

Our Ref: DJF:NW:DC:NB

4 March 2020

Dear Creditor,

**RE: DURAL ALLIANCES PTY LTD (IN LIQUIDATION)
ACN 620 742 994 ("the Company")
INITIAL REPORT TO CREDITORS**

1.0 APPOINTMENT

On 5 February 2020, I, Daniel Frisken of O'Brien Palmer was appointed Liquidator of the Company by an Order of the Federal Court of Australia – New South Wales upon the petition of the DCP Litigation Holdings Pty Ltd ("**the Petitioning Creditor**").

A Court generally orders the appointment of a liquidator in circumstances where the Company has failed to comply with a creditor's statutory demand and is therefore presumed to be insolvent.

The purpose of this report is to provide you with information about the liquidation of the Company and your rights as a creditor. This report is issued in compliance with the provisions of *the Corporations Act 2001* ("**the Act**") and Rule 70-30 of the *Insolvency Practice Rules (Corporations) 2016* ("**IPR**").

As liquidator, I have now assumed full control of the Company's affairs as its agent and the power of its officers to manage the Company are now suspended in accordance with section 198G of the Act.

2.0 DISCLOSURES BY THE LIQUIDATOR

2.1 Background

I am a Registered Liquidator, and a Partner in the firm of O'Brien Palmer, with over 16 years' experience in business recovery, restructuring and insolvency.

2.2 Independence

Section 532 of the Act outlines the circumstances whereby a person's connection with a company disqualifies that person from acting as liquidator. I do not believe that I was prohibited from accepting the position of Liquidator of the Company on the basis of this section.

SYDNEY

Level 9, 66 Clarence Street, Sydney NSW 2000 | GPO Box 3385, Sydney NSW 2001
Telephone +61 2 9232 3322 | Facsimile +61 2 9232 3388

ABN 61 843 065 746 | obp.com.au | obp1@obp.com.au

BATHURST

103 Piper Street, Bathurst NSW 2795 | PO Box 2153, Bathurst NSW 2795
Telephone +61 2 9232 3322 | Facsimile +61 2 9232 3388

"Liability limited by a scheme approved under professional standards legislation"

3.0 DOCUMENTATION ACCOMPANYING THIS REPORT

The following documents accompany this report:

- (i) A Declaration of Independence, Relevant Relationships & Indemnities issued in compliance with section 506A of the Act as well as the Code of Professional Practice issued by the Australian Restructuring, Insolvency & Turnaround Association (“**ARITA**”).
- (ii) A fact sheet prepared by ARITA pertaining to the rights of creditors, provided in compliance with Rule 70-30 of the IPR.
- (iii) A summary of the various information sheets published by the Australian Securities & Investments Commission (“**ASIC**”) relevant to external administrations.
- (iv) A listing of the known creditors of the Company that highlights any related parties.
- (v) An Initial Remuneration Notice provided in compliance with Rule 70-35 of the IPR.
- (vi) A Remuneration Approval Report provided in accordance with Rule 70-45 of the IPR outlining the basis for, and the amount of remuneration, for which creditor approval is sought.
- (vii) Proposals by Notice for the approval of my remuneration and disbursements provided in accordance with section 75-40 of the *Insolvency Practice Schedule (Corporations) 2016* (“**IPSC**”).
- (viii) Proposal by Notice for the approval of the early destruction of the Company’s books and records provided in accordance with section 70-35 of the IPSC.
- (ix) Formal Proof of Debt by which creditors can formalise their claim as creditors in the liquidation.

4.0 COMPANY INFORMATION

4.1 Company Profile

I have been advised that the Company was a dormant entity used to secure funding for home loans and property developments from the premises located at 88 Perfection Avenue, Stanhope Gardens NSW.

The Company ceased to trade prior to my appointment.

4.2 Background to proceedings commenced by the Petitioning Creditor

The proceedings were brought about by the Petitioning Creditor as the Company failed to repay the Petitioning Creditor under the respective deeds of assignment of debts across a number of the Director’s related entities.

The Petitioning Creditor has also registered a security over the Company, which is discussed in section 5.7 of this Report.

4.3 Statutory Information

A summary of the statutory information for the Company as at the date of my appointment, as shown on the database of ASIC, is presented in the table below: -

Date of Incorporation	28 July 2017
Registered Office	88 Perfection Avenue STANHOPE GARDENS NSW 2768
Principal Place of Business	88 Perfection Avenue STANHOPE GARDENS NSW 2768
Director	Ralph Paligaru
Shareholders	Ralph Paligaru – 5 ORD @ \$1 per share Amreeta Paligaru – 5 ORD @ \$1 per share

4.4 Report on Company Activities and Property (“ROCAP”) / Books and Records

Within 10 business days of receiving the notice of the winding up, the Director is required to provide a ROCAP which sets out information pertaining to the financial position of a company. The Director is also required to provide the books and records of the Company. To date, the Director has failed to comply with these obligations and if the position is not rectified shortly, then I intend to report his non-compliance to ASIC.

4.5 Estimated Financial Position of the Company

The known financial position of the Company based on information received to date is summarised in the table below:

	Liquidator's ERV (\$)
ASSETS	
Cash at Bank	Nil
	Nil
LIABILITIES	
Petitioning Creditor(s)	8,539
Secured Creditors	540,000
Unsecured Creditors	TBA
	Unknown
ESTIMATED (DEFICENCY)/SURPLUS	Unknown

Further commentary on the contents of the ROCAP, the information disclosed in the above table, the realisation of assets (if any) and the validity of creditor claims will be provided to creditors in a further report which is required under the IPR within three (3) months of the date of my appointment.

5.0 INFORMATION FOR CREDITORS

Creditors need to be aware of the following information;

5.1 What Happens to Your Debt

All creditors of the Company are now creditors in the liquidation. As a creditor, you have certain rights, although your debt will now be dealt with in the liquidation. Pursuant to section 471B of the

Act, no creditor may begin or proceed with a court proceeding against the Company or its property, nor continue with any enforcement process in relation to property of the Company, except with leave of the Court.

5.2 Secured Creditors

If the Company has leased property from you, if you have a retention of title claim over the assets of the Company or if you hold a Personal Property Security in relation to the Company or its assets, please contact this office as soon as possible.

A search of the Personal Property Securities Register (“PPSR”) discloses 2 security interests in favour of those listed in the table below:

Secured Party	PPSR Registration Number	Collateral Type	Description/Status
Franklin Yeezy Holdings Pty Ltd (“FYH”)	201708110023800	Commercial	FYH has not provided a response to date. However, I have been advised that their security was to lapse on or about 19 February 2020.
DCP Litigation Holdings Pty Limited (“DCP”)	201904270006258	Commercial	On 3 March 2020, DCP submitted a proof of debt in the amount of \$540,000. This amount relates to the settlement of the Director’s property which DCP is entitled to.

Pursuant to section 471C of the Act, the prohibitions in section 471B of the Act do not apply to a secured creditor’s right to realise or otherwise deal with its security.

5.3 Creditor Rights

As set out in the accompanying ARITA fact sheet, creditors have the following rights;

- (i) Request that a meeting of the creditors of the company be convened pursuant to section 75-15 of the IPSC;
- (ii) Request information, reports and documents under sections 70-40 & 70-45 of the IPSC;
- (iii) Give directions to the liquidator under section 85-5 of the IPSC;
- (iv) Appoint a reviewing liquidator under section 90-24 of the IPSC; and
- (v) Remove and replace a liquidator under section 90-35 of the IPSC.

5.4 Creditor Information

ASIC and ARITA have a number of information sheets that you can access at:

https://www.arita.com.au/ARITA/Insolvency_help/Insolvency_explained/Insolvency-Fact-Sheets.aspx

These sheets provide information relating to corporate and personal insolvency. Creditors can also request these sheets from my office.

6.0 LIQUIDATOR'S REMUNERATION & DISBURSEMENTS

6.1 Remuneration Notices & Reports

The accompanying Initial Remuneration Notice provides information as to how my remuneration is calculated and the manner in which disbursements are charged, whilst the accompanying Remuneration Approval Report provides particulars of the remuneration I am seeking to have approved. In this regard, I am seeking approval of the following resolutions:

- (i) My remuneration for the period 5 February 2020 to 27 February 2020 in the amount of \$3,811.50 (GST Inc.);
- (ii) My remuneration for the period 28 February 2020 to finalisation for an amount not to exceed \$12,688.50 (GST Inc.);
- (iii) My internal disbursements for the period 5 February 2020 to finalisation for an amount not to exceed \$2,200.00 (GST Inc.).

6.2 Proposal Notices

Creditors are able to approve or reject my claim for remuneration and disbursements by completing and returning the accompanying Proposal Notices.

If creditors are inclined to complete the Notices, then they should be returned by **5:00pm on Wednesday, 25 March 2020** together with the accompanying Proof of Debt form.

6.3 Further Information

The link referred to in section 5.4 above also contains the following information sheets that may be of use to creditors when considering the Proposal Notices:

- (i) ASIC Information Sheet 85: *Approving fees, a guide for creditors*
- (ii) ARITA Information Sheet: *Proposals Without Meetings*

If creditors require further information in respect to my claim for remuneration, or wish to request a copy of these information sheets, then they should not hesitate to contact my office.

6.4 Request for Creditor Funding

My investigations into the Company's affairs pursuant to Part 5.7B of the Act may require further investigation in relation to potential insolvent trading claims, undisclosed assets, and recovery of company property, potential voidable transactions and any breaches of director's duties ("**the Claims**"). It is likely that public examinations of relevant parties would be required in order to further my investigation. The extent of the work to be undertaken will be limited to the extent of funding available.

I am currently unfunded in this matter and therefore I require funding to conduct further investigations, conduct public examinations and/or commence recovery actions against the relevant parties in relation to the Claims. There are a number of alternative methods of obtaining such funding which include contributions from creditors and/or a litigation funder. The costs in funding such actions may be significant, it may take some time to resolve and there is no guarantee of achieving a recovery for the benefit of creditors. Creditors who provide funding to a liquidator for such actions are able to seek a Court order for a priority distribution from any recovery made. This is subject to the Court's discretion. Should any creditor be interested in funding further investigations, public examinations and/or recovery proceedings in respect of the

Claims (if applicable), please contact my office by no later than **5:00pm on Friday, 13 March 2020**.

7.0 DESTRUCTION OF BOOKS & RECORDS

Also accompanying this report is a Proposal Notice seeking creditor approval to destroy the books and records of the Company prior to the prescribed period of 5 years, subject to the consent of ASIC. If creditors are inclined to complete this Notice, then it should also be returned by **5:00pm on Wednesday, 25 March 2020** together with the accompanying Proof of Debt form.

8.0 FURTHER REPORTS TO CREDITORS

Pursuant to section 70-40 of the IPR, I am required to issue a further report to creditors within three (3) months of the date of my appointment that provides the following information:

- (i) An estimate of the assets and liabilities of the Company.
- (ii) A summary of the enquiries undertaken in the winding up to that date and the realisation of assets that have or will occur in the liquidation.
- (iii) An outline of the further enquiries that will be undertaken prior to finalising the liquidation.
- (iv) A summary of the circumstances of the Company and an account of the manner in which its business and assets were disposed prior to the commencement of the winding up.
- (v) An outline of the possible recovery actions available to the liquidator.
- (vi) An estimate as to the likelihood of creditors receiving a dividend.

Creditors should be aware that in accordance with Section 600G of the Act, it would be my intention to provide creditors with a notice that a report has been issued and is available to be downloaded from the O'Brien Palmer website. It will be incumbent upon creditors to download the report in accordance with that notice.

[THIS SPACE IS INTENTIONALLY LEFT BLANK]

9.0 CONCLUSION

Creditors are advised that day to day carriage of this matter is being handled by Mr. Nick Blackley, under my supervision. Please direct all enquiries to Mr. Blackley in the first instance.

Phone: (02) 9232 3322, or

Email: nblackley@obp.com.au, or

Post: O'Brien Palmer
GPO Box 3385
SYDNEY NSW 2000

Yours faithfully,
DURAL ALLIANCES PTY LTD (IN LIQUIDATION)



DANIEL FRISKEN
LIQUIDATOR

Encl.

ANNEXURE “1”

Declaration of Independence Relevant Relationships and Indemnities

**DECLARATION OF INDEPENDENCE, RELEVANT RELATIONSHIPS AND
INDEMNITIES (“DIRRI”)**

**DURAL ALLIANCES PTY LTD (IN LIQUIDATION)
ACN: 620 742 994 (“the Company”)**

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

- A. their independence generally;
- B. relationships, including:
 - 1) the circumstances of the appointment;
 - 2) any relationships with the insolvent entity and others within the previous 24 months;
 - 3) any prior professional services for the insolvent entity within the previous 24 months;
 - 4) that there are no other relationships to declare; and
- C. any indemnities given, or up-front payments made, to the Practitioner.

This declaration is made in respect of Mr Daniel Frisken and O'Brien Palmer.

A. INDEPENDENCE

I, Daniel Frisken of O'Brien Palmer, have undertaken a proper assessment of the risks to my independence prior to accepting the appointment as Liquidator of the Company in accordance with the law and applicable professional standards. This assessment identified no real or potential risks to my independence. I am not aware of any reasons that would prevent me from accepting this appointment.

B. DECLARATIONS OF RELATIONSHIPS

1. Circumstances of Appointment

1.1 Referrer for the Appointment

The appointment was referred to me by Chifley Legal (“**Chifley**”). My relationship with Chifley is that they occasionally request that I consent to act as Liquidator in winding up applications. I also occasionally use their professional services for legal advice. Chifley has not and will not receive a fee (or any other benefit) for this referral.

The Australian Restructuring Insolvency and Turnaround Association’s (“**ARITA**”) Code of Professional Practice (“**the COPP**”) acknowledges referrals between professionals as normal practice and are acceptable provided the referral and relationship are based on the quality of professional service and expertise.

It is my opinion that the relationship between Chifley and myself does not affect my independence or the perception of my independence in accordance with the ARITA standards.

2. Relevant Relationships (excluding Professional Services to the Insolvent)

Name	Nature of Relationship
Deputy Commissioner of Taxation ("ATO")	O'Brien Palmer regularly sign consents to act as liquidator on winding up applications filed on behalf of the ATO.

I am of the opinion that this relationship does not result in a conflict of interest of duty because:

- (i) There are no conditions on the conduct or outcome of the Administration by virtue of this relationship;
- (ii) There has been no fees received or payable to any party by virtue of this appointment; and
- (iii) The relationship will not influence my ability to be able to fully comply with the statutory and fiduciary obligations associated with the Administration of the Company in an objective and impartial manner.

In the event that a conflict arises, then, in order to preserve my independence, I must:

- (a) advise creditors on how the issue will be managed; or
- (b) seek directions from the Court; or
- (c) seek approval for the appointment by the Court of a special purpose administrator or liquidator.

There are no other relationships that ought to be disclosed or that might compromise my independence in relation to this matter.

3. Prior Professional Services to the Insolvent

Neither I, nor my firm, have undertaken any prior engagements for the Company, or its director or shareholders, in the previous 24 months.

4. No Other Relevant Relationships to Disclose

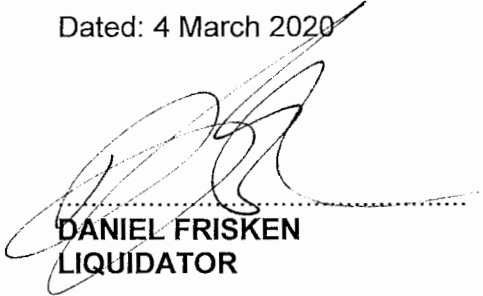
There are no other known relevant relationships, including personal, business and professional relationship, from the previous 24 months with the Company, an associate of the Company, a former insolvency practitioner appointed to the Company or any person or entity that has security over the whole or substantially the whole of the property of the Company that should be disclosed.

[THIS SPACE HAS BEEN INTENTIONALLY LEFT BLANK]

C. INDEMNITIES AND UP-FRONT PAYMENTS

I have not been provided with any indemnity or up-front payments other than any indemnities that I may be entitled to under statute.

Dated: 4 March 2020



DANIEL FRISKEN
LIQUIDATOR

Notes:

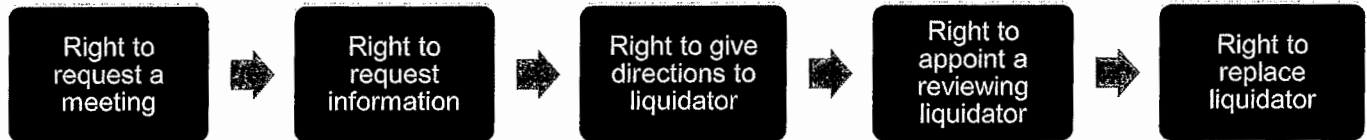
1. If circumstances change, or new information is identified, I am required, pursuant to subsection section 506A of the *Corporations Act 2001* and the ARITA Code of Professional Practice, to update this Declaration and provide a copy to creditors with my next communication as well as table a copy of any replacement declaration at the next meeting of the Company's creditors.
2. Any relationships, indemnities or up-front payments disclosed in the DIRRI must not be such that the Practitioner is no longer independent. The purpose of components B and C of the DIRRI is to disclose relationships that, while they do not result in the Practitioner having a conflict of interest or duty, ensure that creditors are aware of those relationships and understand why the Practitioner nevertheless remains independent.

ANNEXURE “2”

Fact Sheet Prepared by ARITA

Creditor Rights in Liquidations

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



Right to request a meeting

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

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

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

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

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

Right to request information

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

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

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

Requests must be reasonable.

They are not reasonable if:

Both meetings and information:

- (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.

Specific queries about the liquidation should be directed to the liquidator's office.

Right to give directions to liquidator

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

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

An individual creditor cannot provide a direction to a liquidator.

Right to appoint a reviewing liquidator

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

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

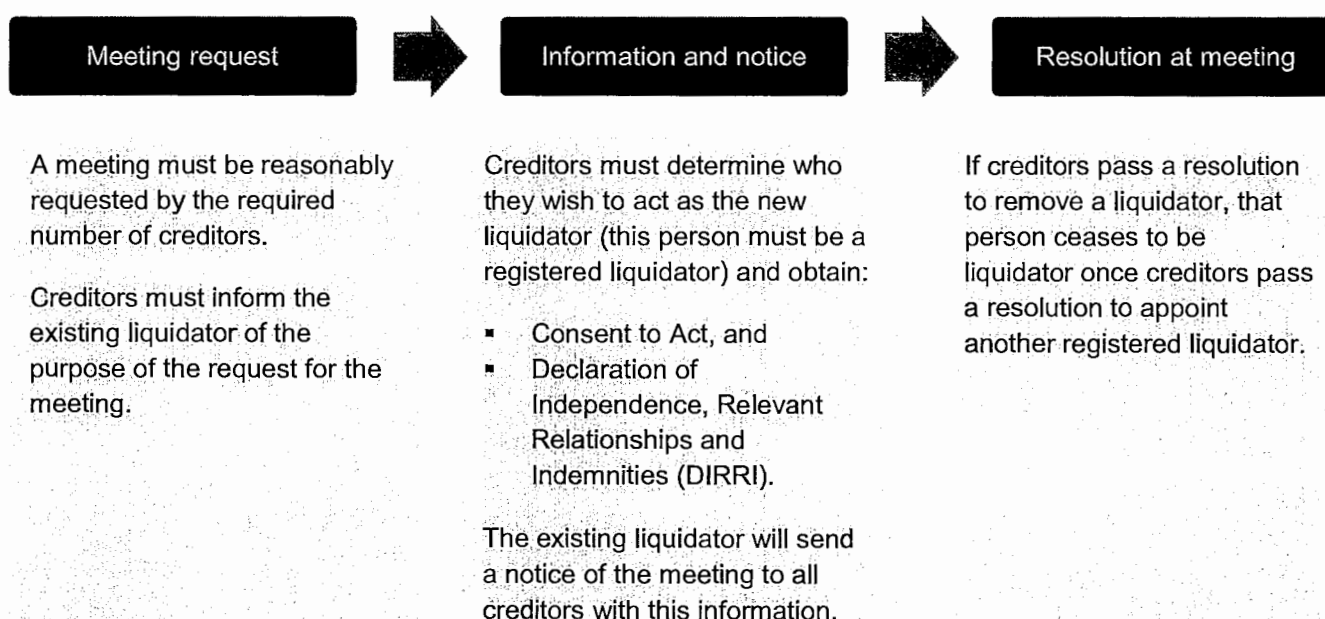
The cost of the reviewing liquidator is paid from the assets of the liquidation, in priority to creditor claims.

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

Right to replace liquidator

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

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



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

ANNEXURE “3”

Summary of ASIC Information Sheets



ASIC
Australian Securities &
Investments Commission

Insolvency information for directors, employees, creditors and shareholders

This information sheet (INFO 39) 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](#).

This is **Information Sheet 39 (INFO 39)** updated on 1 September 2017. Information sheets provide concise guidance on a specific process or compliance issue or an overview of detailed guidance.

Last updated: 01/09/2017 10:57

ANNEXURE “4”

Creditors Listing

Creditor Listing**Dural Alliances Pty Ltd (In Liquidation)**

All Creditors

SECURED CREDITORS

Creditor Name	Related Party	Address	ROCAP	Advised	Claimed	
DCP Litigation Holdings Pty Limited		6/111 Elizabeth Street SYDNEY NSW 2000	0.00	0.00	540,000.00	
Franklin Yeezy Holdings Pty Ltd		Level 21, 133 Castlereagh Street SYDNEY NSW 2000	0.00	0.00	0.00	
Reliance Leasing		106/4 Columbia Court BAULKHAM HILLS NSW 2153	0.00	0.00	0.00	
Totals for Secured Creditors			3	0.00	0.00	540,000.00

PRIORITY CREDITORS

Creditor Name	Related Party	Address	ROCAP	Advised	Claimed	
DCP Litigation Holdings Pty Limited		6/111 Elizabeth Street SYDNEY NSW 2000	0.00	0.00	8,539.00	
Totals for Priority Creditors			1	0.00	0.00	8,539.00

UNSECURED CREDITORS

Creditor Name	Related Party	Address	ROCAP	Advised	Claimed	
Mahony Law		PO Box 8318 BHBC NSW 2153	0.00	0.00	0.00	
Totals for Unsecured Creditors			2	0.00	0.00	0.00
Totals for All Creditors:			6	0.00	0.00	548,539.00

ANNEXURE “5”

Initial Remuneration Notice



O'BRIEN
PALMER

INSOLVENCY & BUSINESS ADVISORY

Initial Advice to Creditors – Remuneration

Dural Alliances Pty Ltd (In Liquidation)
ACN 620 742 994

4 March 2020

1. Remuneration Methods

There are four (4) basic methods that can be used to calculate the remuneration charged by an insolvency practitioner. They are:

(i) *Time based / hourly rates*

This is the most common method. The total fee charged is based on the hourly rate charged for each person who carried out the work multiplied by the number of hours spent by each person on each of the tasks performed.

(ii) *Fixed Fee*

The total fee charged is normally quoted at the commencement of the administration and is the total cost for the administration. Sometimes a practitioner will finalise an administration for a fixed fee.

(iii) *Percentage*

The total fee charged is based on a percentage of a particular variable, such as the gross proceeds of assets realisations.

(iv) *Contingency*

The practitioner's fee is structured to be contingent on a particular outcome being achieved.

2. Remuneration Method Chosen

Given the nature of this administration I propose that my remuneration be calculated on a time based/hourly rates method. This is because:

- (i) It ensures that creditors are charged only for work that is performed as time is recorded in six (6) minute increments or part thereof.
- (ii) I am required to perform a number of tasks that do not relate to the realisation of assets; for example reporting to creditors and responding to creditor enquiries, carrying out investigations and complying with a number of statutory obligations.

3. Explanation of Hourly Rates

Attached is a schedule detailing the hourly rates that will be used in calculating my remuneration.

The schedule also describes the qualifications and experience of staff that have been engaged in the administration and the role they will take in the administration.

I should add that one of my firm's policies is to maintain a competitive attitude towards costs and every effort is made to ensure costs are reasonable and commensurate with the work undertaken. O'Brien Palmer work practices ensure that as far as possible, staff at the appropriate level of experience carry out the required work.

4. Estimate of the Cost of the Administration

My remuneration for the period 5 February 2020 to finalisation is estimated at an amount of \$16,500 (GST Incl.). In estimating my remuneration to finalisation, I have taken into account investigative work that may be undertaken in relation to the Company's affairs, and the tasks associated with realising the assets of the Company. The costs to finalisation could well exceed the before-mentioned amount, especially if other matters arise from my investigation into the affairs of the Company.

5. Disbursements

Disbursements are divided into three types:

- (i) Disbursements that are externally provided professional services and are recovered at cost. An example of this type of disbursement is legal fees.
- (ii) Disbursements that are externally provided non-professional costs such as travel, accommodation and search fees. Disbursements of this nature are recovered at cost.
- (iii) Disbursements that are internally provided non-professional services such as photocopying, printing and document storage. This type of disbursement is generally charged at cost, though some expenses such as photocopying, printing and telephone calls may be charged at a rate which is intended recoup both variable and fixed costs. The recovery of these costs must be on a reasonable commercial base.

I must account to creditors for payment of my disbursements. Also, I am required to seek creditor approval for the types of disbursements set out in 5(iii) above. Full details of any actual costs incurred will be provided with future reporting. To date, I have not paid any disbursements in this administration. Future disbursements provided by the firm will be charged to the administration on the following basis:

Internal Disbursements	Rate \$ (Excl. GST)
Advertising	At Cost
Courier	At Cost
Facsimile	
- Local	2.00 per page
- STD	4.00 per page
- International	6.00 per page
Photocopying	0.60 per page
Printing	0.60 per page
Postage	At Cost
Stationery (folders, file indexes etc.)	At Cost
Staff vehicle use	At Statutory Rate (applicable at date of travel)

*The rates applicable for the financial year ending 30 June 2020

Any monies drawn in respect of disbursements during this administration will be shown in the summary of receipts and payments which will form part of the Liquidators' future reports to creditors.

Should any creditor require further information in relation to the manner in which my remuneration is calculated, they are encouraged to contact my office directly.

DURAL ALLIANCES PTY LTD (IN LIQUIDATION)



DANIEL FRISKEN
LIQUIDATOR

Encl.

S:\Dural Alliances\Creditors\Reports To Creditors\F - Initial Advice To Creditors - Remuneration.Docx



INSOLVENCY & BUSINESS ADVISORY

**SCHEDULE OF HOURLY RATES
EFFECTIVE JULY 2019**

Title	Description	Hourly Rate (\$) excl. GST
Appointee/ Partner	Registered Liquidator or Trustee. Partner bringing specialist skills and experience to the assignment.	\$ 630.00
Director	Typically qualified with in excess of 10 years experience. Capable of controlling all aspects of an assignment.	\$ 560.00
Senior Manager	Typically qualified with 7-8 years experience. Strong technical and commercial skills. Assists in the planning and control of complex matters.	\$ 520.00
Manager	Typically qualified with 6-7 years experience. Well-developed technical and commercial skills capable of controlling and planning all aspects of medium to larger assignments.	\$ 500.00
Assistant Manager	Typically qualified with 5-6 years experience. Developed technical and commercial skills capable of controlling and planning all aspects of smaller to medium assignments.	\$ 445.00
Supervisor	Typically qualified with 4-5 years experience with sound knowledge of insolvency legislation and procedure. Assists in planning and controlling specific tasks on medium to larger assignments.	\$ 420.00
Senior 1	Typically graduate or newly qualified with 3-4 years experience. Able to control fieldwork and complete multiple tasks on larger assignments with limited supervision.	\$ 380.00
Senior 2	Typically graduate with 2-3 years experience. Able to perform fieldwork and complete multiple tasks on small to medium assignments with supervision.	\$ 340.00
Intermediate 1	Typically graduate with up to 2 years experience. Assists in fieldwork and capable of completing multiple tasks on smaller to medium assignments with supervision.	\$ 300.00
Intermediate 2	Typically undergraduate with limited experience. Assists in fieldwork and completes basic tasks under supervision.	\$ 250.00
Typist/WPO	Appropriately skilled and undertakes support activities including but not limited to treasury, data entry, word processing and other administrative and secretarial tasks.	\$ 180.00
Junior	Appropriately skilled and undertakes support activities including but not limited to treasury, data entry, word processing and other administrative and secretarial tasks.	\$ 125.00

Note:

1. GST is 10%
2. The rates are subject to review as at 30 June 2020 and if a decision is made to increase some or all of the rates, then the increase will not exceed 5% (rounded to the nearest \$5 multiple) .

ANNEXURE “6”

Remuneration Approval Report



O'BRIEN
PALMER

INSOLVENCY & BUSINESS ADVISORY

**DURAL ALLIANCES PTY LTD (IN LIQUIDATION)
ACN 620 742 994 ("the Company")**

**REMUNERATION APPROVAL REPORT
PURSUANT TO INSOLVENCY PRACTICE RULE (CORPORATIONS) 70-45**

This report is issued in compliance with *the Corporations Act 2001* ("the Act") and the Code of Professional Practice issued by the Australian Restructuring Insolvency and Turnaround Association ("ARITA"). The report is set out as follows: -

- (1) Declaration
- (2) Executive Summary
- (3) Explanation of Hourly Rates
- (4) Description of work completed/to be completed
- (5) Calculation of Remuneration
- (6) Disbursements
- (7) Proposals for Creditor Approval of Remuneration/Disbursements
- (8) Remuneration Recoverable from External Sources
- (9) Impact of Approval of Remuneration
- (10) Report on Progress of the Administration
- (11) Summary of Receipts and Payments
- (12) Information Sheet
- (13) Queries

1. Declaration

In accordance with applicable professional standards, I, Daniel Frisken of O'Brien Palmer, declare that I have undertaken a proper assessment of the estimated remuneration to be claimed in acting as Liquidator of the Company. I am satisfied that the estimated remuneration to be claimed is in respect of necessary work to be properly performed in the conduct of the administration.

2. Executive Summary

To date, no remuneration has been approved and paid in this administration. This remuneration request approval report details approval sought for the following fees:

Period	Report Reference	Total (incl. GST) \$
Current remuneration approval sought:		
Resolution 1: 5 February 2020 to 27 February 2020	<i>4(i), 5</i>	<i>3,811.50</i>
Resolution 2: 28 February 2020 to finalisation	<i>4(ii)</i>	<i>12,688.50</i>
Total remuneration approval sought		16,500.00

*Approval for the future remuneration sought is based on an estimate of the work necessary to the completion of the administration. Should additional work be necessary beyond what is contemplated, further approval may be sought from creditors.

Please refer to the report section reference in the above table for full details of the calculation and composition of the remuneration approval sought.

In accordance with Insolvency Practice Schedule (Corporations) 75-40, I will seek the approval of my remuneration prospectively for the period 5 February 2020 to finalisation for an amount not to exceed \$16,500 inclusive of GST. The costs to finalisation could well exceed the before-mentioned amount, especially if matters arise from my investigation into the affairs of the Company.

3. Explanation of Hourly Rates

Attached is a schedule detailing the hourly rates that will be used in calculating my remuneration. The schedule also describes the qualifications and experience of staff that have been engaged in the administration and the role they will take in the administration.

I should add that one of my firm's policies is to maintain a competitive attitude towards costs and every effort is made to ensure costs are reasonable and commensurate with the work undertaken. O'Brien Palmer work practices ensure that as far as possible, staff at the appropriate level of experience carry out the required work.

4. Description of Work Completed/to be Completed

(i) Resolution: 5 February 2020 to 27 February 2020

Task Area	General Description	Includes
Assets 0.35 Hours \$127.00	Cash at Bank	Issue correspondence to all major financial institutions to ascertain if the Company holds an account with them.
	Plant & Equipment	Issue correspondence to Transport for NSW to ascertain if the Company owns any vehicles or vessels.
Creditors 6.20 Hours \$1,946.00	Creditor Enquiries	Maintaining creditor enquiry register. Review and prepare correspondence to creditors and their representatives via facsimile, email and post.
	Dealing with Proofs of Debt	Filing and entering POD's into accounting system.
	Creditor Reports	Preparing Initial Report to Creditors. Preparing annexures for Initial Report to Creditors.
Investigation 1.30 Hours \$511.00	Conducting Investigation	Enquiries relating to the Company's nature and history. Conducting ASIC and land title searches on Company and the Director.
Administration 2.75 Hours \$881.00	Document Maintenance/File Review/Checklist	Filing of documents. File reviews. Updating checklists.

Task Area	General Description	Includes
	Insurance	Correspondence with insurer regarding initial insurance requirements.
	Bank Account administration	Preparing correspondence opening accounts.
	ASIC Forms	Preparing and lodging ASIC forms including 505 and Notice of Appointment. Correspondence with ASIC regarding statutory forms.
	ATO and other Statutory Reporting	Notification of appointment.
	Planning / Review	Discussions regarding status and strategy of liquidation. Attending interstate meetings.
\$ 3,465.00	Subtotal	
\$ 346.50	GST	
\$ 3,811.50	TOTAL	

(ii) **Resolution 2:** 28 February 2020 to finalisation

Task Area	General Description	Includes
Creditors 9.31 Hours \$3,460.50	Creditor Enquiries	Receive and follow up creditor enquiries via telephone. Maintaining creditor enquiry register. Review and prepare correspondence to creditors and their representatives via facsimile, email and post.
	Creditor Reports	Preparing Statutory Report to Creditors.
	Dealing with Proofs of Debt	Receipting and filing POD when not related to a dividend. Corresponding with ATO regarding POD when not related to a dividend.
Investigation 17.07 Hours \$6,344.25	Conducting Investigation	Reviewing Company's books and records. Review and preparation of Company nature and history. Review of specific transactions and liaising with the Director regarding certain transactions. Preparation of investigation file and enquiries into insolvent trading.
	ASIC Reporting	Preparing statutory investigation reports. Liasing with ASIC. Lodgement of investigation with ASIC.

Task Area	General Description	Includes
		Preparation and lodgement of supplementary report (if required). Application for ASIC funding (if required).
Administration 4.66 Hours \$1,730.25	Document Maintenance/File Review/Checklist	Filing of documents. File reviews. Updating checklists.
	Bank Account Administration	Preparing correspondence closing accounts. Requesting bank statements. Bank account reconciliations. Correspondence with bank regarding specific transfers.
	ASIC Forms and Lodgement	Preparing and lodging ASIC forms. Correspondence with ASIC regarding statutory forms.
	ATO and other Statutory Reporting	Preparing BAS.
	Finalisation	Notifying ATO of finalisation. Cancelling ABN / GST / PAYG registration. Completing checklists. Finalising WIP. Other finalisation procedures.
	Planning / Review	Discussions regarding status of administration. Attending meetings interstate.
	Books and Records / Storage	Dealing with records in storage. Sending job files to storage.
\$ 11,535.00	Subtotal	
\$ 1,153.50	GST	
\$ 12,688.50	TOTAL	

5. Calculation of Remuneration

(i) Resolution: 5 February 2020 to 27 February 2020

Employee	Position	\$/hr (ex. GST)	Total actual hours	Total (\$)	Assets (\$) 0.35 Hours	Creditors (\$) 6.20 Hours	Investigation (\$) 1.30 Hours	Administration (\$) 2.75 Hours
D Frisken	Partner	630	0.40	252.00	-	-	189.00	63.00
N Wollinski	Senior Manager	520	0.90	468.00	52.00	156.00	52.00	208.00
C Tinkler	Senior Manager	520	0.05	26.00	-	-	-	26.00
H Armstrong	Senior 1	380	0.20	76.00	-	-	-	76.00
D Caristo	Senior 2	340	1.20	408.00	-	170.00	-	238.00
N Blackley	Intermediate 1	300	7.45	2,235.00	75.00	1,620.00	270.00	270.00
	TOTAL		10.20	3,465.00	127.00	1,946.00	511.00	881.00
	GST			346.50				
	TOTAL (including GST)			\$ 3,811.50				
	Average Hourly Rate			339.71	362.86	313.87	393.08	374.89

6. Disbursements

Disbursements are divided into three types: -

- (i) Disbursements that are externally provided professional services and are recovered at cost. An example of this type of disbursement is legal fees.
- (ii) Disbursements that are externally provided non-professional costs such as travel, accommodation and search fees. Disbursements of this nature are recovered at cost.
- (iii) Disbursements that are internally provided non-professional costs such as photocopying, printing and document storage. This type of disbursement is generally charged at cost, though some expenses such as photocopying, printing and telephone calls may be charged at a rate which is intended to recoup both variable and fixed costs. The recovery of these costs must be on a reasonable commercial base.

We must account to creditors for payment of our disbursements. Also, we are required to seek creditor approval for the types of disbursements set out in 6(iii) above. Full details of any actual costs incurred will be provided with future reporting. To date, I have not paid any disbursements in this administration. Future disbursements provided by the firm will be charged to the administration on the following basis:

Internal Disbursements	Rate \$ (Excl. GST)
Advertising	At Cost
Courier	At Cost
Facsimile	
- Local	2.00 per page
- STD	4.00 per page
- International	6.00 per page
Photocopying	0.60 per page
Printing	0.60 per page
Postage	At Cost
Stationery (folders, file indexes etc.)	At Cost
Staff vehicle use	At Statutory Rate (applicable at date of travel)

***Rates applicable for the financial year ending 30 June 2020.**

7. Proposals for Creditor Approval of Remuneration/Disbursements

(i) Resolution 1:

"That the remuneration of the Liquidator and his staff for the period 5 February 2020 to 27 February 2020, be approved at an amount not to exceed \$3,811.50 inclusive of GST, such amount to be calculated on a time cost basis using the hourly rates as shown in the schedule of rates forming part of the remuneration approval report dated 3 March 2020, that may be increased at a rate not to exceed 5% at 1 July each year (rounded to the nearest \$5 multiple) and that the Liquidator be entitled to draw down the remuneration as he sees fit."

(ii) Resolution 2:

"That the remuneration of the Liquidator and his staff for the 28 February 2020 to finalisation, be approved at an amount not to exceed \$12,688.50 inclusive of GST, such amount to be calculated on a time cost basis using the hourly rates as shown in the schedule of rates forming part of the remuneration approval report dated 3 March 2020, that may be increased at a rate not to exceed 5% at 1 July each year (rounded to the nearest \$5 multiple) and that the Liquidator be entitled to draw down the remuneration as he sees fit."

(iii) Resolution 3:

"It was resolved that the internal disbursements of the Liquidator and his staff for the period 5 February 2020 to finalisation, be approved at an amount not to exceed \$2,200.00 inclusive of GST, such amount to be calculated utilising the schedule of rates forming part of the remuneration approval report dated 3 March 2020, that may be increased at a rate not to exceed 5% at 1 July each year (rounded to the nearest \$5 multiple) and that the Liquidator be entitled to draw down payment in respect of such internal disbursements as he sees fit."

I ask creditors to please complete the Notice of Proposals and return them with any supporting documents by no later than **5:00pm on Wednesday, 25 March 2020** for your vote to be counted.

8. Impact of Approval of Remuneration

The impact of the proposal, if approved, is that once monies become available, it will be applied firstly against the costs of the administration thereby reducing the amount of monies available for distribution to creditors.

A liquidator is entitled to be remunerated for work undertaken in administering the winding up of the Company.

If the proposal is not accepted, the liquidator may seek approval at a later stage.

Alternatively, and accordance with Division 60 of the Insolvency Practice Schedule (Corporations), if the remuneration of the liquidator is not fixed by the creditors, then the liquidator may seek approval by making an application to the Court. The cost of seeking such resolution, if approved by the Court, would be considered a priority cost in the liquidation thereby further reducing monies available for distribution.

9. Remuneration Recoverable from External Sources

Remuneration payments received in relation to the *Fair Entitlements Guarantee Act 2012* ("FEG") or from the Australian Securities & Investments Commission's Assetless Administration Fund are considered a separate arrangement involving a limited or partial funding agreement. Where higher fees are incurred than the amount covered by the funding agreement there is no restriction in the administration being charged for the shortfall on the basis that all remuneration claimed is necessary and properly incurred in accordance with the ARITA Code.

While the money received under the funding arrangement is not subject to creditor approval and can be paid directly to the practitioner, any shortfall must be appropriately approved in accordance with the Act prior to drawing. At this stage of the administration, no remuneration has been paid from external sources.

10. Report on Progress of the Administration

This remuneration approval report is to be read in conjunction with the accompanying report to creditors.

11. Summary of Receipts and Payments

There has been no receipts and payments in this administration to date.

12. Information Sheet

The information contained in this report is provided to assist creditors in assessing the appropriateness of the remuneration claimed. Creditors should not hesitate to contact my office to seek further information concerning the remuneration claim if they so need.

ARITA directs you to peruse a creditor information sheet titled "*Approving Fees: A guide for creditors*" that can be downloaded from the ARITA website at www.arita.com.au/insolvency-you/insolvency-explained/insolvency-fact-sheets or alternatively a copy can be obtained from me upon request.

13. Queries

In the event that you have any queries regarding the foregoing, then do not hesitate to contact Mr. Nick Blackley of my office on (02) 9232 3322 or by email at nblackley@obp.com.au.

DATED THIS 4TH DAY OF MARCH 2020


DANIEL FRISKEN
LIQUIDATOR

ANNEXURE “7”

Notice of Proposal Forms



NOTICE OF PROPOSAL TO CREDITORS

PURSUANT TO INSOLVENCY PRACTICE SCHEDULE (CORPORATIONS) 75-40

DURAL ALLIANCES PTY LTD (IN LIQUIDATION) ACN 620 742 994 ("the Company")

Proposal for creditor approval

"That the remuneration of the Liquidator and his staff for the period 5 February 2020 to 27 February 2020, be approved at an amount not to exceed \$3,811.50 inclusive of GST, such amount to be calculated on a time cost basis using the hourly rates as shown in the schedule of rates forming part of the remuneration approval report dated 3 March 2020, that may be increased at a rate not to exceed 5% at 1 July each year (rounded to the nearest \$5 multiple) and that the Liquidator be entitled to draw down the remuneration as he sees fit."

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

The impact of the proposal, if approved, is that once monies become available, it will be applied firstly against the costs of the administration thereby reducing the amount of monies available for distribution to creditors.

A liquidator/administrator is entitled to be remunerated for work undertaken in administering the winding up of the Company and is indemnified for such remuneration from the property of the Company. Further, a liquidator/administrator is afforded a statutory priority for his remuneration. If the proposal is not accepted, the liquidator may seek approval at a later stage.

Alternatively, and accordance with Division 60 of the Insolvency Practice Schedule (Corporations), if the remuneration of the liquidator is not fixed by the creditors, then the liquidator may seek approval by making an application to the Court. The cost of seeking such resolution, if approved by the Court, would be considered a priority cost in the liquidation thereby further reducing monies available for distribution.

Vote on proposal

Creditors have the option of approving, not approving or objecting to the proposal being resolved without a meeting of creditors. Please select the appropriate Yes, No or Object box referred to below:

- 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

Your claim against the Company must be admitted for the purposes of voting by the liquidator for your vote to count. 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: _____ ACN / ABN (if applicable): _____

I am not a related creditor of the Company.

I am a related creditor of the Company, relationship: _____

Address: _____

Name of creditor / authorised person: _____

Signature: _____ Date: _____

Please complete this document and return with any supporting documents by no later than **5:00pm on Wednesday, 25 March 2020** for your vote to be counted, by email to Mr Nick Blackley at nblackley@obp.com.au. If you have any questions please call (02) 9232 3322.

Completed forms may also be sent by post attention to Dural Alliances Pty Ltd (In Liquidation) at GPO Box 3385, Sydney NSW 2001, although you should ensure this is sent with sufficient time to arrive by the date the vote closes, which we cannot guarantee.



O'BRIEN
PALMER

INSOLVENCY & BUSINESS ADVISORY

NOTICE OF PROPOSAL TO CREDITORS

PURSUANT TO INSOLVENCY PRACTICE SCHEDULE (CORPORATIONS) 75-40

DURAL ALLIANCES PTY LTD (IN LIQUIDATION)
ACN 620 742 994 ("the Company")

Proposal for creditor approval

"That the remuneration of the Liquidator and his staff for the 28 February 2020 to finalisation, be approved at an amount not to exceed \$12,688.50 inclusive of GST, such amount to be calculated on a time cost basis using the hourly rates as shown in the schedule of rates forming part of the remuneration approval report dated 3 March 2020, that may be increased at a rate not to exceed 5% at 1 July each year (rounded to the nearest \$5 multiple) and that the Liquidator be entitled to draw down the remuneration as he sees fit."

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

The impact of the proposal, if approved, is that once monies become available, it will be applied firstly against the costs of the administration thereby reducing the amount of monies available for distribution to creditors.

A liquidator/administrator is entitled to be remunerated for work undertaken in administering the winding up of the Company and is indemnified for such remuneration from the property of the Company. Further, a liquidator/administrator is afforded a statutory priority for his remuneration. If the proposal is not accepted, the liquidator may seek approval at a later stage.

Alternatively, and accordance with Division 60 of the Insolvency Practice Schedule (Corporations), if the remuneration of the liquidator is not fixed by the creditors, then the liquidator may seek approval by making an application to the Court. The cost of seeking such resolution, if approved by the Court, would be considered a priority cost in the liquidation thereby further reducing monies available for distribution.

Vote on proposal

Creditors have the option of approving, not approving or objecting to the proposal being resolved without a meeting of creditors. Please select the appropriate Yes, No or Object box referred to below:

- 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

Your claim against the Company must be admitted for the purposes of voting by the liquidator for your vote to count. Please select the option that applies:



O'BRIEN
PALMER

INSOLVENCY & BUSINESS ADVISORY

- 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: _____ ACN / ABN (if applicable): _____

- I am not a related creditor of the Company.
- I am a related creditor of the Company, relationship: _____

Address: _____

Name of creditor / authorised person: _____

Signature: _____ Date: _____

Please complete this document and return with any supporting documents by no later than **5:00pm on Wednesday, 25 March 2020** for your vote to be counted, by email to Mr Nick Blackley at nblackley@obp.com.au. If you have any questions please call (02) 9232 3322.

Completed forms may also be sent by post attention to Dural Alliances Pty Ltd (In Liquidation) at GPO Box 3385, Sydney NSW 2001, although you should ensure this is sent with sufficient time to arrive by the date the vote closes, which we cannot guarantee.

NOTICE OF PROPOSAL TO CREDITORS

PURSUANT TO INSOLVENCY PRACTICE SCHEDULE (CORPORATIONS) 75-40

**DURAL ALLIANCES PTY LTD (IN LIQUIDATION)
ACN 620 742 994 ("the Company")**

Proposal for Creditor Approval of Disbursements

"It was resolved that the internal disbursements of the Liquidator and his staff for the period 5 February 2020 to finalisation, be approved at an amount not to exceed \$2,200.00 inclusive of GST, such amount to be calculated utilising the schedule of rates forming part of the remuneration approval report dated 3 March 2020, that may be increased at a rate not to exceed 5% at 1 July each year (rounded to the nearest \$5 multiple) and that the Liquidator be entitled to draw down payment in respect of such internal disbursements as he sees fit."

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

The impact of the proposal, if approved, is that once monies become available, it will be applied firstly against the costs of the administration thereby reducing the amount of monies available for distribution to creditors.

A liquidator/administrator is entitled to be remunerated for disbursements incurred in the winding up of the Company and is indemnified for such remuneration from the property of the Company. Further, a liquidator/administrator is afforded a statutory priority for his remuneration. If the proposal is not accepted, the liquidator may seek approval at a later stage.

If the proposal is not accepted, the liquidator may seek approval at a later stage.

Vote on proposal

Creditors have the option of approving, not approving or objecting to the proposal being resolved without a meeting of creditors. Please select the appropriate Yes, No or Object box referred to below:

- 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

Your claim against the Company must be admitted for the purposes of voting by the liquidator for your vote to count. 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: _____ ACN / ABN (if applicable): _____

- I am not a related creditor of the Company.
- I am a related creditor of the Company, relationship: _____

Address: _____

Name of creditor / authorised person: _____

Signature: _____ Date: _____

Please complete this document and return with any supporting documents by no later than **5:00pm on Wednesday, 25 March 2020** for your vote to be counted, by email to Mr Nick Blackley at nblackley@obp.com.au. If you have any questions please call (02) 9232 3322.

Completed forms may also be sent by post attention to Dural Alliances Pty Ltd (In Liquidation) at GPO Box 3385, Sydney NSW 2001, although you should ensure this is sent with sufficient time to arrive by the date the vote closes, which we cannot guarantee.

NOTICE OF PROPOSAL TO CREDITORS

PURSUANT TO INSOLVENCY PRACTICE SCHEDULE (CORPORATIONS) 75-35

**DURAL ALLIANCES PTY LTD (IN LIQUIDATION)
ACN 620 742 994 ("the Company")**

Proposal for creditor approval

"To authorise the Liquidator, pursuant to Section 542 of the Corporations Act 2001, to destroy, at his discretion, the books and records of the Company within a period of six months after deregistration of the Company, subject to the consent of the Australian Securities & Investments Commission."

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

The impact of the proposal, if approved, is that the Liquidator will be entitled to seek the consent of the Australian Securities & Investments Commission to destroy the books and records of the Company. If such approval is not obtained, then the Liquidator must retain the books and records of the company for a period of 5 years after deregistration of the Company.

If the Liquidator is required to store the books and records of the Company for a longer period, then he is entitled to retain monies to meet the costs of same which would reduce the amount of monies available for distribution to creditors as a dividend should such become payable.

Vote on proposal

Creditors have the option of approving, not approving or objecting to the proposal being resolved without a meeting of creditors. Please select the appropriate Yes, No or Object box referred to below:

- 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

Your claim against the Company must be admitted for the purposes of voting by the liquidator for your vote to count. 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



O'BRIEN
PALMER

INSOLVENCY & BUSINESS ADVISORY

Creditor details

Name of creditor: _____ ACN / ABN (if applicable): _____

I am not a related creditor of the Company.

I am a related creditor of the Company, relationship: _____

Address: _____

Name of creditor / authorised person: _____

Signature: _____ Date: _____

Please complete this document and return with any supporting documents by no later than **5:00pm on Wednesday, 25 March 2020** for your vote to be counted, by email to Mr Nick Blackley at nblackley@obp.com.au. If you have any questions please call (02) 9232 3322.

Completed forms may also be sent by post attention to Dural Alliances Pty Ltd (In Liquidation) at GPO Box 3385, Sydney NSW 2001, although you should ensure this is sent with sufficient time to arrive by the date the vote closes, which we cannot guarantee.

ANNEXURE "8"

Proof of Debt

FORMAL PROOF OF DEBT OR CLAIM (GENERAL FORM)

To the Liquidator of **DURAL ALLIANCES PTY LTD (IN LIQUIDATION)**
ACN 620 742 994

1. This is to state that the company was on 5 February 2020⁽¹⁾, and still is, justly and truly indebted to ⁽²⁾
(name) _____
of (address) _____
the sum of _____ dollars and _____ cents.

Particulars of the debt are:

Date	Consideration ⁽³⁾	Amount (incl. GST) \$	GST in Total \$	Remarks ⁽⁴⁾
------	------------------------------	--------------------------	--------------------	------------------------

2. To my knowledge or belief the creditor has not, nor has any person by the creditor's order, had or received any satisfaction or security for the sum of or any part of it except for the following:⁽⁵⁾

Date	Drawer	Acceptor	Amount \$	Due Date
------	--------	----------	--------------	----------

3.* 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, remains unpaid and unsatisfied.

3.* I am the creditor's agent authorised in writing to make this settlement in writing. I know that the debt was incurred for the consideration stated and that the debt, to the best of my knowledge and belief, remains unpaid and unsatisfied.

Signature: _____

Occupation: _____

Print Name: _____

Date: _____

* Do not complete if this proof is made by the creditor personally

¹ Date of resolution to appoint liquidator.

² Full name and address 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 State how the debt arose.

⁴ Include details of voucher substantiating payment.

⁵ Insert particulars of all securities held. If the securities are on the property of the company, assess the value of those securities. If any bills or other negotiable securities are held, show them in a schedule in the following form.

FOR OFFICE USE ONLY

Creditor No.	Proof No.	Date Entered.	Admitted/Rejected	Verified	Date.
--------------	-----------	---------------	-------------------	----------	-------

Comments: _____