



**SHERIDANS**  
CHARTERED ACCOUNTANTS

# **CENTURION CONCRETE CONTRACTORS PTY LTD**

(In Liquidation)  
ACN 143 806 571

## **Report to Creditors**

Section 70-40  
Insolvency Practice Rules (Corporations) 2016

**14 December 2022**

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Contents	Page
1 Introduction	3
2 Receipts and payments	3
3 Assets	3
4 Secured creditors	4
5 Priority creditors	5
6 Unsecured creditors	5
7 Dividend	6
8 Reasons for the company's failure	6
9 Inquiries undertaken to date	6
10 Further inquiries that may need to be undertaken	7
11 Possible recovery actions	7
12 What happens next?	8
13 More information	8

## Enclosure

- (i) Proof of Debt or Claim form

## 1. Introduction

- 1.1 I refer to my appointment as Liquidator of the company on 3 October 2022 and to my Initial information for creditors dated 14 October 2022.
- 1.2 The purpose of this report is to provide creditors with an update on the progress of the liquidation in accordance with Section 70-40 of the Insolvency Practice Rules (Corporations) 2016, and to advise creditors of the likelihood of a dividend being paid in the liquidation.

## 2. Receipts and payments

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

	\$
<b>Receipts</b>	
Cash at bank	223,627.28
<b>Payments</b>	
Bank charges	10.60
IT services	859.25
Liquidator's fees	33,896.91
Liquidator's disbursements:	
ASIC IF levy	177.00
Postage	2.20
RP Data	105.00
Searches	2.00
Stationery	43.29
Statutory advertising	32.00
Telephone	19.00
Travel & parking	253.65
GST (net)	3,535.63
	38,936.53
<b>Cash at bank as at 14 December 2022</b>	<b>184,690.75</b>

## 3. Assets

- 3.1 The company's director, Mr Ruggiero Ambrosino ("Mr Ambrosino"), gave an estimate in his Report on Company Activities and Property ("ROCAP") of potential realisations. Set out below is a comparison of this estimate with the Liquidator's estimate and actual realisations to date.

	Ref	ROCAP estimate \$	Liquidator's estimate \$	Liquidator's realisations to date \$
Cash at bank	3.2	223,627.28	223,627.28	223,627.28
Contingent assets	3.3	1,002,430.16	Unknown	Nil
Pre-appointment debts	3.4	715,727.79	Unknown	Nil
		<b>1,941,785.23</b>	<b>Unknown</b>	<b>223,627.28</b>

### 3. Assets (cont.)

#### 3.2 Cash at bank

3.2.1 The company held one bank account with Bankwest at the date of liquidation with a balance of \$223,627.28.

3.2.2 I have received the full balance of the account from Bankwest and the account has since been closed.

#### 3.3 Contingent assets

3.3.1 Mr Ambrosino disclosed contingent assets due to the company of \$1,002,430.16, comprised of variation claims relating to the company's various construction works.

3.3.2 I am currently determining the extent to which the variation claims are realisable and seeking legal advice where applicable.

#### 3.4 Pre-appointment debts

3.4.1 Mr Ambrosino listed six debtors of the company on his ROCAP, being head contractors and builders in relation to the company's construction works.

3.4.2 The company is owed amounts for billed and unbilled work-in-progress, retentions which are currently payable, and retentions which will become payable in the near future.

3.4.3 I am currently determining the extent to which the company's pre-appointment debts are collectable and seeking legal advice where applicable.

### 4. Secured creditors

4.1 According to a search of the Personal Property Securities Register ("PPSR") on 28 September 2022, the following security interests were registered against the company's ACN:

Secured party	Security interest	Comments
PS Structures Pty Ltd	AllPaaP (Other goods) Financial property	Validity of security interests not yet determined.

AllPaaP = All Present and after-acquired Property

4.2 I have not identified any related party secured creditors.

## 5. Priority creditors

- 5.1 To date, I have not identified any priority creditors of the company.
- 5.2 If you were an employee of the company at the date of liquidation, 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.
- 5.3 If you are owed accrued entitlements, you may be eligible for assistance under the Federal Government's Fair Entitlements Guarantee Act 2012 ("FEG"). For further information regarding FEG, please call the FEG hotline: 1300 135 040 or go to the website: [www.employment.gov.au/fair-entitlements-guarantee-feg](http://www.employment.gov.au/fair-entitlements-guarantee-feg). **Former employees have only 12 months from the date of liquidation to lodge a FEG claim and FEG has no discretion to extend this time.**
- 5.4 Please find enclosed a Proof of Debt or Claim form to enable any priority creditors who have not already done so to lodge their claim against the company. Note that any FEG claim must be lodged separately with FEG.

## 6. Unsecured creditors

- 6.1 According to Mr Ambrosino's ROCAP, the company had five unsecured creditors, whose claims totalled \$563,834.00.
- 6.2 On the basis of current information, I estimate that the total amount owed to unsecured creditors is \$563,834.00.
- 6.3 However, the current estimate does not include a claim from the Australian Taxation Office ("ATO") as the company had not lodged its BAS returns since 1 July 2020. I expect that there is an amount due to the ATO, the quantum of which is currently unknown.
- 6.4 I have identified one related party unsecured creditor, being Crown Construction Services Pty Ltd (In Liquidation) ATF Crown Construction Services Unit Trust ("Crown Construction Services"), who I estimate is owed \$171,624.00.
- 6.5 Please find enclosed a Proof of Debt or Claim form to enable any unsecured creditors who have not already done so to lodge their claim against the company.

## 7. Dividend

- 7.1 The likelihood that a dividend will be 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.
- 7.2 At this stage, I consider it likely that there will be a dividend payable to unsecured creditors of the company.
- 7.3 If a dividend is payable, creditors will be contacted prior to payment of the dividend and will be asked to lodge a Proof of Debt. This will formalise creditors' claims against the company.

## 8. Reasons for the company's failure

- 8.1 I note that company's business ceased to trade on 1 October 2022.
- 8.2 From my preliminary inquiries to date (see Section 9), I consider that the reasons for the company's failure are likely to be as follows:
- (i) Difficulties arising out of construction contracts including delays, cost increases and inability to collect amounts owed.
  - (ii) Poor strategic management of the business and cash flow.
  - (iii) Liquidation of the related entity, Crown Construction Services.

## 9. Inquiries undertaken to date

- 9.1 The following inquiries have been made to date:
- (i) Undertaking searches including a company search, PPSR search, vehicle search, director search and property search.
  - (ii) Contacting the Sheriff's Office to determine whether any recovery action has been undertaken on behalf of creditors.
  - (iii) Contacting the Child Support Agency and Workcover WA to determine the company's outstanding liabilities.
  - (iv) Contacting the Office of State Revenue and the ATO to determine the company's outstanding tax-related liabilities.
  - (v) Requesting that the ATO provide me with access to the company's taxation records via the Business Portal.
  - (vi) Attending the company's former premises.

## 9. Inquiries undertaken to date (cont.)

- (vii) Collecting and preparing a listing of the company's books and records.
- (viii) Reviewing the company's financial statements to determine whether there are any unaccounted-for assets and/or liabilities.
- (ix) Reviewing the ROCAP.
- (x) General inquiries of the company's director regarding assets and liabilities.
- (xi) Sending an initial notice to creditors, encouraging creditors to submit their claim against the company.
- (xii) Numerous construction site visits to assess work in progress.

## 10. Further inquiries that may need to be undertaken

10.1 I note the following further inquiries may need to be undertaken:

- (i) Extensive review of the company's books and records.
- (ii) Conducting an investigation into the company's affairs and the conduct of its officer.
- (iii) Determining whether there are any possible recovery actions (see Section 11).
- (iv) Lodging a report with ASIC detailing my investigation findings.
- (v) General inquiries of the company's director regarding assets and liabilities.
- (vi) Investigate and recover amounts owed to the company.
- (vii) Continue to liaise with my legal representatives regarding the above inquiries.
- (viii) Prepare further reports to provide creditors with updates of the liquidation.

10.2 If creditors are aware of a particular matter that requires investigation, please contact this office immediately.

## 11. Possible recovery actions

11.1 I have not yet determined any possible recovery actions but note that the most common recovery actions available to a liquidator are as follows:

- (i) Insolvent trading.
- (ii) Unfair preferences.
- (iii) Uncommercial transactions.
- (iv) Unfair loans.
- (v) Unreasonable director-related transactions.

## 12. What happens next?

- 12.1 I will proceed with the liquidation, including:
- (i) Realising the remaining assets.
  - (ii) Recovering any further available property.
  - (iii) Completing my investigations into the company's affairs.
  - (iv) Completing my reporting to the corporate insolvency regulator, ASIC.
- 12.2 I may write to creditors again with further information on the progress of the liquidation.

## 13. More information

- 13.1 Creditors can access information which may be of assistance on the following websites:
- (i) Sheridans at [www.sheridansac.com.au/downloads/](http://www.sheridansac.com.au/downloads/)
  - (ii) ARITA at [www.arita.com.au/creditors](http://www.arita.com.au/creditors)
  - (iii) ASIC at [www.asic.gov.au](http://www.asic.gov.au) (search for "insolvency information sheets")

If you wish to discuss the above matters, please contact Shaun Carrington or Nicholas D'Alesio of this office.

Yours faithfully



JENNIFER E. LOW  
Liquidator of  
Centurion Concrete Contractors Pty Ltd



**CENTURION CONCRETE CONTRACTORS PTY LTD**  
**(In Liquidation)**  
**ACN 143 806 571**  
**("the company")**

**PROOF OF DEBT OR CLAIM**

This is to state that the company was on 3 October 2022 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:

\_\_\_\_\_