STATUTORY REPORT TO CREDITORS

ANGEL'S PARADISE PTY LTD
(ATF THE SAINT KYROLLOS FAMILY TRUST)
FORMERLY TRADING AS ANGEL'S PARADISE LONG DAY CARE CENTRE
(RECEIVERS AND MANAGERS APPOINTED) (IN LIQUIDATION)
ACN 111 906 971
ABN 92 098 918 130
("THE COMPANY")
("THE TRUSTEE")

17 August 2026

ANDREW CUMMINS
Liquidator

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Address: Level 26, 25 Bligh Street
Sydney NSW 2000

INTRODUCTION

I refer to my Previous Reports to Creditors dated 17 June 2026 advising of my appointment as Liquidator of the Company.

The purpose of this report is to provide creditors with information regarding the following:

- The estimated amount of asset and liabilities of the Company;
- An update on the progress of the Liquidation and further actions that may need to be undertaken;
- What happened to the business;
- The likelihood of creditors receiving a dividend before the affairs of the Company are fully wound up; and
- Possible recovery actions.

This report should be read in conjunction with our Previous Reports. If you have any questions relating to the liquidation in general, or specific questions relating to your position, please do not hesitate to contact this office.

COMPANY DETAILS

Name	Angel's Paradise Pty Ltd ATF the Saint Kyrollos Family Trust (Receivers and Managers Appointed) (In Liquidation)
Incorporated	16 May 2014
ACN/ABN	111 906 971/ 92 098 918 13
Registered Office	20 Anderson Road Concord NSW 2137
Trading Address	20 Anderson Road Concord NSW 2137

LIQUIDATOR

Name	Andrew Cummins
Date Appointed	19 May 2026

ADMINISTRATION CONTACT

Name	Philip McClymont
Email	pmcclymont@brifnsw.com.au
Phone	02 8263 2375

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GLOSSARY OF COMMON ACRONYMS & ABBREVIATIONS	
ABN	Australian Business Number
ACN	Australian Company Number
Act	Corporations Act 2001 (Cth)
ARITA	Australian Restructuring Insolvency and Turnaround Association
ASIC	Australian Securities and Investments Commission
ATO	Australian Taxation Office
BAS	Business Activity Statements
CL	Court Liquidation
Company	Angel's Paradise Pty Ltd (In Liquidation) ACN 111 906 971
DEWR	Department of Employment and Workplace Relations
Department	NSW Department of Education
Director	Ms Sandy Halim
DIRRI	Declaration of Independence, Relevant Relationships & Indemnities
DCT	Deputy Commissioner of Taxation
FEG	Fair Entitlements Guarantee
Firm	BRI Ferrier
Former Director	Mr John Tanios
iCare	Workers Compensation Nominal Insurer
IPR	Insolvency Practice Rules (Corporations) 2016
IPS	Insolvency Practice Schedule (Corporations) 2016
Ms Halim	Ms Sandy Halim (Director)
Mr Tanios	Mr John Tanios (Former Director)
Muro Accountants	Tax Time (Aust) Pty Ltd, former external accountants
National Law	Children (Education and Care Services) National Law (NSW) Act 2010
NSW	New South Wales
Petitioning Creditor	Deputy Commissioner of Taxation
PK Accounting	PK Chartered Accounting Pty Ltd, former external accountants
POD	Proof of Debt
PPSR	Personal Properties Securities Register
ROCAP	Report on Company Activities and Property
Receivers	Robyn Duggan, Morgan Kelly and Clare Baily of Ernst & Young
Structured Tax	Structured Tax and Accounting Professionals, former external accountants
Trustee	Angel's Paradise Pty Ltd (In Liquidation) ACN 111 906 971

EXECUTIVE SUMMARY

I was appointed Liquidator of the Company on 19 May 2026, pursuant to an Order of the Federal Court of Australia. The application was made by the Deputy Commissioner of Taxation ("DCT"), in respect of the Company's outstanding Activity Statement debt.

This report should be read in conjunction with my Initial Report to Creditors dated 17 June 2026 (Previous Report). I will not restate matters contained in the previous reports, unless there are updates required.

This report has been prepared in accordance with Rule 70-40 of the Insolvency Practice Rules to provide creditors with an update on the developments of this Liquidation. I provide hereunder a summary of our investigations into affairs of the Company to date, the potential return for creditors and the conduct of the Liquidation over the past three (3) months.

To date, the director of the Company, Ms Sandy Halim (the Director), has not provided any meaningful assistance.

Ms Halim advises that Mr John Tanios, the Company's former director and Ms Halim's former spouse, had sole responsibility for the management of the Company's financial affairs. In that regard, Ms Halim continues to assert that she has no obligation to assist the Liquidator.

The Director has been either unwilling or unable to identify any adviser to the Company.

Ms Halim did not disclose the existence of any electronic accounting file or any other books or records of the Company and when the existence of an electronic accounting file was uncovered, claimed that she did not manage the file, nor was she able to identify any adviser that did.

Mr Tanios' assistance has been limited and generally immaterial.

As a result of the above-mentioned circumstances, my staff assisting in the conduct of the liquidation, have spent significant time corresponding with the Director, identifying the Company's former advisers, securing the available books and records and conducting enquiries in relation to the Company's affairs.

Ms Halim has brought allegations in respect of, variously, the Commonwealth Bank of Australia (CBA) (the Secured Creditor), the Australian Taxation Office, the Federal Court and the Liquidator. Creditors are referred to my further comments hereunder, in respect of the Director's formal actions, initiated against each of the above-mentioned entities.

I have conducted my preliminary investigation in respect of the Company and identified potential recovery actions available to pursue, which are detailed in Section 9 of this report.

I will shortly be reporting my findings to ASIC pursuant to Section 533(1) of the Act. The Section 533(1) report is confidential and is not available to creditors.

At this stage the liquidation is unfunded and as such, I do not anticipate that a dividend will be available to any class of creditor. However, if this situation changes, we will write to you accordingly and request any creditors who have not submitted a proof of debt to do so.

Should any creditor have any relevant information which may assist our investigations or potential asset recoveries or wish to fund our further investigations into the affairs of the Company, they

<u>should contact our office by no later than 1 September 2026. Otherwise, absent any substantive new information, the liquidation may continue for the next six (6) months to twelve (12) months.</u>

1 BASIS OF REPORT

The Director has failed to provide any meaningful assistance in the conduct of the liquidation, in breach of her obligations under section 530A of the Act.

The former Director, Mr Tanios, has provided limited assistance in so far as he has forwarded a copy of his Report on Company Activities and Property (ROCAP), prepared subsequent to the appointment of Receivers of the Company.

This report has been prepared primarily from information received during the course of my enquiries to date and the limited books and records of the Company in my possession.

In order to complete this report and to assist in the conduct my investigations, I have also utilised information from:

- ASIC;
- Information from the Receiver including records obtained from the former trading site;
- Extracts from public information databases;
- Correspondence with creditors;
- Documents obtained from the ATO in relation to the Trustee.

2 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, information provided by the Director and from our 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 us, 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 our investigations or report, please forward details in writing as soon as possible.

3 PREVIOUS REPORTS TO CREDITORS

This report should be read in conjunction with my Previous Report to Creditors dated 17 June 2026.

4 DECLARATION OF INDEPENDENCE, RELEVANT RELATIONSHIPS AND INDEMNITIES

I refer to my DIRRI enclosed in the Initial Report to creditors and note that there are no changes to same.

5 LEGAL PROCEEDINGS

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

I note that Ms Halim made an application to have the Winding Up Order set aside but ultimately did not proceed with that application. Accordingly, the Court dismissed the application and ordered Ms Halim to pay the plaintiff's (ATO) costs fixed in the sum of $3,000.

6 COMPANY BACKGROUND

The Company (the Trustee) was registered on 22 November 2004 and appointed as trustee for the Saint Kyrollos Family Trust (the Trust) on that day.

I am aware that the Trustee operated the Angel's Paradise Long Day Care Centre (the Hinchinbrook Service) located at 15 Whitford Road Hinchinbrook NSW 2168 (the Hinchinbrook Property), a property previously owned jointly by the Director, Ms Halim and former Director, Mr Tanios (the Directors), in their personal capacities.

I have noted that the trading name of the Trustee was registered on 29 June 2007.

As directors of related entities:

- Angel's Paradise Revesby Pty Ltd ATF the APR Business Trust; and
- Angel's Paradise Wagga Pty Ltd ATF the APW Business Trust,

the Directors also owned and operated further day care centres trading as:

- Angel's Paradise Montessori – Revesby (registered 16 March 2016); and
- Angel's Paradise Adaptive Montessori – Wagga (registered 16 March 2016), respectively.

I am advised that during the seven (7) years prior to my appointment, the NSW Department of Education (the Department), attended the Hinchinbrook Service on fourteen (14) occasions to monitor the Service's compliance in accordance with the Children (Education and Care Services) National Law (NSW) No 104a of 2010 (National Law).

I understand that during the period 1 February 2019 to 31 March 2025, the Department noted 83 breaches of the National Law and Regulations and issued 14 compliance actions.

On 10 April 2025, the Department issued a 'Show Cause' notice to the Director, pursuant to section 32 of the National Law.

On 9 May 2025, the Commonwealth Bank of Australia (the Secured Creditor) appointed Robyn Duggan, Morgan Kelly and Clare Baily of Ernst & Young (the Receivers) as receivers and managers over the Company (and other related entities).

From my review of the records available to me, it appears that the Service ceased to trade on or around 3 March 2025.

On 5 September 2025, having considered Ms Halim's response to its show cause notice, the Department cancelled the Company's Provider Approval pursuant to Section 33 of the National Law and consequently, Service Approval, pursuant to section 34 of the National Law.

For completeness I note that my review of publicly available databases has disclosed that:

- the Provider Approval in respect of the Wagga Service appears to have been cancelled effective 16 May 2025, subsequent to its suspension by the Department, on or around September 2024
- the Provider Approval in respect of the Revesby Service was cancelled on or around 8 September 2025, subsequent to an investigation carried out by the Department

7 UPDATES ON PROGRESS OF THE LIQUIDATION

7.1 Director Cooperation

Notwithstanding that the Director has been willing to answer some telephone calls initiated by my staff, the Director has failed to provide any meaningful assistance in respect of my enquiries into the affairs of the Company.

I am aware that the director has undertaken regulatory action as follows:

7.1.1 Secured Creditor

The Secured Creditor appointed Receivers over the Company and related entities, Angel's Paradise Revesby Pty Ltd and Angels Paradise Holdings Pty Ltd (both Receivers and Managers Appointed).

I understand that on the appointment of Receivers, Ms Halam initiated a complaint with the Australian Financial Services Authority, alleging misconduct by the Secured Creditor.

I am advised that this matter has been finalised and the Receivers proceeded to take possession of the Hinchinbrook Property, which has subsequently been sold in partial satisfaction of the secured debt.

7.1.2 Deputy Commissioner of Taxation (DCT)

On 3 March 2026, the DCT initiated winding up proceedings against the Company in the Federal Court of Australia, in respect of outstanding Activity Statement debt and Superannuation Guarantee Charge.

Ms Halim initiated a complaint against the Australian Taxation Office (ATO) with the Taxation Ombudsman, alleging misconduct by the ATO in respect of its dealings with the Company.

Pursuant to the provisions of section 198G of the Corporations Act 2001 (the Act), an officer of a company under external administration must not perform or exercise a function or power of that office.

As the date of the complaint was carried over to after the date of my appointment, the Ombudsman required that she seek the Liquidator's leave to continue with her complaint. Leave was not granted and that complaint has been closed.

7.1.3 Federal Court

Ms Halim has lodged written complaints with the NSW Registry of the Federal Court alleging misconduct in respect of the Registrar who had conduct of the winding up proceedings and subsequently, the Registrar who had conduct of the timetabling hearing in respect of Ms Halim's application to have that winding up Order set aside.

Subsequent to the Federal Court's response to Ms Halim, in relation to those allegations, Ms Halim made further allegations of misconduct against the Court, in respect of that response.

Ms Halim application has subsequently been dismissed.

7.1.4 The Liquidator

On 10 June 2026, having not received Ms Halim's ROCAP as requested pursuant to section 530A of the Act, I again wrote to Ms Halim, reminding her of her obligations as a director and requiring that she complete and deliver a ROCAP to me.

By way of response, Ms Halim replied to my correspondence, providing what appeared to be a mobile phone screenshot of an ASIC "Report of Misconduct" receipt, apparently indicating that she had lodged a complaint against the Liquidator.

I note that to date, I have not been provided any details of a complaint, nor have I been requested by ASIC to provide a response to a complaint.

Notwithstanding same, I have conducted a review of the conduct of the liquidation to date, including all relevant correspondence sent and received, leading up to the apparent complaint to ASIC.

I am satisfied that my actions in respect of this matter have been strictly in accordance with the Liquidator's professional obligations and in accordance with the Corporations Act.

7.2 Pre appointment bank accounts

On my appointment, I wrote to all banks and credit institutions requesting information in respect of accounts that are or have been held in the name of the Company.

I have received responses from Commonwealth Bank Limited (CBA) and Westpac Banking Corporation (Westpac), advising of accounts in the name of the Company, as follows:

CBA:

Account	Balance ($)
Business Transaction Account	262.82
Better Business Loan	(101,283.43)

Westpac:

Account	Balance ($)
Business One Plus	2,808.37

As previously noted above, the Secured Creditor has appointed Receivers to enforce its claims and that appointment remains on foot. As such, at this stage, funds held at bank on appointment are unrecoverable by the Liquidator.

7.3 Assets and Liabilities

As noted above at section 7.1.4, on my appointment, I wrote to the Director, requiring her to make out and return to me, in the prescribed form, a Report on Company Activities and Property (ROCAP).

Ms Halim has subsequently advised my staff that she was not "an active director of the Company" and further advised that Mr Tanios would need to be requested to complete a ROCAP.

Notwithstanding that I am not in possession of any evidence that positively refutes the above-mentioned assertion of Ms Halim, the Director is required, pursuant to the provisions of section 530A of the Act, to deliver a completed ROCAP and signed form 507A Statement Verifying Report, to the Liquidator.

To date, Ms Halim has not provided a ROCAP, nor has she delivered any books or records of the Company or offered any meaningful assistance. I advise that I have reported Ms Halim's non-compliance to ASIC and requested its assistance.

I hereunder provide my estimate of the Company's financial position based on the limited information provided to me and my enquiries to date.

	Liquidators Estimate as at 01/05/2026 ($)	Ref.
Assets		
Cash and Cash Equivalents	263	s.7.2
Vehicle Assets	unknown	s.7.3.1
Related Entity Loans (net)	2,711,256	s.7.3.1
Total Assets	**2,711,519**	
Liabilities		
Security Interest Holders	**101,283**	s.7.3.2
Employee Priority Creditors		
DCT – Superannuation Guarantee Charge	**2,799**	s.7.3.2
Unsecured Creditors:		
Statutory Creditors	105,319	s.7.3.2
Other Ordinary Unsecured Creditors	10,516	s.7.3.2
Total Ordinary Unsecured Creditors	118,634	
Total Liabilities	**219,917**	
Estimated Net Asset / (Deficiency)	**2,491,602**	

7.3.1 Assets

Motor Vehicles

On my appointment, I conducted a search of the Transport for NSW database in respect of any vehicles owned or previously owned by the Company.

My search has disclosed 6 vehicles previously registered in the name of the Company, apparently undisposed by the Company and all with expired registrations.

Due to the Director's non-cooperation, I am not aware of the history or location of these vehicles.

Related Entity Loans

My review of the Company's electronic accounting file has disclosed related party loan accounts with a total debit (asset) balance in the amount of $2,895,767.99.

For the purposes of this report, the relevant loan accounts may be grouped as Directors Loans and Related Company Loans.

(i) Directors Loans

The ledgers recorded in the electronic accounting file of the Company, allocates what appears to be the personal spending of the Directors, including the repayment of personal liabilities and other personal expenses, to director loan accounts, with outstanding balances as follows:

John Tanios:

Loan Account Name	Outstanding Balance as Recorded ($)
Drawing - John Tanios	950,426
Drawing - Tanios Group Pty Ltd	417155
Loan - Tanios Group Pty Ltd	(227,486)
Total	**1,140,095**

Sandy Halim:

Loan Account Name	Outstanding Balance as Recorded ($)
Drawing - Sandy Halim	1,427,262.07
Loan Parents	10,000.00
Total	**1,437,262**

These balances appear to represent personal remuneration received by the Directors, in addition to annual trust distributions the Directors have received as beneficiaries of the trading Trust.

(ii) Related Company Loans

Loan Account Name	Outstanding Balance as Recorded ($)
Loan to AP Revesby (CBA $650K))	650,000.00
Loan to AP Wagga Trust	1,000.00
Drawing - APH Holding Trust	10,438.00
Drawing - APW Business Trust	123,390.02
Loan from AP Wagga	(930)
Total	**783,898**

As noted above (please refer to my comments at sections 7.1 and 7.3) the Directors have failed to provide any meaningful assistance in respect of my enquiries into the affairs of the Company and as such, I have been unable to determine the purpose of the above inter-company loan transactions.

7.3.2 Liabilities

Secured Creditor

Please refer to my above comments at section 6 and hereunder at section 7.1 in relation to the appointment of Receivers.

I understand that the Directors have caused the Company to provide at least one cross guarantee in respect of debt agreements entered into by related entities, including the Directors in their personal capacity.

The Directors have not otherwise provided any details in respect of the debts or how they relate to the Company or the Trust.

Employee Priority SGC

I am in receipt of the claim of the DCT in respect of SGC in the amount of $2,799. The amount appears to relate to the Company's March 2025 quarter outstanding liability.

Statutory Creditor

The ordinary unsecured claim of the DCT relates to the Trustee's outstanding Activity Statement debt in the amount of $105,319.16.

My review of the Company's ATO running balance account in respect of activity statement discloses that the Company's account went into a debit balance effective 3 April 2018 and did not return to a nil balance at any time up to the date of my appointment.

Other Ordinary Unsecured Creditors

I am in receipt of the claim of a former accounting adviser to the Company and note that further former accounting and legal advisers to the Company, have each advised that there remain outstanding debts in relation to services provided.

Noting that I am not aware of the quantum of these claims, should further claims be received, my estimate of ordinary unsecured creditors claim will increase.

8 BOOKS AND RECORDS

To date, I have received the following books and records of the Company:

- Access to the Company's electronic accounting file (Xero) recording transactions for the period 30 November 2010 to 14 April 2025
- Trustee Integrated Client Account transaction statements extracted from the ATO business portal
- Trustee Income Tax Returns extracted from the ATO business portal
- Company bank account statements for the period 1 April 2024 to 31 December 2025
- Copy of Trust Deed in respect of the Saint Kyrollos Family Trust
- Limited Hinchinbrook Service records.

Section 286 of the Act provides that:

"A company, registered scheme or disclosing entity must keep written financial records that;
(a) correctly record and explain its transactions and financial position and performance; and
(b) would enable true and fair financial statements to be prepared and audited."

The failure to maintain books and records in accordance with Section 286 of the Act allows a liquidator to presume a company was insolvent throughout the period the books were not maintained (Section 588E of the Act).

The Receivers have provided to me all records that were recovered by them, from the Hinchinbrook Service.

I have noted that all attendance records in respect of the Service, for the period 1 January 2018 to the date of the Services' ceasing to trade, have not been recovered.

As such, I am not in possession of any source documentation to reconcile the Trust income as recorded in the electronic accounting file and subsequent Income Tax lodgements, in respect of the Trust.

In consideration of same, I am of the view that the books and records provided to me, do not comply with the provisions of section 286 of the Act.

Further, the National Regulations, at Chapter 4, Part 4.7, SubDivision 4, requires these types of records to be retained until the end of 3 years after the last date on which the approved provider operated the education and care service.

Should records be provided to me, I may reconsider my view in respect of the Company's compliance with section 286 of the Act and Chapter 4, Part 4.7, SubDivision 4 of the National Regulations.

9 STATUTORY INFORMATION

The following information has been extracted from the ASIC database and the Australian Business Register records in respect of the Company.

9.1 Company Details

Company Name	Angle's Paradise Pty Ltd
ABN	97 111 906 971
ACN	111 906 971
Incorporation Date	22 November 2004
Registered Address	Overend Street East Brisbane QLD 4169

Principal Place of Business	'Unit1 - 7' 4 Macarthur Avenue Revesby NSW 2212
Trustee	The trustee for The Saint Kyrollos Family Trust
ABN	92 098 918 130
Trading Names	Angel's Paradise Long Day Care Centre Angel's Paradise Pty Ltd
Registration Date	22 November 2004

9.2 Office Holders

Name	Position(s)	Start Date	Cease Date
Sandy Halim	Director	22/11/2004	Current
	Secretary	26/06/2021	Current
John Tanios	Director	14/08/2022	27/03/2025
	Director	22/11/2004	24/05/2021

9.3 Share Structure and Shareholders

Name	Share Class	Number of Shares	Amount paid	Fully Paid	Status
Sandy Halim	ORD	2	$2.00	Yes	Current

10 INVESTIGATIONS AND RECOVERY ACTIONS

10.1 Investigations Undertaken

To date, I have undertaken the following investigations:

- Conducted a search of the ASIC registry in respect of the Company and its Directors
- Conducted a search of the Personal Property Securities Register in respect of the Company
- Conducted a review of the Company books and records provided to me
- Conducted a review of the Land Titles Register in respect of the Company, its Directors and related entities
- Conducted a review of the ATO business portal account in respect of the Company

10.2 Reasons for the Company's failure

My investigations into the Company's affairs suggest that the reasons for the Company's failure are due to:

- Non-payment of statutory debt including outstanding Activity Statement amounts
- A history of non-compliance with the requirements of the Children (Education and Care Services) National Law (NSW) No 104a of 2010
- Poor strategic management of the business including the provision of a cross guarantee in respect of related entity loans

10.3 Historical Financial Information

I hereunder provide a summary of the Trust's:

- net asset/(liability) position; and
- net profit/(loss),

as recorded in the Trust's Xero accounting file provided to me:

Comparative Balance Sheet For the Financial Years Ended 30 June 2022 to 20 June 2025				
	Year Ended 30/06/2022 ($)	Year Ended 30/06/2023 ($)	Year Ended 30/06/2024 ($)	Year Ended 30/06/2025 ($)
Current Assets	359,484.78	5,251.28	37,094.84	77,256.49
Current Liabilities	566,219.60	533,506.07	526,528.41	551,794.08
Working Capital	**(206,734.82)**	**(528,254.79)**	**(489,433.57)**	**(474,537.59)**
Non-Current Assets	1,208,994.44	1,207,167.97	1,334,122.27	1,386,699.05
Non-Current Liabilities	964,242.62	640,861.11	797,948.89	825,882.42
Net Assets	**38,017.00**	**38,052.07**	**46,739.81**	**86,279.04**

Comparative Income Statement For the Financial Years Ended 30 June 2022 to 30 June 2025				
	Year Ended 30/06/2022 ($)	Year Ended 30/06/2023 ($)	Year Ended 30/06/2024 ($)	Year Ended 30/06/2025 ($)
Child Care Subsidy	728,773.67	477,872.01	354,646.99	182,392.23
Income from Parents	217,044.96	171,486.10	113,044.51	44,042.54
Total Sales	945,818.63	649,358.11	467,691.50	226,434.77
COGS	11,702.56	2,992.00	3,492.50	238.71
Gross Proft	**934,116.07**	**646,366.11**	**464,199.00**	**226,196.06**
Other Income	44,196.04	115,472.85	85,483.33	44,215.65
Expenses	683,053.59	589,936.09	436,298.48	205,634.13
Net Profit Before Distribution to Benificiaries	**295,258.52**	**171,902.87**	**113,383.85**	**64,777.58**
Distribution to Beneficiaries	295,258.52	171,902.87	104,696.11	-
Net Profit After Distribution to Beneficiaries	-	-	8,687.74	64,777.58

10.4 Potential Recovery Actions

As Liquidator, I am required to review certain transactions to determine whether or not claims for statutory recoveries may be made for the benefit of creditors. Attached as **Annexure "D"** is the ARITA creditor information sheet on Offences, Recoverable Transactions and Insolvent Trading.

Whilst a potential claim may be identified having regard to the Company's records, any net recovery ultimately depends upon:

- The costs involved in pursuing a claim; and
- The capacity of the defendant to meet such a claim.

Part 5.7B of the Act gives liquidators the right to commence certain legal proceedings to recover money, property or other benefits for the benefit of the unsecured creditors of a company.

Creditors should note that recovery actions:

- have the potential to increase the pool of funds available to Creditors;
- are usually expensive, lengthy and have unpredictable outcomes;
- should not be commenced unless defendants have the financial resources to satisfy any judgement; and
- must be funded out of a company's existing assets or, where such assets do not exist, by Creditors or by external litigation funders (who are likely to require a significant share of the proceeds of any judgement as a condition of funding the litigation).

10.4.1 Insolvent Trading

Insolvent Trading is the incurring of a debt or liability at a time when a company is insolvent and when the Director(s) had or should have had reasonable grounds to suspect, or a person in their position would have suspected, that the company was insolvent.

If such a debt or liability is incurred, a Court may require the Director(s) to pay as compensation to a liquidator of a company an amount equal to the loss suffered by creditors, pursuant to section 588M of the Act. In determining that loss, it is necessary to have regard to any amount that may be recovered from a company's assets or from the recovery of other claims such as Unfair Preferences.

I have formed the view that the Company likely traded while insolvent.

My investigations have disclosed the following indicators of insolvent trading:

- Negative working capital for the periods ending 30 June 2022, 30 June 2023, 30 June 2024 and 30 June 2025 in the amounts of $115,382, $122,673, $117,748 and $148,273 respectively
- Non-payment of Activity Statement debt. The Company's ATO running balance account in respect Activity Statement went into a debit balance on 3 April 2018 and did not return to a nil balance at any time up to the date of my appointment. The DCT's claim against the Company include an amount of $105,319.16 in respect of outstanding Activity Statement debt
- On 3 March 2026, the DCT initiated Winding Up Proceedings against the Company in the Federal Court of Australia.
- The Directors caused the Company to enter into a cross-guarantee arrangement in respect of debts (the Debt) incurred by related entities. These related entities have defaulted on the Debt, and Receivers and Managers were appointed over the assets of the Company.

In consideration of the indicators outlined above, I have formed the view that a Court may determine that the Company was likely insolvent from at least 3 April 2018.

Pursuant to section 588E(4)(a) of the Act, a company may be presumed to be insolvent if it is proved that the company:

"has failed to keep financial records in relation to a period as required by subsection 286(1)"

In view of the lack of available books and records of the Company, this section of the Act may be of relevance.

Liquidator's potential claim

Where a director's beach of duties under the Act has caused the insolvency of the Company, a liquidator may seek compensation for the loss or damage caused to the Company, due to the extent that these breaches have caused the Company's insolvency.

Creditors are referred to my above comments below at section 10.4.3 in respect of the Directors potential breaches of their duties under the Act.

In view of these factors, to determine the extent of the Directors' misconduct and the subsequent loss or damage caused to Company by any potential breach of director's duties, the Liquidator will be required to undertake significant further investigation, including but not limited to, seeking orders from the Court for the purposes of:

- collecting the required books and records that likely exist but have not been provided; and
- conducting public examinations of the Directors and other parties to determine the true nature of the Company's transactions.

In that regard, I note that the liquidation is without funds.

If any parties are interested in funding the Liquidator to conduct further investigations and potentially pursue claims against the Directors as identified in this report, please contact this office immediately.

10.4.2 Voidable Transactions

Voidable transactions include transactions such as unfair preferences, uncommercial transactions, unfair loans, unreasonable director related transactions and circulating security interests created within six months before the relation-back day, which is the date of the Winding Up Application made to the Court.

Due to the non-cooperation of the Directors, the lack of books and records available and the amount of time that has passed since the ceasing of trading of the Hinchinbrook Service, I have not identified any potentially voidable transaction claims

10.4.3 Potential Breach of Directors Duties

Subject to my significant further investigations, I have identified the following potential breaches of the Directors' duties:

Section	Potential Offence Identified	Summary
180	Failure to exercise reasonable care and diligence in discharge of Director's duties	Sandy Halim: (i) Did not bring an informed and independent judgement to bear on the various matters that came to the director for decision; (ii) Was not capable of understanding the company's affairs, including its financial position; (iii) Did not take an active interest in the affairs of the company; (iv) Did not guide and monitor the Company's affairs but rather relied blindly on the judgement of others.

		The Directors: (i) Have caused the Company to enter into an agreement of cross guarantee in respect of debts that could not be repaid and in respect of which, they had a personal interest (ii) In view of the deficiency, the Directors may be in breach of this section of the Act
181	Absence of good faith or proper purpose	The Directors: (i) Have caused the Company to enter into an agreement of cross guarantee in respect of debts that could not be repaid and in respect of which, they had a personal interest (ii) Have maintained directors loans whose balances continued to increase year on year, apparently without identifiable prospects of repayment, while the Company's Activity Statement debts continue to accrue
182	Improper use of position	The Directors: (i) Have caused the Company to enter into an agreement of cross guarantee in respect of debts that could not be repaid and in respect of which, they had a personal interest (ii) +-Have maintained directors loans whose balances continued to increase year on year, apparently without identifiable prospects of repayment, while the Company's Activity Statement debts continue to accrue
286	Books and records	In view of the lack of sufficient records to reconcile the Company's income, the Directors may be in breach of this section of the Act.
588G	Director's duty to prevent Insolvent trading	In view of the deficiency, the Directors may be in breach of this section of the Act.
590	Failure to disclose property Conduct preventing delivery of records	The Directors have failed to disclose to the Liquidator, the existence of certain books and records of the Company and to identify the Company's relevant advisers

10.4.4 Directors' Personal Financial Positions

As previously noted, the Directors have not provided any material assistance in respect of the conduct of the liquidation and as such, I am unaware of the personal financial position of Ms Halim or Mr Tanios.

Notwithstanding same, I am aware that:

- Ms Halim is listed on the title of properties located at units 1-7, 4 Macarthur Avenue Revesby NSW.

- On the date of my appointment, Mr Tanios was listed on the title of a property located at 20 Anderson Road Concord NSW. That property has subsequently been sold and I understand the sale achieved $6,900,000.

10.5 Report to ASIC

A liquidator is required to complete an investigation into the company's affairs and, if offences are identified, or if the Company is unable to pay its Creditors more than 50 cents in the dollar, lodge a report with ASIC pursuant to Section 533 of the Act.

I will shortly be reporting my findings to ASIC pursuant to Section 533(1) of the Act. I note that my report to ASIC pursuant to s.533 of the Act, is not a public document and will not be provided to creditors.

10.6 Further Investigations to be Undertaken

This Liquidation is unfunded.

In view of the matters discussed above and subject to the receipt of further books and records that would allow me to determine the adequacy of the Company's electronic accounting file and properly determine commerciality of any potential recovery actions available to the Liquidator, I am unable to undertake any further investigations into the affairs of the Company or initiate proceeds as outlined above at section 10.4.1.

Should further compelling information be received, including books and records or funding be made available, I will undertake the following actions:

- Conduct a reconciliation of the Company's income for all periods of the records available
- Consider the commerciality of any recovery action available

11 RECEIPTS AND PAYMENTS

There have been no receipts and payments during the Liquidation period.

12 ESTIMATED RETURN TO CREDITORS

The likelihood of a dividend being paid to creditors will be affected by a number of factors including:

- the size and complexity of the administration.
- the amount of voidable transactions recovered and the costs of these recoveries;
- the statutory priority of certain claims and costs;
- the value of various classes of claims including secured, priority and unsecured creditor claims; and
- the volume of enquiries by creditors and other stakeholders.

A dividend in respect of ordinary unsecured creditor claims will only be available if I am successful in effecting recoveries as outlined in this report.

As noted above, the liquidation is without funds and as such, there is not anticipated to be a return to any class of creditor. However, if this situation changes, I will write to you accordingly and request any creditors who have not submitted a proof of debt to do so.

13 WHAT HAPPENDED TO THE BUSINESS OF THE COMPANY

Due to the Directors' lack of cooperation during the conduct of the liquidation to date, I have been unable to determine the events leading to the closure of the service.

I am advised that on the appointment the Receivers, the Receivers attended the operating premises of the Hinchinbrook Service to find the service permanently closed.

My review of the electronic accounting file maintained by the Company disclose that "Parents Fees" paid to the Service in respect of attendance, were last recorded as received on 3 March 2025 and payments in respect of Child Care Subsidy payments were last received on 12 March 2025.

In respect of the Company's ability to operate the service, subsequent to numerous audits undertaken by the Department of Education and the issuance of a show cause notice on 10 April 2025, the Department cancelled the Provider's Approval effective 5 September 2025.

14 REMUNERATION OF LIQUIDATOR

Creditors have previously approved the Liquidator's remuneration for the period of the liquidation from 19 May 2026 to 17 June 2026, in the amount of $33,994.00 plus GST. My firm has incurred further unapproved fees for the period 18 June 2026 to 14 August 2026 in the amount of $17,214.00 plus GST.

Subject to further information being provided to me, I anticipate that I will incur a further $5,000.00 plus GST to the conclusion of the liquidation.

At this stage, we do not anticipate requesting further approvals in respect of our remuneration, from creditors, however, should we require further approval, we will write to you in due course.

15 MATTERS OUTSTANDING

I will continue to:

- Convene Creditor meetings if required;
- Prepare a supplementary report to ASIC pursuant to s.533(2) if appropriate;
- Attend to further correspondence with creditors;
- Attend to statutory lodgements and other general administrative matters; and
- Conduct our finalisation procedures.

Subject to the receipt of further books and records and timing of the finalisation of the above matters and any unforeseen circumstances, I currently estimate that the administration will be finalised within 6 to 12 months.

16 OTHER MATTERS

It would be appreciated if you would consider the matters detailed in this report and please write to this office setting out full particulars if you are:

- Aware of any errors in the information contained within this report including the non-disclosure of any divisible assets; and
- Have any information that you consider is relevant for creditors' decision making or relevant information that may help assist the liquidator's investigations into the affairs of the Company.

Creditors should however, maintain their records in relation to the affairs of the Company and advise this office of any change of address.

Additional general information regarding liquidations which may be of assistance, is available from the following websites:

- ARITA at www.arita.com.au/creditors ; ; and
- ASIC at www.asic.gov.au (search for "insolvency information sheets"), also attached as **Annexure E** to this report.

Should you require assistance in completing the relevant forms or have any queries, please contact the Administration Contact shown at page 1 of this report.

Any further reports will be issued as considered appropriate.

Yours faithfully,
ANGEL'S PARADISE PTY LTD (IN LIQUIDATION)

ANDREW CUMMINS
LIQUIDATOR

BRI Ferrier

Angel's Paradise Pty Ltd
(In Liquidation)
ACN 111 906 971
ABN 97 111 906 971

Annexure "A"
Proof of Debt Form

FORM 535
CORPORATIONS ACT 2001

Subregulation 5.6.49(2)

FORMAL PROOF OF DEBT OR CLAIM (GENERAL FORM)

To the Liquidator of Angel's Paradise Pty Ltd (In Liquidation) ATF the Saint Kyrollos Family Trust ACN 111 906 971

1. This is to state that the company was, on 19 May 2026 (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 *(please attach documents to support your claim e.g. purchase orders, invoices, interest schedules)*:

Date	Consideration(3) state how the debt arose	Amount $ (Incl. GST)	Remarks(4) 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.

☐	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………………………………………2026

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	$
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.

Angel's Paradise Pty Ltd
(In Liquidation)
ACN 111 906 971
ABN 97 111 906 971

Annexure "B"
ASIC Information Sheet - Insolvency
Information for Directors, Employees,
Creditors and Shareholders

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.

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: 24/03/2023 08:46

Angel's Paradise Pty Ltd
(In Liquidation)
ACN 111 906 971
ABN 97 111 906 971

Annexure "C"
ARITA Information Sheet
Offences, recoverable transactions and insolvent trading

Voluntary Administration
Creditor Information Sheet
Offences, Recoverable Transactions and Insolvent Trading

ARITA
AUSTRALIAN RESTRUCTURING INSOLVENCY & TURNAROUND ASSOCIATION

Offences

A summary of offences under the Corporations Act that may be identified by the administrator:

180	Failure by company officers to exercise a reasonable degree of care and diligence in the exercise of their powers and the discharge of their duties.
181	Failure to act in good faith.
182	Making improper use of their position as an officer or employee, to gain, directly or indirectly, an advantage.
183	Making improper use of information acquired by virtue of the officer's position.
184	Reckless or intentional dishonesty in failing to exercise duties in good faith for a proper purpose. Use of position or information dishonestly to gain advantage or cause detriment. This can be a criminal offence.
198G	Performing or exercising a function or power as an officer while a company is under administration.
206A	Contravening a court order against taking part in the management of a corporation.
206A, B	Taking part in the management of corporation while being an insolvent, for example, while bankrupt.
206A, B	Acting as a director or promoter or taking part in the management of a company within five years after conviction or imprisonment for various offences.
209(3)	Dishonest failure to observe requirements on making loans to directors or related companies.
254T	Paying dividends except out of profits.
286	Failure to keep proper accounting records.
312	Obstruction of an auditor.
314-7	Failure to comply with requirements for the preparation of financial statements.
437D(5)	Unauthorised dealing with company's property during administration.
438B(4)	Failure by directors to assist administrator, deliver records and provide information.
438C(5)	Failure to deliver up books and records to the administrator.
588G	Incurring liabilities while insolvent
588GAB	Officer's duty to prevent creditor-defeating disposition
588GAC	A person must not procure a company to make a creditor-defeating disposition
590	Failure to disclose property, concealed or removed property, concealed a debt due to the company, altered books of the company, fraudulently obtained credit on behalf of the company, material omission from Report as to Affairs or false representation to creditors.
596AB	Entering into an agreement or transaction to avoid employee entitlements.

Recoverable Transactions

Preferences

A preference is a transaction, such as a payment by the company to a creditor, in which the creditor receiving the payment is preferred over the general body of creditors. The relevant period for the payment commences six months before the commencement of the liquidation. The company must have been insolvent at the time of the transaction, or become insolvent because of the transaction.

Where a creditor receives a preference, the payment is voidable as against a liquidator and is liable to be paid back to the liquidator subject to the creditor being able to successfully maintain any of the defences available to the creditor under the Corporations Act.

Creditor-defeating disposition

Creditor-defeating dispositions are the transfer of company assets for less than market value (or the best price reasonably obtainable) that prevents, hinders or significantly delay creditors' access to the company's assets in liquidation. Creditor-defeating dispositions are voidable by a liquidator.

Uncommercial Transaction

An uncommercial transaction is one that it may be expected that a reasonable person in the company's circumstances would not have entered into, having regard to the benefit or detriment to the company; the respective benefits to other parties; and any other relevant matter.

To be voidable, an uncommercial transaction must have occurred during the two years before the liquidation. However, if a related entity is a party to the transaction, the period is four years and if the intention of the transaction is to defeat creditors, the period is ten years. The company must have been insolvent at the time of the transaction, or become insolvent because of the transaction.

Unfair Loan

A loan is unfair if and only if the interest was extortionate when the loan was made or has since become extortionate. There is no time limit on unfair loans – they only must be entered into before the winding up began.

Arrangements to avoid employee entitlements

If an employee suffers loss because a person (including a director) enters into an arrangement or transaction to avoid the payment of employee entitlements, the liquidator or the employee may seek to recover compensation from that person or from members of a corporate group (Contribution Order).

Unreasonable payments to directors

Liquidators have the power to reclaim '*unreasonable payments*' made to directors by companies prior to liquidation. The provision relates to payments made to or on behalf of a director or close associate of a director. The transaction must have been unreasonable, and have been entered into during the 4 years leading up to a company's liquidation, regardless of its solvency at the time the transaction occurred.

Voidable charges

Certain charges over company property are voidable by a liquidator:

- circulating security interest created within six months of the liquidation, unless it secures a subsequent advance;
- unregistered security interests;
- security interests in favour of related parties who attempt to enforce the security within six months of its creation.

Insolvent trading

In the following circumstances, directors may be personally liable for insolvent trading by the company:

- a person is a director at the time a company incurs a debt;
- the company is insolvent at the time of incurring the debt or becomes insolvent because of incurring the debt;
- at the time the debt was incurred, there were reasonable grounds to suspect that the company was insolvent;
- the director was aware such grounds for suspicion existed; and
- a reasonable person in a like position would have been so aware.

The law provides that the liquidator, and in certain circumstances the creditor who suffered the loss, may recover from the director, an amount equal to the loss or damage suffered. Similar provisions exist to pursue holding companies for debts incurred by their subsidiaries.

A defence is available under the law where the director can establish:

- there were reasonable grounds to expect that the company was solvent and they did so expect;
- they did not take part in management for illness or some other good reason; or
- they took all reasonable steps to prevent the company incurring the debt.

The proceeds of any recovery for insolvent trading by a liquidator are available for distribution to the unsecured creditors before the secured creditors.

Important note: This information sheet contains 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. This document may not contain all of the information about the law or the exceptions and qualifications that are relevant to your circumstances.

BRI Ferrier

Angel's Paradise Pty Ltd
(In Liquidation)
ACN 111 906 971
ABN 97 111 906 971

Annexure “D”
ARITA Information Sheet
Creditors Rights in Liquidations

Creditor Rights in Liquidations

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

Right to request a meeting → Right to request information → Right to give directions to liquidator → Right to appoint a reviewing liquidator → Right to replace liquidator

If a simplified liquidation process is adopted, these rights are effectively limited to the right to request information.

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. The right to request meetings, including in the circumstances described below, is not available if a simplified liquidation process is adopted.

A meeting may be requested in the first 20 business days in a creditors' voluntary liquidation by ≥ 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
- ≥ 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:

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

Meeting requests only:

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

Information requests only:

(e) the information requested would be privileged from production in legal proceedings
(f) disclosure would found an action for breach of confidence
(g) the information has already been provided
(h) 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.

ARITA

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.

If a simplified liquidation process is adopted, you may not be able to give directions, because meetings cannot be held to pass a resolution.

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. This right is not available if a simplified liquidation process is adopted. 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. This right is not available if a simplified liquidation process is adopted, because meetings cannot be held.

To replace a liquidator, there are certain requirements that must be complied with:

Meeting request	Information and notice	Resolution at meeting
A meeting must be reasonably requested by the required number of creditors. Creditors must inform the existing liquidator of the purpose of the request for the meeting.	Creditors must determine who they wish to act as the new liquidator (this person must be a registered liquidator) and obtain: ▪ Consent to Act, and ▪ Declaration of Independence, Relevant Relationships and Indemnities (DIRRI). The existing liquidator will send a notice of the meeting to all creditors with this information.	If creditors pass a resolution to remove a liquidator, that person ceases to be liquidator once creditors pass a resolution to appoint another registered liquidator.

For more information, go to www.arita.com.au/creditors.
Specific queries about the liquidation should be directed to the liquidator's office.