

## Initial information for creditors

### **Bretkel Pty Ltd (In Liquidation) Trading as Forestville Auto Body Repairs A.C.N. 639 072 307 (“the Company”)**

The purpose of this document is to provide you with information about the liquidation of the Company and your rights as a creditor.

## 1. Information for creditors

### 1.1 Notification of appointment

I was appointed Liquidator of the Company on 25 May 2022 pursuant to an order made by the Supreme Court of Victoria. A copy of my Notice of Appointment is **enclosed**. The petitioning creditor is Bizcap Au Pty Ltd A.C.N 633 927 090 (“**the Petitioning Creditor**”).

A copy of my Declaration of Independence, Relevant Relationships and Indemnities (“**DIRRI**”) is attached as **Annexure A**. The DIRRI assists you to understand any relevant relationships that I have, and any indemnities or upfront payments that have been provided to me. I have considered each relationship and it is my opinion that none of the relationships disclosed in the DIRRI result in a conflict of interest or duty or affect my independence.

### 1.2 What is a court liquidation?

A court liquidation is where an order to place a Company into liquidation is made by the Court. Usually this is on application of a creditor where the Company has not paid its outstanding debt. In most circumstances, this means that the Company is insolvent.

My role as Liquidator is to administer the affairs of the Company, realise the assets and pay dividends (if any). I am also required to investigate the affairs of the Company and report any offences to the Australian Securities and Investments Commission (“**ASIC**”).

### 1.3 What happens to your debt?

According to the information available to me, you are or may be a creditor of the Company.

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.

If you have leased the Company property, have a retention of title claim or hold a Personal Property Security interest over any assets or property of the Company, please contact my staff as soon as possible if you haven't already.

## 1.4 Your rights as a creditor

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

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

## 2. Summary of the Company's affairs

Below is a summary of the information available from ASIC search conducted for the Company:

Company Details		
Registration Date	12 February 2020	
Current Registered Office	GO4 25-29 Berry Street, North Sydney NSW 2060	
Current Principal Place of Business	3 Currie Road, Forestville NSW 2087	
Director	Appointed	Ceased
Kellie Ann Lovelock	12 February 2020	-
Brett Charles Shailes	12 February 2020	-
Share Structure	Amount Paid	Amount Unpaid
20 Ordinary Shares	\$20.00	\$0.00
Current Shareholders	Shares Held/Type	Fully Paid
Kellie Ann Lovelock	10 Ordinary Shares	Yes
Brett Charles Shailes	10 Ordinary Shares	Yes

## 3. Update on Liquidation

### 3.1 Background

The Company traded as an auto repair/smash repair shop from a leased premises located at 3 Currie Road, Forestville NSW 2087 ("**the Premises**").

To date, following tasks have been attended:

- Visited the Premises and met with Mr Brett Shailes ("**Mr Shailes**") and Kellie Lovelock ("**Ms Lovelock**") ("**the Directors**") and Ms Maryellen Saul (one of the Company's secured creditors/ the Accountant of the Company). The Company operations were ceased at the date of my appointment as Liquidator.

- Engaged services of Pickles Auctioneers to visit site and conduct a valuation of the Company's assets at the Premises.
- There were 13 customer cars parked inside and outside the Premises for repairs. Accordingly, my staff liaised and corresponded with various customers and insurance companies in respect of the vehicles collection from the Premises.
- Further visits to the Premises by staff and arranged collection of the vehicles by the customers and/or respective insurance companies.
- Various correspondence and communication with Ms Maryellen Saul ("**Ms Saul/the Accountant**") regarding her security interest and obtaining the Company's books and records. Please also see section 4.1.5 and 4.2 of this report for further details.
- On 26 May 2021, 6 June 2022 and 9 June 2022 correspondence were issued to the Directors via email to provide me with a completed Report on Company Activities and Property ("**RoCAP**") and the Company's books and records.
- On 27 May 2022 and 31 May 2022 contacted the Directors via telephone however no response was received.
- On 27 May 2022, correspondence was issued to Ms Saul to provide me with the Company's books and records. On 31 May 2022, a follow up correspondence was sent to provide me with the Company's books and records.
- On 27 May 2022, the Accountant with Directors contacted and provided with the Landlord's contact information. It was also requested that the Directors provide further information in respect of the Company's affairs and to provide me with the Company's books and records.
- On 27 May 2022 a contact was made with Mr Claude Di Ciano from ("**representative of the Landlord**") from real estate agent from Richardson & Wrench Willoughby who manages the Premises.
- Corresponded with the representative of the Landlord on various occasions regarding the Company and the cars at the Premises. Subsequently, a disclaimer was also issued to the Landlord to disclaim the lease and arranged for the keys to be returned to their office.
- On 30 May 2022, corresponded with the Domain host to shut the Company's website. Subsequent to various correspondence, the Company's website has been removed.
- On 1 June 2022, representative of the Landlord responded and following was received:
  - Lease agreement;
  - Invoice statement; and
  - Information in respect of the Company and the vehicles.

- Correspondence was issued to MYOB, Reckon and XERO to confirm if there are any existing Management Accounts under the Company's name. MYOB and XERO responded and provided access to the Company's Management Accounts.
- Between 31 May 2022 and 6 June 2022, the Accountant provided with me the following documentations:
  - Balance Sheet and Profit and Loss FY20, 21 and YTD22.
  - Activity Statements
  - Documentation in respect of a 2019 Volkswagen Ute
  - Employee list with contact information
  - Documentation in respect of the Ms Saul's security interest
  - Copy of Bank Statements;
- Termination letters were issued to all known employees of the Company with the Fair Entitlements Guarantee (FEG) and Proof of debt forms.
- Subsequent to various follow ups, the Accountant responded and provided a partial completed Director's pack signed by Ms Lovelock. The Director disclosed the following regarding the business in the RoCAP and the questionnaire:
  - The Company started operating for two years between April 2020 and the date of the appointment of the Liquidator.
  - The Company's business was smashrepairs.
  - Operated from 3 Currie Road, Forestville 2087.
- On 20 June 2022, correspondence was issued to the Accountant to provide the missing forms and also a completed pack signed by the Director Mr Shailes. To date, I have not received a completed pack from Mr Shailes.
- The Directors advised that the Company's records were also maintained on a software IBodyshop. On 26 May 2022, 3 June 2022 and 21 June 2022 correspondence was issued to IBodyshop to provide me with the access to the records. Further telephone messages have been left by my staff to contact our office. On 21 June 2022, IBodyshop responded in relation to my request. I am currently in the process of arranging the access to the records.
- A search conducted on the ASIC database for the Directors confirms the following recent directorships and shareholdings under his name:

**Brett Charles Shailes**

Company	Position	Commenced	Ceased
Bretkel Pty Ltd	Director	12 Dec 2020	-
Eaho Pty Ltd	Director & Secretary	8 Apr 2022	-

Shareholdings	Shareholdings	Type	Fully Paid	Status
Bretkel Pty Ltd	10	Ord	Yes	Current
Eaho Pty Ltd	1	Ord	Yes	Current

#### Kellie Ann Lovelock

Company	Position	Commenced	Ceased
Bretkel Pty Ltd	Director & Secretary	12 Dec 2020	-
Eaho Pty Ltd	Director	8 Apr 2022	-

Shareholdings	Shareholdings	Type	Fully Paid	Status
Bretkel Pty Ltd	10	Ord	Yes	Current
Eaho Pty Ltd	1	Ord	Yes	Current

- I was also made aware that the Company rented/loaned a spray system installed by PPG Industries (“PPG”). Accordingly on 3 June 2022 and 6 June 2022, I issued correspondence to PPG to advise of my appointment. On 6 June 2022, PPG responded and provided the documentation in relation to the equipment. Accordingly on 6 June 2022, a disclaimer was issued regarding same.
- According to the NSW Land registry search results, there is no property registered under the name of the Company or the Directors.
- A search was conducted with the Department of Transport and Main Roads in NSW to reveal if there is any vehicle currently registered under the Company’s name. The search result disclosed that there is currently one (1) vehicle registered under the name of the Company. Please see section 4.1.5 of this report for further details.
- Commenced investigations in relation to the affairs of the Company.

My investigations are currently ongoing in respect of the above.

## 4. Financial Information

As advised previously, I am still awaiting to receive a completed RoCAP from the Directors. Detailed analysis of the RoCAP will be provided in my subsequent report to creditors. Notwithstanding, I provide the following information extracted from the RoCAP received from Ms Lovelock and Management Accounts in MYOB and XERO.

#### 4.1. Assets

##### 1. Cash at Bank

Since appointment, I notified all the banks and received correspondence from Commonwealth Bank of Australia Limited (“CBA”) confirming three (3) accounts with the following balance:

Account	Amount (\$)
Business Transaction Account	63.27
Business Transaction Account	63.27
Business Transaction Account	3,238.38

Subsequently, correspondence was issued to the CBA bank to transfer \$3,200 into the Company’s Liquidation account. On 16 June 2022, a total of \$3,200 was received in the Company’s liquidation account.

##### 2. Debtors

The Company Management records disclosed amount owed by Aussie Hail Pty Ltd in the amount of \$2,117.50. On 9 June 2022, correspondence was issued to Aussie Hail Pty Ltd to collect the outstanding amount. On the same day, Aussie Hail responded and advised that the amount has been paid in full. I have requested CBA to provide me with the bank statements for the relevant period. My investigation into this matter is continuing. Creditors will be advised of any material updates in my next report to creditors.

##### 3. Bond

The Company records disclose that there is a bond withheld by the Landlord in the amount of \$30,765.

Correspondence was issued to the Landlord on 27 May 2022 regarding same. The lease agreement provides for the forfeit of the bond for the non-payment of rent. However, my investigations are continuing in respect of the rent unpaid by the Company. The invoice statement provided by the Landlord disclose an outstanding amount of \$65,270.28.

##### 4. Plant and Equipment

The books and records received disclose that the Company purchased business on 17 April 2020 from Autobody No.1 Pty Ltd for \$75,000. The sale agreement provides for the list of plant and equipment owned by the Company.

As advised previously, subsequent to my appointment, I engaged services of Pickles Auctioneers to provide me with the valuation on the assets of the Company.

Ms Saul, the secured creditor provided a General Security Interest Agreement and documentation in respect of the AllPaP security interest registered over the assets of the Company. She also provided documentation in respect of the amount paid by her towards the purchase of the business. A review of the documentation disclosed that the security interest is valid.

Access has been provided to Ms Saul to remove the assets of the Company from the Premises with the assistance of the representative of the Landlord.

#### **5. Motor Vehicle (2019 Volkswagen Ute)**

As advised previously, the search conducted with the Department of Transport and Main Roads NSW revealed there is one (1) vehicle 2019 Volkswagen Ute currently registered under the Company's name.

A search conducted on the Personal Property Securities Register ("PPSR") revealed that there is a security interest registered on the vehicle. Accordingly on 26 May 2022, correspondence was issued to Volkswagen Financial Services Australia Pty Ltd ("VW") in respect of same. On 31 May 2022, VW responded and advised that payout on the vehicle as \$34,832.64 with arrears of \$2,891.23.

A search conducted on the Redbook provided an estimated value of the vehicle between \$45,600 and \$49,600.

Notwithstanding, Ms Saul contacted my office to advise that that the vehicle was sold to the Directors related entity Eaho Pty Ltd for a purchase price of \$45,000 on 20 May 2022 (prior to my appointment). Subsequently, Ms Saul provided the documentation in relation to the sale of the vehicle which included the terms that the Purchaser will pay the purchase price to the Seller by transfer of the lease/chattel mortgage and pay arrears to VW Finance Pty Ltd ("VW").

I also note that any equity in the vehicle is subject to the General Security Agreement registered by Ms Saul. Considering the execution of the sale agreement and the security interest and chattel mortgage on the vehicle, I disclaimed the vehicle on 7 June 2022.

With regards to the sale, I advise creditors that the equity in vehicle will reduce the debt of the secured debt owed to Ms Saul by the Company.

#### **4.2. Creditors**

##### **Security Interest Holders**

A search of the Personal Property Securities Register ("PPSR") revealed eight (8) security interests registered against the Company. Upon appointment, I notified the security interest holders, and a summary of the security interest is displayed below.

Secured Party	Registration	Notes	Collateral Class	Registration Date	Notes
Volkswagen Financial Services Australia Pty Ltd	202003160012750	1	Motor vehicle	16 Mar 2020	Vehicle disclaimed on 7 June 2022
Maryellen Saul	202005080038717	2	All pap	8 May 2020	TBC
Elgas Limited	202006100059121	3	Other goods	10 Jun 2020	Outstanding \$2357.33
Alto Auto Parts Pty Limited	202006260011310	4	Other goods	26 Jun 2020	Discharged on 26 May 2022
Western Region Automotive Pty Ltd	202012280009680	5	Other goods	28 Dec 2020	Awaiting response*
Bizcap Au Pty Ltd	202106030037022;	6	All PAP	3 June 2021	Outstanding \$31,585.76
	202109130065079;		All PAP	13 September 2021	
	202109130065080		Account - Intangible property	13 September 2021	

1. Please refer to section 4.1.5 in this report for further details.
2. Ms Saul provided documentation in respect of the loan provided to the Company totalling \$75,000 for the purchase of business in April 2020. She also provided a Deed of Guarantee for a Principal amount of \$98,000 with a fixed interest on 2.95% per month. RoCAP submitted by the Director disclose the total amount outstanding as \$195,835. GSA provided by Ms Saul provides for the interests. My investigation into the total amount owed to Ms Saul is currently continuing.
3. Elgas confirmed that the bottles were collected from the site and the total outstanding amount as \$2,357.33.
4. Alto Auto Parts Pty Ltd provided a discharge statement as at 26 May 2022.
5. On 26 May 2022 and 31 May 2022, correspondence was issued to Western Region Automotive Pty Ltd however to date I have not received a response.
6. As per the Statutory Demand issued, the Petitioning Creditor is owed \$31,585.76.

## Employees

The Company's records revealed the Company has fourteen (14) employees including the Directors during its trading period. The RoCAP submitted by the Director and the MYOB records provided by the Accountant disclose the following entitlements owed to the employees as at the date of my appointment. However, my investigations revealed that there is a discrepancy between the Accountant's records and the Company MYOB Essential Management Account which may not be updated. Further investigation will be conducted in relation to the accounts and the outstanding employees' entitlements.

Type of Claim	RoCAP	Estimated Amount (\$)
Wages	3,208	82,600
Superannuation	91,735	93,823
Annual Leave	10,116	14,824
Long Service Leave	Nil	2,360
<b>Total</b>	<b>105,059</b>	<b>193,607</b>



As advised previously, I am currently awaiting access to IBodyshop Management records. The abovementioned amount is subject to change pending further review of the books and records and the receipt of Proof of Debts.

### Other Creditors

The Director's completed RoCAP and records received to date revealed the following creditors:

Creditors	RoCAP	Estimated Amount (\$)
ATO	Nil	420,891
Unsecured Trade Creditors	258,479	239,163
Related party loan		
Kim Shailes	Nil	51,885
Blake Shailes	Nil	10,000
Kellie Ann Lovelock	99,897	38,013
<b>Total</b>	<b>358,376</b>	<b>759,952</b>

In addition to the above, I have notified Australian Taxation Office ("ATO") of my appointment as Liquidator and requested to lodge a Proof of Debt in respect of the outstanding amount. To date, I am yet to receive a response from the ATO.

I advise the above creditors list and amount may increase pending on proof of debts received from creditors and further investigations.

My investigations in respect of the assets and liabilities position are continuing. Creditors will be notified should there be any material updates. Further details in relation to the RoCAP received and analysis of records will be provided in my next report to creditors.

## 5. Investigations

My investigations are continuing, in particular with the following:

- Breaches of any of the director's duties;
- Investigations into the affairs of the business;
- Voidable recoveries available to the liquidator; and
- Reporting to the corporate regulator, ASIC.

Whilst I have only commenced my preliminary investigations into the Company, I am seeking creditors assistance in providing any additional information which may assist with my investigations or recoveries.

Please contact Christine Xiao of my office, by email at [cxiao@hogansprowles.com.au](mailto:cxiao@hogansprowles.com.au) or by phone 02 8020 5858 if you have any information which may assist in my investigations or recoveries.

I will write to you within three months of my appointment advising the likelihood of a dividend and update you on the progress of my investigations.

## 6. What happens next?

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

- Recovering and realising any available property;
- Investigating and pursuing recoveries;
- Investigating the Company's affairs; and
- Reporting to the corporate regulator ASIC.

## 7. Costs of the liquidation

Included at **Annexure C** is my Initial Remuneration Notice. This document provides you with information about how I propose to be paid for undertaking the liquidation.

I am seeking approved of my proposed remuneration, without a meeting of creditors, via the following circular resolutions:

- Approve the remuneration of the Liquidator for \$43,634 exclusive of GST (**Annexure D**);
- Approve the remuneration of the Liquidator for \$21,366 exclusive of GST (**Annexure E**); and
- Approve the future internal disbursements of the Liquidator for \$2,000 exclusive of GST (**Annexure F**).

**Annexure G** is the Proof of Debt Form

**Annexure H** is the ARITA Information sheet: Proposals without meeting

**Annexure I** is a copy of Liquidator Remuneration Report

## 8. Further information

The Australian Restructuring Insolvency and Turnaround Association ("**ARITA**") provides information to assist creditors with understanding liquidations and insolvency. This information is available from ARITA's website at [www.arita.com.au/creditors](http://www.arita.com.au/creditors).

ASIC also provides information sheets on a range of insolvency topics. These information sheets can be accessed on ASIC's website at [www.asic.gov.au](http://www.asic.gov.au) (search for "insolvency information sheets").

Should you have any questions in relation to this matter, please contact Christine Xiao of my office, by email at [cxiao@hogansproawles.com.au](mailto:cxiao@hogansproawles.com.au) or by phone on (02) 8020 5858.

DATED this 23<sup>rd</sup> day of June 2022

**Bretkel Pty Ltd (In Liquidation)**

  
**Brendan Copeland**  
Liquidator

**Attachments**

- Annexure A Declaration of Independence, Relevant Relationships and Indemnities
- Annexure B Information Sheet - Creditor Rights in Liquidation
- Annexure C Initial Remuneration Notice
- Annexure D Proposal 1: Current Remuneration
- Annexure E Proposal 2: Future Remuneration
- Annexure F Proposal 3: Future Disbursements
- Annexure G Informal Proof of Debt form
- Annexure H ARITA Information Sheet: Proposals without meeting
- Annexure I Liquidator's Remuneration Report

**Form 505**

Corporations Act 2001

**415(1), 427(2), 427(4), 450A(1)(a),**

**499(2C)(a) & (b), 537(1) & (2),**

Insolvency Practice Rules (Corporations) 2016

**s70-60(2)**

Corporations Regulations 2001

5.3B.50, 5.3B.54, 5.5.06

# External Administration or Controllorship Appointment of an administrator or controller

## Liquidator details

Registered liquidator number

**421144**

Registered liquidator name

**BRENDAN JAMES COPELAND**

## Company details

Company name

**BRETKEL PTY LTD**

ACN

**639 072 307**

Industry division

**OTHER SERVICES**

Industry group

**Automotive Repair and Maintenance**

ANZSIC Code

**941**

## Add a new appointment

### Appointee details

Liquidator No. **421144**

Person Name

**BRENDAN JAMES COPELAND**

Address

**HOGANSPROWLES PTY LTD, LEVEL 9 60  
PITT STREET SYDNEY NSW 2000 Australia**

Type of Appointment **Appointed Singly**

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**Appointment Details**

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Provide the date of appointment.

**25-05-2022**

Type of administrator

**Liquidator of Court liquidation**

Method of appointment

**appointment by court order**

Court

**Supreme Court**

State or Territory of Court

**VIC**

Date of obtaining  
order:

**25-05-2022**

Proceeding Matter  
Number

**00641**

Year

**2022**

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**Authentication**

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This form has been authenticated by

Name **BRENDAN JAMES COPELAND**

This form has been submitted by

Name **Brendan James COPELAND**

Date **26-05-2022**

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**Payment**

You need to pay the fee (and any late fees if required) by Bpay or cheque in accordance with the instructions on your invoice

**For more help or information**

Web [www.asic.gov.au](http://www.asic.gov.au)  
Ask a question? [www.asic.gov.au/question](http://www.asic.gov.au/question)  
Telephone 1300 300 630

## DECLARATION OF INDEPENDENCE, RELEVANT RELATIONSHIPS AND INDEMNITIES

**Bretkel Pty Ltd (In Liquidation)**  
**Trading as Forestville Auto Body Repairs**  
**A.C.N. 639 072 307 (“the Company”)**

The purpose of this document is to assist creditors with understanding any relationship that the liquidator has and any indemnities or upfront payments that have been provided to the liquidator. None of the relationships disclosed in this document are such that the independence of the liquidation is affected.

This information is provided to you to enable you to make an informed assessment on any independence concerns, so you have trust and confidence in my independence and, if not, can act to remove and replace me if you wish.

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

- A. their independence generally;
- B. relationships, including
  - i the circumstances of the appointment;
  - ii any relationships with the Insolvent and others within the previous 24 months;
  - iii any prior professional services for the Insolvent within the previous 24 months;
  - iv. that there are no other relationships to declare; and
- C. any indemnities given, or up-front payments made, to the Practitioner.

This declaration is made in respect of myself, my partners and HoganSprowles.

### **1. Independence**

I, Brendan Copeland of HoganSprowles have undertaken a proper assessment of the risks to my independence prior to accepting the appointment as liquidator of the Company in accordance with the law and applicable professional standards. This assessment identified no real or potential risks to our independence. I am not aware of any reasons that would prevent me from accepting this appointment.

### **2. Declaration of Relationships**

#### **i. Circumstances of appointment**

On 2 March 2022, I was contacted by Sam Haguthee of Hilton Bradley Lawyers who represents Bizcap Au Pty Ltd, the petitioning creditor, seeking my consent to act as Liquidator of the Company. On the same day, I provided my consent to act as Liquidator of the Company. Subsequently, on 25 May 2022, I was contacted by Geoffrey Bibon of Hilton Bradley Lawyers who advised, I was appointed Liquidator of Bretkel Pty Ltd by the Supreme Court of Victoria.

The reason I believe this relationship does not result in the Liquidator having a conflict of interest or duty are:

- Referrals from lawyers are commonplace and do not impact on my independence in carrying out my duties as Liquidator of the Company.
- Referrals from this source, and associated fees, are not a significant percentage of my business and accordingly, I am by no means dependent on referrals from this source.
- The referrer has not been remunerated for the referral.

**ii. Relevant Relationships (excluding Professional Services to the Insolvent)**

Neither I, nor my firm, have, or have had within the preceding 24 months, any relationships with the Company, an associate of the Company, a former insolvency practitioner appointed to the Company or any person or entity that has a charge on the whole or substantially whole of the Company's property.

**iii. Prior Professional services to the Insolvent**

Neither I, nor my firm, have provided any professional services to the Company in the previous 24 months.

**iv. No other relevant relationships to disclose**

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

**C. Indemnities and up-front payments**

I have not been indemnified in relation to this administration, other than any indemnities that I may be entitled to under statute and I have not received any up-front payments in respect of my remuneration or disbursements.

Dated: 23 June 2022



**Brendan Copeland**

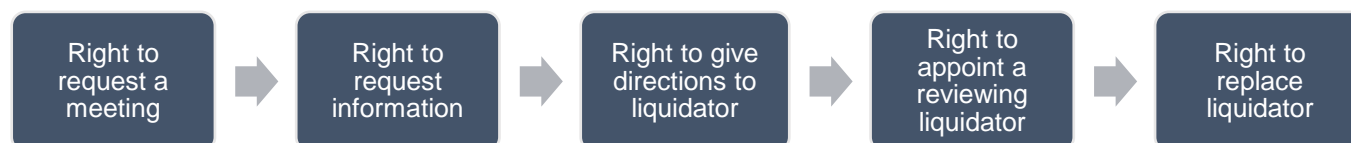
Liquidator

Notes:

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

## Creditor Rights in Liquidations

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



### Right to request a meeting

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

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

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

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

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

### Right to request information

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

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

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

### Requests must be reasonable.

#### They are not reasonable if:

Both meetings and information:

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

Meeting requests only:

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

Information requests only:

- (e) the information requested would be privileged from production in legal proceedings
- (f) disclosure would found an action for breach of confidence
- (g) the information has already been provided
- (h) the information is required to be provided under law within 20 business days of the request

If a request is not reasonable due to (b), (d), (g) or (h) above, the liquidator must comply with the request if the creditor meets the cost of complying with the request.

Otherwise, a liquidator must inform a creditor if their meeting or information request is not reasonable and the reason why.

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



## Right to give directions to liquidator

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

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

An individual creditor cannot provide a direction to a liquidator.

## Right to appoint a reviewing liquidator

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

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

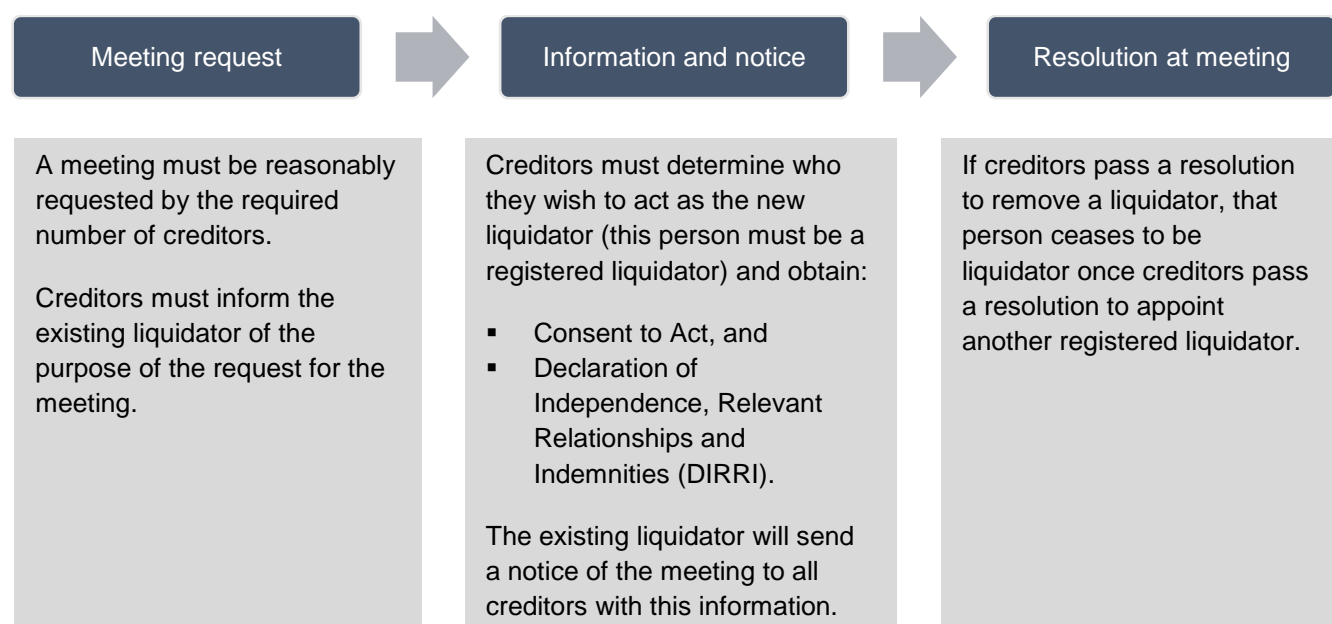
The cost of the reviewing liquidator is paid from the assets of the liquidation, in priority to creditor claims.

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

## Right to replace liquidator

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

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



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

## INITIAL REMUNERATION NOTICE

Insolvency Practice Schedule (Corporations) 70-50  
Insolvency Practice Rules (Corporation) 70-35

**Bretkel Pty Ltd (In Liquidation)**  
**Trading as Forestville Auto Body Repairs**  
**A.C.N. 639 072 307 ("the Company")**

The purpose of the Initial Remuneration Notice is to provide you with information about how I propose my remuneration for undertaking the Liquidation will be set.

### **1 Remuneration Methods**

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

- A. **Time based / hourly rates:** This is the most common method. The total fee charged is based on the hourly rate charged for each person who carried out the work multiplied by the number of hours spent by each person on each of the tasks performed.
- B. **Fixed Fee:** The total fee charged is normally quoted at the commencement of the administration and is the total cost for the administration. Sometimes a practitioner will finalise an administration for a fixed fee.
- C. **Percentage:** The total fee charged is based on a percentage of a particular variable, such as the gross proceeds of assets realisations.
- D. **Contingency:** The practitioner's fee is structured to be contingent on a particular outcome being achieved.

### **2 Method chosen**

Given the nature of this liquidation I propose that my remuneration be calculated on a time based/hourly rates basis. The amount of work required and the recoveries from Company assets are at this stage not known to me and accordingly the time based/hourly rates basis best allows me to accurately determine how much work has been completed in the liquidation and remunerate accordingly. I have chosen the time based/hourly rates method because:

- This method is considered to be the most suitable for this appointment as it ensures creditors are only charged for work that is performed in the liquidation, which can be difficult to accurately estimate at the date of appointment.
- Even later than the date of appointment, it can be difficult to estimate the time that may be required in advance of the substantive work being undertaken. The time-based method in this case again ensures that creditors are only charged for work that is actually performed in the external Liquidation.
- The practitioner is required to perform a number of tasks which do not relate to the realisation of assets, for example, reporting to the Australia Securities and Investments

Commission (“ASIC”), undertaking investigations, responding to creditor enquiries and distributing funds to creditors.

- The practitioner has a time recording system that can produce a detailed analysis of the time spent on each type of task by each individual staff member in the liquidation.
- Time based remuneration calculates fees upon a basis of time spent at the level appropriate to the work performed.

### 3 Explanation of Hourly Rates

The rates for my remuneration calculation are set out in the attached table, schedule of hourly rates, together with a general guide showing the qualifications and experience of staff engaged in the administration and the role they take in the administration. The hourly rates charged encompass the total cost of providing professional services and should not be compared to an hourly wage. Time is charged in six-minute increments.

### 4 Estimated remuneration

I have estimated that this liquidation will cost approximately \$65,000 exclusive of GST to completion, subject to the following variables which may have a significant effect on this estimate and that I am unable to determine at this early stage in the administration:

- The time required to obtain the Company books and records from the director and third parties;
- The recovery of the Company’s assets (if any);
- Investigations required into the business affairs of the Company and identify any assets or recoveries available to the liquidator; and
- Any matters identified that are required to be reported to statutory authorities, such as ASIC.

The Liquidator’s time costs are recoverable only against the asset realisations available.

### 5 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** such as travel, accommodation and search fees - these are recovered at cost.
- **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 which recoups both variable and fixed costs. The recovery of these costs must be on a reasonable commercial basis.

I am not required to seek creditor approval for disbursements paid to third parties but must account to creditors. However, I must be satisfied that these disbursements are appropriate, justified and reasonable.

I am required to obtain creditor's consent for the payment of internal disbursements where there may be a profit or advantage. Creditors will be asked to approve my internal disbursements where there is a profit or advantage prior to these disbursements being paid from the liquidation.

Details of the basis of recovering disbursements in this liquidation are provided below.

**Basis of disbursement claim**

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	\$0.78 per km
Travel - other	At cost

Scale applicable for the financial year ending 30 June 2022.

**Queries**

Creditors have the right to request and obtain further information from the liquidator.

**Information Sheet**

Creditors may access the remuneration information sheet (ASIC Information Sheet 85 – Approving fees: a guide for creditors) at ASIC's website under Regulatory Resources.  
<http://www.asic.gov.au/regulatory-resources/insolvency/insolvency-for-creditors/approving-fees-a-guide-for-creditors/>

DATED this 23<sup>rd</sup> day of June 2022

**Bretkel Pty Ltd (In Liquidation)**



**Brendan Copeland**  
Liquidator

# hogan sprowles

Schedule of rates as @ 1 July 2021

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.	550
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.	500
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.	450
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.	420
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.	370
Senior Analyst 2	Experienced graduate controlling certain tasks on small engagements. Assists senior staff in completing tasks on small to large engagements.	360
Analyst 1	Experienced graduate. Required to assists senior staff in completing tasks on small to large engagements.	310
Analyst 2	Generally a university graduate with appropriate qualifications. Assists with day to day tasks under the supervision of senior staff.	240
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.	215
Undergraduate	Undertaking relevant degree. Assists with tasks within workstreams and appointments under supervision.	190
Senior Bookkeeper	Experienced bookkeeper with more than 18 months experience. Assist senior staff with accounting functions of engagement.	190
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

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**NOTICE OF PROPOSAL TO CREDITORS**

**Dated: 23 June 2022**

**Voting Poll Closes: 15 July 2022**

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**Bretkel Pty Ltd (In Liquidation)  
Trading as Forestville Auto Body Repairs  
A.C.N. 639 072 307 (“the Company”)**

**Proposal No. 1 for creditor approval**

“That the current remuneration of the Liquidator for the period 25 May 2022 to 20 June 2022 is determined at a sum equal to the cost of time spent by the liquidator and his partners and staff, calculated at the hourly rates as detailed in the Remuneration Approval Report of 23 June 2022 of fees equalling \$43,634.00 exclusive of GST, and that the liquidator can draw the remuneration immediately or as required.”

**Vote on the Proposal No. 1**

Please select the appropriate Yes, No or Object box referred to below with a  to indicate your preferred position.

- Yes            I approve the proposal
- No              I do not approve the proposal
- Object          I object to the proposal being resolved without a meeting of creditors

For your vote to count, your claim against the Company must have been admitted for the purposes of voting by the Liquidator. Please select the option that applies to you:

- I have previously submitted a proof of debt form and supporting documents
- I have **enclosed** a proof of debt form and supporting documents with this proposal form
- I am **not** a related creditor of the Company
- I am a related creditor of the Company\*

relationship: \_\_\_\_\_

\*eg Director, relative of Director, related company, beneficiary of a related trust.

---

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

- A Liquidator is entitled to be fairly remunerated for undertaking statutory and other duties, including reporting obligations in acting as a liquidator.
- I am unable to pay my remuneration without the approval of the Committee of Inspection (if one has been appointed), Creditors, or the Court.
- Approval by Creditors is efficient and timely, and is less costly than an application to the Court.
- Approval of my remuneration will allow me to progress further investigations in a timely manner to ensure the prospect of any dividends can be maximised.
- Approval by Creditors, by circulating resolution from the Notice of Proposal to Creditors, is less costly than convening a meeting of creditors to obtain remuneration approval.
- This may negatively impact on creditors, as a formal meeting of creditors may be convened later than it may otherwise be convened, or not convened at all. That said, creditors are welcome to contact the Liquidators staff, by email or telephone, for an update on the liquidation.

---

**Name of creditor /  
authorised person:** \_\_\_\_\_

**Address:** \_\_\_\_\_

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

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

---

For your vote to count, you **must complete** this document and return it together with any **supporting documents** by no later than close of business on **Friday, 15 July 2022** by email to Christine Xiao at [cxiao@hogansprowles.com.au](mailto:cxiao@hogansprowles.com.au). Should you have any queries in relation to this matter, please contact Christine Xiao on (02) 8020 5858.

HoganSproles  
Level 2, 152 Marsden Street  
Parramatta NSW 2150

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**NOTICE OF PROPOSAL TO CREDITORS**

**Dated: 23 June 2022**

**Voting Poll Closes: 15 July 2022**

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**Bretkel Pty Ltd (In Liquidation)  
Trading as Forestville Auto Body Repairs  
A.C.N. 639 072 307 (“the Company”)**

**Proposal No. 2 for creditor approval**

“That the future remuneration of the Liquidator for the period 21 June 2022 to the conclusion of the liquidation is determined at a sum equal to the cost of time spent by the liquidator and his partners and staff, calculated at the hourly rates as detailed in the Remuneration Approval Report of 23 June 2022 of fees equalling \$21,366.00 exclusive of GST, and that the liquidator can draw the remuneration immediately or as required.”

**Vote on the Proposal No. 2**

Please select the appropriate Yes, No or Object box referred to below with a  to indicate your preferred position.

- Yes            I approve the proposal
- No              I do not approve the proposal
- Object          I object to the proposal being resolved without a meeting of creditors

For your vote to count, your claim against the Company must have been admitted for the purposes of voting by the Liquidator. Please select the option that applies to you:

- I have previously submitted a proof of debt form and supporting documents
- I have **enclosed** a proof of debt form and supporting documents with this proposal form
- I am **not** a related creditor of the Company
- I am a related creditor of the Company\*

relationship: \_\_\_\_\_

\*eg Director, relative of Director, related company, beneficiary of a related trust.



---

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

- A Liquidator is entitled to be fairly remunerated for undertaking statutory and other duties, including reporting obligations in acting as a liquidator.
- I am unable to pay my remuneration without the approval of the Committee of Inspection (if one has been appointed), Creditors, or the Court.
- Approval by Creditors is efficient and timely, and is less costly than an application to the Court.
- Approval of my remuneration will allow me to progress further investigations in a timely manner to ensure the prospect of any dividends can be maximised.
- Approval by Creditors, by circulating resolution from the Notice of Proposal to Creditors, is less costly than convening a meeting of creditors to obtain remuneration approval.
- This may negatively impact on creditors, as a formal meeting of creditors may be convened later than it may otherwise be convened, or not convened at all. That said, creditors are welcome to contact the Liquidators staff, by email or telephone, for an update on the liquidation.

---

**Name of creditor / authorised person:** \_\_\_\_\_

**Address:** \_\_\_\_\_

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

---

For your vote to count, you **must complete** this document and return it together with any **supporting documents** by no later than close of business on **Friday, 15 July 2022** by email to Christine Xiao at [cxiao@hogansprowles.com.au](mailto:cxiao@hogansprowles.com.au). Should you have any queries in relation to this matter, please contact Christine Xiao on (02) 8020 5858.

HoganSproles  
Level 2, 152 Marsden Street  
Parramatta NSW 2150

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**NOTICE OF PROPOSAL TO CREDITORS**
**Dated: 23 June 2022****Voting Poll Closes: 15 July 2022**


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**Bretkel Pty Ltd (In Liquidation)  
Trading as Forestville Auto Body Repairs  
A.C.N. 639 072 307 ("the Company")**

**Disbursements**

Disbursements are divided into three types:

- **Externally provided professional services** (eg legal fees) – these are recovered at cost.
- **Externally provided non-professional costs** (eg travel, accommodation and search fees) – these are also recovered at cost.
- **Internal disbursements** (eg photocopying, telephone, fax, printing and postage costs) – these are generally recovered at cost, however, expenses such as telephone calls, photocopying and printing may be charged at a rate which recoups both variable and fixed costs on a reasonable commercial basis.

I am not required to seek creditor approval for disbursements paid to third parties, however, I am required to account to creditors for such expenses and I must be satisfied that those disbursements are appropriate, justified and reasonable. In respect of Internal disbursements, to the extent that these may be recovered at more than their cost, they may be considered as deriving a profit or advantage and must therefore be approved by creditors, a committee of inspection (if one is appointed), or by the Court prior to them being drawn.

**Declaration**

I, Brendan Copeland of HoganSprowles have undertaken a proper assessment of disbursements claimed in the matter of the Company, in accordance with the law and applicable professional standards and I am satisfied that the disbursements claimed are necessary and proper.

It is proposed that future disbursements to be provided by my firm will be charged to the Company 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	\$0.78 per km
Travel - other	At cost

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**Proposal No. 3 for creditor approval**

“That the internal disbursements of the liquidator for the period 25 May 2022 to the conclusion of the liquidation at the rates outlined in the Remuneration Approval Report dated 23 June 2022 be capped at the amount of \$2,000 plus GST and can be drawn by the liquidator as required.”

**Vote on the Proposal No. 3**

Please select the appropriate Yes, No or Object box referred to below with a  to indicate your preferred position.

- Yes  I approve the proposal
- No  I do not approve the proposal
- Object  I object to the proposal being resolved without a meeting of creditors

For your vote to count, your claim against the Company must have been admitted for the purposes of voting by the Liquidator. Please select the option that applies to you:

- I have previously submitted a proof of debt form and supporting documents
- I have **enclosed** a proof of debt form and supporting documents with this proposal form
- I am **not** a related creditor of the Company
- I am a related creditor of the Company\*

relationship: \_\_\_\_\_

\*eg Director, relative of Director, related company, beneficiary of a related trust.

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

- A Liquidator is entitled to be fairly remunerated for undertaking statutory and other duties, including reporting obligations in acting as a liquidator.
- I am unable to pay my disbursements without the approval of the Committee of Inspection (if one has been appointed), Creditors, or the Court.
- Approval by Creditors is efficient and timely, and is less costly than an application to the Court.
- Approval of my disbursements will allow me to progress further investigations in a timely manner to ensure the prospect of any dividends can be maximised.
- This may negatively impact on creditors, as a formal meeting of creditors may be convened later than it may otherwise be convened, or not convened at all. That said, creditors are welcome to contact the Liquidator’s staff, by email or telephone, for an update on the liquidation.

**Creditor details**

*Name of creditor*

*Address*

*ABN (if applicable)*

*Contact number*

*Email address*

---

**Name of creditor /  
authorised person:** \_\_\_\_\_

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

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

---

For your vote to count, you **must complete** this document and return it together with any **supporting documents** by no later than close of business on **Friday, 15 July 2022**, by email to Christine Xiao at [cxiao@hogansprowles.com.au](mailto:cxiao@hogansprowles.com.au). Should you have any queries in relation to this matter, please contact Christine Xiao on (02) 8020 5858.

HoganSprowles  
Level 2, 152 Marsden Street  
Parramatta NSW 2000

INFORMAL PROOF OF DEBT FORM

Regulation 5.6.47

**Bretkel Pty Ltd (In Liquidation)**  
**Trading as Forestville Auto Body Repairs**  
**A.C.N. 639 072 307 ("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.

## Information sheet: Proposals without meetings

You may be a creditor in a liquidation, voluntary administration or deed of company arrangement (collectively referred to as an external administration).

You have been asked by the liquidator, voluntary administrator or deed administrator (collectively referred to as an external administrator) to consider passing a proposal without a meeting.

This information sheet is to assist you with understanding what a proposal without a meeting is and what your rights as a creditor are.

### What is a proposal without a meeting?

Meetings of creditors were previously the only way that external administrators could obtain the views of the body of creditors. However, meetings can be very expensive to hold.

A proposal without a meeting is a cost effective way for the external administrator to obtain the consent of creditors to a particular course of action.

### What types of proposals can be put to creditors?

The external administrator is able to put a range of proposals to creditors by giving notice in writing to the creditors. There is a restriction under the law that each notice can only contain a single proposal. However, the external administrator can send more than one notice at any single time.

### What information must the notice contain?

The notice must:

- include a statement of the reasons for the proposal and the likely impact it will have on creditors if it is passed
- invite the creditor to either:
  - vote yes or no to the proposal, or
  - object to the proposal being resolved without a meeting, and
- specify a period of at least 15 business days for replies to be received by the external administrator.

If you wish to vote or object, you will also need to lodge a Proof of Debt (POD) to substantiate your claim in the external administration. The external administrator will provide you with a POD to complete. You should ensure that you also provide documentation to support your claim.

If you have already lodged a POD in this external administration, you do not need to lodge another one.

The external administrator must also provide you with enough information for you to be able to make an informed decision on how to cast your vote on the proposal. With some types of proposals, the law or ARITA's Code of Professional Practice sets requirements for the information that you must be provided.

For example, if the external administrator is asking you to approve remuneration, you will be provided with a Remuneration Approval Report, which will provide you with detailed information about how the external administrator's remuneration for undertaking the external administration has been calculated.

### What are your options if you are asked to vote on a proposal without a meeting?

You can choose to vote yes, no or object to the proposal being resolved without a meeting.

### How is a resolution passed?

A resolution will be passed if more than 50% in number and 50% in value (of those creditors who did vote) voted in favour of the proposal, but only so long as not more than 25% in value objected to the proposal being resolved without a meeting.

### What happens if the proposal doesn't pass?

If the proposal doesn't pass and an objection is not received, the external administrator can choose to amend the proposal and ask creditors to consider it again or the external administrator can choose to hold a meeting of creditors to consider the proposal.

The external administrator may also be able to go to Court to seek approval.

### What happens if I object to the proposal being resolved without a meeting?

If more than 25% in value of creditors responding to the proposal object to the proposal being resolved without a meeting, the proposal will not pass even if the required majority vote yes. The external administrator will also be unable to put the proposal to creditors again without a meeting.

You should be aware that if you choose to object, there will be additional costs associated with convening a meeting of creditors or the external administrator seeking the approval of the Court. This cost will normally be paid from the available assets in the external administration.

This is an important power and you should ensure that it is used appropriately.

### Where can I get more information?

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

This information is available from ARITA's website at [artia.com.au/creditors](http://artia.com.au/creditors).

ASIC also provides information sheets on a range of insolvency topics. These information sheets can be accessed on ASIC's website at [asic.gov.au](http://asic.gov.au) (search for "insolvency information sheets").

## Liquidators Remuneration Approval Report

**Bretkel Pty Ltd (In Liquidation)**  
**Trading as Forestville Auto Body Repairs**  
**A.C.N. 639 072 307 (“the Company”)**

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

This report has the following information:

### Contents

Part 1: Declaration .....	2
Part 2: Executive Summary .....	2
Part 3: Remuneration.....	3
Part 4: Disbursements.....	3
Part 5: Likely impact on dividends .....	4
Part 6: Remuneration Recoverable from External Sources .....	4
Part 7: Report on Progress of the Liquidation .....	4
Part 8: Summary of Receipts and Payments.....	4
Part 9: Queries .....	5
Part 10: Approval of remuneration and internal disbursements .....	5

### What do you need to do next?

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

To minimise the costs in the administration and this liquidation, I have elected to seek the approval of creditors for my remuneration without a meeting. Information about the proposals without a meeting process is included as Annexure H.

You can cast your vote by using the included voting form. This form needs to be returned to my office by post, scanned and emailed or faxed. I need to receive your forms by **Friday 15 July 2022** 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 in this matter, please contact Christine Xiao of my office on (02) 8020 5858 or by email at [cxiao@hogansprowles.com.au](mailto:cxiao@hogansprowles.com.au).



## Part 1: Declaration

I, Brendan Copeland of HoganSprowles, have undertaken a proper assessment of this remuneration claim for my appointment as liquidator of the Company 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 liquidation.

## Part 2: Executive Summary

The total remuneration for this appointment is estimated to be \$65,000 exclusive of GST.

Remuneration currently claimed is summarised below:

Period	Report Reference	Amount (ex GST)
<b>Future Remuneration claim:</b>		
Liquidation		
Resolution 1: 25 May 2022 to 20 June 2022	Part 3	\$43,634.00
Resolution 2: 21 June 2022 to the conclusion	Part 3	\$21,366.00
<b>Total remuneration</b>		<b>\$65,000.00</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 claimed are summarised below:

Period	Report Reference	Amount (ex GST)
<b>Future Internal disbursements approval</b>		
Resolution 3: 25 May 2022 to the conclusion	Part 4	\$2,000.00
<b>Total – future disbursements</b>		<b>\$2,000.00</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

I will be seeking approval of the following resolutions to approve my remuneration. Details to support these resolutions are included in section 3.2 and in the attached schedules.

#### Resolution 1: remuneration from 25 May 2022 to 20 June 2022

“That the current remuneration of the Liquidator from 25 May 2022 to 20 June 2022 is determined at a sum equal to the cost of time spent by the Liquidator and his partners and staff, calculated at the hourly rates as detailed in the Liquidator’s Remuneration Approval Report dated 23 June 2022 that may be increased at a rate of 10% at 1 July each year (rounded to the nearest \$10), up to a capped amount of \$43,634.00 exclusive of GST, and that the Liquidator can draw the remuneration on a monthly basis or as required.”

#### Resolution 2: remuneration from 21 June 2022 the conclusion of the liquidation

“That the future remuneration of the Liquidator from 21 June 2022 to completion is determined at a sum equal to the cost of time spent by the Liquidator and his partners and staff, calculated at the hourly rates as detailed in the Liquidator’s Remuneration Approval Report dated 23 June 2022 that may be increased at a rate of 10% at 1 July each year (rounded to the nearest \$10), up to a capped amount of \$21,366.00 exclusive of GST, and that the Liquidator can draw the remuneration on a monthly basis or as required.”

### 3.2 Details of remuneration

The below tables sets out the predicted time charges to each major task area by staff members working on the liquidation for the period 25 May 2022 to the conclusion which is the basis of the Resolution 1 and 2 claims. More detailed descriptions of the tasks performed within each task area, matching the amounts below, are contained in Schedule A and B below.

### 3.3 Total remuneration reconciliation

In preparing this remuneration approval report, I have made my best estimate at what I believe the liquidation will cost to complete and I do not anticipate that I will have to ask creditors to approve any further remuneration. However, should the liquidation not proceed as expected, I will advise creditors and I 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.

## Part 4: Disbursements

Details of the type and calculation of disbursements are included in the attached initial remuneration notice. 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 in my initial remuneration notice.

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

Approval of the payment of my internal disbursements at the rates detailed in the attached initial remuneration notice to a capped amount of \$2,000 exclusive of GST is being sought from creditors via a proposal without a meeting.

### **Resolution 3: internal disbursements**

“That the internal disbursements of the liquidator for the period 25 May 2022 to the conclusion of the liquidation at the rates outlined in the Remuneration Approval Report dated 23 June 2022 be capped at the amount of \$2,000 plus GST and can be drawn by the liquidator as required.”

### **Part 5: Likely impact on dividends**

The likelihood of a dividend being paid to creditors depends on the outcome of my investigations and any recoveries. A further notice will be sent to creditors prior to any dividend distribution.

### **Part 6: Remuneration Recoverable from External Sources**

At this stage the Liquidator has not received, and is not entitled to receive, any funding from external sources in respect of remuneration.

### **Part 7: Report on Progress of the Liquidation**

Please see the Liquidators' Report to Creditors dated 23 June 2022.

### **Part 8: Summary of Receipts and Payments**

A summary of the receipts and payment from the date of my appointment to the date of this report is below:

**Receipts and Payments**  
For the period of 25 May 2022 to 23 June 2022

<b>Receipts</b>	<b>\$ incl GST</b>
Cash at Bank	\$3,200.00
<b>Total Receipts</b>	<b>\$3,200.00</b>
<b>Total Payments</b>	-

**Net Receipts** \$3,200.00

## Part 9: Queries

If you have any queries in relation to the information in this report, please contact Christine Xiao on (02) 8020 5858 or via email at [cxiao@hogansprowles.com.au](mailto:cxiao@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); and
- ASIC at [www.asic.gov.au](http://www.asic.gov.au) (search for “insolvency information sheets”).

## Part 10: Approval of remuneration and internal disbursements

At **Annexure D to F**, I have enclosed the following for your completion by **Friday 15 July 2022**:

- Voting slips for the Liquidator’s current and future remuneration;
- Voting slip for the Liquidator’s disbursements; and
- Proof of debt form.

In my report I am seeking creditors to vote via a proposal without a meeting on the following resolutions:

### Resolution 1: remuneration from 25 May 2022 to 20 June 2022

“That the current remuneration of the Liquidator from 25 May 2022 to 20 June 2022 is determined at a sum equal to the cost of time spent by the Liquidator and his partners and staff, calculated at the hourly rates as detailed in the Liquidator’s Remuneration Approval Report dated 23 June 2022 that may be increased at a rate of 10% at 1 July each year (rounded to the nearest \$10), up to a capped amount of \$43,634.00 exclusive of GST, and that the Liquidator can draw the remuneration on a monthly basis or as required.”

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**Resolution 2: remuneration from 21 June 2022 the conclusion of the liquidation**

“That the future remuneration of the Liquidator from 21 June 2022 to completion is determined at a sum equal to the cost of time spent by the Liquidator and his partners and staff, calculated at the hourly rates as detailed in the Liquidator’s Remuneration Approval Report dated 23 June 2022 that may be increased at a rate of 10% at 1 July each year (rounded to the nearest \$10), up to a capped amount of \$21,366.00 exclusive of GST, and that the Liquidator can draw the remuneration on a monthly basis or as required.”

AND

**Resolution 3: internal disbursements**

“That the internal disbursements of the liquidator for the period 25 May 2022 to the conclusion of the liquidation at the rates outlined in the Remuneration Approval Report dated 23 June 2022 be capped at the amount of \$2,000 plus GST and can be drawn by the liquidator as required.”

## Schedule A – Resolution 1 - Calculation of remuneration

**Bretkel Pty Ltd (In Liquidation)**  
**Trading as Forestville Auto Body Repairs**  
**A.C.N. 639 072 307 ("the Company")**  
ACTUAL HOURS INCURRED FOR THE PERIOD 25 MAY 2022 TO 20 JUNE 2022  
CALCULATION OF REMUNERATION

Employee	Position	\$ /hour	Total actual hours	Total (\$)	Task Area									
					Assets hrs	\$	Creditors hrs	\$	Employees hrs	\$	Investigation hrs	\$	Administration hrs	\$
Brendan Copeland	Partner	595.0	4.3	4,225	2.8	1,666	0.7	417	0.0	0	3.6	2,142	0.0	0
Mahima Sharma	Supervisor	420.0	73.8	31,584	0.0	0	13.2	5,530	1.4	588	42.0	17,633	18.7	7,833
Christine Xiao	Graduate	215.0	30.6	7,826	0.9	194	1.9	409	4.9	1,054	10.4	2,236	18.3	3,935
<b>Total</b>			<b>108.7</b>	<b>43,634</b>	<b>3.7</b>	<b>1,860</b>	<b>15.8</b>	<b>6,355</b>	<b>6.3</b>	<b>1,642</b>	<b>56.0</b>	<b>22,011</b>	<b>37.0</b>	<b>11,768</b>
GST				4,363										
TOTAL (Including GST)				47,997										
Average hourly rate (Excluding GST)				401										

## Schedule B – Resolution 2 - Calculation of remuneration

**Bretkel Pty Ltd (In Liquidation)**  
**Trading as Forestville Auto Body Repairs**  
**A.C.N. 639 072 307 ("the Company")**  
ACTUAL HOURS INCURRED FOR THE PERIOD 21 JUNE 2022 TO COMPLETION  
CALCULATION OF REMUNERATION

Employee	Position	\$ /hour	Total actual hours	Total (\$)	Task Area									
					Assets hrs	\$	Creditors hrs	\$	Employees hrs	\$	Investigation hrs	\$	Administration hrs	\$
Brendan Copeland	Partner	595	6.0	3,570	1.0	595	2.0	1,190	0.0	0	2.0	1,190	1.0	595
Mahima Sharma	Supervisor	420	31.0	13,020	3.0	1,260	12.0	5,040	2.0	840	12.0	5,040	2.0	840
Christine Xiao	Graduate	215	20.2	4,346	0.0	0	5.0	1,075	5.0	1,075	6.2	1,336	4.0	860
Thomas Farquhar	Graduate	215	2.0	430	0.0	0	0.0	0	0.0	0	0.0	0	2.0	430
<b>Total</b>			<b>59.2</b>	<b>21,366</b>	<b>4.0</b>	<b>1,855</b>	<b>19.0</b>	<b>7,305</b>	<b>7.0</b>	<b>1,915</b>	<b>20.2</b>	<b>7,566</b>	<b>9.0</b>	<b>2,725</b>
GST				2,137										
TOTAL (Including GST)				23,503										
Average hourly rate (Excluding GST)				361										

## Schedule C – 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.

Task Area	General Description	Includes
<b>Assets</b> <b>3.7 hours</b> <b>\$1,860</b>	Plant & Equipment	Identifying assets Internal discussion regarding asset listing Attendance on site Liaise with the secured creditor regarding the assets Correspondence with the real estate agent in respect of the assets
	Assets subject to specific charges	Liaise with secured parties regarding security Preparing disclaimers regarding secured assets Correspondence with secured parties Dealing with third party claims and secured creditor regarding assets of the Company
	Debtors	Reviewing debtors records Correspondence with debtors
	Leasing	Correspondence with landlord and real estate agent Attendance on site Task associated with disclaiming lease Reviewing documents provided by landlord
<b>Creditors</b> <b>15.8 hours</b> <b>\$6,355</b>	Creditor Enquiries	Receive and respond to creditor enquiries Maintaining creditor request log Review and prepare correspondence to creditors and their representatives
	Secured creditor reporting	Responding to secured creditors queries Reviewing documents provided by secured creditors Correspondence with secured creditor regarding financed vehicle Correspondence with the petitioning creditor Calls with secured creditors
	Creditor reports	Preparing initial report to creditors
<b>Employees</b> <b>6.3 hours</b> <b>\$1,642</b>	Employee Enquiry	Maintain employee enquiry register Review and prepare correspondence to employees via email and post Reviewing employee records
	Other Employees issues	Reviewing and preparing correspondence to employee regarding their queries Preparing termination letters to employees

Task Area	General Description	Includes
		Updating employees claims in books and records
Investigation 56.0 hours \$22,011	Conducting investigation	<p>Preparing correspondence to the Accountant and accounting software providers requesting access to books &amp; records</p> <p>Reviewing and accessing with Company's MYOB and Xero file</p> <p>Liaising with customers regarding the vehicles</p> <p>Reviewing records received from secured creditors, director and accountant</p> <p>Internal discussion regarding the matter and vehicle at premises</p> <p>Review and preparation of company nature and history</p> <p>Preparing correspondence to utility companies</p> <p>Correspondence with third parties regarding books and records of the Company</p> <p>Correspondence with Ventraip regarding cancellation of Company website.</p> <p>Conducting and summarising statutory searches</p> <p>Liaising with respective car insurance companies regarding vehicles</p> <p>Attending site and arrange for customers to collect their cars from leased premises</p> <p>Discussing with landlord and landlord's representative regarding various matters on site</p>
Administration 37.0 hours \$11,768	Document maintenance/fire review/checklist	<p>Filing of documents</p> <p>File reviews</p> <p>Preparing correspondence to the Director</p> <p>Preparing day one notices re appointment</p>
	Bank account administration	<p>Requesting bank statements</p> <p>Correspondence with CBA</p> <p>Reviewing bank statements</p>
	ATO and other statutory reporting	<p>Notification of appointment</p> <p>Correspondence with ATO regarding lodgements and registration</p>
	ASIC Forms and other forms	Preparing and lodging ASIC Forms including 505, 525 etc.
	Planning / Review	Discussions regarding status of administration
	Books and records/storage	Dealing with records



## Schedule D – Resolution 2 - 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.

Task Area	General Description	Includes
<b>Assets</b> 4.0 hours \$1,855	Plant & Equipment	Correspondence with the secured creditor and/or landlord and real estate agent
	Assets subject to specific charges	Liaise with secured parties regarding security Preparing disclaimers regarding secured assets (if required) Correspondence with secured parties
<b>Creditors</b> 19.0 hours \$7,305	Creditors report	Preparation statutory report to creditors Prepare investigations, meeting and general report to creditors Prepare estimated position and return to creditors
	Dealing with proofs of debt	Receipting and filing POD's when not related to a dividend Corresponding with OSR and ATO regarding POD when not related to a dividend
	Proposals to Creditors	Preparing proposal notices and voting forms Forward notice of proposal to all known creditors Reviewing votes and determining outcome of proposal Preparation and lodgement of proposal outcome with ASIC
	Creditor Enquiries, Requests & Directions	Receive and respond to creditor enquiries Maintaining creditor request log Review and prepare correspondence to creditors and their representatives
<b>Employees</b> 7.0 hours \$1,915	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 Prepare letters to employees advising of their entitlements and options available Assist staff with FEG claims
	Employees Entitlements	Calculations of employee's entitlements Reviewing Company's records and employees files Liaise with employees regarding their entitlements

Task Area	General Description	Includes
<b>Investigation</b> 20.2 hours \$7,566	Conducting investigations	Collection of company's books and records Reviewing company's books and records Review and preparation of company nature and history Conducting and summarising statutory searches Preparation of comparative financial statements Preparation of deficiency statement Review of specific transactions and liaising with directors regarding certain transactions Liaising with directors regarding certain transactions Liaising with real estate agent Correspondence with third parties regarding specific transactions of the Company Preparation of investigation file Lodgement of investigation with the ASIC Consider and review related party loans and transactions Preparation and lodgement of investigation with the ASIC Preparation and lodgement of supplementary report if required
	Litigation/recoveries (if any)	Internal discussion regarding recoveries actions Reviewing company books and records for supporting documentations Tasks associated with litigations and recoveries Liaising with lawyers
	ASIC Reporting	Preparing statutory investigation reports Liaising with ASIC
	Correspondence	With various stakeholders Liaise with director, solicitor and/or accountant to discuss financial position
<b>Administration</b> 9.0 hours \$2,725	Document maintenance/file review/checklist	First month, then six monthly administration reviews Filing of documents File reviews Updating checklist
	Insurance	Identification of potential issues requiring attention of insurance specialists Correspondence with insurer regarding initial and ongoing insurance requirements Reviewing insurance policies Correspondence with previous brokers

Task Area	General Description	Includes
	Bank account administration	Preparing correspondence opening and closing accounts Requesting bank statements Bank account reconciliations Correspondence with bank regarding specific transfers
	Creditor Enquiries, Requests & Directions	Receive and respond to creditor enquiries Maintaining creditor request log Review and prepare correspondence to creditors and their representatives
	ATO and other statutory reporting	Notification of appointment Correspondence with ATO regarding lodgements and registration Notifying ATO of finalisation Cancelling AGN/GST/PAYG registration Request for information
	Planning / Review	Discussions regarding status of administration
	Books and records / storage	Dealing with records in storage Recall records for investigations and collation of documents Sending job files to storage

# hogan sprowles

Schedule of rates as @ 1 July 2021  
 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.	550
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.	500
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.	450
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.	420
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.	370
Senior Analyst 2	Experienced graduate controlling certain tasks on small engagements. Assists senior staff in completing tasks on small to large engagements.	360
Analyst 1	Experienced graduate. Required to assists senior staff in completing tasks on small to large engagements.	310
Analyst 2	Generally a university graduate with appropriate qualifications. Assists with day to day tasks under the supervision of senior staff.	240
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.	215
Undergraduate	Undertaking relevant degree. Assists with tasks within workstreams and appointments under supervision.	190
Senior Bookkeeper	Experienced bookkeeper with more than 18 months experience. Assist senior staff with accounting functions of engagement.	190
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