufficient realisations of the Company assets.
- ▲ It ensures creditors are only charged for work that is performed. My time is recorded and charged in six-minute increments and staff are allocated to duties according to their relevant experience and qualifications.

- ▲ I am required to perform a number of tasks which do not relate to the realisation of assets, including responding to creditor enquiries, reporting to the ASIC, and distributing funds in accordance with the provisions of the Corporations Act 2001.

I am unable to advise with certainty the total amount of fees necessary to complete all tasks required in this administration. BRI Ferrier reviews its hourly rates every twelve months. The hourly rates quoted below remain current until further notice. At this time BRI Ferrier may increase the hourly rates charged for work performed past that date. If hourly rates are increased, I will seek approval from creditors.

## C EXPLANATION OF HOURLY RATES

The rates applicable are set out in the table on the following page together with a general guide to the qualifications and experience of staff engaged in administration and the role they undertake in the administration. The hourly rates charged encompass the total cost of providing professional services and are not comparable to an hourly wage rate.

Title	Description	Hourly Rate (ex GST) 1 July 24
Appointee / Principal	Senior member of the firm. May be a Registered Liquidator and/or Registered Trustee. A senior accountant with over 10 years' experience who brings specialist skills and experience to the appointment. Leads staff carrying out appointments.	\$750
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.	\$670
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.	\$620
Manager	An accountant with at least 6 years' experience. Typically qualified with well-developed technical and commercial skills. Controls and plans all aspects of medium to larger appointments, reporting to the Team Leader.	\$580
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.	\$510
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.	\$450
Senior 2	An accountant with less 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.	\$400
Intermediate 1	An accountant with less than 2 years' experience. Typically a graduate and commencing study for qualifications. Able to complete multiple tasks on smaller to medium appointments under supervision.	\$350
Intermediate 2	An accountant with less than 1 year's experience. A trainee undertaking degree with an accountancy major. Assists in the appointment under supervision.	\$300

Senior Administration	Appropriately skilled and undertakes support activities including but not limited to treasury, word processing and other administrative, clerical and secretarial tasks.	\$300
Junior Administration	Appropriately skilled and undertakes support activities including but not limited to treasury, word processing and other administrative, clerical and secretarial tasks.	\$200

## D ESTIMATE OF COST

I estimate that this administration may cost up to \$30,000.00 (plus GST) to complete.

The above cost is subject to the following variables, which may have a significant effect on this estimate and that I am unable to determine until I have progressed further in the administration:

- ▲ Information provided to me before appointment about the Company's assets, its liabilities and its trading performance is substantially accurate;
- ▲ The records of the Company are made available in a form permitting examination and investigation;
- ▲ All property of the Company is surrendered to me upon appointment;
- ▲ All relevant officers comply with their statutory duties to provide information about the Company's affairs;
- ▲ The legal matters currently on foot are settled in a short period of time or are stayed permanently;
- ▲ No appointment is made by a secured creditor; and
- ▲ There is no dispute in respect of any priority and/or secured creditor claims.

This estimate is based on the information available to date. Should any of the above circumstances change, I believe that costs will likely increase from my estimate above.

## E DISBURSEMENTS

Disbursements are divided into three types:

- ▲ Externally provided professional services - these are recovered at cost. An example of an externally provided 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 Administration, 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 administration.

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

Disbursement Type	Rate (excl GST)
Externally provided professional services	At cost
Externally provided non-professional costs	At cost
Internal disbursements	
ASIC Charges for Appointments and Notifiable Events	At cost
Faxes and Photocopying	\$0.25 per page
Postage	At cost
Staff vehicle use	In accordance with ATO mileage allowances

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**MKM Brickworks and Construction Pty Ltd  
(In Liquidation)  
ACN 648 754 269  
ABN 66 648 754 269**

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**Annexure "G"  
Remuneration Report**

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# Remuneration Approval Report

## MKM Brickworks and Construction Pty Ltd (In Liquidation)

ACN 648 754 269  
ABN 66 648 754 269  
("the Company")

12 November 2024

Peter Krejci  
Liquidator

Novabrif Pty Ltd ABN 61 643 013 610  
Level 26, 25 Bligh Street, Sydney NSW 2000  
GPO Box 7079, Sydney NSW 2001  
Phone (02) 8263 2333  
Email: [info@brifnsw.com.au](mailto:info@brifnsw.com.au)  
Website: [www.briferrier.com.au](http://www.briferrier.com.au)



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## 1. EXECUTIVE SUMMARY

I am asking creditors to approve my remuneration of \$30,000.00 (excl. GST) and disbursements of \$1,000.00.

Details of remuneration and disbursements can be found in section 3 and 4 of this report.

I am asking creditors to approve my remuneration via proposals without a meeting.

I estimate the total cost of this Liquidation will be approximately \$30,000.00 (excl. GST).

## 2. DECLARATION

I have undertaken an assessment of this remuneration and disbursement claim in accordance with the law and applicable professional standards. I am satisfied that the remuneration and disbursements claimed are necessary and proper.

I have reviewed the work in progress report for the Liquidation to ensure that remuneration is only being claimed for necessary and proper work performed and no adjustment was necessary.

## 3. REMUNERATION SOUGHT

The remuneration I am asking creditors to approve is as follows:

For	Period	Amount \$ (excl. GST)	Rates	When it will be drawn
Completed Work	15 October 2024 to 10 November 2024	\$9,298.00	Provided in my Initial Remuneration Notice dated 12 November 2024	It will be drawn when funds are available.
Future Work	11 November 2024 to Conclusion	\$20,702.00	Provided in my Initial Remuneration Notice dated 12 November 2024	It will be drawn when funds are available and it is incurred.
TOTAL		\$30,000.00 (excl. GST)		

Details of the work already completed for the period 15 October 2024 to 10 November 2024 and future work that I intend to complete are included at Schedule A.

Schedule B includes a breakdown of time spent by staff members on each major task for completed work.

Actual resolutions to be put to creditors by way of a proposal are included at Schedule C and D for your information. These resolutions also appear in the proposal without a meeting form provided to you.

#### 4. DISBURSEMENT SOUGHT

I am not required to seek creditor approval for costs paid to third parties or where I am recovering a cost incurred on behalf of the external administration, but I must provide details to creditors. I have not paid any such costs to date.

I am required to obtain creditor's consent for the payment of a disbursement where I, or a related entity of myself, may directly or indirectly obtain a profit.

The disbursements I would like creditors to approve is as follows:

For	Period	Amount \$ (excl. GST)
Disbursements to be capped amount	15 October 2024 to Conclusion	\$1,000.00

Details of the disbursements incurred, and future disbursements are included at Schedule D. Actual resolutions to be put to the meeting are also included at Schedule D. These resolutions also appear in the proposal without a meeting form provided to you.

#### 5. LIKELY IMPACT ON DIVIDENDS

The Corporations Act sets the order of payment of claims against the Company, and it provides for remuneration of the Liquidator to be paid in priority to other claims. This ensures that when there are sufficient funds, the Liquidator receives payment for the work done to recover assets, investigate the Company's affairs, report to creditors and ASIC and distribute any available funds. Even if creditors approve my remuneration, this does not guarantee that I will be paid, as I am only paid if sufficient assets are recovered.

Any dividend to creditors will also be impacted by the amount of assets that I am able to recover, and the amount of creditor claims that are admitted to participate in any dividend, including any claims by priority creditors such as employees.

I am unable to provide a dividend estimate of any certainty at this stage of the Liquidation. If I do declare a dividend, any creditor whose claim has not yet been admitted will be contacted and asked to submit a proof of debt.

#### 6. QUERIES & INFORMATION SHEET

If you have any queries in relation to the information in this report, please contact my office.

You can also access information which may assist you on the following websites:

- ARITA at [www.arita.com.au/creditors](http://www.arita.com.au/creditors)
- ASIC at <http://www.asic.gov.au> (search for INFO 85).

Further supporting documentation for my remuneration claim can be provided to creditors on request.

## 7. ATTACHMENTS

Schedule A – Details of work

Schedule B – Time spent by staff on each major task

Schedule C – Resolutions

Schedule D – Disbursements

## SCHEDULE A – DETAILS OF WORK

<b>Company</b>	MKM Brickworks and Construction Pty Ltd (In Liquidation)	<b>Period From</b>	15 October 2024	<b>To</b>	Conclusion
<b>Practitioner</b>	Peter Krejci	<b>Firm</b>	BRI Ferrier		
<b>Administration Type</b>	Court Liquidation				

	Tasks	
	Work already completed (excl. GST)	Future work (excl. GST)
<b>Period</b>	<b>15 October 2024 to 10 November 2024</b>	<b>11 November 2024 to Conclusion</b>
<b>Amount (excl. GST)</b>	<b>\$9,298.00</b>	<b>\$20,702.00</b>

Task Area	General Description		
<b>Creditors</b>		<b>1.3 hours</b> <b>\$545.00</b>	<b>\$4,140.40</b>
	Creditor Enquiries		Receive and respond to creditor enquiries Review and prepare correspondence to creditors and their representatives by email and post Compiling information requested by creditors Maintaining creditor request log
	Creditor Reports	Preparing Initial Report to Creditors Preparing annexures to Initial Report to Creditors	Finalising Initial Report to Creditors Preparing Statutory Report by Liquidator Preparing annexures to Statutory Report Complete and Issue Statutory Report to Creditors Prepare further reports to creditors, if necessary
	Dealing with proofs of debt	Review and file PODs when not related to a dividend	Receipting and filing POD when not related to a dividend Corresponding with OSR and ATO regarding POD when not related to a dividend

Task Area	General Description		
	Proposal to Creditors		<p>Preparing proposal notices and voting forms</p> <p>Reviewing votes and determining outcome of proposal</p> <p>Preparation and lodgement of proposal outcome with ASIC</p>
<b>Investigation</b>		<b>8.5 hours</b> <b>\$3,750.00</b>	<b>\$8,280.80</b>
	Conducting Investigation	<p>Preparing and issuing day one correspondence</p> <p>Preparing and issuing letters to Directors regarding their obligations, ROCAP and requesting delivery of the Company's books and records</p> <p>Liaising with Director regarding background of the Company's financial position</p> <p>Conducting and summarising statutory searches</p> <p>Conduct relevant search to identify intellectual property held by the Company</p> <p>Conduct directorship search and NSW land title search on the Company and the Director</p> <p>Liaising with Director regarding Company records and specific queries</p>	<p>Collection of Company books and records</p> <p>Correspondence with ASIC to receive assistance in obtaining reconstruction of financial statements, Company's books and records and Report on Company Affairs and Property</p> <p>Reviewing Company's books and records</p> <p>Further investigations to identify potential voidable transactions and consider potential recovery actions to be taken</p> <p>Conducting further investigations with respect to solvency position of the Company and considering whether any potential insolvent trading claim exists</p> <p>Liaising with Director regarding certain transactions</p> <p>Preparation of investigation file</p> <p>Lodgement of investigation with the ASIC</p> <p>Preparation and lodgement of supplementary report if required</p>

Task Area	General Description		
	Litigation/Recoveries		Correspondence with solicitors regarding potential claims Attending to negotiations
	ASIC reporting		Preparing statutory investigation reports Liaising with ASIC
<b>Administration</b>		<b>14.7 hours</b> <b>\$5,003.00</b>	<b>\$4,140.40</b>
	ASIC Forms and lodgements	Preparing and lodging ASIC forms including 505 Preparing and lodging ASIC advert regarding notice of appointment	Preparing and lodging ASIC forms including 507, 5601, 5602, 5022 and 5603 Correspondence with ASIC regarding statutory forms
	Books and records/storage		Dealing with books and records
	Correspondence	Correspondence with petitioning creditor's solicitor re appointment	General correspondence with stakeholders
	Document maintenance/file review/checklist	Filing of documents File review Updating checklists	Filing of documents File review Updating checklists
	Bank account administration	Preparing correspondence opening accounts Preparing receipts and payment vouchers	Preparing correspondence closing accounts Bank account reconciliations Prepare receipts and payment vouchers
	Insurance	Prepare initial correspondence with insurer regarding insurance requirements	Correspondence with Insurance broker regarding ongoing insurance requirements
	ATO and other statutory reporting	Prepare ATO incap form and notification of appointment	Liaising with ATO regarding request for documents Preparing BAS
	Planning / Review	Discussions regarding status of administration	Discussions regarding status of administration
	Finalisation		Notifying ATO of finalisation Cancelling ABN / GST / PAYG registration Completing checklists Finalising WIP
<b>Assets</b>		<b>0 hours</b> <b>\$0.00</b>	<b>\$2,070.20</b>
	Bank Accounts		Correspondence with banks

Task Area	General Description		
Employees			Requesting further information regarding the bank statements and account details
	Other Assets		Tasks associated with realising other assets (if any are identified)
	Debtors		Correspondence with debtors Reviewing and assessing debtors' ledgers Liaising with solicitors
		<b>0 hours</b> <b>\$0.00</b>	<b>\$2,070.20</b>
	Other Employee Issues		Workers Compensation Claims. Review of iCare statements and wage declarations. Prepare and issue termination letter to Director as the sole employee
			Receive and follow up employee enquiries via telephone Maintain employee enquiry register Review and prepare correspondence to creditors and their representatives via facsimile, email and post Preparation of letters to employees advising of their entitlements and options available Receive and prepare correspondence in response to employee's objections to leave entitlements



## SCHEDULE C – RESOLUTIONS

I will be seeking approval of the following resolutions to approve my remuneration and disbursements. Details to support these resolutions are included in section 3 and 4 and in the attached Schedules.

### **Resolution 1: Liquidator’s Remuneration for the period 15 October 2024 to 10 November 2024**

*“That the remuneration of the Liquidator, his partners and staff for the period 15 October 2024 to 10 November 2024, be calculated on a time basis in accordance with the rates of charge annexed to the Liquidator’s Initial Report to Creditors dated 12 November 2024, be fixed and approved at \$9,298.00 (excl. GST), and that the Liquidator be authorised to draw that amount as required.”*

### **Resolution 2: Liquidator’s Remuneration for the period 11 November 2024 to Conclusion**

*“That the remuneration of the Liquidator, his partners and staff for the period 11 November 2024 to the conclusion of the Liquidation, be calculated on a time basis in accordance with the rates of charge annexed to the Liquidator’s Initial Report to Creditors dated 12 November 2024 and approved to an interim cap of \$20,702.00 (excl. GST) and that the Liquidator be authorised to draw that amount as and when incurred.”*

### **Resolution 3: Liquidator’s Internal Disbursements for the period 15 October 2024 to Conclusion**

*“That the Liquidator be allowed internal disbursements for the period 15 October 2024 to the conclusion of the Liquidation not previously approved at the rates of charge annexed to the Liquidator’s Initial Report to Creditors dated 12 November 2024, up to an amount of \$1,000.00 (excl. GST) and that the Liquidator be authorised to draw that amount as accrued.”*

### **Resolution 4: Early Destruction of Books and Records**

*“That subject to the consent of the Australian Securities & Investment Commission, the Liquidator be approved to destroy the books and records of the Company at any time after the dissolution of the Company.”*

## SCHEDULE D – DISBURSEMENTS

Disbursements are divided into three types:

- Externally provided professional services - these are recovered at cost. An example of an externally provided 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 Administration, would generally charge 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 advise that to date, I have not paid any disbursements incurred during this Liquidation by my Firm.

I am not obliged to seek creditor approval for disbursements paid to third parties, but must account to creditors, this includes providing details of the basis of charging for these types of disbursements to creditors as part of the Remuneration Approval Report.

I am required to seek creditor approval for internal disbursements where there could be a profit or advantage. Accordingly, I will be seeking approval from creditors for **Resolution 3**, of which details are provided in **Schedule C** of this Remuneration Approval Report.

Future disbursements provided by my Firm will be charged to the administration on the following basis:

Disbursement Type	Rate (excl GST)
Externally provided professional services	At cost
Externally provided non-professional costs	At cost
Internal disbursements	
ASIC Charges for Appointments and Notifiable Events	At cost
Faxes and Photocopying	\$0.25 per page
Postage	At cost
Staff vehicle use	In accordance with ATO mileage allowances

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(In Liquidation)  
ACN 648 754 269  
ABN 66 648 754 269**

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**Annexure "H"  
Proposals without Meeting Forms**

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NOTICE OF PROPOSAL TO CREDITORS

Dated: 12 November 2024

Voting Poll Closes: 4 December 2024

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**MKM BRICKWORKS AND CONSTRUCTION PTY LTD (IN LIQUIDATION)**  
**ACN 648 754 269**  
**ABN 66 648 754 269**  
**("the Company")**

**Proposal No. 1 for creditor approval**

*"That the remuneration of the Liquidator, his partners and staff for the period 15 October 2024 to 10 November 2024, be calculated on a time basis in accordance with the rates of charge annexed to the Liquidator's Initial Report to Creditors dated 12 November 2024, be fixed and approved at \$9,298.00 (excl. GST), and that the Liquidator be authorised to draw that amount as required."*

**Reasons for the proposal and the likely impact it will have on creditors if it is passed**

- A Liquidator is entitled to be fairly remunerated for undertaking statutory and other duties, including reporting obligations in acting as liquidator.
- I am unable to pay my remuneration without the approval of the Committee of Inspection (if one has been appointed), Creditors, or the Court.
- Approval by Creditors is efficient and timely and is less costly than an application to the Court.
- Approval of my remuneration will allow me to progress further investigations in a timely manner to ensure the prospect of any dividends can be maximised.

**Vote on the Proposal No. 1**

Please select the appropriate Yes, No or Object box referred to below with a  to indicate your preferred position.

- Yes            I approve the proposal
- No              I do not approve the proposal
- Object          I object to the proposal being resolved without a meeting of creditors

For your vote to count, your claim against the Company must have been admitted for the purposes of voting by the Liquidator. Please select the option that applies:

- I have previously submitted a proof of debt form and supporting documents
- I have **enclosed** a proof of debt form and supporting documents with this proposal form

**Creditor details**

Name of creditor

Address

ABN (if applicable)

Contact number

Email address

I am **not** a related creditor of the Company

I am a related creditor of the Company\*

relationship: \_\_\_\_\_

\*eg Director, relative of Director, related company, beneficiary of a related trust.

**Name of creditor  
/authorised person:** \_\_\_\_\_

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

**Date:** \_\_\_\_\_

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For your vote to count, you **must complete** this document and return it together with any **supporting documents** by no later than close of business on **4 December 2024**, by email to Zachary George at [zgeorge@brifnsw.com.au](mailto:zgeorge@brifnsw.com.au). Should you have any queries in relation to this matter, please contact Zachary George on (02) 8263 2362.

BRI FERRIER  
Level 26  
25 Bligh Street  
Sydney NSW 2000

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**NOTICE OF PROPOSAL TO CREDITORS**

**Dated: 12 November 2024**

**Voting Poll Closes: 4 December 2024**

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**MKM BRICKWORKS AND CONSTRUCTION PTY LTD (IN LIQUIDATION)**  
**ACN 648 754 269**  
**ABN 66 648 754 269**  
**("the Company")**

**Proposal No. 2 for creditor approval**

*"That the remuneration of the Liquidator, his partners and staff for the period 11 November 2024 to the conclusion of the Liquidation, be calculated on a time basis in accordance with the rates of charge annexed to the Liquidator's Initial Report to Creditors dated 12 November 2024 and approved to an interim cap of \$20,702.00 (excl. GST) and that the Liquidator be authorised to draw that amount as and when incurred."*

**Reasons for the proposal and the likely impact it will have on creditors if it is passed**

- A Liquidator is entitled to be fairly remunerated for undertaking statutory and other duties, including reporting obligations in acting as liquidator.
- I am unable to pay my remuneration without the approval of the Committee of Inspection (if one has been appointed), Creditors, or the Court.
- Approval by Creditors is efficient and timely and is less costly than an application to the Court.
- Approval of my remuneration will allow me to progress further investigations in a timely manner to ensure the prospect of any dividends can be maximised.

**Vote on the Proposal No. 2**

Please select the appropriate Yes, No or Object box referred to below with a  to indicate your preferred position.

- Yes            I approve the proposal
- No              I do not approve the proposal
- Object        I object to the proposal being resolved without a meeting of creditors

For your vote to count, your claim against the Company must have been admitted for the purposes of voting by the Liquidator. Please select the option that applies:

- I have previously submitted a proof of debt form and supporting documents
- I have **enclosed** a proof of debt form and supporting documents with this proposal form

Creditor details			
Name of creditor	<input type="text"/>		
Address	<input type="text"/>		
ABN (if applicable)	<input type="text"/>	Contact number	<input type="text"/>
Email address	<input type="text"/>		

I am **not** a related creditor of the Company

I am a related creditor of the Company\*

relationship: \_\_\_\_\_

\*eg Director, relative of Director, related company, beneficiary of a related trust.

**Name of creditor**  
**/authorised person:** \_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

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Sydney NSW 2000

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**NOTICE OF PROPOSAL TO CREDITORS**

**Dated: 12 November 2024**

**Voting Poll Closes: 4 December 2024**

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**MKM BRICKWORKS AND CONSTRUCTION PTY LTD (IN LIQUIDATION)**

**ACN 648 754 269**

**ABN 66 648 754 269**

**("the Company")**

**Proposal No. 3 for creditor approval**

*"That the Liquidator be allowed internal disbursements for the period 15 October 2024 to the conclusion of the Liquidation not previously approved at the rates of charge annexed to the Liquidator's Initial Report to Creditors dated 12 November 2024, up to an amount of \$1,000.00 (excl. GST) and that the Liquidator be authorised to draw that amount as accrued."*

**Reasons for the proposal and the likely impact it will have on creditors if it is passed**

- A Liquidator is entitled to be fairly remunerated for undertaking statutory and other duties, including reporting obligations in acting as liquidator.
- I am unable to pay my internal disbursements without the approval of the Committee of Inspection (if one has been appointed), Creditors, or the Court.
- Approval by Creditors is efficient and timely and is less costly than an application to the Court.
- Approval of my internal disbursements will allow me to progress further investigations in a timely manner to ensure the prospect of any dividends can be maximised.

**Vote on the Proposal No. 3**

Please select the appropriate Yes, No or Object box referred to below with a  to indicate your preferred position.

Yes            I approve the proposal

No              I do not approve the proposal

Object          I object to the proposal being resolved without a meeting of creditors

For your vote to count, your claim against the Company must have been admitted for the purposes of voting by the Liquidator. Please select the option that applies:

     I have previously submitted a proof of debt form and supporting documents

     I have **enclosed** a proof of debt form and supporting documents with this proposal form

**Creditor details**

Name of creditor

Address

ABN (if applicable)

Contact number

Email address

I am **not** a related creditor of the Company

I am a related creditor of the Company\*

relationship: \_\_\_\_\_

\*eg Director, relative of Director, related company, beneficiary of a related trust.

**Name of creditor  
/authorised person:** \_\_\_\_\_

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

**Date:** \_\_\_\_\_

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**NOTICE OF PROPOSAL TO CREDITORS**

**Dated: 12 November 2024**

**Voting Poll Closes: 4 December 2024**

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**ENE FENCING PTY LTD (IN LIQUIDATION)**  
**ACN 651 993 994**  
**ABN 89 651 993 994**  
**("the Company")**

**Proposal No. 4 for creditor approval**

*"That subject to the consent of the Australian Securities & Investments Commission, the Liquidator be approved to destroy the books and records of the Company at any time after the dissolution of the Company."*

**Reasons for the proposal and the likely impact it will have on creditors if it is passed**

- A Liquidator must retain the books and records of the Company for a period of five (5) years from the end of the Liquidation.
  - To minimise the costs of storage, I am able to destroy the books and records at any time after the end of the Liquidation, with the consent of Creditors and the Australian Securities and Investments Commission.

**Vote on the Proposal No. 4**

Please select the appropriate Yes, No or Object box referred to below with a  to indicate your preferred position.

- Yes            I approve the proposal
- No              I do not approve the proposal
- Object          I object to the proposal being resolved without a meeting of creditors

For your vote to count, your claim against the Company must have been admitted for the purposes of voting by the Liquidator. Please select the option that applies:

- I have previously submitted a proof of debt form and supporting documents
- I have **enclosed** a proof of debt form and supporting documents with this proposal form

**Creditor details**

Name of creditor

Address

ABN (if applicable)

Contact number

Email address

I am **not** a related creditor of the Company

I am a related creditor of the Company\*

relationship: \_\_\_\_\_

\*eg Director, relative of Director, related company, beneficiary of a related trust.

**Name of creditor  
/authorised person:** \_\_\_\_\_

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

**Date:** \_\_\_\_\_

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