

Initial information for creditors

**Tataki 'Aho – Dawn Light Company Pty Ltd (In Liquidation)
Trading As Tyre Runner Express
A.C.N. 619 444 647 (“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 as Liquidator of the Company on 28 September 2022 pursuant to an Order of the Supreme Court of Victoria. A copy of the Court Order is **enclosed**. The petitioning creditor is Bizcap AU Pty Ltd (“**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.

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	31 May 2017	
Current Registered Office	Unit 2, 59 Sunline Drive, Truganina VIC 3029	
Current Principal Place of Business	Unit 2, 59 Sunline Drive, Truganina VIC 3029	
Director	Appointed	Ceased
Vaisima Liu	01/01/2019	-
Nika M Liu	10/12/2018	01/01/2019
Nika M Liu	31/05/2017	10/12/2018
Share Structure	Amount Paid	Amount Unpaid
1000 Ordinary Shares	\$5,000.00	\$0.00
Current Shareholders	Shares Held/Type	Fully Paid
Vaisima Liu	500	Yes
Nika M Liu	500	Yes

3. Update on Liquidation

3.1 Background

The Company operated a tyre courier business called Tyre Runner Express from the premises located at Unit 2, 59 Sunline Drive, Truganina VIC 3029 ("the Premises"). The Company ceased to trade following my appointment.

Since my appointment I have undertaken the following tasks, including but not limited to:

- Assumed control of the Company's bank account with Australia and New Zealand Banking Group ("ANZ") and realised funds in the sum of \$18,161 in relation to pre-appointment cash and outstanding debtors.
- Conducted investigations in relation to the Company's assets.

- Arranged Valuer to attend the Premises and provide a valuation of the assets.
- Issued 530B notices to the Company's accountant.
- Issued termination letter to the company's sole employee.
- Issued correspondence to the Director, Vaisima Liu to provide me with the Report of Company Affairs and Property ("ROCAP"). I received a completed ROCAP on 18 October 2022.
- Liaised with secured creditors regarding their secured property and business with the Company.
- Commenced my investigations in relation to the affairs of the Company and potential claims.

My investigations are continuing, in particular with the following:

- Locating any further assets of the business;
- Recovering outstanding debtors;
- Investigations into the affairs of the business;
- Breaches of any of the director's duties;
- 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 Tom Farquhar of my office, by email at tfarquhar@hogansproawles.com.au or by phone 02 8020 5861 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.

4. 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 \$50,000 exclusive of GST (**Annexure D**); and
- Approve the internal disbursements of the Liquidator for \$2,000 exclusive of GST (**Annexure E**)

5. 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. 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 (search for “insolvency information sheets”).

Should you have any questions in relation to this matter, please contact Tom Farquhar of my office, by email at tfarquhar@hogansprowles.com.au or by phone on (02) 8020 5861.

DATED this 21st day of October 2022.

Tataki 'Aho – Dawn Light Company 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: Remuneration
Annexure E	Proposal 2: Disbursements
Annexure F	Informal Proof of Debt form
Annexure G	ARITA Information Sheet: Proposals without meeting
Annexure H	Liquidator's Remuneration Report

IN THE SUPREME COURT OF VICTORIA AT MELBOURNE
COMMERCIAL COURT
CORPORATIONS LIST

S ECI 2022 02810

IN THE MATTER of TATAKI 'AHO - DAWN LIGHT COMPANY PTY LTD
(ACN 619 444 647) trading as TYRE RUNNER EXPRESS

BETWEEN:

BIZCAP AU PTY LTD (ACN 633 927 090) Plaintiff

- and -

TATAKI 'AHO - DAWN LIGHT COMPANY PTY LTD (ACN 619 444 647) trading as TYRE RUNNER EXPRESS Defendant

WINDING UP ORDER

JUDICIAL REGISTRAR: Judicial Registrar Gitsham

DATE MADE: 28 September 2022

ORIGINATING PROCESS: Filed on 25 July 2022

HOW OBTAINED: At the trial of the proceeding.

ATTENDANCE: Mr K. Kelly, the Solicitor for the Plaintiff.
Mr M. Algie, the Solicitor for the Defendant.

OTHER MATTERS:

- A. The Court is satisfied that the technical requirements in section 42G of the *Evidence (Miscellaneous Provisions) Act 1958* are met and all parties consent to the making of the direction under section 42E(1) of that Act.
- B. The Court directs that all persons shall appear, give evidence, and make submissions in this proceeding this day by audio-visual link
- C. The parties rely upon all documents filed by them in the proceeding to the date of this order.



THE COURT ORDERS THAT:

1. Tataki 'Aho - Dawn Light Company Pty Ltd (ACN 619 444 647) be wound up in insolvency under the provisions of the *Corporations Act 2001*.
2. Brendan Copeland is appointed liquidator for the purposes of the winding up.
3. The Plaintiff's costs, including costs reserved on 24 August 2022 are costs in the winding up.

DATE AUTHENTICATED: **28 September 2022**

PROTHONOTARY

LG

Note: it is the duty of such person/s who are liable to make out or concur in making out the report as to the affairs of the company as the liquidators require to attend on the liquidators at the time and place they appoint and give them all information they require.



DECLARATION OF INDEPENDENCE, RELEVANT RELATIONSHIPS AND INDEMNITIES

**Tataki 'Aho – Dawn Light Company Pty Ltd (In Liquidation)
Trading As Tyre Runner Express
A.C.N. 619 444 647 (“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 22 July 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 28 September 2022, I was contacted by Mr Haguthee who advised, I was appointed Liquidator of The Tataki 'Aho Dawn Light Company Pty Ltd trading as Tyre Runner Express 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.

I have never met or had any discussions with the director or shareholders of the Company. I have never met or had any discussions with the petitioning creditor.

In my opinion my conversations with JHK Legal does not affect my independence as no advice was provided and:

- The ARITA (formerly IPA) Code of Professional Practice and the Courts recognises the need for practitioners to provide advice on the insolvency process and the options available and we do not consider that such advice results in a conflict or is an impediment to accepting the appointment; and
- The nature of the advice provided (if any) to the Company is such that it would not be subject to review and challenge during the Administration; and
- The nature of the pre-appointment advice provided (if any) to the Company will not influence our ability to fully comply with the statutory and fiduciary obligations associated with the Administration of the Company in an objective and impartial manner.

I have provided no other information or advice to the Company prior to my appointment beyond that outlined in this DIRRI.

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: 21 October 2022

Tataki 'Aho Dawn Light Company Pty Ltd (In Liquidation)



Brendan Copeland

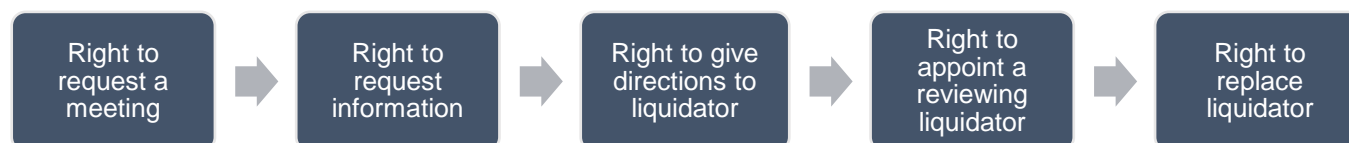
Liquidator

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.

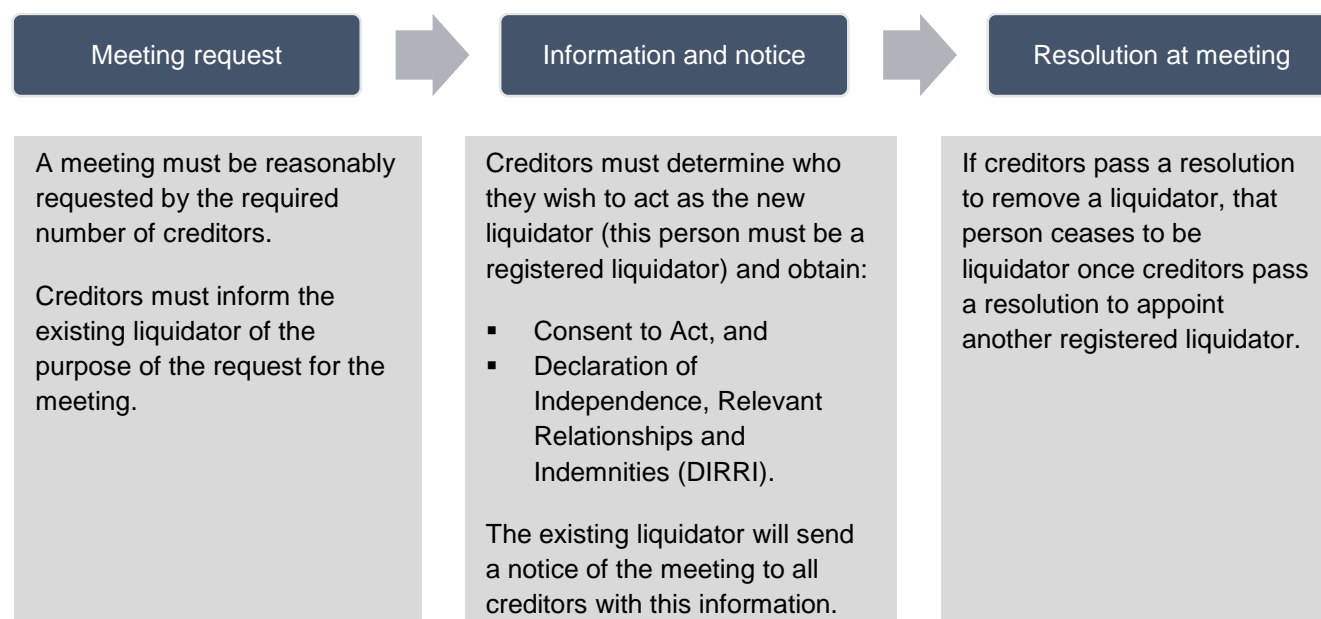
The cost of the reviewing liquidator is paid from the assets of the liquidation, in priority to creditor claims.

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.
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

Tataki 'Aho – Dawn Light Company Pty Ltd (In Liquidation)
Trading As Tyre Runner Express
A.C.N. 619 444 647 ("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 \$50,000 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 21st day of October 2022.

Tataki 'Aho – Dawn Light Company 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

NOTICE OF PROPOSAL TO CREDITORS

Dated: 21 October 2022

Voting Poll Closes: 4 November 2022

**Tataki 'Aho – Dawn Light Company Pty Ltd (In Liquidation)
Trading As Tyre Runner Express
A.C.N. 619 444 647 ("the Company")**

Proposal No. 1 for creditor approval

“That the remuneration of the Liquidator for the period 28 September 2022 to conclusion 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 21 October 2022 of fees equalling \$50,000 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 **4 November 2022**, by email to Tom Farquhar at tfarquhar@hogansprowles.com.au. Should you have any queries in relation to this matter, please contact Tom Farquhar on (02) 8020 5861.

HoganSproles
Level 9, 60 Pitt Street
Sydney NSW 2000

NOTICE OF PROPOSAL TO CREDITORS
Dated: 21 October 2022**Voting Poll Closes: 4 November 2022**

**Tataki 'Aho – Dawn Light Company Pty Ltd (In Liquidation)
Trading As Tyre Runner Express
A.C.N. 619 444 647 ("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, Christian Sprowles 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 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

Proposal No. 2 for creditor approval

“That the internal disbursements of the liquidator for the period 28 September 2022 to the conclusion of the liquidation at the rates outlined in the Remuneration Approval Report dated 21 October 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 **4 November 2022**, by email to Tom Farquhar at tfarquhar@hogansprowles.com.au. Should you have any queries in relation to this matter, please contact Tom Farquhar on (02) 8020 5861.

HoganSprowles
Level 9, 60 Pitt Street
Sydney NSW 2000

INFORMAL PROOF OF DEBT FORM

Regulation 5.6.47

Tataki 'Aho – Dawn Light Company Pty Ltd (In Liquidation)
Trading As Tyre Runner Express
A.C.N. 619 444 647 ("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.

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 (search for "insolvency information sheets").

Liquidators Remuneration Approval Report

Tataki 'Aho – Dawn Light Company Pty Ltd (In Liquidation)
Trading As Tyre Runner Express
A.C.N. 619 444 647 (“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 Tataki 'Aho – Dawn Light Company Pty Ltd.

This report has the following information:

Contents

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Part 8: Summary of Receipts and Payments.....	4
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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 **4 November 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 Tom Farquhar of my office on (02) 8020 5861 or by email at tfarquhar@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 \$50,000 exclusive of GST.

Remuneration currently claimed is summarised below:

Period	Report Reference	Amount (ex GST)
Future Remuneration claim:		
Liquidation		
Resolution 1: 28 September 2022 to conclusion	Part 3	
Total remuneration		\$50,000.00
* Approval for the 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)
Internal disbursements approval		
Resolution 3: 28 September 2022 to the conclusion	Part 4	\$2,000.00
Total – disbursements		\$2,000.00
* Approval for the 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 28 September 2022 to conclusion.

“That the remuneration of the Liquidator for the period 28 September 2022 to conclusion 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 21 October 2022 of fees equalling \$50,000 exclusive of GST, and that the liquidator can draw the remuneration immediately or as required.”

3.2 Details of remuneration

The below table sets out the predicted time charges to each major task area by staff members working on the liquidation for the period 28 September 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 2: Internal disbursements

“That the internal disbursements of the liquidator for the period 28 September 2022 to the conclusion of the liquidation at the rates outlined in the Remuneration Approval Report dated 21 October 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 21 October 2022.

Part 8: Summary of Receipts and Payments

Tataki 'Aho Dawn Light Company Pty Ltd (In Liquidation) Summary of Receipts and Payments For the period 28 September 2022 to 21 October 2022	
	Ex GST
Receipts	
Preappointment Cash at Bank	18,161.90
Sale of IVECO Prime Mover Truck	3,787.88
Total receipts	21,949.78
Payments	
Legal Fees	6,610.58
Total payments	6,610.58
Cash at bank	15,339.20

Part 9: Queries

If you have any queries in relation to the information in this report, please contact Tom Farquhar on (02) 8020 5861 or via email at tfarquhar@hogansprowles.com.au.

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

- ARITA at www.arita.com.au/creditors; and
- ASIC at 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, 4 November 2022**:

- Voting slips for the Liquidator’s 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 28 September 2022 to conclusion.

“That the remuneration of the Liquidator for the period 28 September 2022 to conclusion 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 21 October 2022 of fees equalling \$50,000 exclusive of GST, and that the liquidator can draw the remuneration immediately or as required.”

AND

Resolution 2: Internal disbursements from 28 September 2022 to conclusion.

“That the internal disbursements of the liquidator for the period 28 September 2022 to the conclusion of the liquidation at the rates outlined in the Remuneration Approval Report dated 21 October 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

Tataki 'Aho – Dawn Light Company Pty Ltd (In Liquidation)

A.C.N. 619 444 647 ("the Company")

ACTUAL HOURS INCURRED FOR THE PERIOD 22 AUGUST 2022 TO CONCLUSION

CALCULATION OF REMUNERATION

Employee	Position	\$/hour	Total actual hours	Total (\$)	Task Area							
					Assets hrs	\$	Creditors hrs	\$	Investigation hrs	\$	Administration hrs	\$
Brendan Copeland	Partner	595.0	21.0	12,495	7.0	4,165	6.0	3,570	7.0	4,165	1.0	595
Angelo Cadiz	Manager	450.0	49.0	22,050	11.0	4,950	17.0	7,650	18.0	8,100	3.0	1,350
Tom Farquhar	Analyst	240.0	62.0	14,880	15.0	3,600	22.0	5,280	20.0	4,800	5.0	1,200
Domonique Bui	Administrative Assistant	120.0	8.0	960	2.0	240	2.0	240	1.5	180	2.5	300
Total			140.0	50,385	35.0	12,955	47.0	16,740	46.5	17,245	11.5	3,445
But Say				50,000.00								
GST				5,000.00								
TOTAL (including GST)				55,000.00								
Average hourly rate (excluding GST)				359.89								

Schedule B – 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
Assets 35.0 hours \$12,955.00	Sale of Business	Reviewing Sale of Business (if any) Investigations into assets transferred Potential voidable transaction recoveries
Creditors 47.0 hours \$16,740.00	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
	Reports to creditors	Preparation of initial report to creditors Preparation statutory report to creditors Prepare investigations, meeting and general report to creditors Prepared 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
Investigation 46.5 hours \$17,245.00	Correspondence	With various stakeholders Contact made with the Directors and other third parties Liaise with director, solicitor and/or accountant to discuss financial position
	Conducting investigation	Preparing correspondence to the Accountant requesting books & records Collection of company books and records Review and preparation of company nature and history Conducting and summarising statutory searches Conducting investigations into the affairs of the Company Collection of company's books and records Reviewing company's books and records

Task Area	General Description	Includes
		<p>Correspondence with ASIC to receive assistance in obtaining Report on Company Affairs and Property</p> <p>Review and preparation of company nature and history</p> <p>Preparation of comparative financial statements</p> <p>Preparation of deficiency statement</p> <p>Review of specific transactions and liaising with director regarding certain transactions</p> <p>Liaising with director regarding certain transactions</p> <p>Preparation of investigation file</p> <p>Lodgement of investigation with the ASIC</p> <p>Consider and review related party loans and transactions</p> <p>Preparation and lodgement of investigation with the ASIC</p> <p>Preparation and lodgement of supplementary report if required</p>
	ASIC Reporting	<p>Preparing and lodging ASIC forms including 505 etc</p> <p>Preparing statutory investigation reports</p> <p>Preparing affidavits seeking non-lodgement assistance</p> <p>Liaising with ASIC</p>
<p>Administration 11.5 hours \$3,445.00</p>	Bank account administration	<p>Requesting bank statements</p> <p>Preparing correspondence opening and closing accounts</p> <p>Requesting bank statements</p> <p>Bank account reconciliations</p> <p>Correspondence with bank regarding specific transfers</p>
	ATO and other statutory reporting	<p>Notification of appointment</p> <p>Correspondence with ATO regarding lodgements and registration</p> <p>Correspondence with ATO regarding lodgements and registration</p> <p>Notifying ATO of finalisation</p> <p>Cancelling AGN/GST/PAYG registration</p> <p>Request for information</p>
	Planning / Review	<p>Discussions regarding status of administration</p>
	Document maintenance/file review/checklist	<p>First month, then six monthly administration reviews</p> <p>Filing of documents</p> <p>File reviews</p> <p>Updating checklist</p>

Task Area	General Description	Includes
	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
	ASIC Forms and lodgements	Preparing and lodging ASIC forms Correspondence with ASIC regarding statutory forms
	Books and records / storage	Dealing with records in storage Recall records for investigations and collation of documents Sending job files to storage

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Schedule of rates as @ 1 July 2022

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