

H. Creditor Information Sheet Offences, Recoverable Transactions and Insolvent Trading

Creditor Information Sheet

Offences, Recoverable transactions and Insolvent Trading



Offences

A summary of offences that may be identified by the administrator:

Section	Offence
180	Failure by officer to exercise a reasonable degree of care and diligence in the exercise of his powers and the discharge of his duties.
181	Failure to act in good faith.
182	Making improper use of position as an officer or employee, to gain, directly or indirectly, an advantage.
183	Making improper use of information acquired by virtue of his position.
184	Reckless or intentional dishonesty in failing to exercise duties in good faith for proper purpose. Use of position or information dishonestly to gain advantage or cause detriment.
206A	Contravening an order against taking part in management of a corporation.
206A, B	Taking part in management of corporation while being an insolvent under an administration.
206A, B	Acting as a director or promoter or taking part in the management of a company within five years after conviction or imprisonment for various offences.
209(3)	Dishonest failure to observe requirements on making loans to directors or related companies.
254T	Paying dividends except out of profits.
286	Failure to keep proper accounting records.
312	Obstruction of auditor.
314-7	Failure to comply with requirements for financial statement preparation.
437C	Performing or exercising a function or power as officer while a company is under administration.
437D(5)	Unauthorised dealing with company's property during administration.
438B(4)	Failure by directors to assist administrator, deliver records and provide information.
438C(5)	Failure to deliver up books and records to administrator.
590	Failure to disclose property, concealed or removed property, concealed a debt due to the company, altered books of the company, fraudulently obtained credit on behalf of the company, material omission from Report as to Affairs or false representation to creditors.

Voidable Transactions

Preferences

A preference is a transaction such as a payment between the company and one or more of its creditors, in which the creditor receiving the payment is preferred over the general body of creditors. The relevant time period is six months before the commencement of the liquidation. The company must have been insolvent at the time of the transaction, or become insolvent as a result of the transaction.

Where a creditor receives a preferred payment, the payment is voidable as against a liquidator and is liable to be paid back to the liquidator subject to the creditor being able to successfully maintain any of the defences available to the creditor under either the Corporations Act.

Uncommercial Transaction

An uncommercial transaction is one that it may be expected that a reasonable person in the company's circumstances would not have entered into having regard to:

- the benefit or detriment to the company;
- the respective benefits to other parties; and
- any other relevant matter.

To be voidable, an uncommercial transaction must have occurred during the two years before the liquidation.

However, if a related entity is a party to the transaction, the time period is four years and if the intention of the transaction is to defeat creditors, the time period is ten years.

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AUSTRALIAN RESTRUCTURING INSOLVENCY & TURNAROUND ASSOCIATION



The company must have been insolvent at the time of the transaction, or become insolvent as a result of the transaction.

Unfair Loan

A loan is unfair if and only if the interest was extortionate when the loan was made or has since become extortionate. There is no time limit on unfair loans – they only have to have been entered into any time on or before the day when the winding up began.

Arrangements to avoid employee entitlements

If an employee suffers loss because a person (including a director) enters into an arrangement or transaction to avoid the payment of employee entitlements, the liquidator or the employee may seek to recover compensation from that person. It will only be necessary to satisfy the court that there was a breach on the balance of probabilities. There is no time limit on when the transaction occurred.

Unreasonable payments to directors

Liquidators have the power to reclaim "unreasonable payments" made to directors by companies prior to liquidation. The provision relates to transactions made to, on behalf of, or for the benefit of, a director or close associate of a director. To fall within the scope of the section, the transaction must have been unreasonable, and have been entered into during the 4 years leading up to a company's liquidation, regardless of its solvency at the time the transaction occurred.

Voidable charges

Certain charges are voidable by a liquidator:

- Circulating security interest created with six months of the liquidation unless it secures a subsequent advance;
- Unregistered charges; and
- Charges in favour of related parties who attempt to enforce the charge within 6 months of its creation.

Insolvent Trading

In the following circumstances, directors may be personally liable for insolvent trading by the company:

- a person is a director at the time a company incurs a debt;
- the company is insolvent at the time of incurring the debt or becomes insolvent because of incurring the debt;
- at the time the debt was incurred, there were reasonable grounds to suspect that the company was insolvent;
- the director was aware such grounds for suspicion existed; and
- a reasonable person in a like position would have been so aware.

The law provides that the liquidator, and in certain circumstances the creditor who suffered the loss, may recover from the director, an amount equal to the loss or damage suffered. Similar provisions exist to pursue holding companies for debts incurred by their subsidiaries.

A defence is available under the law where the director can establish:

- there were reasonable grounds to expect that the company was solvent and they actually did so expect;
- they did not take part in management for illness or some other good reason; or,
- they took all reasonable steps to prevent the company incurring the debt.

The proceeds of any recovery for insolvent trading by a liquidator are available for distribution to the unsecured creditors before the secured creditors.

Important note: This information sheet contains a summary of basic information on the topic. It is not a substitute for legal advice. Some provisions of the law referred to may have important exceptions or qualifications. This document may not contain all of the information about the law or the exceptions and qualifications that are relevant to your circumstances.

I. Approving Fees: A Guide for Creditors



ASIC
Australian Securities & Investments Commission

INFORMATION SHEET 85

Approving fees: a guide for creditors

If a company is in financial difficulty, it can be put under the control of an independent external administrator.

This information sheet gives general information for creditors on the approval of an external administrator's fees in a liquidation of an insolvent company, voluntary administration or deed of company arrangement (other forms of external administration are not discussed in this information sheet). It outlines the rights that creditors have in the approval process.

Entitlement to fees and costs

A liquidator, voluntary administrator or deed administrator (i.e. an 'external administrator') is entitled to be:

- paid reasonable *fees*, or remuneration, for the work they perform, once these fees have been approved by a creditors' committee, creditors or a court, and
- reimbursed for out-of-pocket *costs* incurred in performing their role (these costs do not need creditors' committee, creditor or court approval).

External administrators are only entitled to an amount of fees that is reasonable for the work that they and their staff properly perform in the external administration. What is reasonable will depend on the type of external administration and the issues that need to be resolved. Some are straightforward, while others are more complex.

External administrators must undertake some tasks that may not directly benefit creditors. These include reporting potential breaches of the law and lodging a detailed listing of receipts and payments with ASIC every six months. The external administrator is entitled to be paid for completing these statutory tasks.

For more on the tasks involved, see ASIC's information sheets INFO 45 *Liquidation: a guide for creditors* and INFO 74 *Voluntary administration: a guide for creditors*.

Out-of-pocket costs that are commonly reimbursed include:

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- legal fees
- valuer's, real estate agent's and auctioneer's fees
- stationery, photocopying, telephone and postage costs
- retrieval costs for recovering the company's computer records, and
- storage costs for the company's books and records.

Creditors have a direct interest in the level of fees and costs, as the external administrator will, generally, be paid from the company's available assets before any payments to creditors. If there are not enough assets, the external administrator may have arranged for a third party to pay any shortfall. As a creditor, you should receive details of such an arrangement. If there are not enough assets to pay the fees and costs, and there is no third party payment arrangement, any shortfall is not paid.

Who may approve fees

Who may approve fees depends on the type of external administration: see Table 1. The external administrator must provide sufficient information to enable the relevant decision-making body to assess whether the fees are reasonable.

Table 1: Who may approve fees

	Creditors' committee	Creditors	Court
Administrator in a voluntary administration	✓ ¹	✓	✓
Administrator of a deed of company arrangement	✓ ¹	✓	✓
Creditors' voluntary liquidator	✓ ¹	✓ ³	✗ ³
Court-appointed liquidator	✓ ¹	✓ ^{4,5}	✓ ²

¹ If there is one.

² If there is no approval by the committee or the creditors.

³ Unless an application is made for a fee review.

⁴ If there is no creditors' committee or the committee fails to approve the fees.

⁵ If insufficient creditors turn up to the meeting called by the liquidator to approve fees, the liquidator is entitled to be paid up to a maximum of \$5000, or more if specified in the Corporations Regulations 2001.

Creditors' committee approval

If there is a creditors' committee, members are chosen by a vote of creditors as a whole. In approving the fees, the members represent the interests of all the creditors, not just their own individual interests.

There is not a creditors' committee in every external administration. A creditors' committee makes its decision by a majority in number of its members present at a meeting, but it can only act if a majority of its members attend.

To find out more about creditors' committees and how they are formed, see ASIC's information sheets INFO 45 *Liquidation: a guide for creditors*, INFO 74 *Voluntary administration: a guide for creditors* and INFO 41 *Insolvency: a glossary of terms*.

Creditors' approval

Creditors approve fees by passing a resolution at a creditors' meeting. Unless creditors call for a poll, the resolution is passed if a simple majority of creditors present and voting, in person or by proxy,

indicate that they agree to the resolution. Unlike where acting as committee members, creditors may vote according to their individual interests.

If a poll is taken, rather than a vote being decided on the voices or by a show of hands, a majority in number and value of creditors present and voting must agree. A poll requires the votes of each creditor to be recorded.

A separate resolution of creditors is required for approving fees for an administrator in a voluntary administration and an administrator of a deed of company arrangement, even if the administrator is the same person in both administrations.

A proxy is where a creditor appoints someone else to represent them at a creditors' meeting and to vote on their behalf. A proxy can be either a *general proxy* or a *special proxy*. A general proxy allows the person holding the proxy to vote as they wish on a resolution, while a special proxy directs the proxy holder to vote in a particular way.

A creditor will sometimes appoint the external administrator as a proxy to vote on the creditor's behalf. An external administrator, their partners or staff must not use a general proxy to vote on approval of their fees; they must hold a special proxy in order to do this. They must vote all special proxies as directed, even those against approval of their fees.

Calculation of fees

Fees may be calculated using one of a number of different methods, such as:

- on the basis of *time spent* by the external administrator and their staff
- a quoted *fixed fee*, based on an upfront estimate, or
- a percentage of asset realisations.

Charging on a time basis is the most common method. External administrators have a scale of hourly rates, with different rates for each category of staff working on the external administration, including the external administrator.

If the external administrator intends to charge on a time basis, you should receive a copy of these hourly rates soon after their appointment and before you are asked to approve the fees.

The external administrator and their staff will record the time taken for the various tasks involved, and a record will be kept of the nature of the work performed.

It is important to note that the hourly rates do not represent an hourly wage for the external administrator and their staff. The external administrator is running a business—an insolvency practice—and the hourly rates will be based on the cost of running the business, including overheads such as rent for business premises, utilities, wages and superannuation for staff who are not charged out at an hourly rate (such as personal assistants), information technology support, office equipment and supplies, insurances, taxes, and a profit.

External administrators are professionals who are required to have qualifications and experience, be independent and maintain up-to-date skills. Many of the costs of running an insolvency practice are fixed costs that must be paid, even if there are insufficient assets available to pay the external administrator for their services. External administrators compete for work and their rates should reflect this.

These are all matters that committee members or creditors should be aware of when considering the fees presented. However, regardless of these matters, creditors have a right to question the external administrator about the fees and whether the rates are negotiable.

It is up to the external administrator to justify why the method chosen for calculating fees is an appropriate method for the particular external administration. As a creditor, you also have a right to question the external administrator about the calculation method used and how the calculation was made.

Report on proposed fees

When seeking approval of fees, the external administrator must send committee members/creditors a report with the notice of meeting setting out:

- information that will enable the committee members/creditors to make an informed assessment of whether the proposed fees are reasonable
- a summary description of the major tasks performed, or to be performed, and
- the costs associated with each of these tasks.

Committee members/creditors may be asked to approve fees for work already performed or based on an estimate of work yet to be carried out.

If the work is yet to be carried out, it is advisable to set a maximum limit ('cap') on the amount that the external administrator may receive. For example, future fees calculated according to time spent may be approved on the basis of the number of hours worked at the rates charged (as set out in the provided rate scale) up to a cap of \$X. If the work involved then exceeds this figure, the external administrator will have to ask the creditors' committee/creditors to approve a further amount of fees, after accounting for the fees already incurred.

Deciding if fees are reasonable

If asked to approve an amount of fees either as a committee member or by resolution at a creditors' meeting, your task is to decide if that amount of fees is reasonable, given the work carried out in the external administration and the results of that work.

You may find the following information from the external administrator useful in deciding if the fees claimed are reasonable:

- the method used to calculate fees
- the major tasks that have been performed, or are likely to be performed, for the fees
- the fees/estimated fees (as applicable) for each of the major tasks
- the size and complexity (or otherwise) of the external administration
- the amount of fees (if any) that have previously been approved
- if the fees are calculated, in whole or in part, on a time basis:
 - the period over which the work was, or is likely to be performed
 - if the fees are for work that has already been carried out, the time spent by each level of staff on each of the major tasks
 - if the fees are for work that is yet to be carried out, whether the fees are capped.

If you need more information about fees than is provided in the external administrator's report, you should let them know before the meeting at which fees will be voted on.

What can you do if you think the fees are not reasonable?

If you do not think the fees being claimed are reasonable, you should raise your concerns with the external administrator. It is your decision whether to vote in favour of, or against, a resolution to approve fees.

Generally, if fees are approved by a creditors' committee/creditors and you wish to challenge this decision, you may apply to the court and ask the court to review the fees. Special rules apply to court liquidations.

You may wish to seek your own legal advice if you are considering applying for a court review of the fees.

Reimbursement of out-of-pocket costs

An external administrator should be very careful incurring costs that must be paid from the external administration—as careful as if they were dealing with their own money. Their report on fees should also include information on the out-of-pocket costs of the external administration.

If you have questions about any of these costs, you should ask the external administrator and, if necessary, bring it up at a creditors' committee/creditors' meeting. If you are still concerned, you have the right to ask the court to review the costs.

Queries and complaints

You should first raise any queries or complaints with the external administrator. If this fails to resolve your concerns, including any concerns about their conduct, you can lodge a complaint with ASIC at www.asic.gov.au/complain, or write to:

ASIC Complaints
PO Box 9149
TRARALGON VIC 3844

ASIC will usually not become involved in matters of commercial judgement by an external administrator. Complaints against companies and their officers can also be made to ASIC. For other enquiries, email ASIC through infoline@asic.gov.au, or call ASIC's Infoline on 1300 300 630 for the cost of a local call.

To find out more

For an explanation of terms used in this information sheet, see ASIC's information sheet INFO 41 *Insolvency: a glossary of terms*. For more on external administration, see ASIC's related information sheets at www.asic.gov.au/insolvencyinfosheets:

- INFO 74 *Voluntary administration: a guide for creditors*
- INFO 75 *Voluntary administration: a guide for employees*
- INFO 45 *Liquidation: a guide for creditors*
- INFO 46 *Liquidation: a guide for employees*
- INFO 54 *Receivership: a guide for creditors*
- INFO 55 *Receivership: a guide for employees*
- INFO 43 *Insolvency: a guide for shareholders*
- INFO 42 *Insolvency: a guide for directors*
- INFO 84 *Independence of external administrators: a guide for creditors*

These are also available from the Insolvency Practitioners Association (IPA) website at www.ipaa.com.au. The IPA website also contains the IPA's Code of Professional Practice for Insolvency Professionals, which applies to IPA members.

J. Remuneration Report

12 June 2015

BBY Holdings Pty Limited (Receivers and Managers Appointed)

ACN 075 187 432

BBY Limited (Receivers and Managers Appointed) ACN 006 707 777

Broker Services Australia Pty Ltd

ACN 074 976 364

BBY Advisory Services Pty Ltd (Receivers and Managers Appointed)

ACN 102 761 008

SmarTrader Limited ACN 115 752 102

BBY Hometrader Pty Ltd ACN 134 838 207

(all Administrators Appointed)

("BBY Companies")

Administrators' Remuneration Report
and approval request

12 June 2015

Stephen Vaughan & Ian Hall
Joint and Several Administrators

1. Declaration

We, Stephen Vaughan and Ian Hall, of KPMG have undertaken a proper assessment of this remuneration claim for our appointment as Joint and Several Administrators of the BBY Companies in accordance with the law and applicable professional standards. We are satisfied that the remuneration claimed is in respect of necessary work, properly performed in the conduct of the Administration.

2. Executive Summary

This remuneration report sets out details of the Administrators' claim for remuneration in respect of the Administration of the BBY Companies and details of the prospective remuneration of the proposed Liquidators or Deed Administrators, should any of the BBY Companies be placed into liquidation or execute a DOCA at the forthcoming meeting of creditors.

To date, no remuneration has been approved or paid in respect of the Administration of the BBY Companies. This remuneration report details and seeks approval for the following fees:

	Report Reference	Amount (ex GST)
Total past remuneration approved		Nil
Current remuneration approval sought:		
VOLUNTARY ADMINISTRATION		
<i>Actual time incurred 17 May 2015 to 5 June 2015</i>	3.1/4.1	
Resolution 1: BBY Holdings Pty Limited 17 May 2015 to 5 June 2015		\$17,379
Resolution 1: BBY Limited 17 May 2015 to 5 June 2015		\$481,954
Resolution 1: Broker Services Australia Pty Ltd 17 May 2015 to 5 June 2015		\$133,838
Resolution 1: BBY Advisory Services Pty Ltd 17 May 2015 to 5 June 2015		\$13,912
Resolution 1: SmarTrader Limited 17 May 2015 to 5 June 2015		\$17,184
Resolution 1: BBY Hometrader Pty Ltd 17 May 2015 to 5 June 2015		\$17,184
<i>Actual time incurred 17 May 2015 to 5 June 2015</i>		\$681,451
<i>Prospective time incurred from 6 June 2015 to 22 June 2015</i>	3.2/4.2	
Resolution 2: BBY Holdings Pty Limited 6 June 2015 to 22 June 2015		\$7,637
Resolution 2: BBY Limited 6 June 2015 to 22 June 2015		\$463,613
Resolution 2: Broker Services Australia Pty Ltd 6 June 2015 to 22 June 2015		\$82,691
Resolution 2: BBY Advisory Services Pty Ltd 6 June 2015 to 22 June 2015		\$6,303
Resolution 2: SmarTrader Limited 6 June 2015 to 22 June 2015		\$28,887

12 June 2015

	Report Reference	Amount (ex GST)
Resolution 2: BBY Hometrader Pty Ltd 6 June 2015 to 22 June 2015		\$28,637
Prospective time incurred 6 June to 22 June 2015		\$617,768
Total – Voluntary Administration		\$1,299,219
DEED OF COMPANY ARRANGEMENT (if applicable)		
	3.3/4.3	
Resolution 3: BBY Advisory Services Pty Ltd		\$45,000 (capped)
Resolution 3: BBY Hometrader Pty Ltd and SmarTrader Limited (pooled DOCA)		\$45,000 (capped)
Total – Deed of Company Arrangement (if applicable)		\$90,000 (capped)
LIQUIDATION (if applicable)*		
	3.4/4.4	
Resolution 4: BBY Holdings Pty Limited		\$50,000
Resolution 4: BBY Limited*		\$200,000
Resolution 4: Broker Services Australia Pty Ltd*		\$100,000
Resolution 4: BBY Advisory Services Pty Ltd		\$50,000
Resolution 4: SmarTrader Limited		\$50,000
Resolution 4: BBY Hometrader Pty Ltd		\$50,000
Total – Liquidation (if applicable)		\$500,000

* It is difficult to provide an estimate for the future cost of the liquidation in the event the BBY Companies are placed into Liquidation, in particular for BBY Limited and Broker Services Australia Pty Ltd. There are a number of complex matters such as uncertainty surrounding the close out of trust reconciliations, the distribution of trust monies, as well as potential litigation and antecedent transaction recoveries once further detailed investigations are carried out. However, for the purposes of providing creditors with an estimate we anticipate initial costs for all BBY Companies will be \$0.5 million or above. Should a Committee of Inspection be formed at the Second Meeting then it would be for the committee to approve future liquidators' fees in respect of BBY Limited and BSA.

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

Total remuneration in relation to the voluntary administrations per the table above is \$1,299,219 (excluding GST).

12 June 2015

3. Description of work completed / to be completed

3.1. Administrators' remuneration for the period 17 May 2015 to 5 June 2015

BBY Holdings Pty Limited (Administrators Appointed) (Receivers and Managers Appointed)

Task Area	General Description	Including, but not limited to:
Assets 8.7 hours \$4,907	Deed of Company Arrangement	Liaising with AIMS Financial Group and their representatives DEM Australasia concerning their intention to propose a DOCA
	Sale of business	Negotiations with AIMS on exclusivity agreement Discussions on sale of assets and share agreement with AIMS and PPB Finalising sale agreement
	Plant and Equipment	Review of asset listings Physical verification of assets Security of assets and sites at Sydney, Melbourne, Perth, Adelaide, Gold Coast and Brisbane
	Bank Accounts	Freeze all bank accounts through individual bank correspondence Open new bank accounts with NAB
	Other Assets	Identify and investigate other assets Arranging relevant insurance
	Document collection	Liaising with BBY Group finance team and other employees regarding collection of asset listings Obtaining financial statements for the company
	Financial Analysis	Review assets listing
	Creditors 9.2 hours \$3,907	First Meeting of Creditors
	Dealing with proofs of debt and proxies	Liaising with Link Insolvency on the approval and preparation of proof of debt and proxy forms

**BBY Companies
(Administrators Appointed)**
Administrators' remuneration report and approval request

12 June 2015

	Creditor Enquiries	Maintaining client details and register Prepare and upload to Link Insolvency database a frequently asked questions document for creditors Distribution of first creditors and clients meeting circular
	Secured creditor	Discussions with St George bank and the Receiver
	Creditor reports	Prepare section 439A report
Investigation 3.9 hours \$1,631	Interviews and inquiries	Multiple meetings with Finance team in respect of the events prior to Administration Interviews with multiple staff of the BBY Group Interviews with directors
	Conducting investigation	Request and review RATA from each director Request further information and clarification concerning transactions from 3 rd parties Review bank statements and supporting documentation for understanding of funds flows Review, summarise and consider the Company's historical financial position and performance Preliminary investigation into solvency Investigation into the conduct of directors Investigation into transactions with related parties Preparation of deficiency statement Client trust account reconciliation Forensic imaging of key personnel computers and company servers Collection of appropriate hard-copy documents for investigations Preparation of investigation files Review and preparation of company nature and history Preparation of file notes for tasks completed
	Recoveries / Litigation	Identify potential recoveries Internal meetings to discuss any litigation issues that may arise Correspondence and liaison with 3 rd parties in connection with the recovery of assets and funds Reviewing potential voidable transactions
	ASIC reporting	Meetings and update to ASIC regarding position and conduct of the Administration
	Document maintenance/file review/checklist	Create and maintain administration records including administration files and checklists Creation of file registry File reviews Updating checklist and work plans Information request completion from BBY Miscellaneous correspondence with stakeholders in the administration and the Company's affairs
	Director dealings	Preparation and distribution of directors pack Correspondence with directors regarding duties and obligations Discussion of general affairs of the business Create and maintain administration records including administration files and checklists
Insurance	Correspond with Blue Broking regarding initial and ongoing insurance requirements Identification of potential issues requiring attention of insurance specialists Review existing insurance policies Correspond with previous brokers Requesting D&O policy	
Bank account administration	Request bank statements Correspond regarding specific transfers Correspondence of opening and closing bank accounts	
ATO and other statutory reporting	Notification of appointment	
Administration 16.5 hours \$6,933		

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**BBY Companies
(Administrators Appointed)**
Administrators' remuneration report and approval request

12 June 2015

ASIC forms/ planning / review	Preparing and lodging ASIC Forms 505, 507, 911, 529 Lodging of ASIC insolvency notice advertisements Correspondence with ASIC regarding statutory forms Internal planning meetings on status of Administration
Storage	Compiling of listings for documentation filing Liaising with document storage entities
Company Searches	Director, PPSR and company search

BBY Limited (Administrators Appointed) (Receivers and Managers Appointed)

Task Area	General Description	Including, but not limited to:	
Assets 200.8 hours \$112,867	Deed of Company Arrangement	Liaising with AIMS Financial Group and their representatives DEM Australasia concerning their intention to propose a DOCA	
	Sale of business	Negotiations with AIMS on exclusivity agreement Discussions on sale of assets and share agreement with AIMS and PPB Finalising sale agreement	
	Plant and Equipment	Review of asset listings Physical verification of assets Security of assets and sites at Sydney, Melbourne, Perth, Adelaide, Gold Coast and Brisbane	
	Bank Accounts	Freeze all bank accounts through individual bank correspondence Open new bank accounts with NAB	
	Leasing	Reviewing leasing documents Liaising with owners/lessors regarding ongoing occupation along with the Receivers Tasks associated with disclaiming of leases	
	Other Assets	Identify and investigate other assets Arranging relevant insurance	
	Document collection	Liaising with BBY Group finance team and other employees regarding collection of asset listings Obtaining financial statements for the company	
	Financial Analysis	Review assets listing	
	Creditors 183.3 hours \$78,145	First Meeting of Creditors	Preparing of meeting notices, proxies and advertisements Court application to allow clients to be notified by email Forward notice of meeting to all known creditors and clients Preparation of meeting file, including agenda, certificate of postage, attendance register, list of creditors, reports to creditors, advertisements of meeting and draft minutes of meeting Liaise and instruct webcast traffic and questions Correspond with Sydney Masonic centre regarding meeting logistics Reviewing quotes and signing agreement with Masonic centre Prepare meeting presentation Planning meeting for first meeting of creditors Hold first meeting at Sydney Masonic centre in the Grand Lodge Room at 10:00am on the 27 th of May 2015 Sign in clients, creditors and observers through Link Insolvency Respond to stakeholder's queries and questions immediately following the meeting Prepare minutes of meeting
		Dealing with proofs of debt and proxies	Liaising with Link Insolvency on the approval and preparation of proof of debt and proxy forms

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12 June 2015

Task Area	General Description	Including, but not limited to:
		Adjudicating on values for each of creditors and clients regarding votes in first meeting Compilation of client and creditor register with values in Link Insolvency database
	Creditor Enquiries	Receive, respond to and follow up enquiries from creditors with regard to the Administration process and the Company's affairs Receiving and responding to daily updates and escalations from Link Insolvency up until 5 June 2015 Maintaining client details and register Prepare and upload to Link Insolvency database a frequently asked questions document for creditors Daily internal meetings to discuss frequently asked questions document and appropriateness Distribution of first creditors and clients meeting circular
	Secured creditor	Discussions with St George bank and the Receiver
	Creditor reports	Prepare section 439A report
	Dealing with proofs of debt	Receive, process and file informal proofs of debt from creditors
	Creditors committee	Organise creditors committee spreadsheet including details Liaising with 15 members of Creditors Committee regarding meeting logistics Creation of creditors committee distributions Finalisation of committee meeting agenda Hold meeting on 5 June 2015 at 2:00pm – 4:30pm Taking minutes of Committee meeting
Clients – Equity & ETO 119.8 hours \$53,465	Client Enquiries	Receive, respond to and follow up enquiries from clients with regard to the Administration process and the Company's affairs Receiving and responding to daily updates and escalations from Link Insolvency up until 5 June 2015 Maintaining client details and register Prepare and upload to Link Insolvency database a frequently asked questions document for clients Daily internal meetings to discuss frequently asked questions document and appropriateness Distribution of first creditors and clients meeting circular
	Client positions	Legal advice from Ashurst Review of trust obligations and funds in account Preparation of summary draft positions Internal meetings to discuss status and next steps
	Reconciling client accounts	Reconciliation work around client trust accounts, work completed to 5 June
	Dealing with proofs of debt	Liaise with Link Insolvency on processing and filing informal Proofs of Debt from clients
	Creditors committee	Organise creditors committee spreadsheet including details Liaising with 15 members of Creditors Committee regarding meeting logistics Creation of creditors committee distributions Finalisation of committee meeting agenda Hold meeting on 5 June 2015 at 2:00pm – 4:30pm Taking minutes of Committee meeting
Client Enquiries	Receive, respond to and follow up enquiries from clients with regard to the Administration process and the Company's affairs Receiving and responding to daily updates and escalations from Link Insolvency up until 5 June 2015 Maintaining client details and register Prepare and upload to Link Insolvency database a frequently asked questions document for clients	

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12 June 2015

Task Area	General Description	Including, but not limited to:
		Prepare and upload to Link Insolvency database a frequently asked questions document for clients Daily internal meetings to discuss frequently asked questions document and appropriateness Distribution of first creditors and clients meeting circular
	Client positions	Legal advice from Ashurst Review of trust obligations and funds in account Preparation of summary draft positions Internal meetings to discuss status and next steps
	Reconciling client accounts	Reconciliation work around client trust accounts, work completed to 5 June 2015
	Dealing with proofs of debt	Liaise with Link Insolvency on processing and filing informal Proofs of Debt from clients
Clients - FX 72.5 hours \$30,325	Client Enquiries	Receive, respond to and follow up enquiries from clients with regard to the Administration process and the Company's affairs Receiving and responding to daily updates and escalations from Link Insolvency up until 5 June 2015 Maintaining client details and register Prepare and upload to Link Insolvency database a frequently asked questions document for clients Daily internal meetings to discuss frequently asked questions document and appropriateness Distribution of first creditors and clients meeting circular
	Reconciling client accounts	Reconciliation work around client trust accounts, work completed to 5 June
	Client positions	Legal advice from Ashurst Review of trust obligations and funds in account Preparation of summary draft positions Internal meetings to discuss status and next steps
	Dealing with proofs of debt	Liaise with Link Insolvency on processing and filing informal Proofs of Debt from clients
Clients - Futures 99.3 hours \$38,870	Client Enquiries	Receive, respond to and follow up enquiries from clients with regard to the Administration process and the Company's affairs Receiving and responding to daily updates and escalations from Link Insolvency up until 5 June 2015 Maintaining client details and register Prepare and upload to Link Insolvency database a frequently asked questions document for clients Daily internal meetings to discuss frequently asked questions document and appropriateness Distribution of first creditors and clients meeting circular
	Client positions	Legal advice from Ashurst Review of trust obligations and funds in account Preparation of summary draft positions Internal meetings to discuss status and next steps
	Reconciling client accounts	Reconciliation work around client trust accounts, work completed to 5 June
	Dealing with proofs of debt	Liaise with Link Insolvency on processing and filing informal Proofs of Debt from clients
	Client Enquiries	Receive, respond to and follow up enquiries from clients with regard to the Administration process and the Company's affairs Receiving and responding to daily updates and escalations from Link Insolvency up until 5 June 2015 Maintaining client details and register Prepare and upload to Link Insolvency database a frequently asked questions document for clients

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**BBY Companies
(Administrators Appointed)**
Administrators' remuneration report and approval request

12 June 2015

Task Area	General Description	Including, but not limited to:
		Daily internal meetings to discuss frequently asked questions document and appropriateness Distribution of first creditors and clients meeting circular
	Client positions	Legal advice from Ashurst Review of trust obligations and funds in account Preparation of summary draft positions Internal meetings to discuss status and next steps
	Dealing with proofs of debt	Liaise with Link Insolvency on processing and filing informal Proofs of Debt from clients
	Reconciling client accounts	Reconciliation work around client trust accounts, work completed to 5 June
Trade On 73.9 hours \$40,440	Working capital	Preparation of working capital template for first week of Administration Updating working capital exposure spreadsheets Collating the liabilities in the Administration
	Trade on management	Liaising with IT, telephone and data suppliers regarding ongoing services Liaising with management and staff regarding wind down Preparation and authorising purchase orders Maintaining purchase order registry Preparing and authorising receipt and payment vouchers
	Processing receipts and payments	Entering payments and receipts into MYOB Insolvency
	Correspondence	Calls, meetings and emails with the Receivers Meetings and emails with finance team at Head office Negotiations with AIMS Group
	Interviews and inquiries	Multiple meetings with Finance team in respect of the events prior to Administration Interviews with multiple staff of the company Interviews with directors
Investigation 155.0 hours \$65,252	Conducting investigation	Request and review RATA from each director Request further information and clarification concerning transactions from 3 rd parties Review bank statements and supporting documentation for understanding of funds flows Review, summarise and consider the Company's historical financial position and performance Preliminary investigation into solvency Investigation into the conduct of directors Investigation into transactions with related parties Preparation of deficiency statement Forensic investigation into St George Bank fraud Client trust account reconciliation Forensic imaging of key personnel computers and company servers Collection of appropriate hard-copy documents for investigations Preparation of investigation files Review and preparation of company nature and history Preparation of file notes for tasks completed
	Recoveries / Litigation	Identify potential recoveries Internal meetings to discuss any litigation issues that may arise Reviewing potential voidable transactions
	ASIC reporting	Meetings and update to ASIC regarding position and conduct of the Administration
	Document maintenance/file review/checklist	Create and maintain administration records including administration files and checklists Creation of file registry File reviews Updating checklist and work plans
Administration 57.9 hours \$24,266		

**BBY Companies
(Administrators Appointed)**
Administrators' remuneration report and approval request

12 June 2015

Task Area	General Description	Including, but not limited to:
		Information request completion from BBY Miscellaneous correspondence with stakeholders in the administration and the Company's affairs
	Director dealings	Preparation and distribution of directors pack Correspondence with directors regarding duties and obligations Discussion of general affairs of the business Create and maintain administration records including administration files and checklists
	Insurance	Correspond with Blue Broking regarding initial and ongoing insurance requirements Identification of potential issues requiring attention of insurance specialists Review existing insurance policies Correspond with previous brokers Requesting D&O policy
	Bank account administration	Request bank statements Correspond regarding specific transfers Correspondence of opening and closing bank accounts
	ATO and other statutory reporting	Notification of appointment
	ASIC forms/ planning / review	Preparing and lodging ASIC Forms 505, 507, 911, 529 Lodging of ASIC insolvency notice advertisements Correspondence with ASIC regarding statutory forms Internal planning meetings on status of Administration
	Storage	Compiling of listings for documentation filing Liaising with document storage entities
	Company Searches	Director, PPSR and company search
	Director dealings	Preparation and distribution of directors pack Correspondence with directors regarding duties and obligations Discussion of general affairs of the business Create and maintain administration records including administration files and checklists

12 June 2015

Broker Services Australia Pty Ltd (Administrators Appointed)

Task Area	General Description	Including, but not limited to:
Assets 8.7 hours \$4,907	Sale of business	Negotiations with AIMS on exclusivity agreement Discussions on sale of assets and share agreement with AIMS and PPB Finalising sale agreement
	Plant and Equipment	Review of asset listings Physical verification of assets Security of assets and sites at Sydney, Melbourne, Perth, Adelaide, Gold Coast and Brisbane
	Bank Accounts	Freeze all bank accounts through individual bank correspondence Open new bank accounts with NAB
	Other Assets	Identify and investigate other assets Arranging relevant insurance
	Document collection	Liaising with BBY Group finance team and other employees regarding collection of asset listings Obtaining financial statements for the company
Creditors 110.0 hours \$46,887	First Meeting of Creditors	Preparing of meeting notices, proxies and advertisements Court application to allow clients to be notified by email Forward notice of meeting to all known creditors and clients Preparation of meeting file, including agenda, certificate of postage, attendance register, list of creditors, reports to creditors, advertisements of meeting and draft minutes of meeting Liaise and instruct webcast traffic and questions Correspond with Sydney Masonic centre regarding meeting logistics Reviewing quotes and signing agreement with Masonic centre Prepare meeting presentation Planning meeting for first meeting of creditors Hold first meeting at Sydney Masonic centre in the Grand Lodge Room at 10:00am on the 27 th of May 2015 Sign in clients, creditors and observers through Link Insolvency Respond to stakeholder's queries and questions immediately following the meeting Prepare minutes of meeting
	Dealing with proofs of debt and proxies	Approval and preparation of proof of debt form and proxy form for Link Insolvency Adjudicating on values for each of creditors and clients regarding votes in first meeting Compilation of client and creditor register with values to be sent to Link Insolvency
	Creditor Enquiries	Receive, respond to and follow up enquiries from creditors with regard to the Administration process and the Company's affairs Receiving and responding to daily updates and escalations from Link Insolvency up until 5 June 2015 Maintaining client details and register Prepare and upload to Link Insolvency database a frequently asked questions document for creditors Daily internal meetings to discuss frequently asked questions document and appropriateness Distribution of first creditors and clients meeting circular Liaising with OSR in relation to payroll tax
	Secured creditor	Discussions with St George bank and the Receiver
	Creditor reports	Prepare section 439A report

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12 June 2015

Task Area	General Description	Including, but not limited to:
Trade On 18.5 hours \$10,110	Working capital	Preparation of working capital template for first week of Administration Updating working capital exposure spreadsheets Collating the liabilities in the Administration
	Trade on management	Liaising with IT, telephone and data suppliers regarding ongoing services Liaising with management and staff regarding wind down Preparation and authorising purchase orders Maintaining purchase order registry Preparing and authorising receipt and payment vouchers
	Processing receipts and payments	Entering payments and receipts into MYOB Insolvency
	Correspondence	Calls, meetings and emails with the Receivers Meetings and emails with finance team at Head office
Investigation 7.7 hours \$3,263	Interviews and inquiries	Multiple meetings with Finance team in respect of the events prior to Administration Interviews with multiple staff of the company Interviews with directors
	Conducting investigation	Request and review RATA from each director Request further information and clarification concerning transactions from 3 rd parties Review bank statements and supporting documentation for understanding of funds flows Review, summarise and consider the Company's historical financial position and performance Preliminary investigation into solvency Investigation into the conduct of directors Investigation into transactions with related parties Preparation of deficiency statement Client trust account reconciliation Forensic imaging of key personnel computers and company servers Collection of appropriate hard-copy documents for investigations Preparation of investigation files Review and preparation of company nature and history Preparation of file notes for tasks completed
	Recoveries / Litigation	Identify potential recoveries Internal meetings to discuss any litigation issues that may arise Correspondence and liaison with 3 rd parties in connection with the recovery of assets and funds Reviewing potential voidable transactions
	ASIC reporting	Meetings and update to ASIC regarding position and conduct of the Administration
Employees 115.0 hours \$54,805	Employee Entitlements	Collection of employee documentation on entitlements Review of employee entitlement figures Notification to FEG of Administrators appointment Liaising with Micro Pay and finance staff to facilitate wages run Preparation of wages for 21 May to 26 May 2015
	Meetings	Organising meetings and agendas for employee meetings occurring during the week after appointment
	Correspondence	Drafting and sending correspondence to employees Discussions and resolving queries with employees Miscellaneous correspondence with stakeholders in the administration and the Company's affairs Correspondence with Link Insolvency and Ashurst Drafting and sending out redundancy letters Notifying employees by email of redundancy on 20 May and 26 May

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12 June 2015

Task Area	General Description	Including, but not limited to:
Administration 33.1 hours \$13,866	Document maintenance/file review/checklist	Create and maintain administration records including administration files and checklists Creation of file registry File reviews Updating checklist and work plans Information request completion from BBY Miscellaneous correspondence with stakeholders in the administration and the Company's affairs
	Director dealings	Preparation and distribution of directors pack Correspondence with directors regarding duties and obligations Discussion of general affairs of the business Create and maintain administration records including administration files and checklists
	Insurance	Correspond with Blue Broking regarding initial and ongoing insurance requirements Identification of potential issues requiring attention of insurance specialists Review existing insurance policies Correspond with previous brokers Requesting D&O policy
	Bank account administration	Request bank statements Correspond regarding specific transfers Correspondence of opening and closing bank accounts
	ATO and other statutory reporting	Notification of appointment
	ASIC firms/ planning / review	Preparing and lodging ASIC Forms 505, 507, 911, 529 Lodging of ASIC insolvency notice advertisements Correspondence with ASIC regarding statutory forms Internal planning meetings on status of Administration
	Storage	Compiling of listings for documentation filing Liaising with document storage entities
	Company Searches	Director, PPSR and company search

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12 June 2015

BBY Advisory Services Pty Ltd (Administrators Appointed) (Receivers and Managers Appointed)

Task Area	General Description	Including, but not limited to:
Assets 8.7 hours \$4,907	Deed of Company Arrangement	Liaising with AIMS Financial Group and their representatives DEM Australasia concerning their intention to propose a DOCA
	Sale of business	Negotiations with AIMS on exclusivity agreement Discussions on sale of assets and share agreement with AIMS and PPB Finalising sale agreement
	Plant and Equipment	Review of asset listings
	Bank Accounts	Freeze all bank accounts through individual bank correspondence Open new bank accounts with NAB
	Other Assets	Identify and investigate other assets Arranging relevant insurance
	Document collection	Liaising with BBY Group finance team and other employees regarding collection of asset listings Obtaining financial statements for the company
	Financial Analysis	Review assets listing
Creditors 9.2 hours \$3,907	First Meeting of Creditors	Preparing of meeting notices, proxies and advertisements Court application to allow clients to be notified by email Forward notice of meeting to all known creditors and clients Preparation of meeting file, including agenda, certificate of postage, attendance register, list of creditors, reports to creditors, advertisements of meeting and draft minutes of meeting Liaise and instruct webcast traffic and questions Correspond with Sydney Masonic centre regarding meeting logistics Prepare meeting presentation Planning meeting for first meeting of creditors Hold first meeting at Sydney Masonic centre in the Grand Lodge Room at 10:00am on the 27 th of May 2015 Prepare minutes of meeting
	Dealing with proofs of debt and proxies	Approval and preparation of proof of debt form and proxy form through Link Insolvency
	Creditor Enquiries	Prepare and upload to Link Insolvency database a frequently asked questions document for creditors Daily internal meetings to discuss frequently asked questions document and appropriateness Distribution of first creditors and clients meeting circular
	Secured creditor	Discussions with St George bank and the Receiver
	Creditor reports	Prepare section 439A report
Investigation 3.9 hours \$1,631	Interviews and inquiries	Interviews with directors
	Conducting investigation	Request and review RATA from each director Request further information and clarification concerning transactions from 3 rd parties Review bank statements and supporting documentation for understanding of funds flows Review, summarise and consider the Company's historical financial position and performance Preliminary investigation into solvency Investigation into the conduct of directors Investigation into transactions with related parties Preparation of deficiency statement

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12 June 2015

Task Area	General Description	Including, but not limited to:
		Collection of appropriate hard-copy documents for investigations Preparation of investigation files Review and preparation of company nature and history Preparation of file notes for tasks completed
	Recoveries / Litigation	Identify potential recoveries Internal meetings to discuss any litigation issues that may arise Correspondence and liaison with 3 rd parties in connection with the recovery of assets and funds Reviewing potential voidable transactions
	ASIC reporting	Meetings and update to ASIC regarding position and conduct of the Administration
Administration 8.3 hours \$3,467	Document maintenance/file review/checklist	Create and maintain administration records including administration files and checklists Creation of file registry File reviews Updating checklist and work plans Information request completion from BBY Miscellaneous correspondence with stakeholders in the administration and the Company's affairs
	Director dealings	Preparation and distribution of directors pack Correspondence with directors regarding duties and obligations Discussion of general affairs of the business Create and maintain administration records including administration files and checklists
	Insurance	Correspond with Blue Broking regarding initial and ongoing insurance requirements Identification of potential issues requiring attention of insurance specialists Review existing insurance policies Correspond with previous brokers Requesting D&O policy
	Bank account administration	Request bank statements Correspond regarding specific transfers Correspondence of opening and closing bank accounts
	ATO and other statutory reporting	Notification of appointment
	ASIC forms/ planning / review	Preparing and lodging ASIC Forms 505, 507, 911, 529 Lodging of ASIC insolvency notice advertisements Correspondence with ASIC regarding statutory forms Internal planning meetings on status of Administration
	Storage	Compiling of listings for documentation filing Liaising with document storage entities
	Company Searches	Director, PPSR and company search

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12 June 2015

SmarTrader Limited (Administrators Appointed)

Task Area	General Description	Including, but not limited to:	
Assets 14.6 hours \$8,179	Deed of Company Arrangement	Liaising with AIMS Financial Group and their representatives DEM Australasia concerning their intention to propose a DOCA	
	Bank Accounts	Freeze all bank accounts through individual bank correspondence Open new bank accounts with NAB	
	Sale of business	Preparing a sale information pack Advertisement in paper for expressions of interest Correspondence with interested parties and potential purchasers Internal meetings to discuss/ review expressions of interest	
	Other Assets	Identify and investigate other assets and investments	
Creditors 9.2 hours \$3,907	First Meeting of Creditors	Preparing of meeting notices, proxies and advertisements Court application to allow clients to be notified by email Forward notice of meeting to all known creditors Preparation of meeting file, including agenda, certificate of postage, attendance register, list of creditors, reports to creditors, advertisements of meeting and draft minutes of meeting Liaise and instruct webcast traffic and questions Prepare meeting presentation Planning meeting for first meeting of creditors Hold first meeting at Sydney Masonic centre in the Grand Lodge Room at 10:00am on the 27 th of May 2015 Prepare minutes of meeting	
	Dealing with proofs of debt and proxies	Approval and preparation of proof of debt form and proxy form through Link Insolvency	
	Creditor Enquiries	Prepare and upload to Link Insolvency database a frequently asked questions document for creditors Daily internal meetings to discuss frequently asked questions document and appropriateness Distribution of first creditors and clients meeting circular	
	Creditor reports	Prepare section 439A report	
	Dealing with proofs of debt	Receive, process and file informal proofs of debt from creditors	
	Investigation 3.9 hours \$1,631	Conducting investigation	Request and review RATA from each director Request further information and clarification concerning transactions from 3 rd parties Review bank statements and supporting documentation for understand of funds flows Preliminary investigation into solvency Investigation into the conduct of directors Investigation into transactions with related parties Preparation of deficiency statement Preparation of investigation files Review and preparation of company nature and history Preparation of file notes for tasks completed
		Recoveries / Litigation	Identify potential recoveries Internal meetings to discuss any litigation issues that may arise Correspondence and liaison with 3 rd parties in connection with the recovery of assets and funds Reviewing potential voidable transactions
	Administration 8.3 hours \$3,467	Document maintenance/file review/checklist	Create and maintain administration records including administration files and checklists Creation of file registry File reviews

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12 June 2015

Task Area	General Description	Including, but not limited to:
		Updating checklist and work plans Information request completion from BBY Miscellaneous correspondence with stakeholders in the administration and the Company's affairs
Director dealings		Preparation and distribution of directors pack Correspondence with directors regarding duties and obligations Discussion of general affairs of the business Create and maintain administration records including administration files and checklists
Insurance		Correspond with insurer regarding initial and ongoing insurance requirements
Bank account administration		Correspondence of opening and closing bank accounts for entities, bank accounts opened with NAB
ATO and other statutory reporting		Notification of appointment
ASIC forms/ planning / review		Preparing and lodging ASIC Forms 505, 507, 911, 529 Lodging of ASIC insolvency notice advertisements Correspondence with ASIC regarding statutory forms Internal planning meetings on status of Administration
Storage		Compiling of listings for documentation filing Liaising with document storage entities
Company Searches		Director, PPSR and company search

BBY Hometrader Pty Ltd (Administrators Appointed)

Task Area	General Description	Including, but not limited to:
Assets 14.6 hours \$8,179	Deed of Company Arrangement	Liaising with AIMS Financial Group and their representatives DEM Australasia concerning their intention to propose a DOCA.
	Bank Accounts	Freeze all bank accounts through individual bank correspondence Open new bank accounts with NAB
	Sale of business	Preparing a sale information pack Advertisement in paper for expressions of interest Correspondence with interested parties and potential purchasers Internal meetings to discuss/ review expressions of interest
	Other Assets	Identify and investigate other assets and investments
Creditors 9.2 hours \$3,907	First Meeting of Creditors	Preparing of meeting notices, proxies and advertisements Court application to allow clients to be notified by email Forward notice of meeting to all known creditors Preparation of meeting file, including agenda, certificate of postage, attendance register, list of creditors, reports to creditors, advertisements of meeting and draft minutes of meeting Liaise and instruct webcast traffic and questions Prepare meeting presentation Planning meeting for first meeting of creditors Hold first meeting at Sydney Masonic centre in the Grand Lodge Room at 10:00am on the 27 th of May 2015 Prepare minutes of meeting
	Dealing with proofs of debt and proxies	Approval and preparation of proof of debt form and proxy form through Link Insolvency

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12 June 2015

Task Area	General Description	Including, but not limited to:
	Creditor Enquiries	Prepare and upload to Link Insolvency database a frequently asked questions document for creditors Daily internal meetings to discuss frequently asked questions document and appropriateness Distribution of first creditors and clients meeting circular
	Creditor reports	Prepare section 439A report
	Dealing with proofs of debt	Receive, process and file informal proofs of debt from creditors
Investigation 3.9 hours \$1,631	Conducting investigation	Request and review RATA from each director Request further information and clarification concerning transactions from 3 rd parties Review bank statements and supporting documentation for understand of funds flows Preliminary investigation into solvency Investigation into the conduct of directors Investigation into transactions with related parties Preparation of deficiency statement Preparation of investigation files Review and preparation of company nature and history Preparation of file notes for tasks completed
	Recoveries / Litigation	Identify potential recoveries Internal meetings to discuss any litigation issues that may arise Correspondence and liaison with 3 rd parties in connection with the recovery of assets and funds Reviewing potential voidable transactions
Administration 8.3 hours \$3,467	Document maintenance/file review/checklist	Create and maintain administration records including administration files and checklists Creation of file registry File reviews Updating checklist and work plans Information request completion from BBY Miscellaneous correspondence with stakeholders in the administration and the Company's affairs
	Director dealings	Preparation and distribution of directors pack Correspondence with directors regarding duties and obligations Discussion of general affairs of the business Create and maintain administration records including administration files and checklists
	Insurance	Correspond with insurer regarding initial and ongoing insurance requirements
	Bank account administration	Correspondence of opening and closing bank accounts for entities, bank accounts opened with NAB
	ATO and other statutory reporting	Notification of appointment
	ASIC forms/ planning / review	Preparing and lodging ASIC Forms 505, 507, 911, 529 Lodging of ASIC insolvency notice advertisements Correspondence with ASIC regarding statutory forms Internal planning meetings on status of Administration
	Storage	Compiling of listings for documentation filing Liaising with document storage entities
	Company Searches	Director, PPSR and company search

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12 June 2015

3.2. Administrators' prospective remuneration for the period 6 June 2015 to 22 June 2015

BBY Holdings Pty Limited (Administrators Appointed) (Receivers and Managers Appointed)

Task Area	General Description	Including, but not limited to:
Creditors 5.5 hours \$2,417	S439A Report	Preparation of 439A report to creditors Analysis and comparison of directors RATAs to Company accounts Statutory reporting obligations Assessment and recommendation of the future course of the Administration of the Company
	Committee of Creditors	Hold second Committee of Creditors meeting Preparation for meeting
	Dealing with proofs of debt	Review and admit formal proofs of debt received from creditors for the second meeting Adjudicating on proof of debts received
	Meeting of Creditors	Convene and prepare for the second meeting of creditors Lodge minutes of meeting with ASIC
Investigation 7.0 hours \$2,437	Conducting investigation	Further review of bank statements Obtain bank statements and tracing transactions Finalise review of specific transactions Finalisation of investigation file Continued testing of general ledger Further discussions with directors on various transactions
	Correspondence	Miscellaneous correspondence with stakeholders in the administration and the Company's affairs
Administration 6.8 hours \$2,783	Document maintenance/file review/checklist	Create and maintain administration records including administration files and checklists
	Planning / Review	Determine administration strategy and general review and oversight of the status and conduct of the administration

BBY Limited (Administrators Appointed) (Receivers and Managers Appointed)

Task Area	General Description	Including, but not limited to:
Assets 12.8 hours \$7,340	Other assets	Investigate other assets Balance Sheet reviews including statutory accounts
Creditors 380.1 hours \$169,190	S439A Report	Preparation of 439A report to creditors Analysis and comparison of directors RATAs to Company accounts Statutory reporting obligations Assessment and recommendation of the future course of the Administration of the Company
	Committee of Creditors	Hold second Committee of Creditors meeting Preparation for meeting
	Dealing with proofs of debt	Review and admit formal proofs of debt received from creditors for the second meeting Adjudicating on proof of debts received
	Meeting of Creditors	Convene and prepare for the second meeting of creditors Lodge minutes of meeting with ASIC
Creditor reports	Creditor reports	Prepare and distribute a circular to creditors notifying of second meeting

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12 June 2015

Task Area	General Description	Including, but not limited to:
Clients – Equities and ETOs 149.0 hours \$78,200	Reconciliation of client positions	Reconciliation of client positions Seek legal input from Ashurst into the reconciliation parameters and calculations Correspondence, discussions and instructions to operations staff regarding reporting client positions and reconciliations
	Client Enquiries	Receiving and replying to client email enquiries Receiving and responding to client telephone enquiries Maintaining client enquiry register Internal meetings and discussions with legal advisors on frequently asked questions
Clients – SAXO 47.0 hours \$25,350	Reconciliation of client positions	Reconciliation of client positions Seek legal input from Ashurst into the reconciliation parameters and calculations Correspondence, discussions and instructions to operations staff regarding reporting client positions and reconciliations
	Client Enquiries	Receiving and replying to client email enquiries Receiving and responding to client telephone enquiries Maintaining client enquiry register Internal meetings and discussions with legal advisors on frequently asked questions
Clients – Futures 50.0 hours \$27,400	Reconciliation of client positions	Reconciliation of client positions Seek legal input from Ashurst into the reconciliation parameters and calculations Correspondence, discussions and instructions to operations staff regarding reporting client positions and reconciliations
	Client Enquiries	Receiving and replying to client email enquiries Receiving and responding to client telephone enquiries Maintaining client enquiry register Internal meetings and discussions with legal advisors on frequently asked questions
Clients – FX 33.0 hours \$16,900	Reconciliation of client positions	Reconciliation of client positions Seek legal input from Ashurst into the reconciliation parameters and calculations Correspondence, discussions and instructions to operations staff regarding reporting client positions and reconciliations
	Client Enquiries	Receiving and replying to client email enquiries Receiving and responding to client telephone enquiries Maintaining client enquiry register Internal meetings and discussions with legal advisors on frequently asked questions
Clients – Other 16.0 hours \$8,400	Reconciliation of client positions	Reconciliation of client positions Seek legal input from Ashurst into the reconciliation parameters and calculations Correspondence, discussions and instructions to operations staff regarding reporting client positions and reconciliations
	Client Enquiries	Receiving and replying to client email enquiries Receiving and responding to client telephone enquiries Maintaining client enquiry register Internal meetings and discussions with legal advisors on frequently asked questions
Trade On 4.5 hours \$2,400	Trade on management	Liaising with IT, telephone and data suppliers regarding ongoing services Authorising purchase orders Maintaining purchase order registry Preparing and authorising receipt and payment vouchers

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**BBY Companies
(Administrators Appointed)**
Administrators' remuneration report and approval request

12 June 2015

Task Area	General Description	Including, but not limited to:
	Processing receipts and payments	Entering payments and receipts into accounting system
	Working capital	Maintenance of working capital spreadsheet Return of surplus funds to AIMS Group
Investigation 268.3 hours \$95,043	Conducting investigation	Further review of bank statements Finalise review of specific transactions Finalisation of investigation file Continued testing of general ledger Further discussions with directors on various transactions
Administration 84.6 hours \$33,390	Correspondence	Miscellaneous correspondence with stakeholders in the administration and the Company's affairs
	Document maintenance/file review/checklist	Create and maintain administration records including administration files and checklists
	Bank account administration	Bank account reconciliations Correspond regarding specific transfers
	Planning / Review	Determine administration strategy and general review and oversight of the status and conduct of the administration

Broker Services Australia Pty Ltd (Administrators Appointed)

Task Area	General Description	Including, but not limited to:
Creditors 119.5 hours \$53,174	S439A Report	Preparation of 439A report to creditors Analysis and comparison of directors RATAs to Company accounts Statutory reporting obligations Assessment and recommendation of the future course of the Administration of the Company
	Meeting of Creditors	Convene and prepare for the second meeting of creditors Lodge minutes of meeting with ASIC
	Dealing with proofs of debt	Review and admit formal proofs of debt received from creditors for the second meeting Adjudicating on proof of debts received
	Creditor reports	Prepare and distribute a circular to creditors notifying of second meeting
Employees 5.0 hours \$1,750	Employee Enquiry	Maintain employee enquiry register Review and prepare correspondence to employees and their representatives via email and post Additional payments to staff in Micro Pay
	Calculation of entitlements	Preparation of employee entitlements Continued discussions with Ashurst regarding employee entitlements
Investigation 34.4 hours \$12,185	Conducting investigation	Further review of bank statements Finalise review of specific transactions Finalisation of investigation file Continued testing of general ledger Further discussions with directors on various transactions
Administration 39.5 hours \$15,582	Correspondence	Miscellaneous correspondence with stakeholders in the administration and the Company's affairs
	Document maintenance/file review/checklist	Create and maintain administration records including administration files and checklists
	Bank account administration	Bank account reconciliations Correspond regarding specific transfers
	Planning / Review	Determine administration strategy and general review and oversight of the status and conduct of the administration

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**BBY Companies
(Administrators Appointed)**
Administrators' remuneration report and approval request

12 June 2015

BBY Advisory Services Pty Ltd (Administrators Appointed) (Receivers and Managers Appointed)

Task Area	General Description	Including, but not limited to:
Assets 3.9 hours \$2,111	Deed of Company Arrangement	Discussions with the DOCA proposer AIMS Financial Group and their representatives DEM Australasia concerning the DOCA proposal received Review of DOCA proposal Discussions with Ashurst on DOCA proposal Internal meetings to discuss the proposal
	S439A Report	Preparation of 439A report to creditors Analysis and comparison of directors RATAs to Company accounts Statutory reporting obligations Assessment and recommendation of the future course of the Administration of the Company
Creditors 5.5 hours \$2,417	Dealing with proofs of debt	Review and admit formal proofs of debt received from creditors for the second meeting Adjudicating on proof of debts received
	Meeting of Creditors	Convene and prepare for the second meeting of creditors Lodge minutes of meeting with ASIC
	Creditor reports	Prepare and distribute a circular to creditors notifying of second meeting
Investigation 3.5 hours \$1,219	Conducting investigation	Further review of bank statements Finalise review of specific transactions Finalisation of investigation file Continued testing of general ledger Further discussions with directors on various transactions
Administration 1.4 hours \$557	Correspondence	Miscellaneous correspondence with stakeholders in the administration and the Company's affairs
	Document maintenance/file review/checklist	Create and maintain administration records including administration files and checklists
	Planning / Review	Determine administration strategy and general review and oversight of the status and conduct of the administration

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SmarTrader Limited (Administrators Appointed)

Task Area	General Description	Including, but not limited to:
Assets 45.5 hours \$24,695	Deed of Company Arrangement	Discussions with the DOCA proposer AIMS Financial Group and their representatives DEM Australasia concerning the DOCA proposal received Review of DOCA proposal Discussions with Ashurst on DOCA proposal Internal meetings to discuss the proposal
	Bank Accounts	Correspondence with NAB
	Sale of business	Correspondence with interested parties and potential purchasers Internal meetings to discuss/ review expressions of interest
Creditors 5.5 hours \$2,430	S439A Report	Preparation of 439A report to creditors Analysis and comparison of directors RATAs to Company accounts Statutory reporting obligations Assessment and recommendation of the future course of the Administration of the Company
	Dealing with proofs of debt	Review and admit formal proofs of debt received from creditors for the second meeting Adjudicating on proof of debts received
	Meeting of Creditors	Convene and prepare for the second meeting of creditors Lodge minutes of meeting with ASIC
	Creditor reports	Prepare and distribute a circular to creditors notifying of second meeting
Investigation 3.5 hours \$1,245	Conducting investigation	Further review of bank statements Finalise review of specific transactions Finalisation of investigation file Continued testing of general ledger Further discussions with directors on various transactions
Administration 1.4 hours \$518	Correspondence	Miscellaneous correspondence with stakeholders in the administration and the Company's affairs
	Document maintenance/file review/checklist	Create and maintain administration records including administration files and checklists
	Planning / Review	Determine administration strategy and general review and oversight of the status and conduct of the administration

BBY Hometrader Pty Ltd (Administrators Appointed)

Task Area	General Description	Including, but not limited to:
Assets 45.0 hours \$24,445	Deed of Company Arrangement	Discussions with the DOCA proposer AIMS Financial Group and their representatives DEM Australasia concerning the DOCA proposal received Review of DOCA proposal Discussions with Ashurst on DOCA proposal Internal meetings to discuss the proposal
	Bank Accounts	Correspondence with NAB
	Sale of business	Correspondence with interested parties and potential purchasers Internal meetings to discuss/ review expressions of interest
Creditors 5.5 hours \$2,430	S439A Report	Preparation of 439A report to creditors Analysis and comparison of directors RATAs to Company accounts Statutory reporting obligations Assessment and recommendation of the future course of the Administration of the Company
	Dealing with proofs of debt	Review and admit formal proofs of debt received from creditors for the second meeting Adjudicating on proof of debts received
	Meeting of Creditors	Convene and prepare for the second meeting of creditors Lodge minutes of meeting with ASIC
	Creditor reports	Prepare and distribute a circular to creditors notifying of second meeting
Investigation 3.5 hours \$1,245	Conducting investigation	Further review of bank statements Finalise review of specific transactions Finalisation of investigation file Continued testing of general ledger Further discussions with directors on various transactions
Administration 1.4 hours \$518	Correspondence	Miscellaneous correspondence with stakeholders in the administration and the Company's affairs
	Document maintenance/file review/checklist	Create and maintain administration records including administration files and checklists
	Planning / Review	Determine administration strategy and general review and oversight of the status and conduct of the administration

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3.3. Deed Administrators' estimated prospective remuneration from execution of DOCA

BBY Advisory Services Pty Ltd

Task Area	General Description	Including, but not limited to:
Assets 34.5 hours \$16,925	DOCA contributions	Monitor and receipt contributions payable under the DOCA Collection of further recoverable assets, if applicable
Creditors 34.5 hours \$13,400	Creditor Enquiries	Receive and follow up creditor enquiries Maintaining creditor enquiry register Review and prepare correspondence to creditors
	Creditor reports/circulars	Preparing circular to creditors following execution of the DOCA General reporting to creditors
Dividend 13.0 hours \$5,150	Processing proofs of debt	Preparation of correspondence to potential creditors inviting lodgement of PODs Receive and adjudicate on PODs
	Dividend procedures	Preparation of correspondence to creditors advising of intention to declare dividend Advertisement of intention to declare dividend Obtain clearance from ATO to allow distribution of DOCA contribution Calculate and pay dividend and all relevant taxes
Administration 26.5 hours \$9,675	Correspondence	Miscellaneous correspondence with stakeholders
	Document maintenance/file review /checklist	Filing of documents File reviews Updating checklists
	Bank account administration	Preparing correspondence Requesting bank statements Bank account reconciliations Correspondence with bank regarding specific transfers
	ASIC Lodgements / other forms	Preparation and lodgement of all statutory requirements with ASIC Lodge notice that DOCA wholly effectuated
	Finalisation	Notifying ATO of finalisation Cancelling ABN/GST/PAYG registration Completing checklists
	ATO and other statutory reporting	Preparing the BAS
	Planning / Review	Discussions regarding status of deed administration
	Books and records / storage	Dealing with records in storage Sending job files to storage

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BBY Hometrader Pty Ltd and SmarTrader Limited

Task Area	General Description	Including, but not limited to:
Assets 34.5 hours \$16,925	DOCA contributions	Monitor and receipt contributions payable under the DOCA Collection of further recoverable assets, if applicable
Creditors 34.5 hours \$13,400	Creditor Enquiries	Receive and follow up creditor enquiries Maintaining creditor enquiry register Review and prepare correspondence to creditors
	Creditor reports/circulars	Preparing circular to creditors following execution of the DOCA General reporting to creditors
Dividend 13.0 hours \$5,150	Processing proofs of debt	Preparation of correspondence to potential creditors inviting lodgement of PODs Receive and adjudicate on PODs
	Dividend procedures	Preparation of correspondence to creditors advising of intention to declare dividend Advertisement of intention to declare dividend Obtain clearance from ATO to allow distribution of DOCA contribution Calculate and pay dividend and all relevant taxes
Administration 26.5 hours \$9,675	Correspondence	Miscellaneous correspondence with stakeholders
	Document maintenance/file review /checklist	Filing of documents File reviews Updating checklists
	Bank account administration	Preparing correspondence Requesting bank statements Bank account reconciliations Correspondence with bank regarding specific transfers
	ASIC Lodgements / other forms	Preparation and lodgement of all statutory requirements with ASIC Lodge notice that DOCA wholly effectuated
	Finalisation	Notifying ATO of finalisation Cancelling ABN/GST/PAYG registration Completing checklists
	ATO and other statutory reporting	Preparing the BAS
	Planning / Review	Discussions regarding status of deed administration
	Books and records / storage	Dealing with records in storage Sending job files to storage

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3.4. Liquidators' prospective remuneration

It is difficult to provide an estimate for the future cost of the liquidation in the event the BBY Companies are placed into Liquidation, in particular for BBY Limited and Broker Services Australia Pty Ltd. There are a number of complex matters such as uncertainty surrounding the close out of trust reconciliations, the distribution of trust monies, as well as potential litigation and antecedent transaction recoveries once further detailed investigations are carried out. However, for the purposes of providing creditors with an estimate we anticipate initial costs for the BBY Companies in this report will be \$0.5 million or above. Should a Committee of Inspection be formed at the Second Meeting then it would be for the committee to approve future liquidators' fees in respect of BBY Limited and Broker Services Australia Pty Ltd.

BBY Holdings Pty Limited (Receivers and Managers Appointed)

Task Area	General Description	Including, but not limited to:
Assets 7.0 hours \$3,150	Other Assets	Identify any potential asset realisations and/ or intercompany debtors
Creditors 46.0 hours \$17,150	Creditor Enquiries	Receive and follow up creditor enquiries via email and telephone Maintaining creditor enquiry register Review and prepare correspondence to creditors and their representatives via email and telephone Correspondence with committee of inspection members and their representatives
	Meetings of creditors	Preparation of meeting notices, proxies and advertisements Forward notice of meetings to all known creditors Preparation of meeting files, including agenda, certificate of postage, attendance register, lists of creditors, reports to creditors, advertisement of meeting and draft minutes of meetings Preparation and lodgement of minutes of meetings with ASIC Respond to stakeholder queries and questions immediately following meetings
	Creditor reports/circulars	General reporting to creditors
	Dealing with Proofs of Debt	Receipting and filing PODs when not related to a dividend Corresponding with OSR and ATO regarding PODs when not related to dividend
	Meeting of Committee of Inspection	Preparation of meetings notice and forward to all committee members Organising Teleconference facilities for Committee meetings and distributing to members Preparation of confidentiality agreements for committee members Attend committee meetings Prepare minutes of committee meetings Respond to committee member enquiries following committee meetings Preparation of updates to committee members and circulation of same to committee members

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Investigation 31.0 hours \$14,650	Conducting Investigation	Investigations into potential uncommercial transactions executed in the Company's general account Review specific transactions and liaising with directors regarding certain transactions Preparation of investigation file Lodgement of report with ASIC pursuant to section 533 of the Act Preparation and lodgement of supplementary report if required
	Mediation	Preparation for and conducting mediation, including correspondence with relevant stakeholders Preparation for and attendance at Court in relation to issues arising as a result of the mediation process.
	Litigation / Recoveries	Internal meetings to discuss status of litigation Preparing brief to solicitors Liaising with solicitors regarding recovery actions Attending to negotiations Attending to settlement matters
	ASIC reporting	Preparing statutory investigation report Liaising with ASIC
Administration 41.5 hours \$15,300	Correspondence	Miscellaneous correspondence with stakeholders
	Document maintenance/file review /checklist	First month, then 6 monthly administration review Filing of documents File reviews Updating checklists
	Insurance	Correspondence with insurance broker regarding maintenance of insurance cover Correspondence with previous brokers
	Bank account administration	Preparing correspondence for opening and closing bank accounts Requesting bank statements Bank account reconciliations Correspondence with bank regarding specific transfers
	ASIC Lodgements / other forms	Preparation and lodgement of all statutory requirements with ASIC Correspondence with ASIC regarding statutory forms
	Finalisation	Notifying ATO of finalisation Cancelling ABN/GST/PAYG registration Completing checklists Finalising WIP
	ATO and other statutory reporting	Preparing the BAS Completing Group Certificates
	Planning / Review	Discussions regarding status of liquidation
	Books and records / storage	Dealing with records in storage Sending job files to storage

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BBY Limited (Receivers and Managers Appointed)

Task Area	General Description	Including, but not limited to:
Assets 9.1 hours \$3,693	Other Assets	Identify any potential asset realisations/ and or intercompany debtors
Clients 134.9 hours \$55,732	Reconciliation of client positions	Reconciliation of client positions to consider distribution scenarios Correspondence and follow up with ASX regarding close out position data Meeting and discussing with BBY Finance team to finalise client reconciliations Seek legal input from Ashurst into the reconciliation parameters and calculations Preparation of reconciliation report to provide to the Court, if necessary
	Close out	Liaise with clients regarding close out of positions Continued correspondence with ASX regarding transfer of outstanding client funds Discuss legal issues with Ashurst in processing close out positions
	Client enquiries	Receiving and replying to client email enquiries Receiving and responding to client telephone enquiries Maintaining client enquiry register Prepare, review, email and upload to KPMG website, client updates Internal meetings and discussions with legal advisors on frequently asked questions
	Distribution of client funds	Continued discussions regarding distribution and proving process Seek legal input from Ashurst regarding distribution and proving process for returning client funds Preparation of process map and timeline for distribution process Preparation of distribution report to provide with affidavit to receive court directions Development of online proving process Preparation of explanatory statement regarding calculation of client claims Construction and review of client claims database
	Client segregated accounts	Correspondence with Banks regarding interest on client segregated accounts Receipting of client funds and correspondence regarding underpayment of client funds, if applicable Negotiations and discussions with NAB regarding term deposits, if applicable

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Creditors 103.9 hours \$47,213	Creditor Enquiries	Receive and follow up creditor enquiries via email and telephone Maintaining creditor enquiry register Review and prepare correspondence to creditors and their representatives via email and telephone Correspondence with committee of inspection members and their representatives
	Meetings of creditors	Preparation of meeting notices, proxies and advertisements Forward notice of meetings to all known creditors Preparation of meeting files, including agenda, certificate of postage, attendance register, lists of creditors, reports to creditors, advertisement of meeting and draft minutes of meetings Preparation and lodgement of minutes of meetings with ASIC Respond to stakeholder queries and questions immediately following meetings
	Creditor reports/circulars	General reporting to creditors
	Dealing with Proofs of Debt	Receipting and filing PODs when not related to a dividend Corresponding with OSR and ATO regarding PODs when not related to dividend
	Meeting of Committee of Inspection	Preparation of meetings notice and forward to all committee members Organising Teleconference facilities for Committee meetings and distributing to members Preparation of confidentiality agreements for committee members Attend committee meetings Prepare minutes of committee meetings Respond to committee member enquiries following committee meetings Preparation of updates to committee members and circulation of same to committee members
Investigation 113.2 hours \$52,598	Conducting Investigation	Investigations into potential uncommercial transactions executed in the Company's general account Review specific transactions and liaising with directors regarding certain transactions Preparation of investigation file Lodgement of report with ASIC pursuant to section 533 of the Act Preparation and lodgement of supplementary report if required
	Mediation	Preparation for and conducting mediation, including correspondence with relevant stakeholders Preparation for and attendance at Court in relation to issues arising as a result of the mediation process.
	Litigation / Recoveries	Internal meetings to discuss status of litigation Preparing brief to solicitors Liaising with solicitors regarding recovery actions Attending to negotiations Attending to settlement matters
	ASIC reporting	Preparing statutory investigation report Liaising with ASIC

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Dividend 50.7 hours \$20,854	Processing proofs of debt	Preparation of correspondence to potential creditors inviting lodgement of PODs Receive and adjudicate on PODs Maintain POD register Requesting further information from claimants regarding PODs Preparation of correspondence to claimant advising outcome of adjudication
	Dividend procedures	Preparation of correspondence to creditors advising of intention to declare dividend Advertisement of intention to declare dividend Obtain clearance from ATO to allow distribution of company assets Preparation of dividend calculation Preparation of correspondence to creditors announcing declaration of dividend Advertise announcement of dividend Preparation of distribution Preparation of dividend file Preparation of payment voucher to pay dividend Preparation of correspondence to creditors enclosing payment dividend
Administration 48.9 hours \$19,910	Correspondence	Miscellaneous correspondence with stakeholders
	Document maintenance/file review /checklist	First month, then 6 monthly administration review Filing of documents File reviews Updating checklists
	Insurance	Correspondence with insurance broker regarding maintenance of insurance cover Correspondence with previous brokers
	Bank account administration	Preparing correspondence for opening and closing bank accounts Requesting bank statements Bank account reconciliations Correspondence with bank regarding specific transfers
	ASIC Lodgements / other forms	Preparation and lodgement of all statutory requirements with ASIC Correspondence with ASIC regarding statutory forms
	Finalisation	Notifying ATO of finalisation Cancelling ABN/GST/PAYG registration Completing checklists Finalising WIP
	ATO and other statutory reporting	Preparing the BAS Completing Group Certificates
	Planning / Review	Discussions regarding status of liquidation
	Books and records / storage	Dealing with records in storage Sending job files to storage

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Broker Services Australia Pty Ltd

Task Area	General Description	Including, but not limited to:
Assets 10.5 hours \$3,250	Other Assets	Identify any potential asset realisations/ and or intercompany debtors
Creditors 69.5 hours \$24,925	Creditor Enquiries	Receive and follow up creditor enquiries via email and telephone Maintaining creditor enquiry register Review and prepare correspondence to creditors and their representatives via email and telephone Correspondence with committee of inspection members and their representatives
	Meetings of creditors	Preparation of meeting notices, proxies and advertisements Forward notice of meetings to all known creditors Preparation of meeting files, including agenda, certificate of postage, attendance register, lists of creditors, reports to creditors, advertisement of meeting and draft minutes of meetings Preparation and lodgement of minutes of meetings with ASIC Respond to stakeholder queries and questions immediately following meetings
	Creditor reports/circulars	General reporting to creditors
	Dealing with Proofs of Debt	Receipting and filing PODs when not related to a dividend Corresponding with OSR and ATO regarding PODs when not related to dividend
	Meeting of Committee of Inspection	Preparation of meetings notice and forward to all committee members Organising Teleconference facilities for Committee meetings and distributing to members Preparation of confidentiality agreements for committee members Attend committee meetings Prepare minutes of committee meetings Respond to committee member enquiries following committee meetings Preparation of updates to committee members and circulation of same to committee members

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Administrators' remuneration report and approval request

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Employees 81.0 hours \$25,650	Employees enquiry	Receive and follow up employee enquiries via telephone Maintain employee enquiry register Preparation of letters to employees advising of their entitlements and options available Receive and prepare correspondence in response to employees objections to leave entitlements
	FEGS	Correspondence with FEGS Preparing notification spreadsheet Preparing FEGS quotations Preparing FEGS distributions
	Calculation of entitlements	Calculating employee entitlements Reviewing employee files and company's books and records Reconciling superannuation accounts Reviewing awards Liaising with solicitors regarding entitlements
	Employees dividend	Correspondence with employees regarding dividend Correspondence with ATO regarding SGC proof of debt Calculating dividend rate Preparing dividend file Advertising dividend notice Preparing distribution Receipting POD's Adjudicating POD's Ensuring PAYG is remitted to ATO
Investigation 28.5 hours \$11,175	Conducting Investigation	Investigations into potential uncommercial transactions executed in the Company's general account Review specific transactions and liaising with directors regarding certain transactions Preparation of investigation file Lodgement of report with ASIC pursuant to section 533 of the Act Preparation and lodgement of supplementary report if required
	Mediation	Preparation for and conducting mediation, including correspondence with relevant stakeholders Preparation for and attendance at Court in relation to issues arising as a result of the mediation process.
	Litigation / Recoveries	Internal meetings to discuss status of litigation Preparing brief to solicitors Liaising with solicitors regarding recovery actions Attending to negotiations Attending to settlement matters
	ASIC reporting	Preparing statutory investigation report Liaising with ASIC
Dividend 28.5 hours \$11,175	Processing proofs of debt	Preparation of correspondence to potential creditors inviting lodgement of PODs Receive and adjudicate on PODs Maintain POD register Requesting further information from claimants regarding PODs Preparation of correspondence to claimant advising outcome of adjudication

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Administration 77.5 hours \$25,225	Dividend procedures	Preparation of correspondence to creditors advising of intention to declare dividend Advertisement of intention to declare dividend Obtain clearance from ATO to allow distribution of company assets Preparation of dividend calculation Preparation of correspondence to creditors announcing declaration of dividend Advertise announcement of dividend Preparation of distribution Preparation of dividend file Preparation of payment voucher to pay dividend Preparation of correspondence to creditors enclosing payment dividend
	Correspondence	Miscellaneous correspondence with stakeholders
	Document maintenance/file review /checklist	First month, then 6 monthly administration review Filing of documents File reviews Updating checklists
	Insurance	Correspondence with insurance broker regarding maintenance of insurance cover Correspondence with previous brokers
	Bank account administration	Preparing correspondence for opening and closing bank accounts Requesting bank statements Bank account reconciliations Correspondence with bank regarding specific transfers
	ASIC Lodgements / other forms	Preparation and lodgement of all statutory requirements with ASIC Correspondence with ASIC regarding statutory forms
	Finalisation	Notifying ATO of finalization Cancelling ABN/GST/PAYG registration Completing checklists Finalising WIP
	ATO and other statutory reporting	Preparing the BAS Completing Group Certificates
	Planning / Review	Discussions regarding status of liquidation
	Books and records / storage	Dealing with records in storage Sending job files to storage

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BBY Advisory Services Pty Ltd (Receivers and Managers Appointed)

Task Area	General Description	Including, but not limited to:
Assets 7.0 hours \$3,150	Other Assets	Identify any potential asset realisations and/ or intercompany debtors
Creditors 46.0 hours \$17,150	Creditor Enquiries	Receive and follow up creditor enquiries via email and telephone Maintaining creditor enquiry register Review and prepare correspondence to creditors and their representatives via email and telephone Correspondence with committee of inspection members and their representatives
	Meetings of creditors	Preparation of meeting notices, proxies and advertisements Forward notice of meetings to all known creditors Preparation of meeting files, including agenda, certificate of postage, attendance register, lists of creditors, reports to creditors, advertisement of meeting and draft minutes of meetings Preparation and lodgement of minutes of meetings with ASIC Respond to stakeholder queries and questions immediately following meetings
	Creditor reports/circulars	General reporting to creditors
	Dealing with Proofs of Debt	Receipting and filing PODs when not related to a dividend Corresponding with OSR and ATO regarding PODs when not related to dividend
	Meeting of Committee of Inspection	Preparation of meetings notice and forward to all committee members Organising Teleconference facilities for Committee meetings and distributing to members Preparation of confidentiality agreements for committee members Attend committee meetings Prepare minutes of committee meetings Respond to committee member enquiries following committee meetings Preparation of updates to committee members and circulation of same to committee members

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Investigation 31.0 hours \$14,650	Conducting Investigation	Investigations into potential uncommercial transactions executed in the Company's general account Review specific transactions and liaising with directors regarding certain transactions Preparation of investigation file Lodgement of report with ASIC pursuant to section 533 of the Act Preparation and lodgement of supplementary report if required
	Mediation	Preparation for and conducting mediation, including correspondence with relevant stakeholders Preparation for and attendance at Court in relation to issues arising as a result of the mediation process.
	Litigation / Recoveries	Internal meetings to discuss status of litigation Preparing brief to solicitors Liaising with solicitors regarding recovery actions Attending to negotiations Attending to settlement matters
	ASIC reporting	Preparing statutory investigation report Liaising with ASIC
Administration 41.5 hours \$15,300	Correspondence	Miscellaneous correspondence with stakeholders
	Document maintenance/file review /checklist	First month, then 6 monthly administration review Filing of documents File reviews Updating checklists
	Insurance	Correspondence with insurance broker regarding maintenance of insurance cover Correspondence with previous brokers
	Bank account administration	Preparing correspondence for opening and closing bank accounts Requesting bank statements Bank account reconciliations Correspondence with bank regarding specific transfers
	ASIC Lodgements / other forms	Preparation and lodgement of all statutory requirements with ASIC Correspondence with ASIC regarding statutory forms
	Finalisation	Notifying ATO of finalisation Cancelling ABN/GST/PAYG registration Completing checklists Finalising WIP
	ATO and other statutory reporting	Preparing the BAS Completing Group Certificates
	Planning / Review	Discussions regarding status of liquidation
	Books and records / storage	Dealing with records in storage Sending job files to storage

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SmarTrader Limited

Task Area	General Description	Including, but not limited to:
Assets 7.0 hours \$3,150	Other Assets	Identify any potential asset realisations and/ or intercompany debtors
Creditors 46.0 hours \$17,150	Creditor Enquiries	Receive and follow up creditor enquiries via email and telephone Maintaining creditor enquiry register Review and prepare correspondence to creditors and their representatives via email and telephone Correspondence with committee of inspection members and their representatives
	Meetings of creditors	Preparation of meeting notices, proxies and advertisements Forward notice of meetings to all known creditors Preparation of meeting files, including agenda, certificate of postage, attendance register, lists of creditors, reports to creditors, advertisement of meeting and draft minutes of meetings Preparation and lodgement of minutes of meetings with ASIC Respond to stakeholder queries and questions immediately following meetings
	Creditor reports/circulars	General reporting to creditors
	Dealing with Proofs of Debt	Receipting and filing PODs when not related to a dividend Corresponding with OSR and ATO regarding PODs when not related to dividend
	Meeting of Committee of Inspection	Preparation of meetings notice and forward to all committee members Organising Teleconference facilities for Committee meetings and distributing to members Preparation of confidentiality agreements for committee members Attend committee meetings Prepare minutes of committee meetings Respond to committee member enquiries following committee meetings Preparation of updates to committee members and circulation of same to committee members

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Investigation 31.0 hours \$14,650	Conducting Investigation	Investigations into potential uncommercial transactions executed in the Company's general account Review specific transactions and liaising with directors regarding certain transactions Preparation of investigation file Lodgement of report with ASIC pursuant to section 533 of the Act Preparation and lodgement of supplementary report if required
	Mediation	Preparation for and conducting mediation, including correspondence with relevant stakeholders Preparation for and attendance at Court in relation to issues arising as a result of the mediation process.
	Litigation / Recoveries	Internal meetings to discuss status of litigation Preparing brief to solicitors Liaising with solicitors regarding recovery actions Attending to negotiations Attending to settlement matters
	ASIC reporting	Preparing statutory investigation report Liaising with ASIC
Administration 41.5 hours \$15,300	Correspondence	Miscellaneous correspondence with stakeholders
	Document maintenance/file review /checklist	First month, then 6 monthly administration review Filing of documents File reviews Updating checklists
	Insurance	Correspondence with insurance broker regarding maintenance of insurance cover Correspondence with previous brokers
	Bank account administration	Preparing correspondence for opening and closing bank accounts Requesting bank statements Bank account reconciliations Correspondence with bank regarding specific transfers
	ASIC Lodgements / other forms	Preparation and lodgement of all statutory requirements with ASIC Correspondence with ASIC regarding statutory forms
	Finalisation	Notifying ATO of finalisation Cancelling ABN/GST/PAYG registration Completing checklists Finalising WIP
	ATO and other statutory reporting	Preparing the BAS Completing Group Certificates
	Planning / Review	Discussions regarding status of liquidation
	Books and records / storage	Dealing with records in storage Sending job files to storage

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BBY Hometrader Pty Ltd

Task Area	General Description	Including, but not limited to:
Assets 7.0 hours \$3,150	Other Assets	Identify any potential asset realisations and/ or intercompany debtors
Creditors 46.0 hours \$17,150	Creditor Enquiries	Receive and follow up creditor enquiries via email and telephone Maintaining creditor enquiry register Review and prepare correspondence to creditors and their representatives via email and telephone Correspondence with committee of inspection members and their representatives
	Meetings of creditors	Preparation of meeting notices, proxies and advertisements Forward notice of meetings to all known creditors Preparation of meeting files, including agenda, certificate of postage, attendance register, lists of creditors, reports to creditors, advertisement of meeting and draft minutes of meetings Preparation and lodgement of minutes of meetings with ASIC Respond to stakeholder queries and questions immediately following meetings
	Creditor reports/circulars	General reporting to creditors
	Dealing with Proofs of Debt	Receipting and filing PODs when not related to a dividend Corresponding with OSR and ATO regarding PODs when not related to dividend
	Meeting of Committee of Inspection	Preparation of meetings notice and forward to all committee members Organising Teleconference facilities for Committee meetings and distributing to members Preparation of confidentiality agreements for committee members Attend committee meetings Prepare minutes of committee meetings Respond to committee member enquiries following committee meetings Preparation of updates to committee members and circulation of same to committee members

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Investigation 31.0 hours \$14,650	Conducting Investigation	Investigations into potential uncommercial transactions executed in the Company's general account Review specific transactions and liaising with directors regarding certain transactions Preparation of investigation file Lodgement of report with ASIC pursuant to section 533 of the Act Preparation and lodgement of supplementary report if required
	Mediation	Preparation for and conducting mediation, including correspondence with relevant stakeholders Preparation for and attendance at Court in relation to issues arising as a result of the mediation process.
	Litigation / Recoveries	Internal meetings to discuss status of litigation Preparing brief to solicitors Liaising with solicitors regarding recovery actions Attending to negotiations Attending to settlement matters
	ASIC reporting	Preparing statutory investigation report Liaising with ASIC
Administration 41.5 hours \$15,300	Correspondence	Miscellaneous correspondence with stakeholders
	Document maintenance/file review /checklist	First month, then 6 monthly administration review Filing of documents File reviews Updating checklists
	Insurance	Correspondence with insurance broker regarding maintenance of insurance cover Correspondence with previous brokers
	Bank account administration	Preparing correspondence for opening and closing bank accounts Requesting bank statements Bank account reconciliations Correspondence with bank regarding specific transfers
	ASIC Lodgements / other forms	Preparation and lodgement of all statutory requirements with ASIC Correspondence with ASIC regarding statutory forms
	Finalisation	Notifying ATO of finalisation Cancelling ABN/GST/PAYG registration Completing checklists Finalising WIP
	ATO and other statutory reporting	Preparing the BAS Completing Group Certificates
	Planning / Review	Discussions regarding status of liquidation
	Books and records / storage	Dealing with records in storage Sending job files to storage

4.1 Calculation of actual remuneration for the period 17 May 2015 to 5 June 2015

Set out below are further details of the calculation of remuneration, including grade and hours of staff.

Staff Name	Grade	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33	2033-34	2034-35	2035-36	2036-37	2037-38	2038-39	2039-40	2040-41	2041-42	2042-43	2043-44	2044-45	2045-46	2046-47	2047-48	2048-49	2050-51	2051-52	2052-53	2053-54	2054-55	2055-56	2056-57	2057-58	2058-59	2060-61	2061-62	2062-63	2063-64	2064-65	2065-66	2066-67	2067-68	2068-69	2069-70	2070-71	2071-72	2072-73	2073-74	2074-75	2075-76	2076-77	2077-78	2078-79	2079-80	2080-81	2081-82	2082-83	2083-84	2084-85	2085-86	2086-87	2087-88	2088-89	2089-90	2090-91	2091-92	2092-93	2093-94	2094-95	2095-96	2096-97	2097-98	2098-99	2100-101	2101-102	2102-103	2103-104	2104-105	2105-106	2106-107	2107-108	2108-109	2109-110	2110-111	2111-112	2112-113	2113-114	2114-115	2115-116	2116-117	2117-118	2118-119	2119-120	2120-121	2121-122	2122-123	2123-124	2124-125	2125-126	2126-127	2127-128	2128-129	2129-130	2130-131	2131-132	2132-133	2133-134	2134-135	2135-136	2136-137	2137-138	2138-139	2139-140	2140-141	2141-142	2142-143	2143-144	2144-145	2145-146	2146-147	2147-148	2148-149	2149-150	2150-151	2151-152	2152-153	2153-154	2154-155	2155-156	2156-157	2157-158	2158-159	2159-160	2160-161	2161-162	2162-163	2163-164	2164-165	2165-166	2166-167	2167-168	2168-169	2169-170	2170-171	2171-172	2172-173	2173-174	2174-175	2175-176	2176-177	2177-178	2178-179	2179-180	2180-181	2181-182	2182-183	2183-184	2184-185	2185-186	2186-187	2187-188	2188-189	2189-190	2190-191	2191-192	2192-193	2193-194	2194-195	2195-196	2196-197	2197-198	2198-199	2199-200	2200-201	2201-202	2202-203	2203-204	2204-205	2205-206	2206-207	2207-208	2208-209	2209-210	2210-211	2211-212	2212-213	2213-214	2214-215	2215-216	2216-217	2217-218	2218-219	2219-220	2220-221	2221-222	2222-223	2223-224	2224-225	2225-226	2226-227	2227-228	2228-229	2229-230	2230-231	2231-232	2232-233	2233-234	2234-235	2235-236	2236-237	2237-238	2238-239	2239-240	2240-241	2241-242	2242-243	2243-244	2244-245	2245-246	2246-247	2247-248	2248-249	2249-250	2250-251	2251-252	2252-253	2253-254	2254-255	2255-256	2256-257	2257-258	2258-259	2259-260	2260-261	2261-262	2262-263	2263-264	2264-265	2265-266	2266-267	2267-268	2268-269	2269-270	2270-271	2271-272	2272-273	2273-274	2274-275	2275-276	2276-277	2277-278	2278-279	2279-280	2280-281	2281-282	2282-283	2283-284	2284-285	2285-286	2286-287	2287-288	2288-289	2289-290	2290-291	2291-292	2292-293	2293-294	2294-295	2295-296	2296-297	2297-298	2298-299	2299-300	2300-301	2301-302	2302-303	2303-304	2304-305	2305-306	2306-307	2307-308	2308-309	2309-310	2310-311	2311-312	2312-313	2313-314	2314-315	2315-316	2316-317	2317-318	2318-319	2319-320	2320-321	2321-322	2322-323	2323-324	2324-325	2325-326	2326-327	2327-328	2328-329	2329-330	2330-331	2331-332	2332-333	2333-334	2334-335	2335-336	2336-337	2337-338	2338-339	2339-340	2340-341	2341-342	2342-343	2343-344	2344-345	2345-346	2346-347	2347-348	2348-349	2349-350	2350-351	2351-352	2352-353	2353-354	2354-355	2355-356	2356-357	2357-358	2358-359	2359-360	2360-361	2361-362	2362-363	2363-364	2364-365	2365-366	2366-367	2367-368	2368-369	2369-370	2370-371	2371-372	2372-373	2373-374	2374-375	2375-376	2376-377	2377-378	2378-379	2379-380	2380-381	2381-382	2382-383	2383-384	2384-385	2385-386	2386-387	2387-388	2388-389	2389-390	2390-391	2391-392	2392-393	2393-394	2394-395	2395-396	2396-397	2397-398	2398-399	2399-400	2400-401	2401-402	2402-403	2403-404	2404-405	2405-406	2406-407	2407-408	2408-409	2409-410	2410-411	2411-412	2412-413	2413-414	2414-415	2415-416	2416-417	2417-418	2418-419	2419-420	2420-421	2421-422	2422-423	2423-424	2424-425	2425-426	2426-427	2427-428	2428-429	2429-430	2430-431	2431-432	2432-433	2433-434	2434-435	2435-436	2436-437	2437-438	2438-439	2439-440	2440-441	2441-442	2442-443	2443-444	2444-445	2445-446	2446-447	2447-448	2448-449	2449-450	2450-451	2451-452	2452-453	2453-454	2454-455	2455-456	2456-457	2457-458	2458-459	2459-460	2460-461	2461-462	2462-463	2463-464	2464-465	2465-466	2466-467	2467-468	2468-469	2469-470	2470-471	2471-472	2472-473	2473-474	2474-475	2475-476	2476-477	2477-478	2478-479	2479-480	2480-481	2481-482	2482-483	2483-484	2484-485	2485-486	2486-487	2487-488	2488-489	2489-490	2490-491	2491-492	2492-493	2493-494	2494-495	2495-496	2496-497	2497-498	2498-499	2499-500	2500-501	2501-502	2502-503	2503-504	2504-505	2505-506	2506-507	2507-508	2508-509	2509-510	2510-511	2511-512	2512-513	2513-514	2514-515	2515-516	2516-517	2517-518	2518-519	2519-520	2520-521	2521-522	2522-523	2523-524	2524-525	2525-526	2526-527	2527-528	2528-529	2529-530	2530-531	2531-532	2532-533	2533-534	2534-535	2535-536	2536-537	2537-538	2538-539	2539-540	2540-541	2541-542	2542-543	2543-544	2544-545	2545-546	2546-547	2547-548	2548-549	2549-550	2550-551	2551-552	2552-553	2553-554	2554-555	2555-556	2556-557	2557-558	2558-559	2559-560	2560-561	2561-562	2562-563	2563-564	2564-565	2565-566	2566-567	2567-568	2568-569	2569-570	2570-571	2571-572	2572-573	2573-574	2574-575	2575-576	2576-577	2577-578	2578-579	2579-580	2580-581	2581-582	2582-583	2583-584	2584-585	2585-586	2586-587	2587-588	2588-589	2589-590	2590-591	2591-592	2592-593	2593-594	2594-595	2595-596	2596-597	2597-598	2598-599	2599-600	2600-601	2601-602	2602-603	2603-604	2604-605	2605-606	2606-607	2607-608	2608-609	2609-610	2610-611	2611-612	2612-613	2613-614	2614-615	2615-616	2616-617	2617-618	2618-619	2619-620	2620-621	2621-622	2622-623	2623-624	2624-625	2625-626	2626-627	2627-628	2628-629	2629-630	2630-631	2631-632	2632-633	2633-634	2634-635	2635-636	2636-637	2637-638	2638-639	2639-640	2640-641	2641-642	2642-643	2643-644	2644-645	2645-646	2646-647	2647-648	2648-649	2649-650	2650-651	2651-652	2652-653	2653-654	2654-655	2655-656	2656-657	2657-658	2658-659	2659-660	2660-661	2661-662	2662-663	2663-664	2664-665	2665-666	2666-667	2667-668	2668-669	2669-670	2670-671	2671-672	2672-673	2673-674	2674-675	2675-676	2676-677	2677-678	2678-679	2679-680	2680-681	2681-682	2682-683	2683-684	2684-685	2685-686	2686-687	2687-688	2688-689	2689-690	2690-691	2691-692	2692-693	2693-694	2694-695	2695-696	2696-697	2697-698	2698-699	2699-700	2700-701	2701-702	2702-703	2703-704	2704-705	2705-706	2706-707	2707-708	2708-709	2709-710	2710-711	2711-712	2712-713	2713-714	2714-715	2715-716	2716-717	2717-718	2718-719	2719-720	2720-721	2721-722	2722-723	2723-724	2724-725	2725-726	2726-727	2727-728	2728-729	2729-730	2730-731	2731-732	2732-733	2733-734	2734-735	2735-736	2736-737	2737-738	2738-739	2739-740	2740-741	2741-742	2742-743	2743-744	2744-745	2745-746	2746-747	2747-748	2748-749	2749-750	2750-751	2751-752	2752-753	2753-754	2754-755	2755-756	2756-757	2757-758	2758-759	2759-760	2760-761	2761-762	2762-763	2763-764	2764-765	2765-766	2766-767	2767-768	2768-769	2769-770	2770-771	2771-772	2772-773	2773-774	2774-775	2775-776	2776-777	2777-778	2778-779	2779-780	2780-781	2781-782	2782-783	2783-784	2784-785	2785-786	2786-787	2787-788	2788-789	2789-790	2790-791	2791-792	2792-793	2793-794	2794-795	2795-796	2796-797	2797-798	2798-799	2799-800	2800-801	2801-802	2802-803	2803-804	2804-805	2805-806	2806-807	2807-808	2808-809	2809-810	2810-811	2811-812	2812-813	2813-814	2814-815	2815-816	2816-817	2817-818	2818-819	2819-820	2820-821	2821-822	2822-823	2823-824	2824-825	2825-826	2826-827	2827-828	2828-829	2829-830	2830-831	2831-832	2832-833	2833-834	2834-835	2835-836	2836-837	2837-838	2838-839	2839-840	2840-841	2841-842	2842-843	2843-844	2844-845	2845-846	2846-847	2847-848	2848-849	2849-850	2850-851	2851-852	2852-853	2853-854	2854-855	2855-856	2856-857	2857-858	2858-859	2859-860	2860-861	2861-862	2862-863	2863-864	2864-865	2865-866	2866-867	2867-868	2868-869	2869-870	2870-871	2871-872	2872-873	2873-874	2874-875	2875-876	2876-877	2877-878	2878-879	2879-880	2880-881	2881-882	2882-883	2883-884	2884-885	2885-886	2886-887	2887-888	2888-889</
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**BBY Companies
(Administrators Appointed)
Administrators' remuneration report and approval request**

12 June 2013

BBY Companies (Administrators Appointed) Administrators' remuneration report and approval request Period: 1 January 2013 to 31 June 2013													
Name	Position	Total Remuneration (AUD)	Fixed Remuneration			Variable Remuneration			Total Remuneration			Total Remuneration (AUD)	Average Hourly Rate
			Salary	Superannuation	Other	Short-Term Incentive	Long-Term Incentive	Other	Short-Term Incentive	Long-Term Incentive	Other		
Neil Ian	Appointee	600	2.8	1,899	1.9	1,203	0.8	406	-	-	-	5.4	360
Vaughan Stephen	Appointee	600	5.2	3,354	3.2	2,062	1.3	716	0.2	84	-	10.7	408
Gill Gary	Partner	600	0.3	164	-	-	-	-	0.3	164	-	0.7	-
Quinlan Carl	Partner	600	0.8	488	0.9	561	0.3	99	-	-	-	2.0	-
Woods Matthew	Partner	600	0.1	56	-	-	-	-	-	-	-	0.1	-
Wongson George	Director	600	0.1	56	-	-	-	-	0.1	56	-	0.2	-
Leahy Daniel	Director	600	-	-	-	-	-	-	-	-	-	-	-
Allen Jeremy	Associate Director	500	0.2	101	-	-	-	-	0.2	101	-	0.2	-
Curry Jeremy	Associate Director	500	0.6	329	-	-	0.1	45	-	-	-	0.7	96
Lynch Patrick	Associate Director	500	0.4	234	3.4	1,965	1.3	574	-	-	-	5.8	330
Subsidge Stuart	Manager	500	0.2	75	-	-	-	-	0.2	75	-	0.2	-
Palasciano Michael	Manager	500	0.5	276	1.5	795	1.0	324	-	-	-	3.7	430
Lay Raymond	Manager	500	4.1	2,262	1.3	666	1.2	581	-	-	-	7.3	375
Heard Carson	Manager	500	0.3	160	0.4	203	-	-	0.1	65	-	0.8	168
Wardley Allan	Manager	500	0.5	240	0.2	95	-	-	-	-	-	0.7	160
Thomson James	Manager	500	0.1	20	-	-	-	-	0.1	20	-	0.2	-
Tennant Michael	Manager	500	0.4	190	-	-	-	-	0.4	190	-	0.8	160
Brown David	Manager	500	1.6	739	1.0	620	-	-	-	-	-	3.6	100
Priddy Samantha	Executive	300	0.4	121	0.2	67	-	-	0.2	70	-	0.6	70
Donoville John	Executive	300	1.7	802	0.2	117	0.3	113	-	-	-	2.0	104
Coulter Jack	Analyst	200	0.2	44	-	-	-	-	-	-	-	0.2	44
Valentini Matteo	Analyst	200	0.6	114	-	-	-	-	0.6	114	-	0.6	114
Stogell Barney	Analyst	200	0.8	156	-	-	-	-	0.8	156	-	0.8	156
Wardley Andrew	Analyst	200	0.9	178	-	-	0.1	81	-	-	-	1.0	166
Marsden Justin	Analyst	200	0.5	90	-	-	-	-	-	-	-	0.5	90
Taylor Stephanie	Analyst	200	0.3	100	-	-	-	-	-	-	-	0.3	100
Thomas Christopher	Analyst	200	0.2	40	0.2	40	-	-	-	-	-	0.4	80
Total including GST			66.6	17,144	14.6	8,178	6.2	2,807	0.8	1,031	-	8.0	3,607
GST			-	1,718	-	618	-	291	-	103	-	-	347
Total including GST			66.6	18,862	14.6	8,797	6,200	-	0.8	1,134	-	8.0	3,954
Average Hourly Rate			479	362	428	428	-	428	-	428	-	479	479

**BBY Companies
(Administrators Appointed)
Administrators' remuneration report and approval request**

12 June 2013

BBY Companies (Administrators Appointed) Administrators' remuneration report and approval request Period: 1 January 2013 to 31 June 2013													
Name	Position	Total Remuneration (AUD)	Fixed Remuneration			Variable Remuneration			Total Remuneration			Total Remuneration (AUD)	Average Hourly Rate
			Salary	Superannuation	Other	Short-Term Incentive	Long-Term Incentive	Other	Short-Term Incentive	Long-Term Incentive	Other		
Neil Ian	Appointee	600	2.8	1,899	1.9	1,203	0.8	406	-	-	-	5.4	360
Vaughan Stephen	Appointee	600	5.2	3,354	3.2	2,062	1.3	716	0.2	84	-	10.7	408
Gill Gary	Partner	600	0.3	164	-	-	-	-	0.3	164	-	0.7	-
Quinlan Carl	Partner	600	0.8	488	0.9	561	0.3	99	-	-	-	2.0	-
Woods Matthew	Partner	600	0.1	56	-	-	-	-	-	-	-	0.1	-
Wongson George	Director	600	0.1	56	-	-	-	-	0.1	56	-	0.2	-
Leahy Daniel	Director	600	-	-	-	-	-	-	-	-	-	-	-
Allen Jeremy	Associate Director	500	0.2	101	-	-	-	-	0.2	101	-	0.2	-
Curry Jeremy	Associate Director	500	0.6	329	-	-	0.1	45	-	-	-	0.7	96
Lynch Patrick	Associate Director	500	0.4	234	3.4	1,965	1.3	574	-	-	-	5.8	330
Subsidge Stuart	Manager	500	0.2	75	-	-	-	-	0.2	75	-	0.2	-
Palasciano Michael	Manager	500	0.5	276	1.5	795	1.0	324	-	-	-	3.7	430
Lay Raymond	Manager	500	4.1	2,262	1.3	666	1.2	581	-	-	-	7.3	375
Heard Carson	Manager	500	0.3	160	0.4	203	-	-	0.1	65	-	0.8	168
Wardley Allan	Manager	500	0.5	240	0.2	95	-	-	-	-	-	0.7	160
Thomson James	Manager	500	0.1	20	-	-	-	-	0.1	20	-	0.2	-
Tennant Michael	Manager	500	0.4	190	-	-	-	-	0.4	190	-	0.8	160
Brown David	Manager	500	1.6	739	1.0	620	-	-	-	-	-	3.6	100
Priddy Samantha	Executive	300	0.4	121	0.2	67	-	-	0.2	70	-	0.6	70
Donoville John	Executive	300	1.7	802	0.2	117	0.3	113	-	-	-	2.0	104
Coulter Jack	Analyst	200	0.2	44	-	-	-	-	-	-	-	0.2	44
Valentini Matteo	Analyst	200	0.6	114	-	-	-	-	0.6	114	-	0.6	114
Stogell Barney	Analyst	200	0.8	156	-	-	-	-	0.8	156	-	0.8	156
Wardley Andrew	Analyst	200	0.9	178	-	-	0.1	81	-	-	-	1.0	166
Marsden Justin	Analyst	200	0.5	90	-	-	-	-	-	-	-	0.5	90
Taylor Stephanie	Analyst	200	0.3	100	-	-	-	-	-	-	-	0.3	100
Thomas Christopher	Analyst	200	0.2	40	0.2	40	-	-	-	-	-	0.4	80
Total including GST			66.6	17,144	14.6	8,178	6.2	2,807	0.8	1,031	-	8.0	3,607
GST			-	1,718	-	618	-	291	-	103	-	-	347
Total including GST			66.6	18,862	14.6	8,797	6,200	-	0.8	1,134	-	8.0	3,954
Average Hourly Rate			479	362	428	428	-	428	-	428	-	479	479

4.2 Calculation of prospective remuneration for the period 6 June 2015 to 22 June 2015

Set out below are further details of the calculation of remuneration, including grade and hours of staff.

Staff Name	Grade	Rate	Hours	Remuneration	Other	Total
Paul Lee	Apprentice	800	0.0	0.0	0.0	0.0
Maughan Stephen	Apprentice	800	1.5	675	-	675
Lee Gray	Partner	800	0.2	160	-	160
Clayton Carl	Partner	800	0.2	160	-	160
Woods Matthew	Partner	800	0.1	80	-	80
Curtis Jeremy	Associate Director	800	0.1	80	-	80
Lynch Patrick	Associate Director	800	1.2	480	-	480
Frederick Michael	Manager	800	1.8	720	-	720
Lay Raymond	Manager	800	2.2	880	-	880
Tomlinson Michael	Manager	800	0.7	280	-	280
Wood David	Manager	800	0.8	320	-	320
Reddy Alexander	Executive	800	0.3	240	-	240
Goodwin John	Executive	800	2.3	920	-	920
Mason Liam	Executive	800	1.8	720	-	720
Valentin Malcom	Analyst	200	2.1	420	-	420
Shogbe Dennis	Analyst	200	1.5	300	-	300
Wright Andrew	Analyst	200	1.4	280	-	280
Taylor Stephen	Analyst	200	0.5	100	-	100
Total including GST			14.6	5,817	-	5,817
GST				292	-	292
Total including GST				6,109	-	6,109
Average Hourly Rate			415	-	-	415

Staff Name	Grade	Rate	Hours	Remuneration	Other	Total
Paul Lee	Apprentice	800	0.0	0.0	0.0	0.0
Maughan Stephen	Apprentice	800	1.5	675	-	675
Lee Gray	Partner	800	0.2	160	-	160
Clayton Carl	Partner	800	0.2	160	-	160
Woods Matthew	Partner	800	0.1	80	-	80
Curtis Jeremy	Associate Director	800	0.1	80	-	80
Lynch Patrick	Associate Director	800	1.2	480	-	480
Frederick Michael	Manager	800	1.8	720	-	720
Lay Raymond	Manager	800	2.2	880	-	880
Tomlinson Michael	Manager	800	0.7	280	-	280
Wood David	Manager	800	0.8	320	-	320
Reddy Alexander	Executive	800	0.3	240	-	240
Goodwin John	Executive	800	2.3	920	-	920
Mason Liam	Executive	800	1.8	720	-	720
Valentin Malcom	Analyst	200	2.1	420	-	420
Shogbe Dennis	Analyst	200	1.5	300	-	300
Wright Andrew	Analyst	200	1.4	280	-	280
Taylor Stephen	Analyst	200	0.5	100	-	100
Total including GST			14.6	5,817	-	5,817
GST				292	-	292
Total including GST				6,109	-	6,109
Average Hourly Rate			415	-	-	415

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RBY Services Australia Pty Ltd ASX:RBY:RBY													
CALCULATION OF REMUNERATION Period: 1 July 2012 to 31 June 2013													
Employee	Position	Base Salary (\$ GST)	Total Salary (\$ GST)	Benefits (\$)	Discretionary (\$)	Employment Time (\$)	Fixed Fee		Performance		Total		Average Hourly Rate
							Time (\$)	(\$ GST)	(\$)	(\$)	(\$)	(\$)	
Hill Ian	Appointee	650	6.6	4,200	-	-	6.2	130	-	-	1.1	7.8	-
Laughlan Stephen	Appointee	650	21.4	15,910	-	-	17.6	11,440	-	-	2.8	1,820	-
Oll Gary	Partner	950	1.5	850	-	-	1.5	850	-	-	-	-	-
Quinlan Carl	Partner	950	3.8	3,360	-	-	3.1	3,050	-	-	0.8	364	-
Woods Matthew	Partner	650	1.7	715	-	-	1.4	715	-	-	-	-	-
Curks Jeremy	Associate Director	550	1.4	775	-	-	-	-	-	-	-	-	-
Lynch Patrick	Associate Director	550	16.4	6,470	-	-	12.1	6,696	-	-	2.8	1,369	-
Hastings Michael	Manager	550	22.2	11,880	-	-	17.6	8,800	-	-	4.0	2,080	-
Lay Raymond	Manager	550	19.9	9,900	-	-	11.0	5,950	-	-	2.8	1,450	-
Ternowky Michael	Manager	550	3.5	1,750	-	-	3.5	1,750	-	-	-	-	-
Brown David	Manager	550	8.9	3,450	-	-	5.5	2,750	-	-	1.4	700	-
Holly Nicola	Executive	350	1.4	480	-	-	-	-	-	-	-	-	-
Summerville John	Executive	550	30.5	16,770	-	-	17.8	8,195	5.8	1,758	1.8	1,455	-
Mason Liam	Executive	350	7.6	2,890	-	-	7.6	2,890	-	-	-	-	-
Valentin Matteo	Analyst	250	11.9	5,520	-	-	8.8	1,780	-	-	2.8	360	-
Diogo Barney	Analyst	250	7.8	1,520	-	-	-	-	-	-	-	-	-
Wardle Andrew	Analyst	250	35.2	5,540	-	-	18.8	3,850	-	-	7.8	1,840	-
Taylor Stephanie	Analyst	250	1.4	280	-	-	-	-	-	-	1.4	280	-
Total excluding GST			196.5	81,491			119.6	51,174	6.8	1,768	34.6	14,832	
GST				8,255			175	1,219				1,653	
Total including GST				89,746				52,393				16,485	
Average Hourly Rate				417			441	351				385	

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RBY Services Australia Pty Ltd ASX:RBY:RBY													
CALCULATION OF REMUNERATION Period: 1 July 2012 to 31 June 2013													
Employee	Position	Base Salary (\$ GST)	Total Salary (\$ GST)	Benefits (\$)	Discretionary (\$)	Employment Time (\$)	Fixed Fee		Performance		Total		Average Hourly Rate
							Time (\$)	(\$ GST)	(\$)	(\$)	(\$)	(\$)	
Hill Ian	Appointee	650	6.4	275	0.1	7.6	0.2	196	-	-	0.1	110	0.28
Laughlan Stephen	Appointee	650	1.8	1,040	0.8	350	0.8	320	-	-	0.1	60	0.18
Oll Gary	Partner	950	0.1	60	-	-	-	-	-	-	0.1	60	-
Quinlan Carl	Partner	950	0.2	104	-	-	-	-	0.2	91	-	-	0.11
Woods Matthew	Partner	650	0.1	32	-	-	-	-	0.1	32	-	-	0.11
Curks Jeremy	Associate Director	550	0.1	20	-	-	-	-	-	-	-	-	0.11
Lynch Patrick	Associate Director	550	2.1	1,128	1.4	743	0.8	353	-	-	0.1	28	0.11
Hastings Michael	Manager	550	1.5	950	0.3	190	0.8	460	-	-	-	-	0.21
Lay Raymond	Manager	550	1.3	800	-	-	0.3	280	-	-	0.8	300	0.21
Ternowky Michael	Manager	550	0.4	175	-	-	-	-	-	-	0.4	175	-
Brown David	Manager	550	1.8	800	1.8	750	0.3	120	-	-	-	-	0.11
Holly Nicola	Executive	350	0.1	16	-	-	-	-	-	-	-	-	0.11
Summerville John	Executive	550	1.2	625	-	-	0.8	280	-	-	0.1	30	0.21
Mason Liam	Executive	350	0.8	280	-	-	-	-	-	-	0.8	280	-
Valentin Matteo	Analyst	250	1.1	220	-	-	0.4	80	-	-	0.8	120	0.11
Diogo Barney	Analyst	250	0.9	152	-	-	-	-	-	-	0.8	152	-
Wardle Andrew	Analyst	250	1.2	240	-	-	0.8	180	-	-	-	-	0.31
Taylor Stephanie	Analyst	250	0.1	30	-	-	-	-	-	-	-	-	0.11
Total excluding GST			14.2	8,262	3.8	3,111	3.6	2,417			3.8	1,219	4.4
GST				332			211	142				122	36
Total including GST				8,594			3,322	2,559				1,341	4.8
Average Hourly Rate				441			345	441				331	413

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BBY Companies Pty Ltd CALCULATION OF REMUNERATION Period 1 Jan 2014 to 31 Dec 2014													
Name	Position	Total Award (\$'000)	Fixed (\$'000)	Bonus (\$'000)	Dividend (\$'000)	Share-based Payments (\$'000)	Termination Payments (\$'000)	Total Remuneration (\$'000)	Total Days Worked	Average Hourly Rate (\$)	Remuneration (\$)	Average Hourly Rate (\$)	
													(\$'000)
Neil Ian	Apprentice	660	1.5	675	1.2	790	0.1	156	-	-	0.1	59	
Vaughan Stephen	Apprentice	660	7.8	4,590	6.0	3,900	0.8	520	-	-	0.1	85	
Col Day	Partner	660	0.1	85	-	-	0.1	85	-	-	0.1	85	
Quinn Carl	Partner	660	0.2	104	-	-	0.2	104	-	-	0.2	104	
Woods Matthew	Partner	660	0.1	33	-	-	0.1	33	-	-	0.1	33	
Curie Jeremy	Associate Director	590	0.1	28	-	-	-	-	-	-	0.1	28	
Lynch Patrick	Associate Director	590	16.0	8,050	17.2	8,518	0.8	882	-	-	0.1	92	
Instalocus Michael	Manager	590	1.5	790	0.5	390	0.8	400	-	-	0.2	100	
Lay Raymond	Manager	590	1.2	820	-	-	0.8	200	-	-	0.1	50	
Tamewsky Michael	Manager	590	0.4	175	-	-	0.4	175	-	-	0.4	175	
Brown David	Manager	590	20.8	10,400	30.8	15,200	0.3	120	-	-	0.1	25	
Helby Alexandra	Executive	590	0.1	18	-	-	-	-	-	-	0.1	18	
Turnerville John	Executive	590	1.2	400	-	-	0.8	200	-	-	0.1	25	
Heenan Liam	Executive	590	0.8	395	-	-	0.8	395	-	-	0.8	395	
Valeriy Melnik	Analyst	200	1.1	220	-	-	0.4	80	-	-	0.1	30	
George Barry	Analyst	200	0.8	152	-	-	0.8	152	-	-	0.8	152	
Warren Andrew	Analyst	200	1.2	240	-	-	0.8	180	-	-	0.2	60	
Taylor Stephanie	Analyst	200	0.1	10	-	-	-	-	-	-	0.1	10	
Total excluding GST		86.6	28,887	46.8	24,890	8.8	5,426	-	-	3.8	1,346	1.4	818
GST			1,499		1,245		240				126		52
Total including GST			31,778		27,180		5,888				1,472		868
Average Hourly Rate			578		543		488				358		303

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BBY Companies Pty Ltd CALCULATION OF REMUNERATION Period 1 Jan 2014 to 31 Dec 2014													
Name	Position	Total Award (\$'000)	Fixed (\$'000)	Bonus (\$'000)	Dividend (\$'000)	Share-based Payments (\$'000)	Termination Payments (\$'000)	Total Remuneration (\$'000)	Total Days Worked	Average Hourly Rate (\$)	Remuneration (\$)	Average Hourly Rate (\$)	
													(\$'000)
Neil Ian	Apprentice	660	1.5	675	1.2	790	0.1	156	-	-	0.1	59	
Vaughan Stephen	Apprentice	660	7.8	4,590	6.0	3,900	0.8	520	-	-	0.1	85	
Col Day	Partner	660	0.1	85	-	-	0.1	85	-	-	0.1	85	
Quinn Carl	Partner	660	0.2	104	-	-	0.2	104	-	-	0.2	104	
Woods Matthew	Partner	660	0.1	33	-	-	0.1	33	-	-	0.1	33	
Curie Jeremy	Associate Director	590	0.1	28	-	-	-	-	-	-	0.1	28	
Lynch Patrick	Associate Director	590	16.0	8,050	17.2	8,518	0.8	882	-	-	0.1	92	
Instalocus Michael	Manager	590	1.5	790	0.5	390	0.8	400	-	-	0.2	100	
Lay Raymond	Manager	590	1.2	820	-	-	0.8	200	-	-	0.1	50	
Tamewsky Michael	Manager	590	0.4	175	-	-	0.4	175	-	-	0.4	175	
Brown David	Manager	590	20.8	10,400	30.8	15,200	0.3	120	-	-	0.1	25	
Helby Alexandra	Executive	590	0.1	18	-	-	-	-	-	-	0.1	18	
Turnerville John	Executive	590	1.2	400	-	-	0.8	200	-	-	0.1	25	
Heenan Liam	Executive	590	0.8	395	-	-	0.8	395	-	-	0.8	395	
Valeriy Melnik	Analyst	200	1.1	220	-	-	0.4	80	-	-	0.1	30	
George Barry	Analyst	200	0.8	152	-	-	0.8	152	-	-	0.8	152	
Warren Andrew	Analyst	200	1.2	240	-	-	0.8	180	-	-	0.2	60	
Taylor Stephanie	Analyst	200	0.1	10	-	-	-	-	-	-	0.1	10	
Total excluding GST		86.6	28,887	46.8	24,890	8.8	5,426	-	-	3.8	1,346	1.4	818
GST			1,499		1,245		240				126		52
Total including GST			31,778		27,180		5,888				1,472		868
Average Hourly Rate			578		543		488				358		303

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4.3 Calculation of DOCA remuneration from execution of DOCA

Set out below are further details of the calculation of remuneration, including grade and hours of staff.

Staff	Grade	Rate	Hours	Remuneration	Other	Total
Neilson	Apprentice	800	4.0	3,200	1.0	3,200
Vaughan Stephen	Apprentice	800	12.0	9,600	2.0	11,600
Lynett Patricia	Apprentice Director	300	10.0	3,000	4.0	7,000
Richardson Michael	Manager	300	11.0	3,300	7.0	10,300
Stewart John	Subordinate	300	42.0	12,600	10.0	22,600
Wardle Andrew	Analyst	200	20.0	4,000	10.0	14,000
Total including GST				46,900	34.0	80,900
Total including GST				46,900	34.0	80,900
Average Hourly Rate						300

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Staff	Grade	Rate	Hours	Remuneration	Other	Total
Neilson	Apprentice	800	4.0	3,200	1.0	3,200
Vaughan Stephen	Apprentice	800	12.0	9,600	2.0	11,600
Lynett Patricia	Apprentice Director	300	10.0	3,000	4.0	7,000
Richardson Michael	Manager	300	11.0	3,300	7.0	10,300
Stewart John	Subordinate	300	42.0	12,600	10.0	22,600
Wardle Andrew	Analyst	200	20.0	4,000	10.0	14,000
Total including GST				46,900	34.0	80,900
Total including GST				46,900	34.0	80,900
Average Hourly Rate						300

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4.4 Calculation of Liquidation remuneration for the period of the Liquidation

Set out below are further details of the calculation of remuneration, including grade and hours of staff.

Person	Grade	Rate	Hours	Remuneration	Travel	Other	Total
Neil Orr	Appointee	800	3.0	2,400	-	-	2,400
Maughan Stephen	Appointee	800	10.0	8,000	1.0	800	8,800
Lynch Patrick	Appointee Director	300	8.0	2,400	-	-	2,400
Mitchell Michael	Manager	800	10.0	8,000	-	-	8,000
Lisa Raymond	Manager	300	17.3	5,190	-	-	5,190
Tomerville John	Executive	300	30.0	9,000	4.0	1,400	10,400
Wayne Andrew	Analyst	200	20.0	4,000	-	-	4,000
Total including GST			128.3	58,290	5.0	1,900	60,190
GST				5,028			5,028
Total including GST				63,218			65,218
Average Monthly Rate			400				400

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Person	Grade	Rate	Hours	Remuneration	Travel	Other	Total
Neil Orr	Appointee	800	3.0	2,400	-	-	2,400
Maughan Stephen	Appointee	800	10.0	8,000	1.0	800	8,800
Lynch Patrick	Appointee Director	300	8.0	2,400	-	-	2,400
Mitchell Michael	Manager	800	10.0	8,000	-	-	8,000
Lisa Raymond	Manager	300	17.3	5,190	-	-	5,190
Tomerville John	Executive	300	30.0	9,000	4.0	1,400	10,400
Wayne Andrew	Analyst	200	20.0	4,000	-	-	4,000
Total including GST			128.3	58,290	5.0	1,900	60,190
GST				5,028			5,028
Total including GST				63,218			65,218
Average Monthly Rate			400				400

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Administrator	Position	Fixed Fee	Variable Fee	Remuneration		Total Fee		Total Fee (incl GST)	Total Fee (excl GST)	Average Hourly Rate		
				Fixed Fee	Variable Fee	Fixed Fee	Variable Fee					
Hillier	Appointee	400	4.0	1,300	2.0	1,300	2.0	1,300	4.0	1,300		
Vaughan Stephen	Appointee	400	16.5	11,025	1.0	400	7.5	4,675	2.0	1,500		
Lynch Patrick	Associate Director	300	9.0	3,300	2.0	1,500	-	-	-	4.0	2,000	
Holburn Michael	Manager	300	45.0	22,700	-	22.5	11,200	7.5	2,700	-	4.0	2,000
Conradie John	Executive	300	97.5	34,125	-	-	30.0	10,500	-	22.5	7,375	
Warden Andrew	Analyst	200	120.0	24,000	7.0	1,500	37.5	3,500	37.5	3,500		
Total excluding GST			343.0	104,050	16.0	3,200	68.0	34,600	78.0	34,280		
GST				10,215				1,118		1,118		
Total including GST				114,265	16.0	3,200	68.0	35,718	78.0	35,398		
Average Hourly Rate				347	310	303		380	303	325		

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FOR THE ADMINISTRATORS (2012/13)

Administrator	Position	Fixed Fee	Variable Fee	Remuneration		Total Fee		Total Fee (incl GST)	Total Fee (excl GST)	Average Hourly Rate	
				Fixed Fee	Variable Fee	Fixed Fee	Variable Fee				
Hillier	Appointee	400	3.0	1,000	-	1.0	400	-	-	1.0	400
Vaughan Stephen	Appointee	400	10.0	6,000	1.0	400	5.0	2,000	-	2.0	1,000
Lynch Patrick	Associate Director	300	4.0	1,400	2.0	1,500	-	-	-	2.0	1,500
Holburn Michael	Manager	300	18.0	6,300	-	10.0	4,000	-	-	4.0	2,000
Lee Raymond	Manager	300	11.0	3,700	-	-	-	-	-	7.0	3,700
Conradie John	Executive	300	36.0	12,600	4.0	1,400	15.0	5,250	-	10.0	3,500
Warden Andrew	Analyst	200	30.0	12,000	-	-	15.0	3,000	-	15.0	3,000
Total excluding GST			128.0	60,300	7.0	3,100	48.0	17,180	-	31.0	15,880
GST				5,535				579		579	
Total including GST				65,835	7.0	3,100	48.0	17,759	-	31.0	16,459
Average Hourly Rate				400	400	375		475	375	380	

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CALCULATION OF REMUNERATION
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Administrator	Position	Fixed Fee	Variable Fee	Remuneration		Total Fee		Total Fee (incl GST)	Total Fee (excl GST)	Average Hourly Rate	
				Fixed Fee	Variable Fee	Fixed Fee	Variable Fee				
Hillier	Appointee	400	3.0	1,000	-	1.0	400	-	-	1.0	400
Vaughan Stephen	Appointee	400	10.0	6,000	1.0	400	5.0	2,000	-	2.0	1,000
Lynch Patrick	Associate Director	300	9.0	3,300	2.0	1,500	-	-	-	4.0	2,000
Holburn Michael	Manager	300	18.0	6,300	-	10.0	4,000	-	-	4.0	2,000
Lee Raymond	Manager	300	11.0	3,700	-	-	-	-	-	7.0	3,700
Conradie John	Executive	300	36.0	12,600	4.0	1,400	15.0	5,250	-	10.0	3,500
Warden Andrew	Analyst	200	30.0	12,000	-	-	15.0	3,000	-	15.0	3,000
Total excluding GST			128.0	60,300	7.0	3,100	48.0	17,180	-	31.0	15,880
GST				5,535				579		579	
Total including GST				65,835	7.0	3,100	48.0	17,759	-	31.0	16,459
Average Hourly Rate				400	400	375		475	375	380	

BBY Remuneration Report
2012/13
CALCULATION OF REMUNERATION
FOR THE ADMINISTRATORS (2012/13)

Administrator	Position	Fixed Fee	Variable Fee	Remuneration		Total Fee		Total Fee (incl GST)	Total Fee (excl GST)	Average Hourly Rate	
				Fixed Fee	Variable Fee	Fixed Fee	Variable Fee				
Hillier	Appointee	400	3.0	1,000	-	1.0	400	-	-	1.0	400
Vaughan Stephen	Appointee	400	10.0	6,000	1.0	400	5.0	2,000	-	2.0	1,000
Lynch Patrick	Associate Director	300	9.0	3,300	2.0	1,500	-	-	-	4.0	2,000
Holburn Michael	Manager	300	18.0	6,300	-	10.0	4,000	-	-	4.0	2,000
Lee Raymond	Manager	300	11.0	3,700	-	-	-	-	-	7.0	3,700
Conradie John	Executive	300	36.0	12,600	4.0	1,400	15.0	5,250	-	10.0	3,500
Warden Andrew	Analyst	200	30.0	12,000	-	-	15.0	3,000	-	15.0	3,000
Total excluding GST			128.0	60,300	7.0	3,100	48.0	17,180	-	31.0	15,880
GST				5,535				579		579	
Total including GST				65,835	7.0	3,100	48.0	17,759	-	31.0	16,459
Average Hourly Rate				400	400	375		475	375	380	

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5. Statement of remuneration claim

This section details the resolutions that creditors will be asked to consider at the forthcoming meeting of creditors.

5.1. Administrators' actual remuneration for the period 17 May 2015 to 5 June 2015

Resolution 1			
Company:	BBY Holdings Pty Ltd (Administrators appointed) (Receivers & Managers Appointed)	Period:	17 May 2015 to 5 June 2015
Practitioner:	Stephen Vaughan and Ian Hall	Firm:	KPMG
Administration type:	Voluntary Administration		
Proposed resolution:	"That the Administrators' remuneration for the period 17 May 2015 to 5 June 2015 in respect of the voluntary administration of BBY Holdings Pty Ltd (Administrators Appointed) (Receivers & Managers Appointed) be approved in the sum of \$17,379 plus GST and disbursements and that such fees are authorised for payment from the assets of the Company, or otherwise"		

Resolution 1			
Company:	BBY Limited (Administrators appointed) (Receivers & Managers Appointed)	Period:	17 May 2015 to 5 June 2015
Practitioner:	Stephen Vaughan and Ian Hall	Firm:	KPMG
Administration type:	Voluntary Administration		
Proposed resolution:	"That the Administrators' remuneration for the period 17 May 2015 to 5 June 2015 in respect of the voluntary administration of BBY Limited (Administrators Appointed) (Receivers & Managers Appointed) be approved in the sum of \$481,954 plus GST and disbursements and that such fees are authorised for payment from the assets of the Company, or otherwise"		

Resolution 1			
Company:	Broker Services Australia Pty Ltd (Administrators Appointed)	Period:	17 May 2015 to 5 June 2015
Practitioner:	Stephen Vaughan and Ian Hall	Firm:	KPMG
Administration type:	Voluntary Administration		
Proposed resolution:	"That the Administrators' remuneration for the period 17 May 2015 to 5 June 2015 in respect of the voluntary administration of Broker Services Australia Pty Ltd (Administrators Appointed) be approved in the sum of \$133,838 plus GST and disbursements and that such fees are authorised for payment from the assets of the Company, or otherwise"		

Resolution 1			
Company:	BBY Advisory Services Pty Ltd (Administrators appointed) (Receivers & Managers Appointed)	Period:	17 May 2015 to 5 June 2015
Practitioner:	Stephen Vaughan and Ian Hall	Firm:	KPMG
Administration type:	Voluntary Administration		
Proposed resolution:	"That the Administrators' remuneration for the period 17 May 2015 to 5 June 2015 in respect of the voluntary administration of BBY Advisory Services Pty Ltd (Administrators Appointed) (Receivers & Managers Appointed) be approved in the sum of \$13,912 plus GST and disbursements and that such fees are authorised for payment from the assets of the Company, or otherwise"		

Resolution 1			
Company:	SmarTrader Limited (Administrators appointed)	Period:	17 May 2015 to 5 June 2015
Practitioner:	Stephen Vaughan and Ian Hall	Firm:	KPMG
Administration type:	Voluntary Administration		
Proposed resolution:	"That the Administrators' remuneration for the period 17 May 2015 to 5 June 2015 in respect of the voluntary administration of SmarTrader Limited (Administrators Appointed) be approved in the sum of \$17,184 plus GST and disbursements and that such fees are authorised for payment from the assets of the Company, or otherwise"		

Resolution 1			
Company:	BBY Hometrader Pty Ltd (Administrators appointed)	Period:	17 May 2015 to 5 June 2015
Practitioner:	Stephen Vaughan and Ian Hall	Firm:	KPMG
Administration type:	Voluntary Administration		
Proposed resolution:	"That the Administrators' remuneration for the period 17 May 2015 to 5 June 2015 in respect of the voluntary administration of BBY Hometrader Pty Ltd (Administrators Appointed) be approved in the sum of \$17,184 plus GST and disbursements and that such fees are authorised for payment from the assets of the Company, or otherwise"		

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5.2. Administrators' prospective remuneration for the period 6 June 2015 to 22 June 2015

Resolution 2	
Company:	BBY Holdings Pty Ltd (Administrators Appointed) (Receivers & Managers Appointed) Period: 6 June 2015 to 22 June 2015
Practitioner:	Stephen Vaughan and Ian Hall Firm: KPMG
Administration type:	Voluntary Administration
Proposed resolution:	<i>"That the Administrators' remuneration for the period 6 June 2015 to 22 June 2015 in respect of the voluntary administration of BBY Holdings Pty Ltd (Administrators Appointed)(Receivers & Managers Appointed) be approved in the sum of \$7,637 plus GST and disbursements and that such fees are authorised for payment from the assets of the Company, or otherwise"</i>

Resolution 2	
Company:	BBY Limited (Administrators Appointed) (Receivers & Managers Appointed) Period: 6 June 2015 to 22 June 2015
Practitioner:	Stephen Vaughan and Ian Hall Firm: KPMG
Administration type:	Voluntary Administration
Proposed resolution:	<i>"That the Administrators' remuneration for the period 6 June 2015 to 22 June 2015 in respect of the voluntary administration of BBY Limited (Administrators Appointed) (Receivers & Managers Appointed) be approved in the sum of \$463,613 plus GST and disbursements and that such fees are authorised for payment from the assets of the Company, or otherwise"</i>

Resolution 2	
Company:	Broker Services Australia Pty Ltd (Administrators Appointed) Period: 6 June 2015 to 22 June 2015
Practitioner:	Stephen Vaughan and Ian Hall Firm: KPMG
Administration type:	Voluntary Administration
Proposed resolution:	<i>"That the Administrators' remuneration for the period 6 June 2015 to 22 June 2015 in respect of the voluntary administration of Broker Services Australia Pty Ltd (Administrators Appointed) be approved in the sum of \$82,691 plus GST and disbursements and that such fees are authorised for payment from the assets of the Company, or otherwise"</i>

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Resolution 2	
Company:	BBY Advisory Services Pty Ltd (Administrators Appointed) (Receivers & Managers Appointed) Period: 6 June 2015 to 22 June 2015
Practitioner:	Stephen Vaughan and Ian Hall Firm: KPMG
Administration type:	Voluntary Administration
Proposed resolution:	<i>"That the Administrators' remuneration for the period 6 June 2015 to 22 June 2015 in respect of the voluntary administration of BBY Advisory Services Pty Ltd (Administrators Appointed)(Receivers & Managers Appointed) be approved in the sum of \$6,303 plus GST and disbursements and that such fees are authorised for payment from the assets of the Company, or otherwise"</i>

Resolution 2	
Company:	SmarTrader Limited (Administrators Appointed) Period: 6 June 2015 to 22 June 2015
Practitioner:	Stephen Vaughan and Ian Hall Firm: KPMG
Administration type:	Voluntary Administration
Proposed resolution:	<i>"That the Administrators' remuneration for the period 6 June 2015 to 22 June 2015 in respect of the voluntary administration of SmarTrader Limited (Administrators Appointed) be approved in the sum of \$28,887 plus GST and disbursements and that such fees are authorised for payment from the assets of the Company, or otherwise"</i>

Resolution 2	
Company:	BBY Hometrader Pty Ltd (Administrators Appointed) Period: 6 June 2015 to 22 June 2015
Practitioner:	Stephen Vaughan and Ian Hall Firm: KPMG
Administration type:	Voluntary Administration
Proposed resolution:	<i>"That the Administrators' remuneration for the period 6 June 2015 to 22 June 2015 in respect of the voluntary administration of BBY Hometrader Pty Ltd (Administrators Appointed) be approved in the sum of \$28,637 plus GST and disbursements and that such fees are authorised for payment from the assets of the Company, or otherwise"</i>

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5.3. Deed Administrators' estimated prospective remuneration from execution of DOCA

Resolution 3			
Company:	BBY Advisory Services Pty Ltd (subject to Deed of Company Arrangement)	Period:	Period of execution to completion of DOCA
Practitioner:	Stephen Vaughan and Ian Hall	Firm:	KPMG
Administration type:	Deed Administration		
Proposed resolution:	"That the Deed Administrators' remuneration in respect of BBY Advisory Services Pty Ltd (subject to Deed of Company Arrangement) be approved for the sum the lesser of \$45,000 or the cost of time spent by the Deed Administrators and their partners and staff, calculated at rates set under the KPMG Restructuring Services guide to hourly rates, plus GST, and that such fees are authorised for payment from the assets of the Deed or its Companies, or otherwise"		

Resolution 3			
Company:	SmarTrader Limited and BBY Hometrader Pty Ltd (all subject to Deed of Company Arrangement)	Period:	Period of execution to completion of DOCA
Practitioner:	Stephen Vaughan and Ian Hall	Firm:	KPMG
Administration type:	Deed Administration		
Proposed resolution:	"That the Deed Administrators' remuneration in respect of SmarTrader Limited and BBY Hometrader Pty Ltd (all subject to Deed of Company Arrangement) be approved for the sum the lesser of \$45,000 or the cost of time spent by the Deed Administrators and their partners and staff, calculated at rates set under the KPMG Restructuring Services guide to hourly rates, plus GST, and that such fees are authorised for payment from the assets of the Deed or its Companies, or otherwise"		

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5.4 Liquidators' prospective remuneration

Resolution 4			
Company:	BBY Holdings Pty Limited (in Liquidation) (Receivers and Managers Appointed)	Period:	For the period of the Liquidation
Practitioner:	Stephen Vaughan and Ian Hall	Firm:	KPMG
Administration type:	Creditors' Voluntary Liquidation		
Proposed resolution:*	"That the Liquidators' remuneration in respect of BBY Holdings Pty Limited (in Liquidation) (Receivers and Managers Appointed) be approved in a sum equal to the cost of time spent by the Liquidators and their partners and staff, calculated at rates set under the KPMG Restructuring Services guide to hourly rates, of an amount up to \$50,000 plus GST and disbursements, and that such fees are authorised for payment from the assets of the Company, or otherwise"		

Resolution 4			
Company:	BBY Limited (in Liquidation)(Receivers and Managers Appointed)	Period:	Commencement of Liquidation
Practitioner:	Stephen Vaughan and Ian Hall	Firm:	KPMG
Administration type:	Creditors' Voluntary Liquidation		
Proposed resolution:*	"That the Liquidators' remuneration in respect of BBY Limited (in Liquidation)(Receivers and Managers Appointed) be approved in a sum equal to the cost of time spent by the Liquidators and their partners and staff, calculated at rates set under the KPMG Restructuring Services guide to hourly rates, of an amount up to \$200,000 plus GST and disbursements, and that such fees are authorised for payment from the assets of the Company, or otherwise"		

Resolution 4			
Company:	Broker Services Australia Pty Ltd (in Liquidation)	Period:	Commencement of Liquidation
Practitioner:	Stephen Vaughan and Ian Hall	Firm:	KPMG
Administration type:	Creditors' Voluntary Liquidation		
Proposed resolution:*	"That the Liquidators' remuneration in respect of Broker Services Australia Pty Ltd (in Liquidation) be approved in a sum equal to the cost of time spent by the Liquidators and their partners and staff, calculated at rates set under the KPMG Restructuring Services guide to hourly rates, of an amount up to \$100,000 plus GST and disbursements, and that such fees are authorised for payment from the assets of the Company, or otherwise"		

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Resolution 4			
Company:	BBY Advisory Services Pty Ltd (in Liquidation)(Receivers and Managers Appointed)	Period:	For the period of the Liquidation
Practitioner:	Stephen Vaughan and Ian Hall	Firm:	KPMG
Administration type:	Creditors' Voluntary Liquidation		
Proposed resolution:*	"That the Liquidators' remuneration in respect of BBY Advisory Services Pty Ltd (in Liquidation)(Receivers and Managers Appointed) be approved in a sum equal to the cost of time spent by the Liquidators and their partners and staff, calculated at rates set under the KPMG Restructuring Services guide to hourly rates, of an amount up to \$50,000 plus GST and disbursements, and that such fees are authorised for payment from the assets of the Company, or otherwise"		

Resolution 4			
Company:	SmarTrader Limited (in Liquidation)	Period:	For the period of the Liquidation
Practitioner:	Stephen Vaughan and Ian Hall	Firm:	KPMG
Administration type:	Creditors' Voluntary Liquidation		
Proposed resolution:*	"That the Liquidators' remuneration in respect of SmarTrader Limited (in Liquidation) be approved in a sum equal to the cost of time spent by the Liquidators and their partners and staff, calculated at rates set under the KPMG Restructuring Services guide to hourly rates, of an amount up to \$50,000 plus GST and disbursements, and that such fees are authorised for payment from the assets of the Company, or otherwise"		

Resolution 4			
Company:	BBY Hometrader Pty Ltd (in Liquidation)	Period:	For the period of the Liquidation
Practitioner:	Stephen Vaughan and Ian Hall	Firm:	KPMG
Administration type:	Creditors' Voluntary Liquidation		
Proposed resolution:*	"That the Liquidators' remuneration in respect of BBY Hometrader Pty Ltd (in Liquidation) be approved in a sum equal to the cost of time spent by the Liquidators and their partners and staff, calculated at rates set under the KPMG Restructuring Services guide to hourly rates, of an amount up to \$50,000 plus GST and disbursements, and that such fees are authorised for payment from the assets of the Company, or otherwise"		

*Should the Liquidators' actual remuneration exceed the amount approved by creditors, then a further claim for remuneration may be proposed to creditors at a later date.

6. Disbursements

Disbursements are divided into three types as follows:

- A** disbursements are all externally provided professional services. These are recovered at cost. An example of an 'A' disbursement is legal fees.
- B1** disbursements are externally provided non-professional costs such as travel, accommodation and search fees. B1 disbursements are recovered at cost.
- B2** disbursements are internally provided non-professional costs such as photocopying, printing and postage. B2 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.

Disbursements incurred by the Administrators for the period 17 May 2015 to 12 June 2015 in the amount of \$8,136.17 (exclusive of GST) are detailed below.

Disbursement Type	Charges (excl GST)
Postage & Stationary	279.90
Printing	1,525.00
Travel Costs	360.35
Searches	-
Creditors Meeting	5,970.92
Total	8,136.17

Generally disbursements do not require creditor approval prior to payment, but must be accounted for to creditors once paid. At the date of this report the Administrators have not paid any disbursements in respect of the administration. Full details of disbursements paid will be provided in the Administrators' statement of receipts and payments which will be filed with ASIC on completion of the Administration and in future reports to creditors as appropriate.

Future disbursements provided by KPMG will be charged to the Administration on the same basis as tabled in B1 and B2 above.

Prior to paying any disbursements, the Administrators will undertake a proper assessment of disbursements claimed, in accordance with the law and applicable professional standards, and satisfy themselves that the disbursements claimed are necessary and proper.

7. Report on progress of the administration

The Administrators refer creditors to our 439A Report for a comprehensive account of the conduct, status and likely outcome of the Administration.

12 June 2015

8. Summary of receipts and payments

The Administrators refer creditors to "Section 8 – Conduct of the Administration" of our 439A Report for a summary of receipts and payments.

9. Information sheet

Creditor information sheet: *'Approving remuneration in an external administration'* is attached as Appendix I to the 439A Report. This information sheet provides further general information in respect to assessing and approving remuneration in external administrations.

10. KPMG Restructuring Services Guide to hourly rates

In our First Creditors' circular dated 20 May 2015, we provided creditors with a Remuneration Advice that noted that we proposed to charge fees on time based / hourly rates basis. We attached a guide to hourly rates which included the following:

Grade	Hourly rate (excl GST)
Partner or Appointee	\$650
Director	\$600
Associate Director	\$550
Manager	\$500
Executive	\$350
Senior Analyst	\$250
Analyst	\$200
Administration	\$140

Note: The above rates are exclusive of GST

11. Queries and further information

Should creditors have any queries or require any further information in respect of this remuneration report, they should contact Andrew Warden of this office at awarden@kpmg.com.au in the first instance.

K. Voluntary Administration: A guide for creditors



ASIC
Australian Securities & Investments Commission

INFORMATION SHEET 74

Voluntary administration: a guide for creditors

If a company is in financial difficulty, it can be put into voluntary administration.

This information sheet provides general information for unsecured creditors of companies in voluntary administration.

Who is a creditor?

You are a creditor of a company if the company owes you money. Usually, a creditor is owed money because they have provided goods or services, or made loans to the company.

An employee owed money for unpaid wages and other entitlements is a creditor.

A person who may be owed money by the company if a certain event occurs (e.g. if they succeed in a legal claim against the company) is also a creditor, and is sometimes referred to as a 'contingent' creditor. There are generally two categories of creditor: secured and unsecured:

- A secured creditor is someone who has a 'charge', such as a mortgage, over some or all of the company's assets, to secure a debt owed by the company. Lenders usually require a charge over company assets when they provide a loan.
- An unsecured creditor is a creditor who does not have a charge over the company's assets.

Employees are a special class of unsecured creditors. Their outstanding entitlements are usually paid in priority to the claims of other unsecured creditors. If you are an employee, see ASIC's information sheet INFO 75 *Voluntary administration: a guide for employees*.

The purpose of voluntary administration

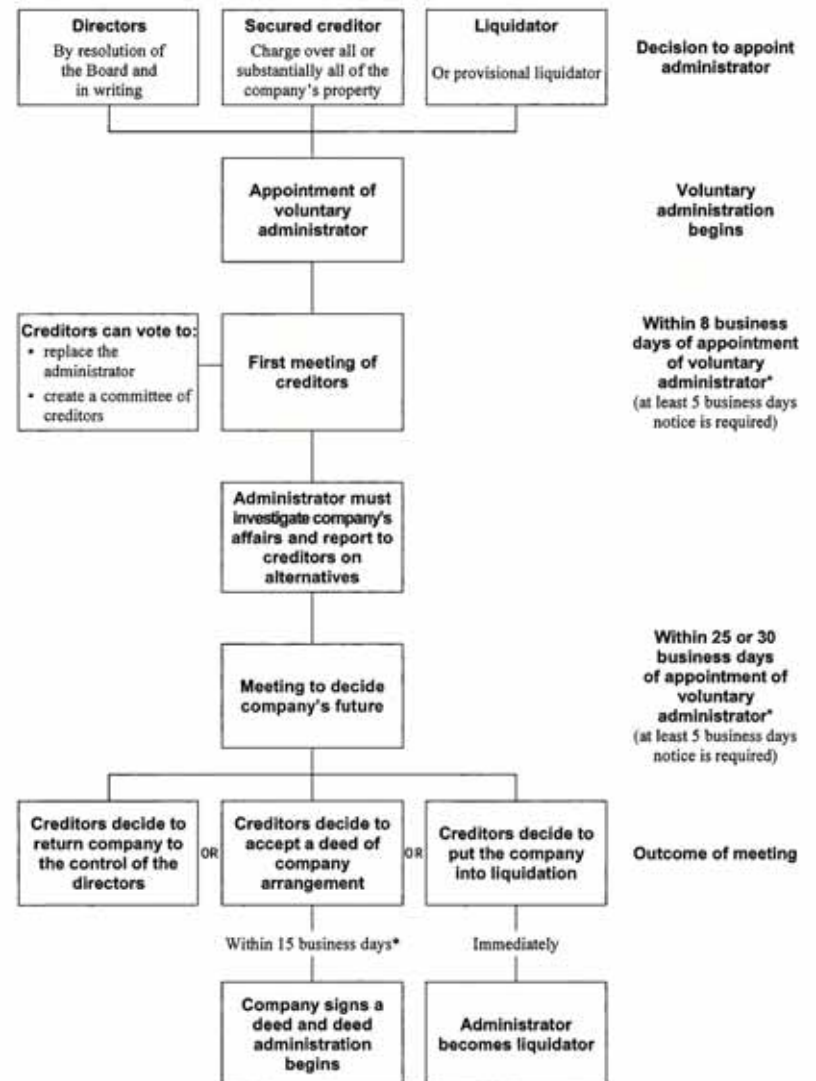
Voluntary administration is designed to resolve a company's future direction quickly (Figure 1 summarises the process). An independent and suitably qualified person (the voluntary administrator) takes full control of the company to try to work out a way to save either the company or its business.

If it isn't possible to save the company or its business, the aim is to administer the affairs of the company in a way that results in a better return to creditors than they would have received if the company had instead been placed straight into liquidation. A mechanism for achieving these aims is a deed of company arrangement.

A voluntary administrator is usually appointed by a company's directors, after they decide that the company is insolvent or likely to become insolvent. Less commonly, a voluntary administrator may be appointed by a liquidator, provisional liquidator, or a secured creditor.

Important note: This information sheet contains a summary of basic information on the topic. It is not a substitute for legal advice. Some provisions of the law referred to may have important exceptions or qualifications. This document may not contain all of the information about the law or the exceptions and qualifications that are relevant to your circumstances. You will need a qualified professional adviser to take into account your particular circumstances and to tell you how the law applies to you.

Figure 1: The voluntary administration process



* Unless the court allows an extension of time.

A company in voluntary administration may also be in receivership: see ASIC information sheet INFO 54 *Receivership: a guide for creditors*.

The voluntary administrator's role

After taking control of the company, the voluntary administrator investigates and reports to creditors on the company's business, property, affairs and financial circumstances, and on the three options available to creditors. These are:

- end the voluntary administration and return the company to the directors' control
- approve a deed of company arrangement through which the company will pay all or part of its debts and then be free of those debts, or
- wind up the company and appoint a liquidator.

The voluntary administrator must give an opinion on each option and recommend which option is in the best interests of creditors.

In doing so, the voluntary administrator tries to work out the best solution to the company's problems, assesses any proposals put forward by others for the company's future, and compares the possible outcomes of the proposals with the likely outcome in a liquidation.

A creditors' meeting is usually held about five weeks after the company goes into voluntary administration to decide on the best option for the company's future. In complex administrations, this meeting may be held later if the court consents.

The voluntary administrator has all the powers of the company and its directors. This includes the power to sell or close down the company's business or sell individual assets in the lead up to the creditors' decision on the company's future.

Another responsibility of the voluntary administrator is to report to ASIC on possible offences by people involved with the company.

Although the voluntary administrator may be appointed by the directors, they must act fairly and impartially.

Effect of appointment

The effect of the appointment of a voluntary administrator is to provide the company with breathing space while the company's future is resolved. While the company is in voluntary administration:

- unsecured creditors can't begin, continue or enforce their claims against the company without the administrator's consent or the court's permission
- owners of property (other than perishable property) used or occupied by the company, or people who lease such property to the company, can't recover their property
- except in limited circumstances, secured creditors can't enforce their charge over company property
- a court application to put the company in liquidation can't be commenced, and
- a creditor holding a personal guarantee from the company's director or other person can't act under the personal guarantee without the court's consent.

Voluntary administrator's liability

Any debts that arise from the voluntary administrator purchasing goods or services, or hiring, leasing, using or occupying property, are paid from the available assets as costs of the voluntary administration. If there are insufficient funds available from asset realisations to pay these costs, the voluntary administrator is personally liable for the shortfall. To have the benefit of this protection, you should ensure you receive a purchase order authorised in the manner advised by the voluntary administrator.

The voluntary administrator must also decide whether to continue to use or occupy property owned by another party that is held or occupied by the company at the time of their appointment.

Within five business days after their appointment, the voluntary administrator must notify the owner of property whether they intend to continue to occupy or use the property. If the voluntary administrator decides to continue to do so, they will be personally liable for any rent or amounts payable arising after the end of the five business days.

Amounts that become due to employees after the date of the appointment of the voluntary administrator have a priority claim against the company's assets as a cost of the administration. However, the voluntary administrator does not become personally liable for such amounts unless the voluntary administrator adopts employees' contracts of employment or enters into new employment contracts with them.

Creditors' meetings

Two meetings of creditors must be held during the voluntary administration.

First creditors' meeting

The voluntary administrator must call the first creditors' meeting within eight business days after the voluntary administration begins.

At least five business days before the meeting, the voluntary administrator must notify as many creditors as practical in writing and advertise the meeting. The advertisement must appear in a newspaper circulating in the states or territories in which the company has its registered office or carries on its business.

The voluntary administrator must send to creditors, with the notice of meeting, declarations about any relationships they may have, or indemnities they have been given, to allow creditors to consider the voluntary administrator's independence and make an informed decision about whether they want to replace them with another voluntary administrator of the creditors' choice.

The purpose of the first meeting is for creditors to decide two questions:

- whether they want to form a committee of creditors, and, if so, who will be on the committee, and
- whether they want the existing voluntary administrator to be removed and replaced by a voluntary administrator of their choice.

The role of a committee of creditors is to consult with the voluntary administrator about matters relevant to the voluntary administration and receive and consider reports from the voluntary administrator. The committee can also require the voluntary administrator to report to them about the voluntary administration. It may also approve the voluntary administrator's fees.

A creditor who wishes to nominate an alternative voluntary administrator must approach a registered liquidator before the meeting and get a written consent from that person that they would be prepared to act as voluntary administrator. The proposed alternative administrator should give to the meeting declarations about any relationships they may have, or indemnities they have been given. The voluntary administrator will only be replaced if the resolution to replace them is passed by the creditors at the meeting.

To be eligible to vote at this meeting, you must lodge details of your debt or claim with the voluntary administrator (discussed further below).

This meeting can be chaired by either the voluntary administrator or one of their senior staff.

Second creditors' meeting (to decide the company's future)

After investigating the affairs of the company and forming an opinion on each of the three options available to creditors (outlined above), including an opinion as to which option is in the best interests of creditors, the administrator must call a second creditors' meeting. At this meeting, creditors are given the opportunity to decide the company's future.

This meeting is usually held about five weeks after the company goes into voluntary administration (six weeks at Christmas and Easter).

However, in complex voluntary administrations, often more time is needed for the voluntary administrator to be in a position to report to creditors. In these circumstances, the court can approve an extension of time to hold the meeting.

The voluntary administrator must chair this meeting.

In preparation for the second meeting, the voluntary administrator must send creditors the following documents at least five business days before the meeting:

- a notice of meeting
- the voluntary administrator's report, and
- a statement about any proposals for a deed of company arrangement.

These will be accompanied by:

- a claim form (usually a 'proof of debt' form), and
- a proxy voting form.

The meeting must also be advertised.

Either or both the first and second creditors' meeting may be held using telephone or videoconferencing facilities.

Voluntary administrator's report

You should read the voluntary administrator's report before you attend the second meeting or decide whether you want to appoint someone else to vote on your behalf at that meeting. This report must give sufficient information to explain the company's business, property and affairs, and the reasons for the current financial situation, to enable you to make an informed decision about the company's future.

The report should also provide an analysis of any proposals for the future of the company, including the possible outcomes, as well as a comparable estimate of what would be available for creditors in a liquidation.

Finally, the report should include the voluntary administrator's opinion on each of the options available to creditors, as well as an opinion on which is in the best interests of creditors. As noted above, the options are:

- end the voluntary administration and return the company to the directors' control
- approve a deed of company arrangement (if one is proposed), or
- put the company into liquidation.

Voluntary administrator's statement about deed

If there are proposals for a deed of company arrangement, the voluntary administrator must provide creditors with a statement giving enough details of each proposal to enable creditors to make an informed decision. The types of proposals allowed in a deed of company arrangement are very flexible.

Typically, a proposal will provide for the company to pay all or part of its debts, possibly over time, and then be free of those debts. It will often provide for the company to continue trading. How these things will happen varies from case to case, as the terms allowed in a deed of company arrangement are also very flexible. The contents of a deed of company arrangement are discussed below.

You should insist on being provided with as much information about the terms of the proposed deed as possible, before the creditors' meeting. The minimum contents of a deed of company arrangement, discussed below, provide a guide on the information you might request if it hasn't already been provided.

You should also contact the voluntary administrator before the meeting if you believe the report to creditors does not contain sufficient information to enable you to make a decision about the company's future.

Voting at a creditors' meeting

To vote at any creditors' meeting you must lodge details of your debt or claim with the voluntary administrator. Usually, the voluntary administrator will provide you with a form called a 'proof of debt' to be completed and returned before the meeting.

The chairperson of the meeting decides whether or not to accept the debt or claim for voting purposes. The chairperson may decide that a creditor does not have a valid claim or the amount of the debt cannot be determined with any certainty at the date of the meeting. In this case, they may not allow the creditor to vote at all, or only to vote for a debt of \$1. This decision is only for voting purposes. It is not relevant to whether a creditor will receive a dividend.

An appeal against a decision by the chairperson to accept or reject a proof of debt or claim for voting purposes may be made to the court within 14 days after the decision.

A secured creditor is entitled to vote for the full amount of their debt without having to deduct the value of their security.

Voting by proxy

You may appoint a proxy to attend and vote at a meeting on your behalf. A proxy can be any person who is at least 18 years old. Creditors who are companies will have to nominate a person as proxy so that they can participate in the meeting. This is done using a form sent out with the notice of meeting. The completed proxy form must be provided to the voluntary administrator before the meeting. You can fax the proxy form to the voluntary administrator, but must lodge the original within 72 hours of sending the faxed copy.

An electronic form of proxy may be used if the liquidator allows electronic lodgement, provided there is a way to authenticate the appointment of the proxy (e.g. by scanning and e-mailing a signature or using a digital signature).

You can specify on the proxy form how the proxy is to vote on a particular resolution and the proxy must vote in accordance with that instruction. This is called a 'special proxy'. Alternatively, you can leave it to the proxy to decide how to vote on each of the resolutions put before the meeting. This is called a 'general proxy'.

You can appoint the chairperson to represent you either through a special or general proxy. The voluntary administrator or one of their partners or employees must not use a general proxy to vote in favour of a resolution approving payment of the voluntary administrator's fees.

Manner of voting

A vote on any resolution put to a creditors' meeting may be taken by creditors stating aloud their agreement or disagreement, or by a show of hands. Sometimes a more formal voting procedure called a 'poll' is taken.

If voting is by show of hands or by verbally signalling agreement, the resolution is passed if a majority of those present indicate agreement. It is up to the chairperson to decide if this majority has been reached.

After the vote, the chairperson must tell those present whether the resolution has been passed or lost. If the chairperson is unable to determine the outcome of a resolution on a show of hands, they may decide to conduct a poll.

Alternatively, a poll can be demanded by at least two people present who are entitled to vote, or someone who holds more than 10% of the votes of those entitled to vote at the meeting. The chairperson will determine how this poll is taken.

If you intend to demand that a poll be taken, you must do so before, or as soon as, the chairperson has declared the result of a vote taken by show of hands or voices.

When a poll is conducted, a resolution is passed if:

- more than half the number of creditors who are voting (in person or by proxy) vote in favour of the resolution, and
- those creditors who are owed more than half of the total debt owed to creditors at the meeting vote in favour of the resolution.

This is referred to as a 'majority in number and value'. If a majority in both number and value is not reached under a poll (often referred to as a deadlock), the chairperson has a casting vote.

Chairperson's casting vote

When a poll is taken and there is a deadlock, the chairperson may use their casting vote either in favour of or against the resolution. The chairperson may also decide not to use their casting vote.

The chairperson must inform the meeting, and include in the written minutes of meeting that are lodged with ASIC, of the reasons why they cast their vote in a particular way or why they chose not to use their casting vote.

If you are dissatisfied with how the chairperson exercised their casting vote or failed to use their casting vote, you may apply to the court for a review of the chairperson's decision. The court may vary or set aside the resolution or order that the resolution is taken to have been passed.

Votes of related creditors

If directors and shareholders, their spouses and relatives and other entities controlled by them are creditors of the company, they are entitled to attend and vote at creditors' meetings, including the meeting to decide the company's future.

If a resolution is passed, or defeated, based on the votes of these related creditors, and you are dissatisfied with the outcome, you may apply to the court for the resolution to be set aside and/or for a fresh resolution to be voted on without related creditors being entitled to vote. Certain criteria must be met before the court will make such an order (e.g. the original result of the vote being against the interests of all or a class of creditors).

Deciding how to vote at the second meeting

How you vote at the meeting on the three possible options, including any competing proposals for a deed of company arrangement, is a commercial decision based on your assessment of the company and its future prospects, and your personal circumstances. The information provided by the voluntary administrator, including opinions expressed, will assist you. However, you are not obliged to accept the administrator's recommendation.

If you do not consider that you have been given enough information to decide how to vote, and particularly whether to vote for any deed proposal, you can ask for a resolution to be put to creditors that the meeting be adjourned (up to a maximum of 45 business days in total) and for the administrator to provide more information. You must make this request before a vote on the company's future. This resolution must be passed for the adjournment to take place.

Creditors also have the right when a deed of company arrangement is proposed and considered at the meeting to negotiate specific requirements into the terms of the deed, including, for example, how the deed administrator is to report to them on the progress of the deed.

Any request to vary the deed proposal to include such requirements should be made before the deed proposal is voted on.

Minutes of meeting

The chairperson must prepare minutes of each meeting and a record of those who were present at each meeting.

The minutes must be lodged with ASIC within 14 days of the meeting. A copy may be obtained from any ASIC Business Centre on payment of the relevant fee.

Company returned to directors

If the company is returned to the directors, they will be responsible for ensuring that the company pays its outstanding debts as they fall due. It is only in very rare circumstances that creditors will resolve to return the company to the control of its directors.

Liquidation

If creditors resolve that the company go into liquidation, the voluntary administrator becomes the liquidator unless creditors vote at the second meeting to appoint a different liquidator of their choice. The liquidation proceeds as a creditors' voluntary liquidation with any payments of dividends to creditors made in the order set out in the *Corporations Act 2001* (Corporations Act). To find out more, see ASIC information sheet INFO 45 *Liquidation: a guide for creditors*.

Deed of company arrangement

If creditors vote for a proposal that the company enter a deed of company arrangement, the company must sign the deed within 15 business days of the creditors' meeting, unless the court allows a longer time. If this doesn't happen, the company will automatically go into liquidation, with the voluntary administrator becoming the liquidator.

The deed of company arrangement binds all unsecured creditors, even if they voted against the proposal. It also binds owners of property, those who lease property to the company and secured creditors, if they voted in favour of the deed. In certain circumstances, the court can also order that these people are bound by the deed even if they didn't vote for it. The deed of company arrangement does not prevent a creditor who holds a personal guarantee from the company's director or another person taking action under the personal guarantee to be repaid their debt.

Contents of the deed

Whatever the nature of the deed of company arrangement, it must contain certain information, including:

- the name of the deed administrator
- the property that will be used to pay creditors
- the debts covered by the deed and the extent to which those debts are released
- the order in which the available funds will be paid to creditors (the deed of company arrangement must ensure that employees have a priority in payment of outstanding employee entitlements unless the eligible employees agree by a majority in both number and value to vary this priority)
- the nature and duration of any suspension of rights against the company
- the conditions (if any) for the deed to come into operation
- the conditions (if any) for the deed to continue in operation, and
- the circumstances in which the deed terminates.

There are also certain terms that will be automatically included in the deed, unless the deed says they will not apply. These are called the 'prescribed provisions'. They include such matters as the powers of the deed administrator, termination of the deed and the appointment of a committee of creditors (called a 'committee of inspection').

The voluntary administrator's report should tell you which prescribed provisions are proposed to be excluded or varied, and, if varied, how.

Monitoring the deed

It is the role of the deed administrator to ensure the company (or others who have made commitments under the deed) carries through these commitments. The extent of the deed administrator's ongoing role will be set out in the deed.

Creditors can also play a role in monitoring the deed. If you are concerned that the obligations of the company (or others) under the deed are not being met, you should take this up promptly with the deed administrator. Matters that may give rise for concern include deadlines for payments or other actions promised under the deed being missed.

Creditors also have the right when a deed of company arrangement is proposed and considered at the second meeting to negotiate consequences of failure to meet such deadlines into the terms of the deed. Any request to vary the deed proposal to include such consequences should be made before the deed proposal is voted on.

The deed administrator must lodge a detailed list of receipts and payments with ASIC every six months.

Varying the deed

The deed administrator can call a creditors' meeting at any time to consider a proposed variation to the deed or a resolution to terminate the deed. The proposed resolutions must be set out in the notice of meeting sent to creditors.

Creditors owed at least 10% in value of all creditor claims can, by written request, also require the deed administrator to call such a meeting. However, it is unusual for this to happen, as those who make the request must pay the costs of calling and holding the meeting.

Payment of dividends under a deed

The order in which creditor claims are paid depends on the terms of the deed. Sometimes the deed proposal is for creditor claims to be paid in the same priority as in a liquidation. Other times, a different priority is proposed.

The deed must ensure employee entitlements are paid in priority to other unsecured creditors unless eligible employees have agreed to vary their priority.

Before you decide how to vote at the creditors' meeting, make sure you understand how the deed will affect the priority of payment of your debt or claim.

You may wish to seek independent legal advice if the deed proposes a different priority to that in a liquidation, or if creditors approve such a deed.

Establishing your claim under a deed

How debts or claims are dealt with under a deed of company arrangement depends on the deed's terms. Sometimes the deed incorporates the Corporations Act provisions for dealing with debts or claims in a liquidation.

Before any dividend is paid to you for your debt or claim, you will need to give the deed administrator sufficient information to prove your debt. You may be required to complete a claim form (this is called a 'proof of debt' in a liquidation). You should attach copies of any relevant invoices or other supporting documents to the claim form, as your debt or claim may be rejected if there is insufficient evidence to support it.

If a creditor is a company, the claim form should be signed by a person authorised by the company to do so.

When submitting a claim, you may ask the deed administrator to acknowledge receipt of your claim and advise if any further information is needed.

If the deed administrator rejects your claim after you have taken the above steps, first contact the deed administrator. You may also wish to seek your own legal advice. This should be done promptly. Depending on the terms of the deed, you may have a limited time in which to take legal action to challenge the decision.

If you have a query about the timing of the payment, discuss this with the deed administrator.

How a deed comes to an end

A deed may come to an end because the obligations under the deed have all been fulfilled and the creditors have been paid. Alternatively, the deed may set out certain conditions where the deed will automatically terminate.

The deed may also provide that the company will go into liquidation if the deed terminates due to these conditions being met.

Another way for the deed to end is if the deed administrator calls a meeting of creditors, and creditors vote to end the deed. This may occur because it appears unlikely that the terms of the deed can be fulfilled.

At the same time, creditors may be asked to vote to put the company into liquidation.

The deed may also be terminated if a creditor, the company, ASIC or any other interested person applies to the court and the court is satisfied that:

- creditors were provided false and misleading information on which the decision to accept the deed proposal was made
- the voluntary administrator's report left out information that was material to the decision to accept the deed proposal

- the deed cannot proceed without undue delay or injustice, or
- the deed is unfair or discriminatory to the interests of one or more creditors or against the interests of creditors as a whole.

If the court terminates the deed as a result of such an application, the company automatically goes into liquidation.

Approval of administrator's fees

Both a voluntary administrator and deed administrator are entitled to be paid for the work they perform. Generally, their fees will be paid from available assets, before any payments are made to creditors. They may have also arranged for a third party to pay any shortfall in their fees if there aren't enough assets.

The fees cannot be paid until the amount has been approved by a creditors' committee, creditors or the court. Creditors, the voluntary administrator/deed administrator or ASIC can ask the court to review the amount of fees approved.

If you are asked to approve fees, either at a meeting of a creditors' committee or in a general meeting of creditors, the voluntary administrator or deed administrator must give you, at the same time as the notice of the meeting, a report that contains sufficient information for you to assess whether the fees claimed are reasonable. This report should be in simple language and set out:

- a description of the major tasks performed
- the costs of completing these tasks, and
- such other information that will assist in assessing the reasonableness of the fees claimed.

For further information, see ASIC's information sheet INFO 85 *Approving fees: a guide for creditors*. If you are in any doubt about how the fees were calculated, ask for more information.

Apart from fees, the voluntary administrator and deed administrator are entitled to reimbursement for out-of-pocket expenses that have arisen in carrying out their administration. This reimbursement does not usually require approval.

Creditors' committee

A creditor's committee may be formed, following a vote of creditors, to consult with the voluntary administrator or deed administrator and receive reports on the conduct of their administration. A creditors' committee can also approve the administrator's fees.

In a voluntary administration, this committee is called a 'committee of creditors' and may be formed at the first creditors' meeting. While the company is under a deed of company arrangement, it is called a 'committee of inspection'.

All creditors, including a representative of the company's employees, are entitled to stand for committee membership to represent the interests of all creditors. However, to operate efficiently, the committee should not be too large.

If a creditor is a company, the creditor can nominate a director or employee to represent it on the committee.

Directors and voluntary administration

Directors cannot use their powers while the company is in voluntary administration. They must help the voluntary administrator, including providing the company's books and records, and a report about the company's business, property, affairs and financial circumstances, as well as any further information about these that the voluntary administrator reasonably requires.

If the company goes from voluntary administration into a deed of company arrangement, the directors' powers depend on the deed's terms. When the deed is completed, the directors regain full control, unless the deed provides for the company to go into liquidation on completion.

If the company goes from voluntary administration or a deed of company arrangement into liquidation, the directors cannot use their powers. If creditors resolve that the voluntary administration should end, control of the company goes back to the directors.

Queries and complaints

You should first raise any queries or complaints with the voluntary administrator or deed administrator. If this fails to resolve your concerns, including any concerns about their conduct, you can lodge a complaint with ASIC at www.asic.gov.au/complain, or write to:

ASIC Complaints
PO Box 9149
TRARALGON VIC 3844

ASIC will usually not become involved in matters of commercial judgement by a voluntary administrator or deed administrator. Complaints against companies and their officers can also be made to ASIC. For other enquiries, email ASIC through infoline@asic.gov.au, or call ASIC's Infoline on 1300 300 630 for the cost of a local call.

To find out more

For an explanation of terms used in this information sheet, see ASIC information sheet INFO 41 *Insolvency: a glossary of terms*. For more on external administration, see ASIC's related information sheets at www.asic.gov.au/insolvencyinfosheets:

- INFO 75 *Voluntary administration: a guide for employees*
- INFO 45 *Liquidation: a guide for creditors*
- INFO 46 *Liquidation: a guide for employees*
- INFO 54 *Receivership: a guide for creditors*
- INFO 55 *Receivership: a guide for employees*
- INFO 43 *Insolvency: a guide for shareholders*
- INFO 42 *Insolvency: a guide for directors*
- INFO 84 *Independence of external administrators: a guide for creditors*
- INFO 85 *Approving fees: a guide for creditors*

These are also available from the Insolvency Practitioners Association (IPA) website at www.ipaa.com.au. The IPA website also contains the IPA's Code of Professional Practice for Insolvency Professionals, which applies to IPA members.

L. Independence of external administrators: A guide for creditors



ASIC

Australian Securities & Investments Commission

INFORMATION SHEET 84

Independence of external administrators: a guide for creditors

If a company is insolvent or in financial difficulty, it can be put into external administration. The three most common forms of external administration are:

- voluntary administration (which may lead to a deed of company arrangement)
- liquidation, and
- receivership.

When a company enters into voluntary administration, a deed of company arrangement or a liquidation, it is important that the person put in charge (the 'external administrator') is independent of the company and its directors, and acts in the interests of creditors as a whole.

This information sheet provides general information for unsecured creditors in a liquidation, voluntary administration or deed of company arrangement to help assess whether the external administrator is independent.

The independence requirement in other forms of external administration (e.g. receivership) is not discussed in this information sheet.

What it means to be independent

There are different groups of people with different interests involved in the insolvency of a company. These include directors, shareholders, creditors who hold security over assets of the company, unsecured creditors, employees (who may also be creditors) and customers. The external administrator must treat all of these groups fairly and in accordance with their legal rights. For an external administrator to be independent, they must:

- not be biased towards any person or group
- not have, or have had, a close personal or business relationship with any person involved in the insolvency where that relationship would lead someone to suspect that they would favour the interests of that person, and
- not be in a position where their own personal or private interests conflict with their duties in the insolvency.

It is important that the external administrator is, at all times, both independent, and accepted as being independent, by those people interested in the affairs of the insolvent company. An external

Important note: This information sheet contains a summary of basic information on the topic. It is not a substitute for legal advice. Some provisions of the law referred to may have important exceptions or qualifications. This document may not contain all of the information about the law or the exceptions and qualifications that are relevant to your circumstances. You will need a qualified professional adviser to take into account your particular circumstances and to tell you how the law applies to you.

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administrator may not be accepted as being independent if there is a real chance that circumstances exist that may threaten the person's independence in the future.

Who may be appointed

A person appointed as an external administrator of an insolvent company must be a registered liquidator. They must also be an official liquidator if the appointment as liquidator is made by the court.

At the time of agreeing to take the appointment, the person must both be, and be accepted as being, independent. If the person knows at the time there is the real prospect of a threat to independence arising in the future, the person should not take the appointment (even if they tell creditors about the threat) without the court's approval.

Relationships that prevent appointment

A person must not be appointed as an external administrator of an insolvent company if they have any of the following relationships with the insolvent company, unless the court gives its approval:

- either the person or a company where the person is a substantial shareholder owes more than \$5000 to the insolvent company or a related company
- the person is owed more than \$5000 by the insolvent company or a related company (other than fees they are owed through their role as an external administrator)
- the person is a director, secretary, senior manager or employee of the insolvent company
- the person is a director, secretary, senior manager or employee of a company that is a mortgagee of the property of the insolvent company
- the person is an auditor of the insolvent company
- the person is a partner or employee of an auditor of the company
- the person is a partner, employer or employee of an officer of the company, or
- the person is a partner or employee of an employee of an officer of the company.

Even if none of these relationships exists, the person must not take on the appointment if, in the circumstances, there is a real risk they cannot be independent and be accepted as being independent by those interested in the affairs of the insolvent company.

Disclosing relationships

If a liquidator is appointed by the court, they act as an officer of the court and they should tell the court before they are appointed of any circumstances they are aware of that might cause doubts about their independence.

A person who is consenting to be appointed as voluntary administrator or liquidator in a creditors' voluntary liquidation must send to creditors, with the notice of the first meeting of creditors, a declaration about any relationships they may have. The declaration must:

- set out whether the person, their partners in a firm or their company or an associated company has, or has had in the past two years, a relationship with either:
 - the insolvent company
 - an associate of that company
 - a former liquidator or former provisional liquidator of that company, or
 - a secured creditor with security over the whole or substantially the whole of the company's property, and

- state the person's reasons for believing that none of the relationships result in the person having a conflict in accepting the appointment.

The declaration must also be tabled at the meeting of creditors.

If the voluntary administrator or liquidator later realises that the original declaration is out-of-date or contains an error, they must distribute a replacement declaration.

A person who is consenting to be appointed as voluntary administrator must also disclose in writing any indemnities provided to the person to cover their fees and costs (for an explanation of the meaning of an indemnity, refer to ASIC's information sheet INFO 41 *Insolvency: a glossary of terms*).

The declarations must be given to creditors to allow them to consider the person's independence and make an informed decision about whether they want to replace the person with someone of the creditors' choice.

If, as a creditor, you receive a declaration of relationships or indemnities, and you are concerned whether the circumstances might cast doubt upon whether the person would be independent, you should ask the person about the circumstances that lie behind the declaration. You may also consider whether they should be replaced.

Replacing an external administrator

Before a person takes an appointment as an external administrator, they must make reasonable inquiries to ensure there are no real threats to their independence. The person must also continue to monitor their independence during the period of the appointment and take action should such a threat arise. Depending on the threat, this may involve applying to court or calling a meeting of creditors to give details of the potential threat and allow a decision to be made by the court or the creditors about how the threat should be managed and whether the person should continue to act or be replaced.

As discussed below, in some circumstances, you may seek to remove the person if you have doubts as to their independence and replace them with an external administrator of the creditors' choice. Any replacement should also prepare the relevant declaration(s) about their relationships with various specified parties and, in a voluntary administration, also any indemnities they have been given for their fees and costs.

Voluntary administration

In a voluntary administration you are given an opportunity to replace an administrator at the first meeting of creditors, if there is another administrator who has consented to taking on the role and a majority of creditors (in number and value) approve the appointment of that replacement administrator. If you are a creditor, see ASIC's information sheet INFO 74 *Voluntary administration: a guide for creditors* for more information about this meeting.

Deed of company arrangement

At the second creditors' meeting in the voluntary administration where creditors agree to accept the proposal for a deed of company arrangement, they can also choose who they wish to be deed administrator. This person does not have to be the current voluntary administrator, but may be someone else of the creditors' choosing.

If the deed of company arrangement fails and creditors resolve to terminate the deed and wind up the company, they can also choose someone other than the deed administrator to be the liquidator (provided the other person has agreed, in writing, to act as liquidator).

Liquidation

If the liquidator has been appointed by the court, only the court can remove the liquidator from acting. Creditors cannot remove a court-appointed liquidator by passing a resolution at a meeting of creditors.

In a creditors' voluntary liquidation, the creditors may, by a majority in number and value, vote to replace the liquidator appointed by members at the first meeting of creditors. This meeting must be called within 11 days of the liquidator being appointed. See ASIC's information sheet INFO 45

Liquidation: a guide for creditors.

If, at the second meeting of creditors in a voluntary administration, creditors vote that the company go into liquidation, it is usual for the voluntary administrator to become the liquidator of the company. Creditors, by majority in number and value, may vote to appoint another person to act as liquidator.

Queries and complaints

You should first raise any queries or complaints with the external administrator. If this fails to resolve your concerns, including any concerns about their conduct, you can lodge a complaint with ASIC at www.asic.gov.au/complain, or write to:

ASIC Complaints
PO Box 9149
TRARALGON VIC 3844

ASIC will usually not become involved in matters of commercial judgement by an external administrator. Complaints against companies and their officers can also be made to ASIC. For other enquiries, email ASIC through infoline@asic.gov.au, or call ASIC's Infoline on 1300 300 630 for the cost of a local call.

To find out more

For an explanation of terms used in this information sheet, see ASIC's information sheet INFO 41 *Insolvency: a glossary of terms*. For more on external administration, see ASIC's related information sheets at www.asic.gov.au/insolvencyinfosheets:

- INFO 74 *Voluntary administration: a guide for creditors*
- INFO 75 *Voluntary administration: a guide for employees*
- INFO 45 *Liquidation: a guide for creditors*
- INFO 46 *Liquidation: a guide for employees*
- INFO 54 *Receivership: a guide for creditors*
- INFO 55 *Receivership: a guide for employees*
- INFO 43 *Insolvency: a guide for shareholders*
- INFO 42 *Insolvency: a guide for directors*
- INFO 85 *Approving fees: a guide for creditors*

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M. Insolvency information for directors, employees, creditors and shareholders



ASIC

Australian Securities & Investments Commission

Insolvency information for directors, employees, creditors and shareholders

ASIC has 11 insolvency information sheets to assist you if you're affected by a company's insolvency and have little or no knowledge of what's involved.

These plain language information sheets give directors, employees, creditors and shareholders a basic understanding of the three most common company insolvency procedures—liquidation, voluntary administration and receivership. There is an information sheet on the independence of external administrators and one that explains the process for approving the fees of external administrators. A glossary of commonly used insolvency terms is also provided.

The Insolvency Practitioners Association (IPA), the leading professional organisation in Australia for insolvency practitioners, endorses these publications and encourages its members to make their availability known to affected people.

List of information sheets

- INFO 41 *Insolvency: a glossary of terms*
- INFO 74 *Voluntary administration: a guide for creditors*
- INFO 75 *Voluntary administration: a guide for employees*
- INFO 45 *Liquidation: a guide for creditors*
- INFO 46 *Liquidation: a guide for employees*
- INFO 54 *Receivership: a guide for creditors*
- INFO 55 *Receivership: a guide for employees*
- INFO 43 *Insolvency: a guide for shareholders*
- INFO 42 *Insolvency: a guide for directors*
- INFO 84 *Independence of external administrators: a guide for creditors*
- INFO 85 *Approving fees: a guide for creditors*

Getting copies of the information sheets

To get copies of the information sheets, visit ASIC's website at www.asic.gov.au/insolvencyinfosheets. The information sheets are also available from the IPA website at www.ipaa.com.au. The IPA website also contains the IPA's Code of Professional Practice for Insolvency Professionals, which applies to IPA members.

Important note: The information sheets contain a summary of basic information on the topic. It is not a substitute for legal advice. Some provisions of the law referred to may have important exceptions or qualifications. These documents may not contain all of the information about the law or the exceptions and qualifications that are relevant to your circumstances. You will need a qualified professional adviser to take into account your particular circumstances and to tell you how the law applies to you.

LINK INSOLVENCY SERVICES – PROOF OF DEBT (POD) OR CLAIM FORM



All communications to:
Link Market Services Limited
Locked Bag A14
Sydney South NSW 1235
Telephone: 1300 784 494
Facsimile: (02) 9287 0303
Client Code: BBY1
Email: bby@linkmarketservices.com.au
Website: www.linkmarketservices.com.au

Full Name of Company or Individual

Contact Telephone Number

Registered Address

Email Address

PROOF OF DEBT (POD) OR CLAIM FORM 535 CORPORATIONS ACT (SUB REGULATION 5.6.49(2))

I am an employee of the indebted company I am a creditor I am a secured creditor

A INDEBTED COMPANY (Please tick one box for the company you are a creditor of)

Please tick **one** box ONLY.

If you are a creditor of more than one Indebted Company, you must provide a Proof of Debt Form for each Company.

- | | | | |
|--|--------------------------|--|--------------------------|
| 1. BBY Ltd (Administrators Appointed)
(Receivers and Managers Appointed) ACN 006 707 777 | <input type="checkbox"/> | 6. Options Research Pty Ltd
(Administrators Appointed) ACN 006 770 627 | <input type="checkbox"/> |
| 2. Broker Services Australia Pty Ltd (Administrators Appointed)
(Receivers and Managers Appointed) ACN 074 976 364 | <input type="checkbox"/> | 7. Tilbia Nominees Pty Ltd
(Administrators Appointed) ACN 007 001 578 | <input type="checkbox"/> |
| 3. BBY Holdings Pty Limited (Administrators Appointed)
(Receivers and Managers Appointed) ACN 075 187 432 | <input type="checkbox"/> | 8. BBY Advisory Services Pty Ltd (Administrators Appointed)
(Receivers and Managers Appointed) ACN 102 781 008 | <input type="checkbox"/> |
| 4. BBY Nominees Pty Ltd
(Administrators Appointed) ACN 007 001 443 | <input type="checkbox"/> | 9. BBY Hometrader Pty Ltd
(Administrators Appointed) ACN 134 838 207 | <input type="checkbox"/> |
| 5. BBY Protection Nominees Pty Ltd
(Administrators Appointed) ACN 007 001 710 | <input type="checkbox"/> | 10. SmartTrader Limited
(Administrators Appointed) ACN 115 752 102 | <input type="checkbox"/> |

B CREDITOR DETAILS (Please use CAPITAL LETTERS)

1. COMPANY

Full name of Company, Corporation or Trust (if applicable)

I am acting as an agent on behalf of the above company, corporation or trust.

Agent Name

OR

2. INDIVIDUAL

Title

Given Name(s)

Last Name

PO Box/RMB/Locked Bag/Care of (c/o)/Property name/Building name (if applicable)

Unit Number/Level

Street Number

Street Name

Suburb/Town

State

Post Code

Country (if not Australia)

Telephone Number

Email Address

Indebted in the amount of:

I would like to receive all communications electronically, including notices, reports and statements (if applicable). I have provided my email address above.

Date Debt Incurred



All communications to: Link Market Services Limited, Locked Bag A14, Sydney South NSW 1235, Telephone: 1300 784 494, Facsimile: (02) 9287 0303, Client Code: BBY1, Email: bby@linkmarketservices.com.au, Website: www.linkmarketservices.com.au

C SECURED CREDITORS ONLY

Please detail what security you hold and attach all relevant documentation.

Please state the value: \$ [] , [] , [] , []

D DOCUMENTATION

I have attached the following documentation to substantiate the consideration claim (tick as many as appropriate). If you are in employment of the creditor or an agent, you must provide proof of your authority from the creditors so that this POD is not rejected.

- I am in the employment of the creditors and duly authorised in writing by the creditor to make this statement and it is within my knowledge that the debt was incurred for the consideration stated and that the debt, to the best of my knowledge and belief, still remains unpaid and unsatisfied.
I am the creditor's agent duly authorised in writing to make this statement in writing and it is within my knowledge that the debt was incurred and for the consideration stated and that debt, to the best of my knowledge and belief, still remains unpaid and unsatisfied.

I have attached the following documents (tick as many as appropriate):

- Invoices, Judgement from Court, Orders from company, Guarantee from company, Other documents, Monthly Statements, Letters of Demand, Statutory Demand, Credit Application, Creditor's authority letter

E SIGN HERE (All Creditor(s) must sign)

Creditor 1 (Individual)/Agent 1, Creditor 2 (Individual)/Agent 2, Date

F NOTES

- NOTE 1 A creditor may not vote on any contingent debt, and unliquidated claim or a debt the value of which is not ascertained unless a just estimate or its value has been made.
NOTE 2 A secured creditor who votes in favour of a Deed of Company Arrangement may affect its right to act under that security. Legal advice should be sought if you are unsure in this regard.
NOTE 3 This Proof should be signed by a creditor or a person in the employ of the creditor duly authorised by that creditor to sign. If a creditor is a company, it should be signed by a person authorised under the Seal of the Company, to make a Proof of Debt on its behalf. The Chairman of the Meeting may admit or reject a Proof of Debt for the purpose of voting at the meeting.

G LODGEMENT OF POD FORM

Proof of Debt Forms may be lodged:

by mail: At: BBY Group (Administrators Appointed) (Receivers and Managers Appointed) Link Market Services Limited, Locked Bag A14, Sydney South NSW 1235, Australia

by email: scan and email to bby@linkmarketservices.com.au

by fax: +61 2 9287 0303

by hand: delivering it to Link Market Services Limited, 1A Homebush Bay Drive, Rhodes NSW 2138.

CREDITOR DETAILS

Full Name of Company or Individual, Registered Address

Contact Telephone Number, Email Address

FORM 532 (CORPORATIONS ACT 2001) APPOINTMENT OF PROXY (REGULATION 5.6.29)

Please tick one box ONLY. If you are a creditor of more than one Indebted Company, you must provide a Proxy Form for each Company.

STEP 1 - INDEBTED COMPANY (PLEASE TICK ONE BOX FOR THE COMPANY YOU ARE A CREDITOR OF)

- 1. BBY Ltd (Administrators Appointed) (Receivers and Managers Appointed) ACN 006 707 777
2. Broker Services Australia Pty Ltd (Administrators Appointed) ACN 074 976 364
3. BBY Holdings Pty Limited (Administrators Appointed) (Receivers and Managers Appointed) ACN 075 187 432
4. BBY Advisory Services Pty Ltd (Administrators Appointed) (Receivers and Managers Appointed) ACN 102 761 008
5. BBY Hometrader Pty Ltd (Administrators Appointed) ACN 134 838 207
6. SmaTrader Limited (Administrators Appointed) ACN 115 752 102

STEP 2 - APPOINT A PROXY

the Chairman of the Meeting (mark box) OR if you are NOT appointing the Chairman of the Meeting as your proxy, please write the name of the person or body corporate (excluding the registered creditor) you are appointing as your general/special proxy or failing the person/body corporate named, or if no person/body corporate is named, the Chairman of the Meeting, as my/our general/special proxy and to vote for me/us on my/our behalf at the Meeting of Creditors of the Company to be held at 2:00pm (AEST) on Monday, 22 June 2015, Grand Lodge Room, Sydney Masonic Centre, 66 Goulburn St, SYDNEY NSW 2000 and at any adjournment or postponement of the meeting.

Proxies will only be valid and accepted by the Company if they are signed and received no later than 12:00pm (AEST) on Friday, 19 June 2015. Please read the voting instructions overleaf before marking any boxes with an [X]

STEP 3 - VOTING DIRECTIONS

Table with 3 columns: Resolutions, For, Against, Abstain. Contains 5 resolutions regarding remuneration and company arrangements.

* If you mark the Abstain box for a particular item, you are directing your proxy not to vote on your behalf on a show of hands or on a poll and your votes will not be counted in computing the required majority on a poll.

STEP 4 - SIGNATURE OF CREDITORS - THIS MUST BE COMPLETED

Creditor 1 (Individual)/Agent 1, Creditor 2 (Individual)/Agent 2, Creditor 3 (Individual)/Agent 3

This form should be signed by the creditor. If signed by the creditor's attorney, the power of attorney must have been previously noted by the registry or a certified copy attached to this form. If executed by a company, the form must be executed in accordance with the company's constitution and the Corporations Act 2001 (Cth).