

**Heard Phillips Lieberenz Pty Ltd** 

Level 12, 50 Pirie St, Adelaide SA 5000 PO Box 3432 Rundle Mall SA 5000

T 08 7089 0011 E info@hplca.com.au

ABN 97 169 172 983

hplca.com.au

# **Initial Information to Creditors**

Emerald Electrical SA Pty Ltd (In Liquidation) ACN 654 734 433 ("the Company")

According to the Company's records, you may be a creditor of 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.

### 1.0 Notification of Appointment

I was appointed liquidator of the Company by a resolution of its shareholders on 12 March 2025.

A copy of my Declaration of Independence, Relevant Relationships and Indemnities ("DIRRI") is attached in 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. None of the relationships disclosed in this document affect my independence.

# 2.0 Effect of Appointment

The Corporations Act 2001 ("the Act") imposes a moratorium or freeze on creditor claims, replacing a creditor's right to pursue their claim legally with a right to participate in any dividend paid by the liquidator.

The director's powers ceased on my appointment and I am securing and realising the property of the Company for the benefit of creditors.

# 3.0 Trading

The Company's operations ceased immediately following to my appointment and I will not be involved in any future trading of the business.



### 4.0 What is a Creditors' Voluntary Liquidation?

A creditors' voluntary liquidation occurs when a company, facing insolvency, is placed into liquidation by its members. A company is insolvent when it is unable to pay all its creditors in full.

### 5.0 Summary of the Company's Affairs

A summary of the Company's affairs is attached in Annexure B. I have also attached in Annexure C a list of creditors, including their address and the estimated amounts of their claims, that are shown in the records of the Company. Any creditors related to the Company are separately identified.

### 6.0 What Happens to Your Debt?

All creditors of the Company are now creditors in the liquidation. As a creditor, you have certain rights, although your debt will be dealt with in the liquidation.

In order to claim as a creditor in the liquidation, you must complete and return to me a formal Proof of Debt, together with all relevant supporting documentation. A Proof of Debt is attached at Annexure D.

Section 600G of the Act permits electronic notification to creditors of certain notices or documents. If you would like to nominate to receive electronic notification, please complete the relevant section on the Proof of Debt form.

# 7.0 Your Rights as a Creditor

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

- make reasonable requests for a meeting;
- make reasonable requests for information;
- give directions to me;
- appoint a reviewing liquidator; or
- replace me as liquidator.

### 8.0 Costs of the Liquidation

Included in Annexure F is my Initial Remuneration Notice. This document provides you with information about how I will get paid for undertaking the liquidation.

# 9.0 What Happens Next?

I will proceed with the liquidation, including:

- recovering and selling any available property;
- Investigating the Company's affairs; and
- reporting to the corporate regulator, the Australian Securities and Investments Commission ("ASIC").

If I receive a reasonable request for a meeting that complies with the guidelines set out in the creditor rights information sheet, I will hold a meeting of creditors.

Whether a meeting is held or not, I will write to you within three (3) months of my appointment advising whether a dividend is likely.

I may write to you again after that with further information on the progress of the liquidation.

### 10.0 Where Can You Get More Information?

ASIC provides information sheets to assist creditors with understanding liquidations and insolvency. This information is available from ASIC's website at <a href="https://asic.gov.au/regulatory-resources/insolvency/insolvency-information-for-directors-employees-creditors-and-shareholders/">https://asic.gov.au/regulatory-resources/insolvency/insolvency-information-for-directors-employees-creditors-and-shareholders/</a>.

For further information please feel free to contact this office.

Dated this 21<sup>ST</sup> day of Manes

2025

Mark Lieberenz

Liquidator

Contact:

Chris Moody

Email:

cmoody@heardphillips.com.au

Encl.



# **Annexures**

"A" Declaration of Independence, Relevant Relationship	s and	Indemnities
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"B" Summary of Affairs

"C" List of Creditors

"D" Proof of Debt

"E" Information Sheet - Creditor Rights in Liquidation

"F" Initial Remuneration Notice

"G" Scale of Fees



# **Initial Information to Creditors**

Emerald Electrical SA Pty Ltd (In Liquidation) ACN 654 734 433

**Annexure A** 

# **Declaration of Independence, Relevant Relationships and Indemnities**

Emerald Electrical SA Pty Ltd (In Liquidation) ACN 654 734 433 ("the Company")

The purpose of this document is to assist creditors with understanding any relevant relationships that I, the Liquidator, have with parties who are closely connected to Emerald Electrical SA Pty Ltd and any indemnities or upfront payments that have been provided to me. None of the relationships disclosed in this document are such that my independence is affected.

This information is provided so you have trust and confidence in my independence and, if not, you can ask for further explanation or information and can act to remove and replace me if you wish.

This declaration is made in respect of myself, my fellow directors, and Heard Phillips Lieberenz Pty Limited.

I, Mark Lieberenz, am a Professional Member of the Australian Restructuring Insolvency and Turnaround Association ("ARITA") and I acknowledge that I am bound by the ARITA Code of Professional Practice.

### A. Independence

I have assessed my independence and I am not aware of any reasons that would prevent me from accepting this appointment.

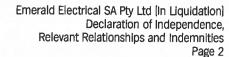
There are no other known relevant relationships, including personal, business and professional relationships that should be disclosed beyond those I have disclosed in this document.

# **B.** Circumstances of appointment

### How I was referred this appointment

This appointment was referred to me by Rowe Partners, the accountants for the Company. I believe that this referral does not result in a conflict of Interest or duty because:

- the number of referrals I have received from this source is not material to the overall firm revenue;
- there is no commercial relationship, arrangement or connection with Rowe Partners that would challenge my objectivity;
- I have no expectation of ongoing work referrals because I am just one of many practitioners who may receive referrals from Rowe Partners:
- there is no expectation, agreement or understanding between myself and Rowe Partners regarding the conduct of this administration; and
- my relationship with Rowe Partners will not influence my ability to fully comply with my statutory and fiduciary obligations associated with this appointment.





### Did I meet with the company, the directors or their advisers before I was appointed?

☑ Yes ☐ No

I had the following contact with the director and/or his advisors prior to my appointment:

- On 3 March 2025, I met with the director and his accountant to discuss the affairs of the Company and outline the options available.
- Telephone discussion with the Director on 7 March 205 confirming intention to appoint a liquidator.
- Meeting at my office with the Director, myself and Chris Moody of my office to discuss the appointment process on 11
   March 2025.

These meetings and correspondence were for the purpose of:

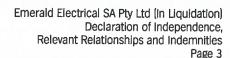
- providing advice on the financial position of the Company and its options;
- obtaining sufficient information about the Company to advise the Company, its director on the solvency of the Company;
- to clarify and explain for the Company and its director the various options available to the Company and the nature and consequences of an insolvency appointment; and
- for me to provide a consent to act.

I received no remuneration for this advice.

In my opinion, these meetings do not affect my independence for the following reasons:

- the Courts and the ARITA Code of Professional Practice specifically recognise the need for practitioners to provide advice on the insolvency process and the options available and do not consider that such advice results in a conflict or is an impediment to accepting the appointment;
- the nature of the advice provided to the Company is such that it would not be subject to review and challenge during the course of the liquidation; and
- the pre-appointment advice will not influence my ability to be able to fully comply with the statutory and fiduciary obligations associated with the liquidation of the Company in an objective and impartial manner.

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





# C. Declaration of Relationships

The Company?	☐ Yes ☒ No	
The directors?	☐ Yes ☒ No	
Any associates of the Company?	☐ Yes ☒ No	
A former insolvency practitioner appointed to the Company?	☐ Yes ☒ No	
A secured creditor entitled to enforce a security over the whole or substantially the whole of the Company's property?	☐ Yes ☒ No	
	s that I consider are relevant to creditors assessing my independence?	

# D. Indemnities and up-front payments

I have not been indemnified in relation to this liquidation, 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 this 2/57 day of MARCH 2025

Mark Lieberenz

Liquidator

#### Note:

- The assessment of independence has been made based on an evaluation of the significance of any threats to independence and in accordance with the requirements of the relevant legislation and professional Standards.
- 2. If circumstances change, or new information is identified, I am required under the Corporations Act 2001 and ARITA's Code of Professional Practice to update this Declaration and provide a copy to creditors with my next communication as well as table a copy of any replacement declaration at the next meeting of the insolvent's creditors. For creditors' voluntary liquidations and voluntary administrations, this document and any updated versions of this document are required to be lodged with ASIC.

# **Initial Information to Creditors**

Emerald Electrical SA Pty Ltd (In Liquidation) ACN 654 734 433

**Annexure B** 

# **Australian Securities & Investments Commission**


sent to creditors  Company name  Emerald Electrical SA Pty Ltd (In Li  ACN / ABN  654 734 433	quidation)	
ACN / ABN	quidation)	
654 734 433		
Who should ASIC contact if there is a	a query about this form?	?
ASIC registered agent number (if app 25953	olicable)	
Firm/Organisation Heard Phillips Lieberenz		
Contact name/position description Mark Lieberenz	Telephone Number (08) 7089 0011	er .
Email address (optional) cmoody@hplca.com.au		
Postal Address or DX Address PO Box 3432		
Suburb/City	State / Territory	Post Code
		5000
lities		
Date to which summary is made up		
Date 12/3/25		
	ASIC registered agent number (if app 25953  Firm/Organisation Heard Phillips Lieberenz  Contact name/position description Mark Lieberenz  Email address (optional) cmoody@hplca.com.au  Postal Address or DX Address PO Box 3432  Suburb/City Rundle Mall  lities  Date to which summary is made up	Firm/Organisation  Heard Phillips Lieberenz  Contact name/position description  Mark Lieberenz  Email address (optional)  cmoody@hplca.com.au  Postal Address or DX Address PO Box 3432  Suburb/City  Rundle Mall  Sa  Date to which summary is made up

Ų)	ntinued Summary of assets and liabilities		
		Valuation (for each entry show whether cost or net book amount)	Estimated Realisable Values \$
	Assets not specifically subject to security interest		
	(a) interest in land	150,000	150,000 150,000
	(b) sundry debtors		
	(c) cash on hand	0	0
	(d) cash at bank	23,000	23,000
	(e) stock	20,000	151000
	(f) work in progress	30,000	30,000
	(g) plant and equipment	10,000	5,000
	(h) other assets	0	0
	Sub total	712,000	373,000
	Assets subject to specific security interests Less amounts owing	250 000	25000c
	Total assets		21100/
	Total Estimated Realisable Values	(\$ 742,633	
٠			18 403,633
	Less payable in advance of secured creditor(s) including employee entitlements		31,148
	Less amounts owing and secured by debenture or circular security interest over assets		0
	Less preferential claims ranking behind secured creditors		
	Less balances owing to partly secured creditors		
-	Total Claims (\$).		
	Security Held (\$		0
	Less creditors (unsecured) Amount claimed		664,513
	Add contingent assets Estimated to produce		
	Less Contingent liabilities Estimated to rank		
	Estimated Surplus (Deficiency) Subject to costs of the Liquidation	-	\$ 292,078
	Share capital s		
	Issued \$		

# Signature

This form must be signed by a director, secretary or liquidator.

Name of person signing	
Benjamin Adamou	
Capactiy	
Director	
Signature	
Date	
12/63/2025.	

# Lodgement

If lodging with ASIC, send completed and signed forms to: Australian Securities and Investments Commission PO Box 4000, Gippsland Mail Centre VIC 3841. For help or more information
Web www.asic.gov.au
Need help? www.asic.gov.au/question
Telephone 1300 300 630

# **Initial Information to Creditors**

Emerald Electrical SA Pty Ltd (In Liquidation) ACN 654 734 433

**Annexure C** 

### **Creditor Listing (Landscape)**

SECURED CREDITORS		
Creditor Name	Address	Advise
B.E. Switchcraft Pty. Ltd. CNW Pty Ltd	1182 Old Port Road Royal Park SA 5014	Unknow
GC Leasing Melbourne Pty Ltd	675 Macarthur Avenue Central Pinkenba QLD 4008	Unknow
LAI Industries Pty Ltd	Level 5, 420 St Kilda Road Melbourne VIC 3004	Unknow
Lawrence & Hanson Group Pty Ltd	120 Days Road Ferryden Park SA 5010 Level 2, Chapel Street Blackburn VIC 3130	Unknow
Macquarie Leasing	1 Shelley Street Sydney NSW 2000	Unknow
Middendorp Electric Co. Pty. Ltd	PO Box 328 Mt Waverley VIC 3149	Unknow
P&R Electrical Wholesalers	PO Box 295 Greenacres SA 5086	Unknow Unknow
Pepper Asset Finance Pty Ltd	27/177 Pacific Highway North Sydney NSW 2060	Unknow
Scottish Pacific Business Finance Pty Ltd	Level 41, 25 Martin Place Sydney NSW 2000	Unknow
	Totals for Secured Creditors	219,367.0
PRIORITY CREDITORS (EMPLOYEE		
Creditor Name	Address	Advise
Adamou, April (Mrs)	Withheld	1,500.0
Adamou, Benjamin (Mr)	Withheld	2,296.1
Feartherby, Mitchell	Withheld	2,849.3
Graetz, James (Mr)	Withheld	5,629.4
Hoare, Ryan	Withheld	447.1
Holloway, William (Mr)	Withheld	4,110.0
Mroczkowski, Matthew (Mr)	Withheld	1,815.1
Seely, Jye (Mr)	Withheld	240.6
Smith, Jordan (Mr)	Withheld	230.9
Smith, Stephen (Mr)	Withheld	6,054.6
Stanton, Jordan (Mr)	Withheld	3,918.1
Vogt, Jaylen (Mr)	Withheld	1,540.7
Watson, Aidan (Mr)	Withheld	565.53
UNSECURED CREDITORS	Totals for Priority Creditors (Employees and SGC)	31,198.04
Creditor Name	Address	Address
Access Hire Australia	107 Cormack Road Wingfield SA 5013	4,745.13
Acura Group Australia Pty Ltd	10 Selgar Ave Tonsley SA 5042	7,574.93
Adamou, April (Mrs)	12 Hawson Avenue North Plympton SA 5037 Australia	12,924.97
Adamou, Benjamin (Mr)	19 Streeters Road North Plympton SA 5037 Australia	29,724.40
Australian Taxation Office	PO Box 9003 Penrith NSW 2740	300,000.00
BBE Contractors	145 WATSON PARK Road Angas Plains SA 5255 Australia	36,602.50
Ben & April Adamou	12 Hawson Avenue North Plympton SA 5037 Australia	28,730.44
Boston Earthmoving	Modbury Heights SA 5092 Australia	7,623.00
Carter Property	381 Cross Road Edwardstown SA 5039	4,604.02
Consumer Business Services	91-97 Grenfell Street Adelaide SA 5000	692.00
Donniels O. Association	78a Fullarton Rd Norwood SA 5067 Australia	781.00
Dewick & Associates		
	108A Regency Road Ferryden Park SA 5010 Australia	
laymans Electrical	108A Regency Road Ferryden Park SA 5010 Australia 128 EAST TCE HENLEY BEACH SA 5022 Australia	1,045.11
Haymans Electrical Henley Civil Services		1,045.11 507.10
Haymans Electrical Henley Civil Services Kennards Hire Lawrence & Hanson	128 EAST TCE HENLEY BEACH SA 5022 Australia	1,045.11 507.10 4,903.00
Haymans Electrical Henley Civil Services Kennards Hire Lawrence & Hanson Metal Manufacturers Pty Limited	128 EAST TCE HENLEY BEACH SA 5022 Australia 145 Grote Street Adelaide SA 5000 25 George Street Thebarton SA 5031 Australia 19-21 Loyalty Road North Rocks NSW 2151	1,045.11 507.10 4,903.00 34,259.08
Haymans Electrical Henley Civil Services Kennards Hire Lawrence & Hanson	128 EAST TCE HENLEY BEACH SA 5022 Australia 145 Grote Street Adelaide SA 5000 25 George Street Thebarton SA 5031 Australia 19-21 Loyalty Road North Rocks NSW 2151	1,045.11 507.10 4,903.00 34,259.08 113,936.41
Haymans Electrical Henley Civil Services Kennards Hire Lawrence & Hanson Metal Manufacturers Pty Limited Difficeworks Pacific Components	128 EAST TCE HENLEY BEACH SA 5022 Australia 145 Grote Street Adelaide SA 5000 25 George Street Thebarton SA 5031 Australia	1,045.11 507.10 4,903.00 34,259.08 113,936.41 171.74
Haymans Electrical Henley Civil Services Kennards Hire Lawrence & Hanson Hetal Manufacturers Pty Limited Officeworks Pacific Components PEER	128 EAST TCE HENLEY BEACH SA 5022 Australia 145 Grote Street Adelaide SA 5000 25 George Street Thebarton SA 5031 Australia 19-21 Loyalty Road North Rocks NSW 2151 5-7 Anzac Hwy Keswick SA 5035 Australia 19-21 Westpool Drive Hallam VIC 3803 Australia 1042 Port Road Albert Park SA 5014 Australia	1,045.11 507.10 4,903.00 34,259.08 113,936.41 171.74 3,756.71
Haymans Electrical Henley Civil Services Kennards Hire Lawrence & Hanson Metal Manufacturers Pty Limited Priceworks Pacific Components PEER Phrax Laser	128 EAST TCE HENLEY BEACH SA 5022 Australia 145 Grote Street Adelaide SA 5000 25 George Street Thebarton SA 5031 Australia 19-21 Loyalty Road North Rocks NSW 2151 5-7 Anzac Hwy Keswick SA 5035 Australia 19-21 Westpool Drive Hallam VIC 3803 Australia	1,045.11 507.10 4,903.00 34,259.08 113,936.41 171.74 3,756.71 75.00 74.14
Haymans Electrical Henley Civil Services Kennards Hire Lawrence & Hanson Metal Manufacturers Pty Limited Difficeworks Pacific Components PEER Phrax Laser Reddy Packaging & Engineering Pty Ltd	128 EAST TCE HENLEY BEACH SA 5022 Australia 145 Grote Street Adelaide SA 5000 25 George Street Thebarton SA 5031 Australia 19-21 Loyalty Road North Rocks NSW 2151 5-7 Anzac Hwy Keswick SA 5035 Australia 19-21 Westpool Drive Hallam VIC 3803 Australia 1042 Port Road Albert Park SA 5014 Australia	1,045.11 507.10 4,903.00 34,259.08 113,936.41 171.74 3,756.71 75.00 74.14
Haymans Electrical Henley Civil Services Gennards Hire Lawrence & Hanson Hetal Manufacturers Pty Limited Difficeworks Pacific Components HEER Herhax Laser Leddy Packaging & Engineering Pty Ltd Lexel Electrical Supplies Pty Ltd	128 EAST TCE HENLEY BEACH SA 5022 Australia 145 Grote Street Adelaide SA 5000 25 George Street Thebarton SA 5031 Australia 19-21 Loyalty Road North Rocks NSW 2151 5-7 Anzac Hwy Keswick SA 5035 Australia 19-21 Westpool Drive Hallam VIC 3803 Australia 1042 Port Road Albert Park SA 5014 Australia Yamaha World 845-855 South Road Clarence Gardens SA 5039 Australia	1,045.11 507.10 4,903.00 34,259.08 113,936.41 171.74 3,756.71 75.00 74.14 275.00
Haymans Electrical Henley Civil Services Gennards Hire Lawrence & Hanson Hetal Manufacturers Pty Limited Difficeworks Pacific Components PEER Phrax Laser Leddy Packaging & Engineering Pty Ltd Lexel Electrical Supplies Pty Ltd Lexel Electrical S	128 EAST TCE HENLEY BEACH SA 5022 Australia 145 Grote Street Adelaide SA 5000 25 George Street Thebarton SA 5031 Australia 19-21 Loyalty Road North Rocks NSW 2151 5-7 Anzac Hwy Keswick SA 5035 Australia 19-21 Westpool Drive Hallam VIC 3803 Australia 19-21 Westpool Drive Hallam VIC 3803 Australia 1042 Port Road Albert Park SA 5014 Australia 7 Amaha World 845-855 South Road Clarence Gardens SA 5039 Australia 7 Lindsay Road, South Australia 5160 Lonsdale SA 5160 Australia PO Box 704 North Ryde NSW 1670 1 Anzac Highway, Keswick Mount Barker SA 5035 Australia	1,045.11 507.10 4,903.00 34,259.08 113,936.41 171.74 3,756.71 75.00 74.14 275.00 54,594.12
Haymans Electrical Henley Civil Services Gennards Hire Lawrence & Hanson Hetal Manufacturers Pty Limited Difficeworks Pacific Components PEER Phrax Laser Leddy Packaging & Engineering Pty Ltd Lexel Electrical Supplies Pty Ltd LEAPN LES Demolition & Civil	128 EAST TCE HENLEY BEACH SA 5022 Australia 145 Grote Street Adelaide SA 5000 25 George Street Thebarton SA 5031 Australia 19-21 Loyalty Road North Rocks NSW 2151 5-7 Anzac Hwy Keswick SA 5035 Australia 19-21 Westpool Drive Hallam VIC 3803 Australia 19-21 Westpool Drive Hallam VIC 3803 Australia 1042 Port Road Albert Park SA 5014 Australia Yamaha World 845-855 South Road Clarence Gardens SA 5039 Australia 7 Lindsay Road, South Australia 5160 Lonsdale SA 5160 Australia PO Box 704 North Ryde NSW 1670	1,045.11 507.10 4,903.00 34,259.08 113,936.41 171.74 3,756.71 75.00 74.14 275.00 54,594.12 4,494.60
Haymans Electrical Henley Civil Services Kennards Hire Lawrence & Hanson Hetal Manufacturers Pty Limited Officeworks Pacific Components PEER Phrax Laser Reddy Packaging & Engineering Pty Ltd Rexel Electrical Supplies Pty Ltd List Name B Demolition & Civil Three 3s Apparel And Merch	128 EAST TCE HENLEY BEACH SA 5022 Australia 145 Grote Street Adelaide SA 5000 25 George Street Thebarton SA 5031 Australia 19-21 Loyalty Road North Rocks NSW 2151 5-7 Anzac Hwy Keswick SA 5035 Australia 19-21 Westpool Drive Hallam VIC 3803 Australia 19-21 Westpool Drive Hallam VIC 3803 Australia 10-42 Port Road Albert Park SA 5014 Australia 1042 Port Road Albert Park SA 5014 Australia Yamaha World 845-855 South Road Clarence Gardens SA 5039 Australia 7 Lindsay Road, South Australia 5160 Lonsdale SA 5160 Australia PO Box 704 North Ryde NSW 1670 1 Anzac Highway, Keswick Mount Barker SA 5035 Australia UNIT 4 58 BEULAH ROAD, South Australia 5067 Norwood SA 5067 Australia 819 South Road Clarence Gardens SA 5039 Australia	1,045.11 507.10 4,903.00 34,259.08 113,936.41 171.74 3,756.71 75.00
Haymans Electrical Henley Civil Services Kennards Hire Lawrence & Hanson Hetal Manufacturers Pty Limited Difficeworks Pacific Components PEER Phrax Laser Reddy Packaging & Engineering Pty Ltd Rexel Electrical Supplies Pty Ltd GAPN EB Demolition & Civil	128 EAST TCE HENLEY BEACH SA 5022 Australia 145 Grote Street Adelaide SA 5000 25 George Street Thebarton SA 5031 Australia 19-21 Loyalty Road North Rocks NSW 2151 5-7 Anzac Hwy Keswick SA 5035 Australia 19-21 Westpool Drive Hallam VIC 3803 Australia 19-21 Westpool Drive Hallam VIC 3803 Australia 1042 Port Road Albert Park SA 5014 Australia Yamaha World 845-855 South Road Clarence Gardens SA 5039 Australia 7 Lindsay Road, South Australia 5160 Lonsdale SA 5160 Australia PO Box 704 North Ryde NSW 1670 1 Anzac Highway, Keswick Mount Barker SA 5035 Australia UNIT 4 58 BEULAH ROAD, South Australia 5067 Norwood SA 5067 Australia	1,045.11 507.10 4,903.00 34,259.08 113,936.41 171.74 3,756.71 75.00 74.14 275.00 54,594.12 4,494.60

981.59 664,513.98 695,712.02

Totals for Unsecured Creditors \_\_\_\_\_\_\_
Totals for All Creditors: \_\_\_\_\_

# **Initial Information to Creditors**

Emerald Electrical SA Pty Ltd (In Liquidation) ACN 654 734 433

**Annexure D** 

# Creditor Rights in Liquidations

ARITA

AUSTRALIAN RESTRUCTURING
INSQLYENCY & TURNARDOUND
ASSOCIATION

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:

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

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

### Right to request information

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

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

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

### Requests must be reasonable.

They are not reasonable If:

Both meetings and information:

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

Meeting requests only:

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

Information requests only:

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

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

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





### Right to give directions to liquidator

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

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

An individual creditor cannot provide a direction to a liquidator.

### Right to appoint a reviewing liquidator

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

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

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

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

### Right to replace liquidator

Creditors, by resolution, have the right to remove a liquidator and appoint another registered liquidator. For this to happen, there are certain requirements that must be complied with:

#### Meeting request



#### Information and notice



### Resolution at meeting

A meeting must be reasonably requested by the required number of creditors.

Creditors must inform the existing liquidator of the purpose of the request for the meeting.

Creditors must determine who they wish to act as the new liquidator (this person must be a registered liquidator) and obtain:

- Consent to Act, and
- Declaration of Independence, Relevant Relationships and Indemnities (DIRRI).

The existing liquidator will send a notice of the meeting to all creditors with this information.

If creditors pass a resolution to remove a liquidator, that person ceases to be liquidator once creditors pass a resolution to appoint another registered liquidator.

For more Information, go to www.arita.com.au/creditors

Version: July 2017

12112 (LIQ) - INFO - CREDITOR RIGHTS INFORMATION SHEET V1 0

# **Initial Information to Creditors**

Emerald Electrical SA Pty Ltd (In Liquidation) ACN 654 734 433

**Annexure E** 

**Advisory Restructuring Solvency** 

# FORMAL PROOF OF DEBT OR CLAIM (GENERAL FORM)

To the Liquidator of Emerald Electrical SA Pty Ltd ACN 654 734 433 ("the Company")

1.	This is to state that the Company was on 12 March 2025, and still is, justly and truly Indebted to:						
		full name, ABN and ad	dress of the creditor and, if applic	able, the creditor's partners. If pre	pared by an employee or agent of the creditor		
	also insert a description of the occupation of the creditor) for		or) for	dollars andcents			
	Particular	s of the debt are:		[Please attach any supporting docu	uments you wish to rely on)		
	Date	Consideration (state how the debt arose)	Amount \$	Remarks (include details of	voucher substantiating payment)		
2.		owledge or belief the creditor hard for the sum or any part of it e			had or received any satisfaction		
		lars of all securities held. If the securities with the securities with the following form		ny, assess the value of those securi	ities. If any bills or other negotiable securities		
	Date	Drawer	Acceptor	Amount \$	Due Date		
3.	Signed by	(select option):	2				
	I am th	e creditor personally.					
	debt w	mployed by the creditor and au as incurred for the consideration and unsatisfied.	thorised in writing by the on stated and that the de	creditor to make this star bt, to the best of my know	tement. I know that the rledge and belief, remains		
	I am th the cor unsatis	ne creditor's agent authorised in nsideration stated and that the fied.	n writing to make this stardebt, to the best of my k	ement in writing. I know nowledge and belief, rema	the debt was incurred for lins unpaid and		
Sigr	nature:			Dated:			
			O				
Nan	ne:		Occupation:				
Nan Add							
Add	ress:						
Add	ress:				Yes No		

# **Initial Information to Creditors**

Emerald Electrical SA Pty Ltd (In Liquidation) ACN 654 734 433

**Annexure F** 

# **Initial Remuneration Notice**

Emerald Electrical SA Pty Ltd (In Liquidation) ACN 654 734 433

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 basis methods that can be used to calculate the remuneration charged by an insolvency Practitioner in a liquidation. They are:

- a. Time based or 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 asset 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 time based/hourly rates. I believe this method to be appropriate because if fairly reflects the necessary work performed taking into consideration the various levels of expertise to be applied and is consistent with the charging methodology and timesheet recording policy adopted by my firm.

# 3. Explanation of Hourly Rates

The rates for my remuneration calculation are set out in Annexure G with a general guide showing the qualifications and experience of staff engaged in the liquidation and the role they take in the liquidation. The hourly rates charged encompass the total cost of providing professional services and should not be compared to an hourly wage.

### 4. Estimated Remuneration

I estimate that this liquidation will cost between \$40,000 and \$80,000 to complete, subject to the following variables which may have a significant effect on this estimate that I am unable to determine at this stage of the liquidation:



- If books and records are not provided or are incomplete or misleading.
- If there are difficulties securing and realising assets.
- If there are time consuming retention of title claims, protracted secured creditor and landlord negotiations or other unexpected 3rd party claims.
- If investigations reveal legal recoveries that may be brought for the benefit of creditors or to pursue the prosecution of offences.

Prior to my appointment, I provided an estimate of the cost of the administration to the director(s). This estimate is consistent with the estimate provided to the director(s) prior to my appointment.

### 5. Disbursements

Disbursements are divided into three types:

- External professional services these are recovered at cost. An example of an externally provided professional service
   Is legal fees. It does not include insolvency services, as insolvency services are claimed as remuneration.
- External non-professional costs these are recovered at cost. Examples of external non-professional expenses include travel, accommodation and search fees.
- Firm non-professional costs such as photocopying, printing and postage. These costs, 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.

Emerald Electrical SA Pty Ltd (In Liquidation)
Initial Remuneration Notice

Heard Phillips Lieberenz

I am not required to seek creditor approval for expenses paid to third parties or for disbursements where I am recovering a cost incurred on behalf of the administration, but I must account to creditors. I must be satisfied that these expenses and disbursements are appropriate, justified and reasonable.

I am required to obtain creditor's consent for the payment of a disbursement where I, or a related entity of myself, may directly or indirectly obtain a profit. In these circumstances, creditors will be asked to approve my disbursements prior to these disbursements being paid from the administration.

Details of my disbursement policy are Included with the attached Heard Phillips Lieberenz schedule of rates for the 2025 Financial Year, enclosed at Annexure G.

### 6. Further information

ARITA have produced an information sheet "Approving remuneration of an external administrator". This information is available at <a href="https://www.arita.com.au/ARITA/Insolvency\_help/Insolvency\_explained/Insolvency\_and\_creditors.aspx">https://www.arita.com.au/ARITA/Insolvency\_help/Insolvency\_explained/Insolvency\_and\_creditors.aspx</a> alternatively, a copy can be obtained from my office on request.

Should you have any further queries or wish to discuss my remuneration, please contact this office.

Dated this 21<sup>ST</sup> day of Maces

2025

Mark Lieberenz

Liquidator

Contact:

Chris Moody

Email:

cmoody@heardphillips.com.au

# **Initial Information to Creditors**

Emerald Electrical SA Pty Ltd (In Liquidation) ACN 654 734 433

**Annexure G** 

# **Hourly Rates and Guide to Staff Experience**

This scale of fees is effective for non-Court appointed assignments from 1 July 2024 to 30 June 2025

Title	Description	2024/2025 Rates
Appointee/Director	Registered Liquidator or Registered Trustee, controlling all facets of the administration and bringing his or her specialist skills to the insolvency administration.	590
Associate Director	10 + years' insolvency experience, may be a Registered Liquidator or Registered Trustee, controlling all facets of the administration and bringing his or her specialist skills to the insolvency administration.	575
Senior Manager	7 + years' insolvency experience, degree and post graduate qualifications achieved, controlling medium sized matters and managing staff.	525
Manager	6 + years' insolvency experience, degree and post graduate qualifications achieved, controlling medium sized matters and managing staff.	475
Supervisor	4 + years' insolvency experience, degree typically with post graduate qualifications achieved, managing medium sized matters and controlling the work of more Junior staff.	400
Senior Accountant	An experienced accountant with 3 + years' insolvency administration experience. Assists with control of small to medium sized Jobs as well as performing some of the more difficult work on larger Jobs.	350
Accountant	A qualified accountant with 1 + years' experience and undertaking further study. Required to assist in day-to-day fieldwork under supervision of more senior staff.	300
Graduate Accountant	A graduate accountant with less than 1 years' experience. Required to assist in day-to-day fieldwork under supervision of more senior staff.	250
Undergraduate	An undergraduate accountant required to assist in the day-to-day fieldwork under supervision of more senior staff	180
Office Manager	An experienced clerk with 5 + years' administration experience. Prepares and manages all statutory obligations associated with appointments.	350
Administration Assistant	Non-qualified person with appropriate skills. Prepares and manages all statutory obligations associated with appointments under supervision of Administration Manager. Role can include secretarial matters, filing, rounds, banking, account openings etc.	180
Administration Clerk	Non-qualified person required to assist with secretarial matters, filing, rounds, banking, account openings etc. under supervision of more senior staff.	135

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