



**SHERIDANS**  
CHARTERED ACCOUNTANTS

**ASPCON (WA) PTY LTD**  
(In Liquidation)  
ACN 601 474 033

**Report to Creditors**

**15 February 2019**

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### **Annexures**

- A Notice of Meeting of Creditors
- B Remuneration Report

### **Enclosures**

- (i) Proof of Debt or Claim form
- (ii) Appointment of Proxy form

## 1. Introduction

- 1.1 I refer to my Report to Creditors dated 21 September 2017.
- 1.2 As you are aware, I was appointed Liquidator of Aspcon (WA) Pty Ltd (“the company”) on 11 July 2017 pursuant to an order made by the Federal Court of Australia.
- 1.3 The purpose of this report is to provide creditors with an update on the progress of the liquidation and to call a meeting of creditors of the company to seek approval of the Liquidator’s remuneration.

## 2. Independence

- 2.1 Please refer to my Report to Creditors dated 21 September 2017 for information concerning my independence in this matter.
- 2.2 There have been no changes to my independence.

## 3. Receipts and payments

- 3.1 The following is a summary of receipts and payments in the liquidation to date:

	Amount \$
<b>Receipts</b>	
Cash at bank on appointment	6,004
Voidable transaction recovery	8,383
	14,387
<b>Payments</b>	
Petitioning creditor’s costs	1,443
Bank fees	100
Liquidator’s disbursements:	
Advertisements	188
Facsimiles	39
Postage	54
Printing and photocopying	102
Searches	174
Stationery	6
Storage	4
Telephone	17
	2,127
<b>Cash at bank</b>	<b>12,260</b>

#### 4. Assets

- 4.1 The company's director gave an estimate in his Report as to Affairs ("RATA") of potential realisations. Set out below is a comparison of this estimate with the Liquidator's estimate and actual realisations to date.

	Ref	RATA estimate \$	Liquidator's estimate \$	Liquidator's realisations to date \$
Cash at bank	4.2	6,004	6,004	6,004
Related entity loans	4.3	Nil	Unknown	Nil
		<b>6,004</b>	<b>Unknown</b>	<b>6,004</b>

#### 4.2 Cash at bank

- 4.2.1 The sum of \$6,004.32 was realised following the closure of the company's bank account with Bankwest.

#### 4.3 Pre-appointment debts

- 4.3.1 On review of the company's records, I noted amounts owed to the company by related entities, being Aspect Group (WA) Pty Ltd (In Liquidation) ("Group") and Aspect Security Pty Ltd (In Liquidation) ATF The Aspect Trust ("Security").
- 4.3.2 On 7 April 2017, Messrs Neil Cribb and Travis Kukura of RSM Australia were appointed Liquidators of Group and Security.
- 4.3.3 I have lodged Proofs of Debt in the sum of \$28,812 and \$432,073 with the Liquidators of Group and Security respectively. The Liquidators have indicated that a dividend will likely be made to creditors of Group. In preparation of a dividend being payable, I am undertaking a reconciliation of the amount owed to the company by Group.

#### 5. Secured creditors

- 5.1 I am not aware of any secured creditors of the company.

#### 6. Priority creditors

- 6.1 I am not aware of any priority creditors of the company.
- 6.2 If you were an employee of the company at the date that I was appointed, or you have previously been employed by the company, you may be a creditor of the company for any or all of the following debts: outstanding wages, annual leave, long service leave, pay in lieu of notice, redundancy and/or superannuation.
- 6.3 Please find enclosed a Proof of Debt or Claim form to enable priority creditors to lodge their claim against the company.

## 7. Unsecured creditors

- 7.1 According to the director's RATA, the company had one unsecured creditor, the Australian Taxation Office ("ATO").
- 7.2 The ATO has submitted a Proof of Debt in the sum of \$76,436.
- 7.3 I note that Group and Security may have claims against the company. However, I am not currently aware of any such claims.
- 7.4 Please find enclosed a Proof of Debt or Claim form to enable unsecured creditors to lodge their claim against the company.

## 8. Dividend

- 8.1 The likelihood of a dividend being paid to creditors will be affected by a number of factors including:
  - (i) The size and complexity of the administration.
  - (ii) The amount of assets realisable and the costs of realising those assets.
  - (iii) The statutory priority of certain claims and costs.
  - (iv) The value of various classes of claims including secured, priority and unsecured creditor claims.
  - (v) The volume of enquiries by creditors and other stakeholders.
- 8.2 At this stage, I consider it unlikely that a dividend will be paid to creditors of the company. However, I note that the likelihood of a dividend is heavily dependent on the quantum of the distributions, if any, received from the Liquidators of Group and Security.
- 8.3 If a dividend does become payable, creditors will be contacted prior to the dividend being paid and will be asked to lodge a Proof of Debt. This will formalise creditors' claims against the company.

## 9. Investigations

### 9.1 *Failure of the company*

- 9.1.1 From my investigations, I have determined that the failure of the company was caused by a significant reduction in revenue (likely due to economic conditions affecting Western Australia), failure to provide for taxation liabilities and caused by providing loans to related entities (Group and Security) instead of retaining the funds for working capital.

### 9.2 *Insolvent trading*

- 9.2.1 In the event that a company continues to trade while it is insolvent, a director may become personally liable for debts incurred by the company which remain outstanding as at the date of liquidation.

## 9. Investigations (cont.)

9.2.2 I have concluded that the company traded while insolvent from 1 January 2016. I note that nominal debts were incurred after the deemed date of insolvency. Therefore, I do not consider that an insolvent trading claim exists against the director of the company.

### 9.3 *Voidable transaction claim*

9.3.1 As previously advised, I sought repayment from the ATO of \$8,383, being the total amount improperly paid by a debtor of the company to the ATO as a result of an apparently invalid garnishee notice being issued.

9.3.2 On 1 February 2019, I received \$8,383 from the ATO. This matter has therefore been resolved.

### 9.4 *Preferences*

9.4.1 There is the potential for a Liquidator to recover payments to creditors that have been preferred over other creditors of the company within six months of the company's being placed into external administration. That is, if a creditor receives payment in preference to other creditors, the amount paid to that creditor is potentially recoverable by the Liquidator.

9.4.2 My investigation into whether any creditors have been preferred over other creditors is ongoing.

### 9.5 *Australian Securities and Investments Commission ("ASIC")*

9.5.1 On 19 January 2018 I submitted to ASIC a detailed account of my investigation into the company's affairs and the conduct of its director.

9.5.2 ASIC advised that it did not intend to commence any further action in relation to the conduct of the director.

## 10. Liquidator's remuneration

10.1 Please refer to Annexure B, Remuneration Report, for details of the Liquidator's remuneration.

10.2 At the upcoming meeting of creditors to be held on Friday, 1 March 2019, I will be seeking approval of my current unpaid and future remuneration.

10.3 I advise that no remuneration has been approved and paid to date.

*Balance of page intentionally left blank*

## 11. Meeting of creditors

11.1 I advise that a meeting of creditors of the company will be held at the offices of Sheridans, Chartered Accountants, Level 9, 40 St George's Terrace, Perth, Western Australia on Friday, 1 March 2019 at 11.00am. Accordingly, I enclose the following documents for creditors' attention:

1. Notice of Meeting of Creditors
2. Proof of Debt or Claim form
3. Appointment of Proxy form

11.2 Please note that unless you lodge a formal Proof of Debt or Claim form with me at this office, then, pursuant to Section 75-85 of the Insolvency Practice Rules (Corporations) 2016, you will not be entitled to vote at the meeting. The enclosed Proof of Debt or Claim form should be completed and returned to this office by no later than 4.00pm on Thursday, 28 February 2019.

11.3 Note that if you are representing a company and the company's constitution states that legal documents must be executed under Common Seal, you should ensure that the Appointment of Proxy form is sealed, otherwise you will not be entitled to vote at the meeting.

If you wish to discuss the above matters, please contact Shannon O'Connor or Sarah Marsegaglia of this office.

Yours faithfully



JENNIFER E. LOW  
Liquidator of  
Aspcon (WA) Pty Ltd

**ASPCON (WA) PTY LTD  
ACN 601 474 033  
(In Liquidation) (“the company”)**

Section 75-10(a)  
Insolvency Practice Schedule (Corporations)

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**NOTICE OF MEETING OF CREDITORS**

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Notice is given that a meeting of creditors of the company will be held at the offices of Sheridans, Chartered Accountants, Level 9, 40 St George’s Terrace, Perth, Western Australia on Friday, 1 March 2019 at 11.00am.

**AGENDA**

1. To receive a report from the Liquidator on the conduct of the liquidation.
2. To receive a statement of the receipts and payments for the period of the liquidation.
3. The creditors to consider, and if thought fit pass, a resolution to approve the remuneration of the Liquidator.
4. The creditors to consider, and if thought fit pass, a resolution to approve the future remuneration of the Liquidator.
5. Any other business that may be properly conducted.

*Creditors will not be entitled to vote at this meeting unless they have previously lodged particulars of their claim against the company in accordance with Section 75-85 of the Insolvency Practice Rules (Corporations) 2016 and that claim has been admitted for voting purposes wholly or in part by the Liquidator.*

Dated this 15<sup>th</sup> day of February 2019



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JENNIFER E. LOW  
Liquidator of  
Aspcon (WA) Pty Ltd



**ASPCON (WA) PTY LTD**  
**ACN 601 474 033**  
(In Liquidation) (“the company”)

**REMUNERATION REPORT**

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**1. Declaration**

I, Jennifer E. Low of Sheridans, Chartered Accountants, have undertaken a proper assessment of this remuneration claim for my appointment as Liquidator of Aspccon (WA) Pty Ltd in accordance with the law and applicable professional standards. I am satisfied that the remuneration claimed is in respect of necessary work, properly performed, or to be properly performed, in the conduct of the administration.

**2. Executive summary**

To date, no remuneration has been approved or paid in this administration.

This Remuneration Report details approval sought for the following fees:

Period	Report reference	Amount (excl. GST) \$
<b>Current remuneration approval sought:</b>		
Resolution 1: 11 July 2017 to 31 January 2019	3 - 5	28,781.10
Resolution 2: 1 February 2019 to conclusion of liquidation *	3 & 5	12,000.00
*Approval for the future remuneration sought is based on an estimate of the work necessary to complete the administration. Should additional work be necessary beyond what is contemplated, further approval may be sought from creditors.		

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

The remuneration approval sought does not materially differ to the estimate of costs provided in my Report to Creditors dated 21 September 2017, which estimated a cost to completion of the liquidation of \$40,000 (excl. GST).

### 3. Description of work completed

Resolution 1 - from 11 July 2017 to 31 January 2019

Task area	General description	Includes
<b>Assets</b> 28.0 hours \$7,606.70	Cash at bank	Correspondence regarding funds held in bank accounts. Receipt of cash at bank.
	Pre-appointment debts	Reviewing company records to determine pre-appointment debts. Correspondence with Liquidators of Aspect Group (WA) Pty Ltd and Aspect Security Pty Ltd regarding the quantum of the debts. Submitting Proofs of Debt in the liquidations. Reconciling amount owed to the company by Aspect Group (WA) Pty Ltd.
	Voidable transaction claim	Correspondence with Liquidators of Aspect Group (WA) Pty Ltd and Aspect Security Pty Ltd regarding the claim. Quantifying the claim. Prolonged correspondence with the ATO regarding the claim. Receipt of the claim.
<b>Creditors</b> 8.7 hours \$2,597.10	Creditor enquiries	Receiving and following up creditor enquiries via telephone. Maintaining creditor enquiry register. Reviewing and preparing correspondence to creditors and their representatives via facsimile, email and post.
	Creditor reports	Preparing meeting and general reports to creditors. Preparing 3-month statutory report to creditors.
	Dealing with Proofs of Debt	Receipting and filing Proofs of Debt when not related to a dividend. Correspondence with ATO regarding Proofs of Debt when not related to a dividend.
<b>Investigation</b> 33.9 hours \$10,648.50	ASIC reporting	Preparing statutory investigation reports. Liaising with ASIC.
	Conducting investigation	Collection and review of company's books and records. Reviewing and preparing history of the company. Conducting and summarising statutory searches. Preparing comparative financial statements. Reviewing specific transactions. Preparing investigation file.
<b>Administration</b> 35.1 hours \$7,928.80	ASIC forms and other forms	Preparing and lodging ASIC forms including 505, 524, 911 etc. Correspondence with ASIC regarding statutory forms.
	ATO and other statutory reporting	Notification of appointment. Preparing quarterly BAS.
	Bank account administration	Preparing correspondence opening bank account. Requesting bank statements. Bank account reconciliations.
	Books and records - storage	Dealing with records in storage. Sending job files to storage.
	Document maintenance	First month, then six-monthly administration reviews. Filing of documents. File reviews. Updating checklists.
	Insurance	Identification of potential issues requiring attention of insurance specialists.
	Planning/review	Discussions regarding status of administration.

### 3. Description of work completed (cont.)

Resolution 2 - from 1 February 2019 to the conclusion of the liquidation

Task area	General description	Includes
<b>Assets \$3,000</b>	Pre-appointment debts	Reconciling amount owed to the company by Aspect Group (WA) Pty Ltd. Liaising with the Liquidators of Aspect Group (WA) Pty Ltd and Aspect Security Pty Ltd regarding dividends to creditors. Receiving dividend.
<b>Creditors \$3,000</b>	Creditor enquiries	Receiving and following up creditor enquiries via telephone. Maintaining creditor enquiry register. Reviewing and preparing correspondence to creditors and their representatives via facsimile, email and post.
	Creditor reports	Preparing meeting and general reports to creditors.
	Dealing with Proofs of Debt	Receiving and filing Proofs of Debt when not related to a dividend. Correspondence with ATO regarding Proofs of Debt when not related to a dividend.
	Meeting of creditors	Preparing meeting notice, proxies and advertisement. Forwarding notice of meeting to all known creditors. Preparing meeting file, including agenda, certificate of postage, attendance register, list of creditors, reports to creditors, and minutes of meeting.
<b>Investigation \$3,000</b>	Conduct investigation	Finalising investigation into the company's affairs and the conduct of its officers. Reviewing specific transactions to determine if an unfair preference has been given. Further investigation into potential unfair preferences. Finalising investigation-related tasks.
<b>Administration \$3,000</b>	ASIC forms and other forms	Preparing and lodging ASIC forms including 505, 5602, 911 etc. Correspondence with ASIC regarding statutory forms.
	ATO and other statutory reporting	Preparing quarterly BAS.
	Bank account administration	Preparing correspondence closing bank account. Requesting bank statements. Bank account reconciliations.
	Books and records - storage	Dealing with records in storage. Sending job files to storage.
	Document maintenance	Six-monthly then final administration reviews. Filing of documents. File reviews. Updating checklists.
	Finalisation	Notifying ATO of finalisation. Cancelling ABN/GST/PAYG registration. Completing checklists.
	Planning/review	Discussions regarding status of administration.

#### 4. Calculation of remuneration

Calculation of remuneration in respect of resolution 1:

Employee	Position	\$ /hour (excl. GST)	Total Hrs	Total \$	Task area							
					Assets		Creditors		Investigation		Administration	
					Hrs	\$	Hrs	\$	Hrs	\$	Hrs	\$
J. E. Low	Liquidator	538	5.6	3,012.80	2.3	1,237.40	0.2	107.60	2.0	1,076.00	1.1	591.80
D. Blanchett	Senior Manager	381	17.1	6,515.10	1.4	533.40	1.4	533.40	11.5	4,381.50	2.8	1,066.80
S. O'Connor	Manager	301	43.2	13,003.20	13.7	4,123.70	5.6	1,685.60	13.3	4,003.30	10.6	3,190.60
M. Ledger	Senior 1	243	1.0	243.00	-	-	0.2	48.60	0.1	24.30	0.7	170.10
P. Nguyen	Intermediate 2	175	15.3	2,677.50	5.5	962.50	1.1	192.50	4.8	840.00	3.9	682.50
J. Don	Graduate	147	2.8	411.60	-	-	0.2	29.40	-	-	2.6	382.20
S. Marsegaglia	Graduate	147	8.2	1,205.40	5.1	749.70	-	-	2.2	323.40	0.9	132.30
A. Avery	Secretary	137	9.7	1,328.90	-	-	-	-	-	-	9.7	1,328.90
M. Francis	Secretary	137	2.8	383.60	-	-	-	-	-	-	2.8	383.60
<b>Total</b>			<b>105.7</b>	<b>28,781.10</b>	<b>28.0</b>	<b>7,606.70</b>	<b>8.7</b>	<b>2,597.10</b>	<b>33.9</b>	<b>10,648.50</b>	<b>35.1</b>	<b>7,928.80</b>
GST				2,878.11								
Total (incl. GST)				31,659.21								
Average hourly rate				272.29		271.67		298.52		314.12		225.89

#### Notes re prospective fees

- No calculation of remuneration spreadsheet is required in respect of the resolution regarding prospective fees.
- Sheridans' Scale of Fees is increased on 1 August each year in line with the CPI amount. Sheridans' current Scale of Fees is available from Sheridans' office on request.

## 5. *Statement of remuneration claim*

Creditors will be asked to consider the following resolutions:

1. That the Liquidator's remuneration calculated on the basis of time spent by the Liquidator and her staff, at the standard scale rates set by Sheridans for work of this nature, is hereby approved for the period 11 July 2017 to 31 January 2019 in the amount of \$28,781.10 plus GST.
2. That the Liquidator's future remuneration calculated on the basis of time spent by the Liquidator and her staff, at the standard scale rates set by Sheridans for work of this nature, be approved for the period 1 February 2019 to the conclusion of the liquidation to a limit of \$12,000 plus GST, and that the Liquidator be authorised to draw her fees on a monthly basis, or as required, beyond which further approval will be required in accordance with the Corporations Act 2001. The standard scale rates will be increased in accordance with the CPI at 1 August each year, rounded up to the nearest \$.

## 6. *Disbursements*

Disbursements are divided into three types:

- (i) Externally provided professional services - these are recovered at cost. An example of an externally provided professional service disbursement is legal fees.
- (ii) Externally provided non-professional costs such as travel, accommodation and search fees - these are recovered at cost.
- (iii) Internal disbursements such as photocopying, printing and postage. These disbursements, if charged to the administration, would generally be charged at cost, though some expenses such as telephone calls, photocopying and printing may be charged at a rate that recoups both variable and fixed costs. The recovery of these costs must be on a reasonable commercial basis.

I have undertaken a proper assessment of disbursements claimed for Aspcon (WA) Pty Ltd, in accordance with the law and applicable professional standards. I am satisfied that the disbursements claimed are necessary and proper. Creditor approval for the payment of disbursements was not required.

The following disbursements have been paid by the administration to my firm to 15 February 2019. Any amount paid to my firm for externally provided services and costs is in reimbursement of a cost previously paid by my firm either because of a lack of funds in the administration at the time the payment was due, or because my firm was directly invoiced by the supplier. All of the below transactions appear in the receipts and payments listing attached to this report as appointee disbursements. Where payments to third parties are paid directly from the administration bank account, they are only included in the attached listing of receipts and payments.

Disbursements paid	Basis	Total (excl. GST) \$
<b>Externally provided non-professional services</b>		
Advertising	Cost	187.95
Searches	Cost	173.60
Storage	Cost	3.72
<b>Internal disbursements</b>		
Facsimiles	Local: \$2.50 Interstate: \$4.00 International: \$4.00	39.00
Printing and photocopying	20 cents/page	101.60
Postage	Local and interstate: \$1.50 International: cost Other: cost	53.80
Stationery	Cost	6.00
Telephone	National calls (inc. mobile): \$1.00 International: cost	17.00
<b>Total</b>		<b>582.67</b>

**7. *Report on progress of the administration***

This Remuneration Report must be read in conjunction with the Report to Creditors dated 15 February 2019.

**8. *Summary of receipts and payments***

Refer to Section 3 of the Report to Creditors dated 15 February 2019 for a summary of the administration's receipts and payments.

**9. *Queries***

Should creditors have any queries or require any further information in relation to this Remuneration Report, please contact Shannon O'Connor or Sarah Marsegaglia of this office.

**10. *Information sheet***

An information sheet INFO 85 - "Approving fees: a guide for creditors" is available on ASIC's website at [www.asic.gov.au](http://www.asic.gov.au).

Further information regarding the basis of the proposed remuneration is available from Sheridans upon request, as well as detailed summaries of actual time spent on the various tasks.

Jennifer E. Low is a member of the Australian Restructuring Insolvency & Turnaround Association ("ARITA") and follows the ARITA code of Professional Practice. A copy of the code of practice may be found on the ARITA website at [www.ARITA.com.au](http://www.ARITA.com.au).

**ASPCON (WA) PTY LTD**  
**ACN 601 474 033**  
**(In Liquidation) ("the company")**

**PROOF OF DEBT OR CLAIM**

This is to state that the company was on 11 July 2017 and still is justly and truly indebted to \_\_\_\_\_ for:

\$ \_\_\_\_\_ and \_\_\_\_\_ cents

Date	Consideration (how the debt arose)	Amount \$	Remarks (include details of voucher substantiating payment)

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 or any part of it except for the following: *(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).*

Date	Drawer	Acceptor	Amount \$	Due date

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. ①

I am the creditor's agent authorised in writing to make this statement 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. ①

① *Delete both if this proof is made by the creditor personally. Otherwise, strike out or leave, as appropriate.*

**Please ensure this proof is signed for completion, before lodgement.**

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

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

**Name:** \_\_\_\_\_

**Occupation:** \_\_\_\_\_

**Creditor's address:** \_\_\_\_\_

I nominate to receive electronic notification of notices or documents in accordance with Section 600G of the Corporations Act 2001 at the following email address:

\_\_\_\_\_

ASPCON (WA) PTY LTD  
ACN 601 474 033  
(In Liquidation)

APPOINTMENT OF PROXY

\*I/\*we ❶ \_\_\_\_\_ of ❷ \_\_\_\_\_  
a creditor of Aspcon (WA) Pty Ltd appoint ❸ \_\_\_\_\_  
or in his or her absence \_\_\_\_\_ as \*my/\*our  
\*general/\*special proxy to vote at the meeting of creditors to be held on Friday, 1 March  
2019, or at any adjournment of that meeting and to vote ❹:

VOTING

To vote generally on all matters arising at the meeting: YES NO

AND / OR ALTERNATIVELY

To vote specifically in the following manner:

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | FOR                      | AGAINST                  | ABSTAIN                  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|
| 1. That the Liquidator's remuneration calculated on the basis of time spent by the Liquidator and her staff, at the standard scale rates set by Sheridans for work of this nature, is hereby approved for the period 11 July 2017 to 31 January 2019 in the amount of \$28,781.10 plus GST.                                                                                                                                                                                                                                                                                                                                   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. That the Liquidator's future remuneration calculated on the basis of time spent by the Liquidator and her staff, at the standard scale rates set by Sheridans for work of this nature, be approved for the period 1 February 2019 to the conclusion of the liquidation to a limit of \$12,000 plus GST, and that the Liquidator be authorised to draw her fees on a monthly basis, or as required, beyond which further approval will be required in accordance with the Corporations Act 2001. The standard scale rates will be increased in accordance with the CPI at 1 August each year, rounded up to the nearest \$. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

SIGNATURE

Signature \_\_\_\_\_

Signature ❺ of individual or person  
authorised ❻ by corporate resolution  
to represent the corporation.

Dated this \_\_\_\_ day of \_\_\_\_\_ 2019



## CERTIFICATE OF WITNESS

*This certificate is to be completed only where the person giving the proxy is blind or incapable of writing. The signature of the creditor, contributory, debenture holder or member must not be witnessed by the person nominated as proxy.*

I, \_\_\_\_\_ of \_\_\_\_\_  
certify that the above instrument appointing a proxy was completed by me in the presence of and at the request of the person appointing the proxy and read to him or her before he or she signed or marked the instrument.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2019

Signature of witness \_\_\_\_\_

Description \_\_\_\_\_

Place of residence \_\_\_\_\_

## NOTES

- \* Delete as applicable.
- 1. If a corporation, strike out "I" and set out the full name of the corporation.
- 2. Address of creditor.
- 3. Name, address and description of the person appointed.
- 4. If a special proxy add the words "to vote for" or "to vote against" and specify the particular resolution.
- 5. The signature of the creditor or member is not to be attested by the person nominated as proxy.
- 6. A corporation may only be represented by proxy or by an attorney appointed pursuant to Section 75-150 and Section 75-155 of the Insolvency Practice Rules (Corporations) 2016 respectively or by a representative appointed under Section 250D of the Corporations Act 2001. Copy of authority/power of attorney to be annexed.