

**Restaurant Physic Pty Ltd (In Liquidation)**  
**ACN 601 468 231**  
**ABN 35 601 468 231**  
**("the Company")**

Statutory Report to Creditors

26 February 2021

## 1. Information for Creditors

### 1.1. Liquidators appointment

Please read this report in conjunction with my previous reports issued to creditors dated 3 December 2018, 18 December 2018, 22 January 2019 and 22 December 2020.

As you were aware, Christian Sprowles and I were appointed as Deed Administrators on 21 January 2019.

As discussed in my report to creditors dated 22 December 2020, the Deed Proponent was unable to continue to make deed contributions as outlined in the Deed of Company Arrangement and as a result was unable to effectuate the Deed. A meeting of creditors was scheduled on 30 December 2020 whereby the creditors resolved to terminate the Deed and Christian Sprowles and I were appointed as Liquidators of the Company on the same day, being 30 December 2020.

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. A Declaration of Independence, Relevant Relationships & Indemnities ("DIRRI") accompanied the Report to Creditors dated 3 December 2018. My DIRRI remains unchanged and should creditors wish to obtain a copy, please contact Anny Ngo of my office.

There have been no circumstances whereby my independence has been compromised since my last report.

### 1.2. Purpose of this report

The purpose of this report is to:

- provide you with an update on the progress of the liquidation;
- seek creditor approval for the liquidator's remuneration and disbursements;
- seek creditor approval to compromise related party claims for the following:
  - MikeRest Pty Ltd of \$332,583 for \$33,000; and
  - KBM at Home Pty Ltd of \$61,269 for \$6,000; and
- advise you of the likelihood of a dividend being paid in the liquidation.

I am proposing to hold a meeting of creditors on **15 March 2021 at 10am** at my offices, **HoganSprowles, Level 9, 60 Pitt Street, Sydney NSW 2000** to consider the following proposals:

- Approval to compromise a debt owing to the Company;
- Approval of the Liquidators remuneration and disbursements; and

- Approval for the early destruction of Company books and records six (6) months after deregistration

Creditors are requested to complete the proof of debt form (“POD”) (attached as **Annexure D**) and return it to my office to submit their claim if not already done so. The rights of creditors in relation to the Liquidation can be found at **Annexure A**.

### 1.3. 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. Information regarding your rights as a creditor is provided in the information sheet included at **Annexure A**. This includes your right to:

- Make reasonable requests for a meeting;
- Make reasonable requests for information;
- Give directions to us;
- Appoint a reviewing liquidator; and
- To replace me as liquidator.

If you have leased the Company property, have a retention of title claim or hold a Personal Property Security in relation to the Company, please contact my staff as soon as possible.

I wish to draw to your attention to the special right to request a meeting in the first 20 business days of a creditors’ voluntary liquidation. If I receive a request for a meeting from at least 5% of known creditors that are not a related entity of Company, I am required to hold a meeting, as long as the request is reasonable. The details of whether a request is reasonable or not is included in the Information Sheet at **Annexure A**.

## 2. Update on administration

### 2.1 Company background & progress of administration

Below is a summary of the progress of the administration:

- At the meeting of creditors held on 28 December 2018, the creditors accepted the deed of company arrangement proposal and Christian Sprowles and I were appointed deed administrators of the company. The deed of company arrangement was executed on 21 January 2019.
- Since my appointment as the deed proponent (“MikeRest Pty Ltd”) has made payments required under the sale of business agreement and Deed of Company Arrangement totalling \$210,675 with an amount of \$143,125 remaining outstanding.
- The Deed of Company arrangement contributions has facilitated full payment of outstanding superannuation totalling \$128,800 as at the date of my appointment.
- In March 2020, Mike Rest Pty Limited was affected by the Covid-19 pandemic which forced the shut down of the business. Since March 2020, MikeRest ceased operations and has not reopened due to the uncertainty of the current circumstances and the restrictions

implemented by the NSW Government. We understand that the business had reopened on 22 February 2021.

- On 22 December 2020, the deed proponent, MikeRest Pty Ltd advised they were no longer in a position to meet the terms of the deed and accordingly, the Deed of Company Arrangement (“DoCA”) was terminated, and Christian Sprowles and I were appointed liquidators on 30 December 2020.
- Upon appointment the Company had three employees who have been terminated.
- We have since received access to the Company’s management accounts. Based on my initial investigations I have identified a number of potential recoveries available to the liquidator. This is discussed below in section 2.2 of this report.

### 3. Estimated Position Statement

I provide below a summary of the estimated position if the company has been placed into liquidation on 28 December 2018 (no return to unsecured creditors) to the current forecast high and low liquidation positions.

Estimated Position	Liquidation as at 28 Dec 2018 (c/\$)	Liquidation as at 30 Dec 2020	
		High (c/\$)	Low (c/\$)
Return to priority creditors	63	100	100
Return to unsecured creditors	NIL	6.83	NIL

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We provide below the current estimated position:

Estimated Position Statement	Notes	ROCAP as at 30/12/20	Book value	Liquidation	Liquidation
				ERV Low \$	ERV High \$
<b>Assets</b>					
Cash at Bank				4,870	4,870
Trading Profits/Losses				30,121	30,121
Deed Contribution				210,675	210,675
ATO Support	1			10,800	10,800
<b>Administrators Costs</b>					
Administrators Fees & disbursements	2			(104,370)	(104,370)
Legal Fees				(19,073)	(19,073)
Agents/Valuers fees				(4,223)	(4,223)
<b>Dividend</b>					
Employee Superannuation				(128,800)	(128,800)
<b>Balance of cash at bank</b>			-	0	0
<b>Future fees</b>					
Balance of DoCA Fees	2			1,068	1,068
Liquidators (to be approved)				100,000	50,000
Legal Fees & disbursements				60,000	5,000
<b>Total cost of liquidation</b>				<b>(161,068)</b>	<b>(56,068)</b>
<b>Future Recoveries</b>					
ATO Subsidy	3			7,200	7,200
Unfair preference - ATO			116,401	93,121	116,401
Loan - Mike McEearney			123,645	TBC	TBC
MikeRest Pty Ltd		332,583	332,583	-	33,000
Loan - KBM at Home Pty Ltd		61,269	61,269	-	6,000
		<b>393,852</b>	<b>633,897</b>	<b>100,321</b>	<b>162,601</b>
<b>Total available to Priority Unsecured Creditors</b>		<b>393,852</b>	<b>633,897</b>	<b>(60,748)</b>	<b>106,533</b>
<b>Creditors</b>					
Priority Creditors - Superannuation	4	23,327	23,327	16,890	16,890
Priority Creditors - Annual Leave		16,805	16,805	10,462	10,462
		<b>40,132</b>	<b>40,132</b>	<b>27,352</b>	<b>27,352</b>
<b>Balance to Unsecured Creditors</b>	5	<b>353,720</b>	<b>593,765</b>	<b>(88,100)</b>	<b>79,181</b>
DoCA creditors (124)			779,267	779,267	779,267
ATO (Post DOCA)		124,350	124,350	124,350	124,350
Related Parties			256,035	256,035	256,035
		124,350	1,159,652	1,159,652	1,159,652
<b>Cents in the Dollar</b>				<b>Nil</b>	<b>6.83</b>

## Notes

### Note 1 Cash at Bank

I have received \$10,800 in the liquidator's account being the cashflow boost funding from the ATO, provided to assist businesses during Covid. My enquiries indicate there is an account with Westpac. I have not received a response to confirm the balance in the account however it is likely minimal.

### Note 2 Liquidators' Costs & Future fees

There are currently insufficient funds to cover my deed administrators' fees of \$1,068. I estimate the cost of the liquidator's to be between \$50,000 and \$100,000 in a low and high case scenario. I am seeking approval of \$50,000 at the meeting of creditors. Please refer to section 8 regarding my fees.

### Note 3 Future Recoveries

Please refer to section 3.1 for further commentary.

### Note 4 Priority Creditors (Employee Entitlements) Distribution

A review of the books and records of the Company reveal there were three (3) employees at the date of my appointment as liquidators that are owed \$30,360 in superannuation and \$10,462 in annual leave entitlements. This includes the capped amounts available to the related party, being the director for \$2,000 in superannuation and \$1,500 in leave entitlements. The balance of the director's entitlements ranked as an unsecured claim in the liquidation.

Based on the estimated position, priority creditors will receive a return of 100 cents in the dollar.

### Note 5 Unsecured Creditors

My investigations to date have revealed the following unsecured creditors:

Creditors	Amount (\$) Prior to Voluntary Administration	Amount (\$) Post Voluntary Administration	Amount (\$) Total
ATO	395,676.69	124,349.84	520,026.53
Trade Creditors	383,590.04	-	383,590.04
Related Party Unsecured claim	243,255.12	12,780.17	256,035.29
			<b>1,159,651.86</b>

Please be aware, all unsecured creditors will rank equally.

## 3.1 Recoveries available to the Liquidator

A brief summary of the potential recoveries and claims are outlined below.

### Unfair Preference against the Australia Taxation Office ("ATO") - \$116,401

Unfair preferences are transactions between the Company and a creditor resulting in the creditor receiving more than the creditor would receive if the transactions were set aside and the creditor was to prove for this amount in the winding-up. Voidable transactions must have taken place in the period beginning six (6) months prior to the relation back day and ending on the date of liquidation.

Based on the Company books and records, the ATO received multiple payments during the relation-back period (30 May 2018 to 29 November 2018) totalling \$116,401. I am not aware of any defences that may be available to the ATO and the transactions are likely recoverable.

I am in the process of submitting my application to the ATO to commence recovery of the unfair preference claim.

### **Director Loan - \$80,321**

The Company records detail an amount of \$123,645 is payable by the director to the Company. I have been made aware that the director is claiming that this amount is not outstanding on the basis that the loan related to unpaid wages and expenses incurred for the benefit of the Company and not a loan to the director. My preliminary review confirms the director is entitled to an offset of \$43,324.

I am seeking further information from the Director in relation to this claim.

### **Claim against Mike Rest – \$332,583**

The claim against MikeRest relates to the following:

1. An amount of \$143,125 that remains outstanding in relation to the sale of business executed on 21 January 2019.
2. From 21 January 2019 the Company outsourced its employees to Mike Rest with a loan account currently outstanding of \$188,958.

I have obtained an offer of \$33,000 from MikeRest to compromise this outstanding claim. I am seeking creditors approval under section s477(2A) of the Corporations Act to accept this offer.

I have reviewed the management accounts of MikeRest which records a net asset deficiently and losses from the date of incorporation. The operations are currently closed due to COVID and it is uncertain whether the company will be profitable in the future.

I further note that the ASIC company extract and balance sheet details a secured loan for an amount of \$480,000. As such should formal action be undertaken our claim would rank behind this secured creditor claim and any return would likely be minimal if any.

### **Related Party Loan – KBM at Home Pty Ltd - \$61,269**

The Company outsourced its employees to KBM at Home. Based on the Company books and records, KBM at Home owes the Company \$61,269.

I have reviewed the management accounts of KBM at Home which records a net asset deficiently and losses from the date of incorporation. The operations are currently closed due to COVID and it is uncertain whether the company will be profitable in the future. As such it is our view should formal recovery action be undertaken any return would likely be minimal if any.

I have obtained an offer of \$6,000 from KBM at Home Pty Ltd to compromise this outstanding claim. We are seeking creditors approval under section s477(2A) of the Corporations Act to accept this offer. Based on my investigations I am of the view that should formal recovery action be taken it is likely any return would be less than the amount offered.

### **Unfair preference against Ausvance LLC - \$29,673.75**

In my Report to Creditors dated 18 December 2018 pursuant to section 439A of the Act, I had indicated there may be a claim against Ausvance LLC (aka Capify) totalling \$29,673.75. However, the claim is likely to be uncommercial to pursue given the payments were made consistently on a daily basis of \$471 since the loan was provided and I do not have sufficient evidence to prove Capify would have reasonably been aware of the company's solvency position.

### **Related party transactions to Richard Enthovan - \$43,845.92**

Richard Enthovan is a shareholder of the Company and loaned \$150,000 on 19 April 2018. During the relation-back period, the total amount repaid to Mr Enthovan was \$43,845.92. The accounts indicate there was no interest payable on the loan and \$576.92 was consistency being paid on a daily basis.

At this stage I do not have sufficient evidence to establish the loan was unreasonable.

### **Insolvent Trading Claim**

Section 588G of the Act provides that a company's director(s) has a duty to protect the company from incurring debt when there are reasonable grounds for suspecting that the company will be unable to pay its debts as and when they fall due. Section 588M of the Act provides that a Liquidator is able to recover 'damages' from the director(s) of an insolvent company, in an amount equal to the loss or damage suffered by the company as a result of a breach of duty.

Section 95A(1) of the Corporations Act 2001 provides a definition of a solvent entity as follows:

*"A person is Solvent if, and only if, the person is able to pay all of its debts, as and when they become due and payable"*

An insolvent entity is defined under Section 95A(2) of the Corporations Act 2001 as:

*"A person which is not Solvent is Insolvent"*

Please refer to my previous report to creditors dated 18 December 2018 in relation to the potential insolvent trading claim at the date of my appointment as voluntary administrators, being 29 November 2018.

My comments below are based on my preliminary investigations in relation to the insolvent trading claim post my appointment as liquidators on 30 December 2020.

Based on the above definition of insolvency, it is our opinion the Company may have traded whilst insolvent from July 2019. Albeit, the Director has defences against an insolvent trading claim. There are several defences available to a director pursuant to section 588FGB of the Act include:

- if it is provided that, at the payment time, the person had reasonable grounds to expect, and did expect, that the company was solvent at that time and would remain solvent if it made the payment;
- had reasonable grounds to believe, and did believe:
  - that a competent and reliable person (*the other person*) was responsible for providing to the first-mentioned person adequate information about whether the company was solvent; and
  - that the other person was fulfilling that responsibility.
- expected, on the basis of information provided to the first-mentioned person by the other person, that the company was solvent at that time and would remain solvent even if it made the payment.



- because of illness or for some other good reason, the person did not take part in the management of the company at the payment time.
- the person took all reasonable steps to prevent the company from making the payment; or there were no such steps the person could have taken.

When making my assessment of the Company's insolvency I would also consider the common law principles, some of which include:

- Whether or not a company is insolvent for the purposes of the Corporations Act, ss95A, 459B, 588FC or 588G(1)(b) is a question of fact to be ascertained from the consideration of the company's financial position taken as a whole.
- In considering the company's financial position, the court must have regard to the commercial realities. Commercial realities will be relevant in considering what resources are available to the company to meet its liabilities as they fall due, whether the resources other than cash are realisable by sale or borrowing upon security, and when such realisation are achievable.
- The conclusion of insolvency ought to be clear from a consideration of the debtor's financial position in its entirety and generally speaking ought not to be drawn simply from evidence of temporary lack of liquidity. It is the debtor's inability, utilising such cash resources as he has or can command through the use of his/her assets, to meet his/her debts as they fall due which indicates insolvency.

On 24 March 2020, the Coronavirus Economic Response Package Omnibus Bill 2020 was implemented and specifically section 588GAAA was introduced into the *Corporations Act 2001* granting temporary relief for financially distressed businesses. This amendment provides relief for directors from potential personal liability for insolvent trading during the Covid-19 period being 24 March 2020 to 31 December 2020.

After examining the financial information and the Company's background, the Director may have the following defences to an insolvent trading claim:

- The recovery of debtors;
- The availability of funding from third parties.

Given the above it is not unreasonable for the Director to believe the Company may be able to pay its outstanding liabilities by raising capital externally.

Further investigations are required to determine the quantum of any claim and whether it will be commercial for the liquidator to pursue. In addition, an insolvent trading claim can only materialise if the Director has personal assets. Based on my preliminary investigations into the personal asset position of the Director, I do not believe it will be commercial for a Liquidator to pursue an insolvent trading claim.

For general information about insolvent trading, please refer to the Creditor Information Sheet – S439A reports contained within the Code of Professional Conduct on the ARITA website at [www.arita.com.au](http://www.arita.com.au).

## 6.5 Breach of Directors' Duties

Section 180 to 183 of the Act sets out duties and powers of directors and officers of a company to enable Directors act in the interest of the Company. The duties include:

- Section 180 – Care and Diligence
- Section 181 – Good Faith
- Section 182 – Use of Position
- Section 183 – Use of Information
- Section 184 – Good Faith, Use of Position and Use of Information – Criminal Offences

Based on my preliminary investigations, I have not identified any breaches of director's duties.

## 2.4 Books and records

I have collected company books and records from the Director and other third parties during my appointment as voluntary administration and as liquidator of the Company which was discussed in my previous report.

I am of the view that the Company's books and records were kept in a manner that complies with Section 286 of the Act.

## 2.5 Reasons for Failure

Based on my preliminary investigations into the Company's trading history, it appears that the Company's failure was attributed to Covid-19 pandemic which saw a reduction in foot traffic and consequently inability to meet its obligations.

## 4. Report on Company Activities and Property ("ROCAP")

The Act requires the director and secretary to comply and provide to the liquidator a ROCAP, detailing the financial position of the Company at the date of our appointment. The director has provided a completed ROCAP during our appointment as administrators and was lodged with ASIC on 18 December 2018. Subsequently, we have received an updated ROCAP as at the date of the liquidation, being 30 December 2020. I have provided a summary of the estimated realisable value in section 3 of this report.

## 5. Financial Analysis

At the date of this report, I have obtained the following information which I have based my preliminary investigations on:

- Management accounts from FY18 to FY21 YTD kept on XERO.
- Information provided by the ATO.
- Management accounts for MikeRest Pty Ltd and KBM at Home Pty Ltd for FY19 and FY20.
- ASIC personal and corporate searches

- Assistance from the director.

Detailed below are the Company's historical financial statements for the period FY18 to FY21 YTD.

## 5.1 Profit & Loss

I make the following comments on the Company's accounts:

- The company entered into voluntary administration and subsequently deed of company arrangement during FY19.
- An adjusted net position without the DoCA write off and government assistance through Jobkeeper and cashflow boost, indicated the Company was loss making.
- The management fees were incurred through outsourcing their employees to related entity, MikeRest.

Profit and Loss Statement	FY19	FY20	FY21
	Mgt	Mgt	as at 30/12/20
	\$	\$	
<b>Income</b>			
Management fees	235,985	391,452	126,040
Workers Compensation	0	1,553	0
<b>Total Income</b>	<b>235,985</b>	<b>393,005</b>	<b>126,040</b>
<b>Gross Profit</b>	<b>235,985</b>	<b>393,005</b>	<b>126,040</b>
<b>Gross Margin</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
Other Income - DOCA Write off	629,618	-	-
Other Income - Cashflow boost & jobkeeper	-	43,960	92,932
<b>Total Other Income</b>	<b>629,618</b>	<b>43,960</b>	<b>92,932</b>
<b>Operating Expenses</b>			
Accounting/Bookkeeping Fees	-	300	300
Bank fees	267	1	60
Consulting fees	12,000	30,000	-
Interest Expense	3	4,162	3,355
Superannuation	20,474	33,071	10,396
Wages and Salaries	215,511	364,898	110,109
Other operating expenses	-	291	273
<b>Total Operating Expenses</b>	<b>248,255</b>	<b>432,722</b>	<b>124,493</b>
<b>Net Profit</b>	<b>617,348</b>	<b>4,243</b>	<b>94,479</b>
<b>Adjusted Net Profit</b>	<b>(12,270)</b>	<b>(39,717)</b>	<b>1,547</b>

## 5.2 Balance Sheet

I make the following comments on the Company's balance sheet based on the Company's management accounts from FY19 to YTD21:

- The net asset value decreased from \$7.5k in FY19 to \$3.3k in FY21.
- Increased in trade receivables was due to the outsourcing of the employees to MikeRest.
- The company was unable to meet its tax liabilities due to the inability to collect the related party debtors.

Comparative Balance Sheet	Management FY19	Management FY20	Management YTD 21 up to 30/12/20
	\$	\$	\$
<b>Current Assets</b>			
Trade Receivables	40,477	157,259	205,084
Loan - KBM at Home Pty Ltd	-	-	34,816
<b>Total Current Assets</b>	<b>40,477</b>	<b>157,259</b>	<b>239,900</b>
<b>Non Current Assets</b>			
Loan - MikeRest Pty Ltd	4,442	10,174	10,326
<b>Total Non Current Assets</b>	<b>4,442</b>	<b>10,174</b>	<b>10,326</b>
<b>Total Assets</b>	<b>44,919</b>	<b>167,433</b>	<b>250,227</b>
<b>Current Liabilities</b>			
Trade Payables	13,200	33,000	-
Wages Related Payables	-	3,960	-
Current Tax Liabilities	12,984	3,938	11,170
Superannuation Payable	12,111	33,071	30,360
<b>Total Current Liabilities</b>	<b>38,295</b>	<b>73,968</b>	<b>41,529</b>
<b>Current Non Liabilities</b>			
Tax liability	14,183	96,781	117,535
<b>Total Non Current Liabilities</b>	<b>14,183</b>	<b>96,781</b>	<b>117,535</b>
<b>Total Liabilities</b>	<b>52,478</b>	<b>170,749</b>	<b>159,064</b>
<b>Net Assets</b>	<b>(7,559)</b>	<b>(3,316)</b>	<b>91,163</b>

## 6. Meeting of creditors

The fourth meeting of creditors is to be held at the offices of HoganSproles at Level 9, 60 Pitt Street, Sydney NSW on Monday, 15 March 2021 at 10:00am.

The purpose of the fourth meeting of creditors is to discuss the Company's affairs and to seek approval from creditors for the compromise of related party debts.

In respect of the meeting please find enclosed the following:

- Annexure B - Form 529 – Notice of Meeting and Agenda
- Annexure C - Form 532 – Appointment of Proxy
- Annexure D - Form 535 – Proof of Debt Form

In order to receive this report and any future reports and/or notices via email or facsimile, rather than by regular post, please provide your contact details on the enclosed Proof of Debt form.

Telephone *facilities will be available. Please contact my office to obtain these details and note your attendance.*

## 7. What happens next?

I will proceed with the liquidation, including, but not limited to:

- Hold a meeting of creditors
- Reporting to the corporate insolvency regulator, the Australian Securities and Investments Commission ("ASIC");
- Commence recovery actions pursuant to voidable transactions that have been identified and available to the liquidators;
- Continue my investigations into the affairs of the Company (if applicable);
- Declare a dividend distribution to creditors (if applicable);
- Any other matters relevant to the liquidation.

If I receive a request for a meeting that complies with the guidelines set out in the ARITA information sheet "Creditors Rights in Liquidation as attached at **Annexure A**, I will hold a meeting of creditors.

I expect to have completed this liquidation within six to nine months subject to any pursue of recoveries.

## 8. Costs of the Liquidation

Below is a summary of my remuneration to date:

Appointees Fees (Exclusive of GST)	Approved (\$)	Incurred (\$)	Taken (\$)
<b>Voluntary Administration</b>			
29 November 2018 to 21 January 2019	75,000	142,027	75,000
<b>Deed of Company Arrangement</b>			
21 January 2019 to 9 December 2020	20,000	17,373	18,932

I have included at **Annexure E**, the liquidator's Remuneration Report. This document provides you with information about how I propose to be paid for undertaking the liquidation.

At the forthcoming meeting, I am seeking approval of our proposed remuneration as follows:

- Approve current remuneration of the Liquidators for \$23,000 exclusive of GST;
- Approve future remuneration of the Liquidators for \$27,000 exclusive of GST;
- Approve the future disbursements of the Liquidators for \$2,000 exclusive of GST;

I am also seeking the approval of the following:

- Destruction of the Company's books and records 6 months after the approval and deregistration of the company.

I have not been indemnified my fees and are reliant on recoveries during the liquidation to meet my remuneration.

## 9. Where can you get more information?

The Australian Restructuring Insolvency and Turnaround Association ("ARITA") provides information to assist creditors with understanding liquidations and insolvency.

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

- ARITA at [www.arita.com.au/creditors](http://www.arita.com.au/creditors)
- ASIC at [www.asic.gov.au](http://www.asic.gov.au) (search for "insolvency information sheets").

If you have any queries or have any information to support the liquidation you can contact my office and speak with Anny Ngo on 02 8020 5853 or via email on [anny@hogansproles.com.au](mailto:anny@hogansproles.com.au).

Dated: 26 February 2021

**Restaurant Physic Pty Ltd (In Liquidation)**



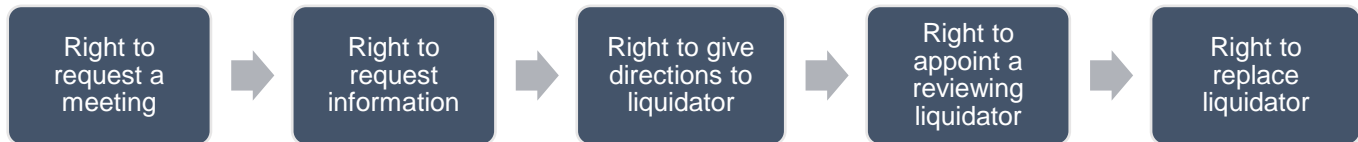
Michael Hogan  
**Liquidator**

**Attachments**

- Annexure A Information Sheet - Creditor Rights in Liquidation
- Annexure B Notice of Meeting
- Annexure C Proxy Form
- Annexure D Proof of Debt form
- Annexure E Liquidator's Remuneration Report

# 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.



## 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.

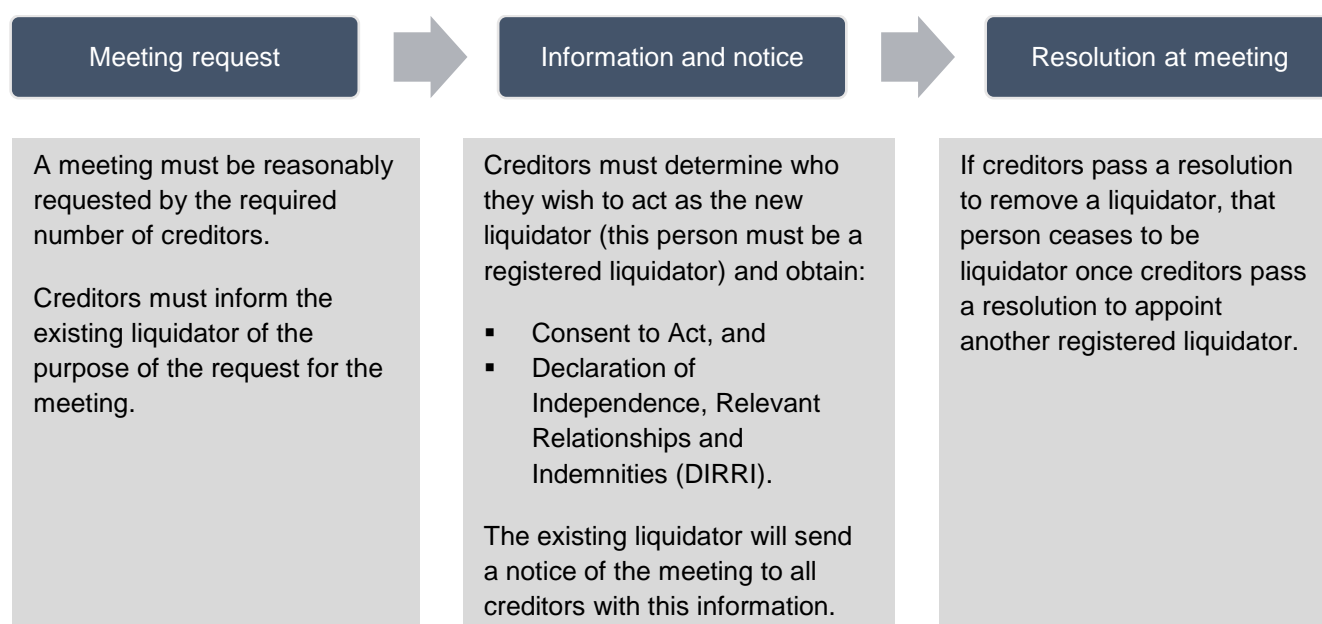
The cost of the reviewing liquidator is paid from the assets of the liquidation, in priority to creditor claims.

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](http://www.arita.com.au/creditors)**

FORM 529

CORPORATIONS ACT 2001  
Section 439A  
Insolvency Practice Rules (Corporations)  
75-10, 75-15 & 75-20

NOTICE OF MEETING OF CREDITORS

Restaurant Physic Pty Ltd  
(In Liquidation)  
ACN 601 468 231 ("the Company")

NOTICE IS GIVEN that the meeting of the creditors of the Company will be held at **the offices of HoganSprowles at Level 9, 60 Pitt Street, Sydney NSW on Monday, 15 March 2021 at 10:00AM.**

AGENDA

1. To receive and consider a report from the external administrators
2. For creditors to resolve:
  - a) Compromise the debt of related parties
3. To fix or determine the remuneration of the external administrators
4. To fix or determine the future remuneration of the external administrators
5. To fix or determine the disbursements of the external administrators
6. To consider the early destruction of books and records
7. To consider any other business that may be brought before the meeting.

Telephone conference facilities will be available at the meeting. The telephone number to call is (02) 8077 0507 and access code 939227. Please note that under Insolvency Practice Rules (Corporations) (IPR) 75-35:

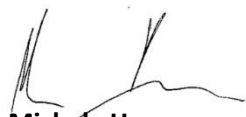
- a) A person, or the proxy or attorney of a person, who wishes to participate in the meeting by telephone must give to the convener, not later than the second last working day before the day on which the meeting is to be held, written statement setting out:
  - (i) the name of the person and of the proxy or attorney (if any); and
  - (ii) an address to which notices to the person, proxy or attorney may be sent; and

- (iii) a method by which the person, proxy or attorney may be contacted for the purposes of the meeting.
- b) A person, or the proxy or attorney of a person, who participates in the meeting by telephone must pay any costs incurred by the person, proxy or attorney in participating and is not entitled to be reimbursed for those costs from the assets of the Company.

Proxies to be used at the meeting should be given to me as Joint and Several Administrator and to the person named as convening the meeting. A creditor can only be represented by proxy or by an attorney pursuant to IPR 75-150 & 75-155 and if a body corporate by a representative appointed pursuant to Section 250D.

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 IPR 75-85 and that claim has been admitted for voting purposes wholly or in part by the Joint and Several Administrators.

Dated this **26<sup>th</sup> day of February 2021**



**Michale Hogan**  
Joint & Several Deed Administrator

HoganSprowles Pty Ltd,  
Level 9, 60 Pitt Street, Sydney NSW 2000

APPOINTMENT OF PROXY  
CREDITORS MEETING**Restaurant Physic Pty Ltd  
(In Liquidation)  
A.C.N. 601 468 231**

*I/*We <sup>(1)</sup>	
Of (address)	
being a creditor of the Company, appoint <sup>(2)</sup> or in his or her absence	
to vote for me/us on my/our behalf at the meeting of creditors to be held on 15 March 2021 or at any adjournment of that meeting.	

Please mark any boxes with an Proxy Type:  General  Special

	For	Against	Abstain
<b>Resolution 1</b> The Liquidators are authorised to compromise the debts of the Company owed by related companies MikeRest Pty Ltd and KBM @ Home Pty Ltd	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Resolution 2</b> That the remuneration of the Liquidators, their partners and staff, calculated at the hourly rates as detailed in the report to creditors dated 26 February 2021, for the period from commencement of the liquidation to 25 February 2021, is fixed and approved to a maximum cap of \$23,000 plus GST, to be drawn only when incurred on a monthly basis or as required. Should a lesser amount be incurred, only the lesser amount will be drawn. Should a greater amount be incurred, further approval from creditors may be sought.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Resolution 3</b> That the remuneration of the Liquidators, their partners and staff, calculated at the hourly rates as detailed in the report to creditors dated 26 February 2021, for the period from 26 February 2021 to completion of the liquidation, is fixed and approved to a maximum cap of \$27,000 plus GST, to be drawn only when incurred on a monthly basis or as required. Should a lesser amount be incurred, only the lesser amount will be	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

drawn. Should a greater amount be incurred, further approval from creditors may be sought.			
<b>Resolution 4</b> That the internal disbursements of the Liquidators for the period from the commencement of the liquidation to the conclusion of the liquidation at the rates outlined in the Remuneration Approval Report dated 18 December 2018 be capped at the amount of \$2,000 plus GST and can be drawn by the Liquidators as required.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Resolution 5</b> That subject to obtaining the approval of the Australian Securities and Investments Commission under Section 542(4) of the Corporations Act 2001, the books and records of the Company and of the liquidation be disposed of by the Liquidators six months after the dissolution of the Company or earlier at the discretion of the Australian Securities and Investments Commission.			

DATED this                                      day of                                      2021.

\_\_\_\_\_  
Signature

CERTIFICATE OF WITNESS

This certificate is to be completed only if 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:

Signature of Witness:

Description:

Place of Residence:

\* Strike out if inapplicable

(1) If a firm, strike out "I" and set out the full name of the firm.

Insert the name, address and description of the person appointed.

INFORMAL PROOF OF DEBT FORM

Regulation 5.6.47

**Restaurant Physic Pty Ltd (In Liquidation)**  
**A.C.N. 601 468 231 ("the Company")**

Name of creditor: .....

Address of creditor: .....

.....

ABN: .....

Telephone number: .....

Amount of debt claimed: \$..... (including GST \$ .....) )

Consideration for debt (i.e, the nature of goods or services supplied and the period during which they were supplied):

.....

.....

.....

Is the debt secured? YES/NO

If secured, give details of security including dates, etc:

.....

.....

.....

Other information:

.....

.....

.....  
Signature of Creditor  
(or person authorised by creditor)

.....  
Dated

**Notes:**

Under the Insolvency Practice Rules (Corporations) (IPR) 75-85, a creditor is not entitled to vote at a meeting unless:

- a. his or her claim has been admitted, wholly or in part, by the Liquidator; or
- b. he or she has lodged with the Liquidator particulars of the debt or claim, or if required, a formal proof of debt.

At meetings held under Section 436E and 439A, a secured creditor may vote for the whole of his or her debt without regard to the value of the security (IPR 75-87).

Proxies must be made available to the Liquidator.

## Liquidators Remuneration Approval Report

### Restaurant Physic Pty Ltd (In Liquidation) ACN 601 468 231 (“the Company”)

This remuneration report provides you with the information you need to be able to make an informed decision regarding the approval of our remuneration for undertaking the liquidation of Restaurant Physic Pty Ltd.

This report has the following information included:

#### Contents

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Schedule A – Resolution 1 - Table of major tasks for remuneration .....	7
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#### What do you need to do next?

You should read this report and the other documentation that we have sent you.

To minimise the costs in the administration and this liquidation, we have elected to seek the approval of creditors for our remuneration and internal disbursements without a meeting. Information about the proposals without a meeting process is included at part 8 of this report.

You can cast your vote by using the included voting form. This form needs to be returned to our office by post, scanned and emailed or faxed. We need to receive your forms **by Friday, 12 March 2021** for your vote to count. If you choose to use post, please allow enough time for your letter to be delivered.

If you have any questions, or need any assistance with understanding the materials we have sent to you, please contact Anny Ngo of our office on (02) 8020 5853 or via email at [anny@hogansprowles.com.au](mailto:anny@hogansprowles.com.au).

## Part 1: Declaration

We, Christian Sprowles and Michael Hogan of HoganSprowles, have undertaken a proper assessment of this remuneration claim for our appointment as liquidators of the Company in accordance with the law and applicable professional standards. We are satisfied that the remuneration claimed is in respect of necessary work, properly performed, or to be properly performed, in the conduct of the liquidation.

## Part 2: Executive Summary

The total remuneration for the liquidation is estimated to be between \$50,000 to \$100,000.

Remuneration claimed previously and approved is summarised below:

Period	Report Reference	Amount (ex GST)
<b>Past Remuneration approved</b>		
<i>Voluntary Administration (VA)</i>		
Period: 29 November 2018 to 21 January 2019	Approved	\$75,000
Actual remuneration incurred:		\$142,027
<i>Deed of Company Arrangement (DoCA)</i>		
Period: 21 January 2019 to Conclusion	Approved	\$20,000
Actual remuneration incurred:		\$25,850
<b>Current Remuneration approval sought:</b>		
<i>Liquidation</i>		
Resolution [1]: Current – 30 December 2020 to 25 February 2021	Part 3	\$23,000
Resolution [2]: Future – 26 February 2021 to the conclusion*	Part 3	\$27,000
<b>Total – Remuneration</b>		<b>\$145,000</b>
* Approval for the future remuneration sought is based on an estimate of the work necessary to the completion of the liquidation. Should additional work be necessary beyond what is contemplated, further approval may be sought from creditors.		



Internal disbursements currently approved are summarised below:

Period	Report Reference	Amount (ex GST)
<b>Internal disbursements approved</b>		
DoCA Period: 21 January 2019 to conclusion		\$5,000
<b>Current disbursements approval sought:</b>		
<u>Liquidation</u>		
Resolution [2]: Future – 26 February 2021 to the conclusion*	Part 4	\$2,000
<b>Total – disbursements</b>		<b>\$7,000</b>
* Approval for the future internal disbursements sought is based on an estimate of the internal disbursements necessary to the completion of the liquidation. Should additional disbursements be necessary beyond what is contemplated, further approval may be sought from creditors.		

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

### Part 3. Remuneration

#### 3.1 Remuneration claim resolutions

We will be seeking approval of the following resolution to approve our remuneration. Details to support this resolution is included in section 3.2 and in the attached Schedule.

#### **Resolution 1: from 30 December 2020 to 25 February 2021**

“That the current remuneration of the Liquidator from 30 December 2020 to the 25 February 2021 is determined at a sum equal to the cost of time spent by the Liquidator, and the Liquidator’s partners and staff, calculated at the hourly rates as detailed in the remuneration report dated 26 February 2021 such sum to be capped at the amount of \$23,000 exclusive of GST and that the Liquidator may draw the remuneration on a monthly basis or as required.”

#### **Resolution 2: from 26 February 2021 to the conclusion of the liquidation**

That the future remuneration of the Liquidator from 26 February 2021 to the conclusion of the liquidation is determined at a sum equal to the cost of time spent by the Liquidator, and the Liquidator’s partners and staff, calculated at the hourly rates as detailed in the remuneration report dated 26 February 2021 such sum to be capped at the amount of \$27,000 exclusive of GST and that the Liquidator may draw the remuneration on a monthly basis or as required.

### 3.2 Details of Current Remuneration

The below table set out the current time charges incurred to each major task area by staff members working on the liquidation for the period between 30 December 2020 to 25 February 2021. More detailed descriptions of the tasks performed within each task area, matching the amounts below, are contained in Schedule A of this report.

**Restaurant Physic Pty Ltd (In Liquidation)**  
**A.C.N. 601 468 231 ("the Company")**  
HOURS INCURRED FOR THE PERIOD 30 DECEMBER 2020 TO 25 FEBRUARY 2021  
CALCULATION OF REMUNERATION

Employee	Position	\$/hour	Total actual hours	Total (\$)	Task Area							
					Creditors hrs	\$	Employees hrs	\$	Investigation hrs	\$	Administration hrs	\$
Michael Hogan	Appointee (Lead)	595.00	11.90	7,080.50	9.10	5,414.50	0.80	476.00	1.00	595.00	1.00	595.00
Anny Ngo	Senior Manager	470.00	28.00	13,160.00	10.20	4,794.00	1.20	564.00	15.00	7,050.00	1.60	752.00
Christine Xiao	Graduate	200.00	15.80	3,160.00	0.00	0.00	0.00	0.00	10.40	2,080.00	5.40	1,080.00
Total			55.70	23,400.50	19.30	10,208.50	2.00	1,040.00	26.40	9,725.00	8.00	2,427.00
Approve sought				23,000.00								
GST				2,300.00								
Total (Incl GST)				25,300.00								
Average hourly rate				412.93								

### 3.2 Details of Future Remuneration

The below table set out the current time charges incurred to each major task area by staff members working on the liquidation for the period between 26 February 2021 to the conclusion of the liquidation. More detailed descriptions of the tasks performed within each task area, matching the amounts below, are contained in Schedule B of this report.

**Restaurant Physic Pty Ltd (In Liquidation)**  
**A.C.N. 601 468 231 ("the Company")**  
HOURS TO BE INCURRED FOR THE PERIOD 26 FEBRUARY 2021 TO THE CONCLUSION OF THE LIQUIDATION  
CALCULATION OF REMUNERATION

Employee	Position	\$/hour	Total actual hours	Total (\$)	Task Area							
					Creditors hrs	\$	Employees hrs	\$	Investigation hrs	\$	Administration hrs	\$
Michael Hogan	Appointee (Lead)	595.00	12.00	7,140.00	5.00	2,975.00	1.00	595.00	5.00	2,975.00	1.00	595.00
Christian Sprowles	Appointee (Lead)	595.00	7.00	4,165.00	2.00	1,190.00	1.00	595.00	3.00	1,785.00	1.00	595.00
Anny Ngo	Senior Manager	470.00	24.00	11,280.00	7.00	3,290.00	3.00	1,410.00	12.00	5,640.00	2.00	940.00
Christine Xiao	Graduate	200.00	22.08	4,415.00	3.08	615.00	0.00	0.00	7.50	1,500.00	11.50	2,300.00
Total			65.08	27,000.00	17.08	8,070.00	5.00	2,600.00	27.50	11,900.00	15.50	4,430.00
GST				2,700.00								
Total (Incl GST)				29,700.00								
Average hourly rate				414.91								

### 3.3 Total remuneration reconciliation

To date, we have not drawn any fees. In preparing this remuneration approval report, we have made our best estimate at what we believe the liquidation will cost to complete and we do not anticipate that we will have to ask creditors to approve any further remuneration. However, should the liquidation not proceed as expected, we will advise creditors and we may seek approval of further remuneration and provide details on why the remuneration has changed. Matters that may affect the progress and the cost of the liquidation, include the task involved in pursuing recoveries.

### 3.4 Likely impact on dividends

The dividend to any creditor will ultimately be impacted by the realisations achieved by the liquidator and the value of creditor claims admitted to participate in the dividend and the fees for the work performed to achieve realisations has prior.

At this stage there are sufficient funds to cover our time costs incurred to date. Accordingly, there is a dividend payable to priority employees of 100 cents in the dollar and a part dividend to the unsecured creditor. Should circumstances change, creditors will be notified.

## Part 4: Disbursements

Disbursements are divided into three types:

- **Externally provided professional services** - these are recovered at cost. An example of an externally provided professional service disbursement is legal fees.
- **Externally provided non-professional costs** - these are recovered at cost. Examples of externally provided non-professional costs are travel, accommodation and search fees.
- **Internal disbursements** such as photocopying, printing and postage. These disbursements, if charged to the Liquidation, would generally be charged at cost; though some expenses such as telephone calls, photocopying and printing may be charged at a rate which recoups both variable and fixed costs. The recovery of these costs must be on a reasonable commercial basis. Details of the basis of recovery of each of these costs is discussed below.

We have undertaken a proper assessment of disbursements claimed for the Company, in accordance with the law and applicable professional standards. We are satisfied that the disbursements claimed are necessary and proper.

#### 4.1 Future basis of internal disbursements

Future disbursements provided by our firm will be charged to the administration on the following basis:

Disbursements	Rate (Excl GST)
Externally provided professional services	At cost
Externally provided non-professional services	At cost
Internal disbursements	
Advertising	At cost
Search fees	At cost
Courier	At cost
Printing, Faxes & Photocopies	\$0.20 per page
Postage	At cost
Stationary and other incidental disbursements	At cost
Travel - Staff by own vehicle	\$0.72 per km
Travel - other	At cost

Rates applicable for financial year ending 30 June 2021.

We will be seeking approval of the following resolutions to approve out internal disbursements.

#### **Resolution 3 – Liquidators’ disbursements**

*“That the internal disbursement of the Liquidators for the period 26 February 2021 to the conclusion of the liquidation at the rates outlined in the Remuneration Approval Report dated 26 February 2021 be capped at the amount of \$2,000 plus GST and can be drawn by the Liquidators as required.”*

#### **Part 5: Summary of Receipts and Payments**

Attached are a summary of the receipts and payments as at 15 February 2021.

#### **Part 6: Queries**

If you have any queries in relation to the information in this report, please contact Anny Ngo on (02) 8020 5853 or via email at [anny@hogansprowles.com.au](mailto:anny@hogansprowles.com.au).

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

- ARITA at [www.arita.com.au/creditors](http://www.arita.com.au/creditors)
- ASIC at [www.asic.gov.au](http://www.asic.gov.au) (search for “insolvency information sheets”).

#### **Part 7: Approval of remuneration and internal disbursements**

At **Annexure C to D**, we have enclosed the following for your completion by **Friday, 12 March 2021**:

- Proxy form

- Proof of debt form

### Schedule A – Resolution 1 - Table of major tasks for remuneration

The below table provides a description of the work which has been undertaken in each major task area during the course of the liquidation.

<b>Creditors</b> [19.30 hours] [\$10,208.50]	Creditor Enquiries	Maintaining creditor enquiry register Review and prepare correspondence to creditors and their representatives via facsimile, email and post Received calls and emails from customers regarding credits and warranties Received calls from customers regarding future contacts and trading Review creditors queries and approve response Emails response to Workers comp
	Dealing with proofs of debt	Receipting and filing POD's when not related to a dividend Corresponding with OSR and ATO regarding POD's when not related to a dividend
	Reports to creditors	Preparation of report to creditor, drafting initial creditors report and statutory report Review and update creditors report. Email response to ICare re liquidation and provide report
<b>Employees</b> [2 hours] [\$1,040.00]	Calculation of entitlements	Review company books and records for employee entitlements Calculation of employee entitlements Review awards Liaise with company director and staff regarding employee entitlements Liaise with employees regarding disputes on entitlements Review award rates and calculation of underpayment Liaise with their parties regarding employers obligations Recalculation of entitlements for pre-post appointment Letters to employees regarding entitlements Correspondence with employees regarding entitlements Liaise with Accountants regarding breakdown of super Revise termination of employees

	Employee enquiries	<p>Received and follow up employee enquiries via telephone and email</p> <p>Review and prepare correspondence to creditors and their representatives via email and post</p> <p>Prepared letters to employees advising of their entitlements and options available</p> <p>Received correspondence from employees re leave entitlements</p> <p>Assisting staff with FEG claims</p>
<b>Investigation</b> <b>[26.40 hours]</b> <b>[\$9,725.00]</b>	Conducting investigation	<p>Collection of company books and records</p> <p>Review and preparation of company nature and history</p> <p>Conducting and summarising statutory searches</p> <p>Preparation of comparative financial statements</p> <p>Preparation of deficiency statement</p> <p>Liaising with directors regarding certain transactions</p> <p>Draft and review financial statements historical figures.</p> <p>Review financials and voidable transactions</p> <p>Preparation of investigation file</p> <p>Lodgement of investigation with the ASIC Accountant regarding the completion of ROCAP</p> <p>Conduct and review preference claims, review historical financials,</p> <p>Estimated position and file note on recoveries</p> <p>Review MikeReset and KBM at Home financials</p> <p>Review loan accounts</p>
	ASIC reporting	<p>Preparing statutory investigation reports</p> <p>Liaising with ASIC</p> <p>Lodge creditors meeting and report on ASIC</p>
	Correspondence	<p>Meeting with Directors and other third parties</p>
<b>Administration</b> <b>[8 hours]</b> <b>[\$2,427.00]</b>	Correspondence	<p>With various stakeholders</p> <p>Day one notices</p> <p>Meeting with Directors and Lawyers</p> <p>Email Mike the director's package and obtain ROCAP</p>

	Bank account administration	Requesting bank statements Bank account reconciliations Correspondence with bank regarding specific transfers Correspondence with pre-appointment bank regarding closure of account Vacation of premises Email response to accountants regarding BAS and accounts
	ASIC Form 524 and other forms	Preparing and lodging ASIC forms including 505, 5602, 5011 etc Correspondence with ASIC regarding statutory forms
	ATO and other statutory reporting	Notification of appointment Preparing BAS' Correspondence with ATO regarding lodgements and registration Notification of appointment and termination of DOCA
	Planning / Review	Discussions regarding status of administration

### Schedule B – Resolution 2 - Table of major tasks for remuneration

The below table provides a description of the work which will be undertaken in each major task area during the course of the liquidation.

Task Area	General Description	Includes
<b>Creditors</b> [17.08 hours] [\$8,070.00]	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
	Dealing with proofs of debt	Receipting and filing POD's when not related to a dividend Corresponding with OSR and ATO regarding POD's when not related to a dividend
	Reports to creditors	Preparation of creditor reports Reporting to secured creditor and payment of balance of proceeds from circulating assets
<b>Employees</b> [5 hours] [\$2,600.00]	Calculation of entitlements	Review company books and records for employee entitlements Calculation of employee entitlements Review awards Liaise with company director and staff regarding employee entitlements

Task Area	General Description	Includes
		Liaise with employees regarding disputes on entitlements Liaise with employment lawyers regarding employee entitlements and calculations Correspondence with employees regarding entitlements Distribution of employment entitlements Prepared separation certificates for terminated employees Reviewing preference claims
	Employee enquiries	Received and follow up employee enquiries via telephone and email Review and prepare correspondence to creditors and their representatives via email and post
<b>Investigation</b> [27.50 hours] [\$11,900.00]	Conducting investigation	Reviewing company's books and records Review intercompany loan accounts Preparation of investigation file Lodgement of investigation with the ASIC liaising with the accountant on company's position.
	ASIC reporting	Preparing statutory investigation reports Liaising with ASIC
<b>Administration</b> [15.50 hours] [\$4,430.00]	Correspondence	With various stakeholders Meeting with Directors and Lawyers
	Bank account administration	Requesting bank statements Bank account reconciliations Correspondence with bank regarding specific transfers Processing payment and receipts
	ASIC Form 524 and other forms	Preparing and lodging ASIC forms including 505, 5602, 5011 etc Correspondence with ASIC regarding statutory forms
	ATO and other statutory reporting	Notification of appointment Preparing BAS' Correspondence with ATO regarding lodgements and registration
	Finalisation	Notifying ATO of finalisation Cancelling ABN / GST / PAYG registration Completing checklists Finalising WIP
	Planning / Review	Discussions regarding status of administration
	Books and records / storage	Dealing with records in storage Sending job files to storage





Schedule of rates as @ 1 July 2020

Private & Confidential

Title	Description	Hourly rate (Excl. GST) (\$)
Partner	Registered liquidator, Chartered Accountant, degree qualified with more than fifteen years of extensive experience in insolvency, restructuring and business advisory matters. experience. Leads engagements with full accountability for strategy and execution.	595
Director	Generally Chartered Accountant and degree qualified with more than ten years of experience. Extensive experience in managing large, complex engagements at a senior level. Autonomously leads complex insolvency appointments reporting to Partner.	535
Senior Manager	Generally Chartered Accountant and degree qualified with more than seven years of experience. Significant experience across all types of engagements. Self-sufficiently conducts small to medium insolvency appointments.	470
Manager	Generally Chartered Accountant and degree qualified with more than five years of experience. Experience in complex matters, day to day conduct of small to medium engagements. Assists senior staff on complex matters.	420
Supervisor	Generally Chartered Accountant and degree qualified with more than three years of experience. Assists senior staff in planning and conduct of small to large engagements. Supervise a small team and control small engagements.	400
Senior Analyst 1	Generally degree qualified and undertaking Chartered Accountant's qualification. Controls certain tasks on small engagements and assists staff with completing tasks on medium to large engagements.	350
Senior Analyst 2	Experienced graduate controlling certain tasks on small engagements. Assists senior staff in completing tasks on small to large engagements.	340
Analyst 1	Experienced graduate. Required to assists senior staff in completing tasks on small to large engagements.	295
Analyst 2	Generally a university graduate with appropriate qualifications. Assists with day to day tasks under the supervision of senior staff.	220
Graduate	Generally degree qualified and undertaking or about to undertake Chartered Accountant's qualification with less than one year of experience. Assists with day to day tasks under the supervision of senior staff.	200
Undergraduate	Undertaking relevant degree. Assists with tasks within workstreams and appointments under supervision.	180
Senior Bookkeeper	Experienced bookkeeper with more than 18 months experience. Assist senior staff with accounting functions of engagement.	180
Bookkeeper	Assist senior staff with accounting functions of engagement.	170
PA	Appropriate skills and experience to support professional staff in an administrative capacity.	150
Administration	Appropriate skills and experience to support professional staff in an administrative capacity.	120

Restaurant Physic Pty Ltd  
(Administrators Appointed)  
A.C.N 601 468 231

Receipts and Payments  
for the period 29 November 2018 to 15 February 2021

**Receipts**

Sales	448,666
Cash at bank	4,870
GST Receivable	7,590
Loan from Administrator	10,000
Rental Bond	50,106
Deed contribution	160,675
ATO Cashflow Boost	10,800
<b>Total Receipts</b>	<b>692,707</b>

**Payments**

Bank fees	3,194
Administrators fees & Disbursements	104,370
Electricity	6,801
GST Payable	22,178
Insurance & workers compensation	1,772
Lease payments	10,711
Legal fees	19,073
Repair & maintenance	9,874
Rent	26,796
Repayment of loan to Administrator	10,000
Staff tips	30,465
Trading expenses	121,963
Valuers/Agent fees	4,223
Wages	192,487
Superannuation - Priority Dividend	128,800
<b>Total Payments</b>	<b>692,707</b>

**Net Receipts/(Payments)** - 0