

CORPORATIONS ACT 2001

Insolvency Practice Rules (Corporations) 75-10, 75-15

**NOTICE OF GENERAL MEETING OF MEMBERS**

**ST MARYS DISTRICT BAND CLUB LTD  
ACN: 000 953 293**

NOTICE IS GIVEN that a meeting of the members of the company will be held at 411 Great Western Highway, St Marys NSW 2760 on Tuesday 18 February 2020 at 6:00 pm at which it is intended to propose the following:

SPECIAL RESOLUTIONS: "The club be wound up voluntarily."

Should the above be passed as a special resolutions, ordinary resolutions will be submitted as follows:

ORDINARY RESOLUTIONS: "Simon John Thorn be, and is hereby, nominated to act as Liquidator of the club for the purpose of such winding up."

"The Liquidator be at liberty to exercise all or any of the powers contained in section 477, including section 477(2B) of the Corporations Act and to take all steps as they are required to finalise the winding up of St Marys District Band Club Ltd."

"The remuneration of the Liquidator, partners and staff are all proper costs, charges and expenses of and incidental to the winding up, determined at a sum equal to the cost of time spent by the Liquidator and his partners and staff, calculated at the hourly rates as detailed in the remuneration report dated 13 January 2020, to a capped amount of \$10,000 exclusive of GST, and that the Liquidator can draw the remuneration on a monthly basis or as required, beyond which further fee approval will be sought in accordance with the Corporations Act. Out of pocket expenses are additional."

"Subject to obtaining the approval from the Australian Securities and Investments Commission pursuant to IPS 70-35 of the Corporations Act the books and records of the club and of the Liquidator be disposed of by the Liquidator three months after the dissolution of the company or earlier at the discretion of the Australian Securities and Investments Commission.""

Dated this 20<sup>th</sup> day of January 2020.

By Order of the Board.



Marlene Shipley  
**CHIEF EXECUTIVE OFFICER**

**Remuneration Report for  
ST MARYS DISTRICT BAND CLUB LTD  
ACN: 000 953 293**

**(Proposed Members' Voluntary Liquidation)**

**by Simon John Thorn of PKF**

**Remuneration Report Part 1: Description of Work Completed**

Not applicable

**Remuneration Report Part 2: Calculation of Remuneration**

A copy of the hourly rates of PKF is attached to this Report together with a general guide showing the qualifications and experience of staff engaged and the role they take in the administration.

**Disbursements**

Disbursements are divided into three types:

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

Examples of disbursements charged by PKF are as follows:

<b>Disbursement</b>	<b>Rate (Excl GST)</b>
Externally Provided Professional Services	At Cost
Externally Provided Non-Professional Services	At Cost
Mailing	At Cost
Public Notice Website	At Cost
External Meeting Room Hire	At Cost
Telephone Calls	At Cost
Travel (External Transport)	At Cost
<b>Internal Disbursements (Not Charged at Cost)</b>	
ASIC Fixed Industry Levy	\$85.00 per year
ASIC Metric Levies	\$138.00 per Notifiable Event from 1 July 2018
Printing & Photocopying	10 cents per page External copying charged at cost
Faxes	\$1.00 per page national \$2.00 per page international
Stationery (including folders & dividers)	\$50.00 per administration
Travel (use of own vehicle)	71c / km

I advise that at the date of this report, there have been no disbursements incurred. Expected disbursements for the proposed Members' Voluntary Liquidation are \$550 including GST.

**Remuneration Report Part 3: Report on Progress of the Liquidation**

Not applicable

## Remuneration Report Part 4: Supporting information

At the forthcoming members' meeting, I will be seeking approval of my remuneration on a fixed and capped basis at the hourly rates of PKF, from time to time.

A summary of the major tasks still remaining to be done on the administration follows:

- Correspondence with the Directors and members in relation to appointment (as necessary).
- Liaising with the OLGR.
- Preparation and submission of statutory lodgements.
- Attending to all statutory notices and advertising.
- Conducting enquiries with creditors in relation to any unpaid accounts.
- Liaison with Australian Taxation Office and Accountant regarding outstanding taxation lodgements and liabilities to obtain tax clearance.
- Preparation and declaration of distribution to members.
- Convening and holding meetings of members (if required).
- Issuing reports to members as and when required.
- Document maintenance, file review, and checklist.
- Job planning and updates regarding status of appointment.

The estimated fees to complete the administration are estimated to be \$10,000 plus GST and comprise work required to undertake major tasks which remain outstanding together with a notional amount to deal with unexpected issues which may arise during the course of the administration. The major tasks still remaining to be done on the administration together with the estimated fees for each major task follows:

Task	Estimated Fee (ex GST) \$
<b>Statutory Lodgements, Notifications &amp; Advertising</b> Lodgement of members minutes, Form 505, Form 205 Notification letters to Australian Taxation Office, Sheriff and Office of State Revenue Advertise appointment of Liquidator Advertise for Proofs of Debt Annual Administration returns – Receipts and Payments lodgements with ASIC End of Administration lodgement with ASIC Final 505 to cease lodgement with ASIC	5,000
<b>Taxation Matters</b> Correspondence with Accountant in relation to lodgement of outstanding returns and payment of outstanding liabilities Correspondence with Australian Taxation Office to obtain tax clearance	2,000
<b>Distribution to Members</b> Preparation of distribution schedule and distribution statements to members	N/A
<b>Administration</b> Correspondence Document maintenance / file review / checklist Planning / review Books and records / storage	4,000
<b>Total Estimated Fees</b>	\$10,000
<b>GST @ 10%</b>	\$1,000
<b>Total Estimated Fees (including GST)</b>	<b>\$11,000</b>

### Summary of Receipts and Payments

Not applicable.

## **Statement of remuneration claim**

The resolution which will be sought from members at the forthcoming meeting is as follows:

"The remuneration of the Liquidator, partners and staff are all proper costs, charges and expenses of and incidental to the winding up, determined at a sum equal to the cost of time spent by the Liquidator and his partners and staff, calculated at the hourly rates as detailed in the remuneration report dated 13 January 2020, to a capped amount of \$10,000 exclusive of GST, and that the Liquidator can draw the remuneration on a monthly basis or as required, beyond which further fee approval will be sought in accordance with the Corporations Act. Out of pocket expenses are additional."

## **Queries**

Members may request further information regarding this remuneration report by contacting Mr Daniel Drayton on (02) 4962 2688.

## **Information Sheet**

Members are referred to the following:

[https://www.arita.com.au/ARITA/Insolvency\\_help/Insolvency\\_explained/Insolvency-Fact-Sheets.aspx](https://www.arita.com.au/ARITA/Insolvency_help/Insolvency_explained/Insolvency-Fact-Sheets.aspx)

This sheet contains further information for members on approving remuneration in external administrations and members should read this notice carefully.

Any member not able to access this information sheet should contact my office immediately on (02) 4962 2688 and a copy will be provided to you.

## **Remuneration Report Part 5: Initial advice to members**

### **Remuneration Methods**

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

**a. Time based / hourly rates**

This is the most common method. The total fee charged is based on the hourly rate charged for each person who carried out the work multiplied by the number of hours spent by each person on each of the tasks performed.

**b. Fixed Fee**

The total fee charged is normally quoted at the commencement of the liquidation and is the total cost for the liquidation. Sometimes a Practitioner will finalise a liquidation for a fixed fee.

**c. Percentage**

The total fee charged is based on a percentage of a particular variable, such as the gross proceeds of assets realisations.

**d. Contingency**

The practitioner's fee is structured to be contingent on a particular outcome being achieved.

### **Method chosen**

Given the nature of this liquidation, I propose that my remuneration be calculated on the time based / hourly rates method.

One hour is divided into 6 minute units and staff are allocated to duties according to relevant experience and qualifications.

Dated this 13<sup>th</sup> day of January 2020.

**S J Thorn**  
**Partner**