



**EDDIE  
SENATORE**

**EDDIE SENATORE**  
Advisory

PO Box 3481  
MANUKA ACT 2603

+61 2 6100 3435  
hello@eddiesenatore.com  
eddiesenatore.com

1 April 2021

**To the creditor as addressed**

**Initial information for creditors**

**Canberra Cavalry (ACT) Pty Ltd (Administrator Appointed) ACN 625 850 099  
(the “Company”)**

The Company may owe you money. This means you may be a creditor of Company.

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

**Notification of appointment**

I was appointed voluntary administrator of the Company by a resolution of the Company’s directors on 30 March 2021.

I act for all creditors. I am responsible for controlling the Company’s assets, investigating the Company’s affairs, reporting and providing opinions to creditors and holding meetings of creditors to make decisions on the future of the Company.

My independent status and who appointed me is outlined in my Declaration of Independence, Relevant Relationships and Indemnities (DIRRI) attached at Appendix A.

**What you should do**

You should:

- read the attached information
- decide whether you are going to attend the first meeting, and
- complete and return your meeting documents by 9 April 2021.

**Meetings of creditors**

As voluntary administrator, I am required to hold two meetings of creditors.

Meeting	Information
First meeting of creditors	The first meeting of creditors will be held as follows: <b>Date:</b> Tuesday, 13 April 2021 <b>Time:</b> 10:00 AM Canberra, Melbourne, Sydney



	<p><b>Address:</b> Virtual Meeting. Details are indicated in the Notice of Meeting attached in this report.</p> <p>The purpose of this meeting is to consider:</p> <ul style="list-style-type: none"><li>• my appointment, and</li><li>• whether to appoint a Committee of Inspection.</li></ul> <p>Further meeting information, including notice of meeting are in Appendix C. To participate in this meeting, you will need to:</p> <ul style="list-style-type: none"><li>• Submit a <b>proof of debt for voting purposes form</b> and information to substantiate your claim.</li><li>• Appoint a person – a “<b>proxy</b>” or person authorised under a power of attorney – to vote on your behalf at the meeting. This will be necessary if you are unable to attend the meeting, or if the creditor is a company.</li></ul> <p>You can appoint the chairperson of the meeting as your proxy and direct the chairperson how you wish your vote to be cast. If you choose to do this, the chairperson must cast your vote as directed.</p> <p>Proof of debt (voting) and proxy forms are included with the notice of meeting. Completed proof of debt (voting) and, if applicable, proxy forms must be returned to my office by post, fax or email by 9 April 2021.</p> <p><b><i>Committee of Inspection</i></b></p> <p>At this meeting, creditors will consider whether a Committee of Inspection (COI) should be appointed. The role of a COI is to consult with the voluntary administrator and receive reports on the conduct of the administration. A COI can also approve the administrator’s fees.</p> <p>It is my opinion that a COI is not required for this voluntary administration given the small number of creditors. However the decision rests with creditors.</p>
<b>Second meeting of creditors</b>	<p>I will also in due course call a second meeting of creditors.</p> <p>The purpose of this meeting is for creditors to consider my report and make a decision on the future of the company.</p> <p>Before that meeting you will be sent the notice of meeting and a detailed report which sets out the options for the company’s future. I will also give my opinion as to what option I think is in the best interests of creditors.</p>



## What do you need to know?

Question	Answer
What is a voluntary administration?	<p>A voluntary administration, or VA, is a process initiated by the directors of a Company when they believe that the Company is, or is likely to become, insolvent. This means that the Company is unable to pay its debts or is likely to become unable to pay its debts.</p> <p>A voluntary administration gives a Company a chance to consider its financial position and its future. Creditors will be given an opportunity to attend meetings and vote on the future of the Company.</p>
What are your rights as a creditor?	<p>Information regarding your rights as a creditor is provided in the information sheet included at Appendix B. This includes your right to:</p> <ul style="list-style-type: none"><li>• Make reasonable requests for information</li><li>• Give directions to me</li><li>• Appoint a reviewing liquidator</li><li>• To replace me as voluntary administrator.</li></ul>
What happens to your debt?	<p>All creditors of the Company are now creditors in the voluntary administration.</p> <p>It is important to note that a voluntary administration creates restrictions on creditors being able to enforce their rights. You generally cannot enforce your claim, recover your property, enforce your security, commence an action to place the Company into liquidation or act on a personal guarantee.</p> <p>If you have leased the Company property, have a retention of title claim or hold a Personal Property Security in relation to the company, please contact my office as soon as possible.</p>
What has happened in the voluntary administration so far?	<p>The voluntary administration has only commenced. At this stage I have conducted searches, identified assets and liabilities together with serving notices on the director to deliver books and records and complete a report on company activities and property and on the director's advisors to deliver books and records of the Company in their possession. I will undertake further more detailed investigations when this information is to hand.</p>



Question	Answer
What is the cost of the voluntary administration?	<p>I get paid out of the Company's money, including realisations from assets or from money paid to me by others, such as the Company's directors. If there is not enough money in the voluntary administration, I do not get paid in full.</p> <p>I will seek your approval of my remuneration at the second meeting of creditors. I will provide you with detailed information regarding my remuneration before that meeting so that you can understand what tasks I have undertaken or will be required to undertake, and the costs of those tasks.</p> <p>Included at Appendix E is my Initial Remuneration Notice. This document provides you with information about how I propose to be paid for undertaking the voluntary administration.</p>
What happens next with the voluntary administration?	<p>I will proceed with the voluntary administration, including:</p> <ul style="list-style-type: none"><li>• Preparing for and holding the meetings of creditors</li><li>• Undertaking investigations into the Company's affairs</li><li>• Analysing any offer for a deed of company arrangement that is received</li><li>• Preparing my report to creditors.</li></ul> <p>As discussed above, you will receive further correspondence from me before the second meeting of creditors.</p>
Where can you get more information?	<p>The Australian Restructuring Insolvency and Turnaround Association (ARITA) provides information to assist creditors with understanding voluntary administrations and insolvency.</p> <p>This information is available from ARITA's website at <a href="http://arita.com.au/creditors">arita.com.au/creditors</a>.</p> <p>ASIC also provides information sheets on a range of insolvency topics. These information sheets can be accessed on ASIC's website at <a href="http://asic.gov.au">asic.gov.au</a> (search for "insolvency information sheets").</p>

Please contact my office should you require further information.



Yours faithfully

**Ezio Senatore  
Administrator**

**Appointment date:** 30 March 2021  
**Contact name:** Ezio (Eddie) Senatore  
**Contact number:** (02) 6100 3435  
**Email:** [hello@eddiesenatore.com](mailto:hello@eddiesenatore.com)

#### **Attachments**

Appendix A - Declaration of Independence, Relevant Relationships and Indemnities  
Appendix B - Information Sheet - Creditor Rights in Voluntary Administration  
Appendix C - Notice of meeting and other meeting information  
Appendix D - Information Sheet: Committee of Inspection  
Appendix E - Initial Remuneration Notice

# Appendix “A”



**EDDIE  
SENATORE**

**EDDIE SENATORE**  
Advisory

PO Box 3481  
MANUKA ACT 2603

+61 2 6100 3435  
hello@eddiezenatore.com  
eddiezenatore.com

CORPORATIONS ACT 2001

Section 436DA

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

### **Canberra Cavalry (ACT) Pty Ltd ACN 625 850 099 (Administrator Appointed) (the “Company”)**

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

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

This declaration is made in respect of myself, my partners, staff and contractors of Eddie Senatore Advisory.

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

#### **A. Independence**

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

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

#### **B. Circumstances of appointment**

##### **How I was referred this appointment**

This appointment was referred to me by Benchmarc Financial Group. This referral does not result in a conflict of interest or duty nor affect my independence because I receive referrals from Benchmarc Financial Group. This is because:

- I only received referrals from time to time.
- Prior to this engagement, I have only received one (1) referral from Benchmarc Financial Group in the last twelve months.
- In taking this appointment I have not given, nor have I received, any commission, inducement or other benefit.
- There is no expectation, agreement or understanding between me and Benchmarc Financial Group regarding the conduct of this voluntary administration that would restrict the proper exercise of my judgment or duties.
- I am free to act independently and in accordance with the law and applicable professional standards.



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

Yes  No

Prior to my appointment I had the following meetings with the Company's directors and advisors:

**Initial Contact**

On 19 August 2020 I had a meeting with the Company's accountant and one of its directors, Mr Donn McMichael. On 29 August 2020 I had a further meeting with the Company's accountant and both directors Messrs Donn McMichael and Dan Amodio.

**Subsequent Contact**

A further meeting was held with the Company's accountant and both directors Messrs Donn McMichael and Dan Amodio on 19 November 2020 to discuss options available to a company generally and duties of directors to prevent a company from trading insolvently. A further meeting was held on 23 December 2020 to discuss to clarify the insolvency process.

**Leading to the Appointment**

A meeting to discuss the appointment of an external administrator was held on 14 January 2021. These discussions included the nature and type of appointment including the appointment of a Small Business Restructuring Practitioner.

A further meeting was held between the accountant and Mr Donn McMichael on 24 February 2021 followed by a meeting with both directors and the accountant on 25 February 2021. The meeting discussed the current financial position of the Company and to conclude to appoint an external administrator.

A decision was made at a final meeting held on 23 March 2021 to appoint an external administrator.

In between these meetings emails were exchanged to arrange, confirm and facilitate these meetings.

These meetings were for the purposes of:

- Explaining insolvency and the options available to a company in restructuring its financial affairs in an insolvency and COVID-19 context.
- Explaining the roles and responsibilities of directors in an insolvency context.
- The options available to a company including voluntary administration, liquidation and small business restructuring including relief provided by the Commonwealth Government in response to COVID-19.
- To develop an understanding of the Company's business and its activities.

I received no remuneration for these meetings and discussions.

In my opinion, these pre-appointment interactions do not affect my independence for the following reasons:



- I did not provide any pre-appointment financial advice to any person and nor did I attempt to provide any assurances to anyone during the emails and phone conversations in respect of my proposed appointment as to any outcome as a result of that proposed appointment.
- The provision of background information regarding the Company and of its officers is necessary along with general information concerning matters which include discussion concerning the current estimated financial position of the Company does not give rise to any issue of conflict as such information is necessary to consider whether or not an appointment should be accepted.
- Discussions were at all times factual in nature, focused on both the historical and forecasted financial position and performance of the Company, the consequences of any possible insolvency and courses of action that may be available to the Company in that event.
- The Courts and ARITA specifically recognise the need for insolvency practitioners to provide advice on the insolvency process and of the options available to directors of a company and do not consider that such limited advice results in a conflict or is an impediment to accepting an appointment.
- The provision of such information to an insolvency practitioner does not breach the ARITA Code of Professional Practice and is permitted by the ASIC (refer ASIC Regulatory Guide 217); and
- The nature of such limited advice provided to directors of a company is such that it is not subject to review or challenge during the course of this external administration.

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

### C. Declaration of Relationships

Within the previous two years, I, or my firm, have had a relationship with:	
The Company?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
The directors?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Any associates of the Company?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
A former insolvency practitioner appointed to the Company?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
A secured creditor entitled to enforce a security over the whole or substantially the whole of the Company's property?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Do I have any other relationships that I consider are relevant to creditors assessing my independence?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No



#### **D. Indemnities and up-front payments**

I have not received any up-front payments or indemnities for this appointment. This does not include any indemnities I may be entitled to under the law.

Dated this 1<sup>st</sup> day of April 2021

**Ezio Senatore**  
**Administrator**

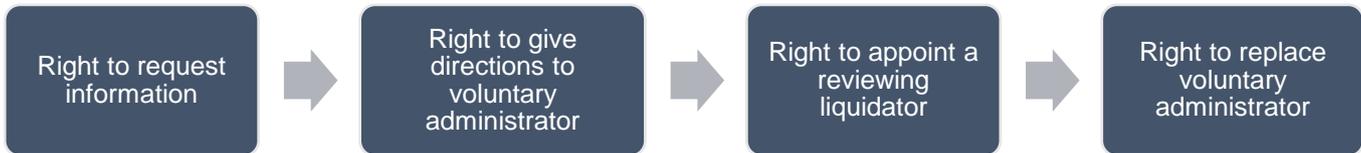
Notes:

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

# Appendix “B”

# Creditor Rights in Voluntary Administrations

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



## Right to request information

Information is communicated to creditors in a voluntary administration through reports and meetings.

In a voluntary administration, two meetings of creditors are automatically held. You should expect to receive reports and notice of these meetings:

- The first meeting is held within 8 business days of the voluntary administrator's appointment. A notice of meeting and other information for this meeting will be issued to all known creditors.
- The second, or decision, meeting is usually held within 6 weeks of the appointment, unless an extension is granted. At this meeting, creditors will get to make a decision about the company's future. Prior to this meeting the voluntary administrator will provide creditors with a notice of the meeting and a detailed report to assist in making your decision.

Important information will be communicated to creditors prior to and during these meetings. Creditors are unable to request additional meetings in a voluntary administration.

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

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

## Requests must be reasonable.

### They are not reasonable if:

- (a) complying with the request would prejudice the interests of one or more creditors or a third party
- (b) the information requested would be privileged from production in legal proceedings
- (c) disclosure would found an action for breach of confidence
- (d) there is not sufficient available property to comply with the request
- (e) the information has already been provided
- (f) the information is required to be provided under law within 20 business days of the request
- (g) the request is vexatious

If a request is not reasonable due to (d), (e) or (f) above, the voluntary administrator must comply if the creditor meets the cost of complying with the request.

Otherwise, a voluntary administrator must inform a creditor if their information request is not reasonable and the reason why.

## Right to give directions to voluntary administrator

Creditors, by resolution, may give a voluntary administrator directions in relation to a voluntary administration. A voluntary administrator must have regard to these directions, but they are not required to comply with the directions.

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

An individual creditor cannot provide a direction to a voluntary administrator.

## Right to appoint a reviewing liquidator

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

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

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

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

## Right to replace voluntary administrator

At the first meeting, creditors have the right to remove a voluntary administrator and appoint another registered liquidator to act as voluntary administrator.

A creditor must ensure that they have a consent from another registered liquidator prior to the first meeting if they wish to seek the removal and replacement of a voluntary administrator.

Creditors also have the opportunity to replace a voluntary administrator at the second meeting of creditors:

- If creditors vote to accept a proposed deed of company arrangement, they can appoint a different registered liquidator as the deed administrator.
- If creditors vote to place the company into liquidation, they can appoint a different registered liquidator as the liquidator.

It is however usual for the voluntary administrator to act as deed administrator or liquidator. It would be expected that additional costs would be incurred by an alternate deed administrator or liquidator to gain the level of knowledge of the voluntary administrator.

Like with the first meeting, a creditor must ensure that they have a consent from another registered liquidator prior to the second meeting if they wish to seek to appoint an alternative registered liquidator as deed administrator or liquidator.

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

# Appendix “C”

## **NOTICE OF MEETING OF CREDITORS OF COMPANY**

### **Canberra Cavalry (ACT) Pty Ltd (Administrator Appointed) ACN 625 850 099 (the "Company")**

On 30 March 2021 the company under section 436A of the Corporations Act 2001 appointed Ezio Senatore of Eddie Senatore Advisory as the administrator of the Company.

Notice is given that a meeting of the creditors of the Company will be held as follows:

**Date:** Tuesday, 13 April 2021  
**Time:** 10:00 AM Canberra, Melbourne, Sydney  
**Address:** Virtual Meeting. Please see below for details.

### **Agenda**

The purpose of the meeting is to:

- *Provide a brief history of the company and the background to the appointment.*
- *The meeting would also determine:*
  - *Whether to appoint a committee of inspection; and*
  - *if so, who are to be the committee's members.*
- *At the meeting, creditors may also, by resolution:*
  - *remove the administrator from office; and*
  - *appoint someone else as administrator of the company.*
- *Discuss any other relevant business which may arise.*

### **Attending and voting at the meeting**

Creditors are invited to attend the meeting, however they are not entitled to participate and vote at a meeting unless:

- **Proof of debt for voting purposes (copy attached):** They have lodged with the Administrator particulars of the debt or claim and the claim has been admitted, wholly or in part, for voting purposes by the Administrator. If a proof of debt for voting purposes has already been lodged, they do not need to do so again. Refer to Note 1 for further guidance on entitlement to vote.
- **Proxies (copy attached) or attendance:** They are either present in person or by electronic facilities (if being made available) or validly represented by proxy, attorney or an authorised person under s250D of the Corporations Act 2001 (the "Act"). If a corporate creditor or represented, a proxy form, power of attorney or evidence of appointment of a company representative pursuant to Section 250D of the Act must be validly completed and provided to the Administrator at or before the meeting.

To enable sufficient time to review, proofs of debt and proxies (or document authorising the representation) should be submitted to Ezio (Eddie) Senatore on [hello@eddiesenatore.com](mailto:hello@eddiesenatore.com) or PO Box 3481, Manuka ACT 3481 by no later than 5:00 PM, Friday, 9 April 2021. If you choose to return these documents by post, please allow sufficient time for the documents to be received prior to the due date.

### **Virtual Meeting**

The meeting of creditors will be held via Zoom. The meeting can be accessed through the following link:

<https://us02web.zoom.us/j/4480000100>

Meeting ID: 448 000 0100

One tap mobile

+61280156011,,4480000100# Australia  
+61370182005,,4480000100# Australia

Dial by your location:

+61 2 8015 6011 Australia	+1 669 900 9128 US (San Jose)
+61 3 7018 2005 Australia	+1 253 215 8782 US (Tacoma)
+61 7 3185 3730 Australia	+1 301 715 8592 US (Washington DC)
+61 8 6119 3900 Australia	+1 312 626 6799 US (Chicago)
+61 8 7150 1149 Australia	+1 346 248 7799 US (Houston)
+1 646 558 8656 US (New York)	

Find your local number: <https://us02web.zoom.us/j/4480000100>

Any queries should be directed to [hello@eddiesenatore.com](mailto:hello@eddiesenatore.com) or (02) 6100 3435.

Dated this 1<sup>st</sup> day of April 2021



.....  
**Signature of Ezio Senatore  
Administrator**

Eddie Senatore Advisory  
PO Box 3481  
MANUKA ACT 2603

**Note 1: Entitlement to vote and completing proofs**

**IPR (Corp) 75-85 Entitlement to vote at meetings of creditors**

- (1) A person other than a creditor (or the creditor's proxy or attorney) is not entitled to vote at a meeting of creditors.
- (2) Subject to subsections (3), (4) and (5), each creditor is entitled to vote and has one vote.
- (3) A person is not entitled to vote as a creditor at a meeting of creditors unless:
  - (a) his or her debt or claim has been admitted wholly or in part by the external administrator; or
  - (b) he or she has lodged, with the person presiding at the meeting, or with the person named in the notice convening the meeting as the person who may receive particulars of the debt or claim:
    - (i) those particulars; or
    - (ii) if required—a formal proof of the debt or claim.
- (4) A creditor must not vote in respect of:
  - (a) an unliquidated debt; or
  - (b) a contingent debt; or
  - (c) an unliquidated or a contingent claim; or
  - (d) a debt the value of which is not established; unless a just estimate of its value has been made.
- (5) A creditor must not vote in respect of a debt or a claim on or secured by a bill of exchange, a promissory note or any other negotiable instrument or security held by the creditor unless he or she is willing to do the following:
  - (a) treat the liability to him or her on the instrument or security of a person covered by subsection (6) as a security in his or her hands;
  - (b) estimate its value;
  - (c) for the purposes of voting (but not for the purposes of dividend), to deduct it from his or her debt or claim.
- (6) A person is covered by this subsection if:
  - (a) the person's liability is a debt or a claim on, or secured by, a bill of exchange, a promissory note or any other negotiable instrument or security held by the creditor; and
  - (b) the person is either liable to the company directly, or may be liable to the company on the default of another person with respect to the liability; and
  - (c) the person is not an insolvent under administration or a person against whom a winding up order is in force.

**IPR (Corp) 75-110 Voting on resolutions**

- (7) For the purposes of determining whether a resolution is passed at a meeting of creditors of a company, the value of a creditor of the company who:
  - (a) is a related creditor (within the meaning of subsection 75-41(4) of the Insolvency Practice Schedule (Corporations)), for the purposes of the vote, in relation to the company; and
  - (b) has been assigned a debt; and
  - (c) is present at the meeting personally, by telephone, by proxy or attorney; and
  - (d) is voting on the resolution;is to be worked out by taking the value of the assigned debt to be equal to the value of the consideration that the related creditor gave for the assignment of the debt.

**FORMAL PROOF OF DEBT OR CLAIM**

To the Administrator of Canberra Cavalry (ACT) Pty Ltd (Administrator Appointed) ACN 625 850 099 (the "Company")

1. This is to state that the Company was on 30 March 2021, and still is, justly and truly indebted to:

\_\_\_\_\_

\_\_\_\_\_

(full name, ABN and address of the creditor and, if applicable, the creditor's partners. If prepared by an employee or agent of the creditor, also insert a description of the occupation of the creditor) for \_\_\_\_\_ dollars and \_\_\_\_\_ cents

Particulars of the debt are:

Date	Consideration	Amount	Remarks
	<i>(state how the debt arose)</i>	\$	<i>(include details of voucher substantiating payment)</i>

2. To my knowledge or belief the creditor has not, nor has any person by the creditor's order, had or received any satisfaction or security for the sum or any part of it except for the following:

\_\_\_\_\_

(insert particulars of all securities held. If the securities are on the property of the company, assess the value of those securities. If any bills or other negotiable securities are held, show them in a schedule in the following form).

Date	Drawer	Acceptor	Amount	Due Date
			\$	

3. Signed by (select option):

- I am the creditor personally.
- I am employed by the creditor and authorised in writing by the creditor to make this statement. I know that the debt was incurred for the consideration stated and that the debt, to the best of my knowledge and belief, remains unpaid and unsatisfied.
- I am the creditor's agent authorised in writing to make this statement in writing. I know the debt was incurred for the consideration stated and that the debt, to the best of my knowledge and belief, remains unpaid and unsatisfied.

Signature: \_\_\_\_\_ Dated: \_\_\_\_\_

Name: \_\_\_\_\_ Occupation: \_\_\_\_\_

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

RECEIVE REPORTS BY EMAIL	Yes	No
Do you wish to receive all future reports and correspondence from our office via email?	<input type="checkbox"/>	<input type="checkbox"/>
Email:.....		

**If being used for the purpose of voting at a meeting:**

- a) Is the debt you are claiming assigned to you?  No  Yes
- b) If yes, attach written evidence of the debt, the assignment and consideration given.  Attached
- c) If yes, what value of consideration did you give for the assignment (eg, what amount did you pay for the debt?)  \$ \_\_\_\_\_
- d) If yes, are you a related party creditor of the Company?  No  Yes  
(if you are unsure contact the Administrator)

**APPOINTMENT OF PROXY**

**Canberra Cavalry (ACT) Pty Ltd (Administrator Appointed) ACN 625 850 099  
(the "Company")**

\*I/\*We \_\_\_\_\_ (name of signatory) Of \_\_\_\_\_ (creditor name)

a creditor of the Company appoint \_\_\_\_\_ (name of proxy)

of \_\_\_\_\_ (address of proxy)

or in his or her absence \_\_\_\_\_ (details of alternate proxy)

as \*my/\*our \*general/\*special proxy to vote at the meeting of creditors to be held on Tuesday, 13 April 2021, or at any adjournment of that meeting.

*If a special proxy, specify how you wish your proxy to vote for each of the resolutions.*

**Resolutions**

	<b>For</b>	<b>Against</b>	<b>Abstain</b>
1. That a committee of creditors <b>not</b> be formed			
2. That the appointment of the administrator, Ezio Senatore, is confirmed			

\*I/\*We authorise \*my/\*our proxy to vote as a general proxy on resolutions other than those specified above.

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

Dated: \_\_\_\_\_

# Appendix “D”

## Information Sheet: Committees of Inspection

You have been elected to be, or are considering standing for the role of, a member of a Committee of Inspection (COI) in either a liquidation, voluntary administration or deed of company arrangement of a company (collectively referred to as an external administration).

This information sheet is to assist you with understanding your rights and responsibilities as a member of a COI.

### What is a COI?

A COI is a small group of creditors elected to represent the interests of creditors in the external administration. The COI advises and assists the external administrator and also has the power to approve and request certain things – this is discussed in more detail below.

Membership of the COI is a voluntary, unpaid position.

### Who can be elected to a COI?

To be eligible to be appointed as a member of a COI, a person must be:

- A creditor
- A person holding the power of attorney of a creditor
- A person authorised in writing by a creditor; or
- A representative of the Commonwealth where a claim for financial assistance has, or is likely to be, made in relation to unpaid employee entitlements.

If a member of the COI is a company, it can be represented by an individual authorised in writing to act on that creditor's behalf. It also allows the creditor to maintain its representation if a change in the individual is required

A COI usually has between 5 and 7 members, though it can have more, or less, depending on the size of the external administration.

A member of a COI can be appointed by:

- resolution at a meeting of creditors
- an employee or a group of employees owed at least 50% of the entitlements owed to employees of the company
- a large creditor or group of creditors that are owed at least 10% of the value of the creditors' claims,

If an employee or group of employees, or a large creditor or group of creditors, appoints a member to the COI, they cannot vote on the general resolution of creditors to appoint members to the COI. Each of these groups also have the power to remove their appointed member of the COI and appoint someone else.

If you are absent from 5 consecutive meetings of the COI without leave of the COI or you become an insolvent under administration, you are removed from the COI.

## What are the roles and powers of a COI?

A COI has the following roles:

- to advise and assist the liquidator, voluntary administrator or deed administrator (collectively referred to as the external administrator)
- to give directions to the external administrator
- to monitor the conduct of the external administration.

In respect of directions, the external administrator is only required to have regard to those directions. If there is a conflict between the directions of the COI and the creditors, the directions of the creditors prevail. If the external administrator chooses not to comply with the directions of the COI, the external administrator must document why.

A COI also has the power to:

- approve remuneration of the external administrator after the external administrator has provided the COI with a Remuneration Approval Report (a detailed report setting out the remuneration for undertaking the external administration)
- approve the use of some of the external administrator's powers in a liquidation (compromise of debts over \$100,000 and entering into contracts over 3 months)
- require the external administrator to convene a meeting of the company's creditors
- request information from the external administrator
- approve the destruction of the books and records of the external administration on the conclusion of the external administration
- with the approval of the external administrator, obtain specialist advice or assistance in relation to the conduct of the external administration
- apply to the Court for the Court to enquire into the external administration.

An external administrator is not required to convene a meeting of creditors if the request by the COI is unreasonable, or provide requested information if the request is unreasonable, not relevant to the administration or would cause the external administrator to breach their duties.

A request to convene a meeting of creditors is unreasonable if:

- it would substantially prejudice the interests of a creditor or third party
- there are insufficient funds in the external administration to cover the cost of the request
- a meeting of creditors dealing with the same matters has already been held or will be held within 15 business days, or
- the request is vexatious.

If a request for a meeting is reasonable, the external administrator must hold a meeting of creditors as soon as reasonably practicable.

A request for information is unreasonable if:

- it would substantially prejudice the interests of a creditor or third party
- the information would be subject to legal professional privilege
- disclosure of the information would be a breach of confidence
- there are insufficient funds in the external administration to cover the cost of the request
- the information has been provided or is required to be provided within 20 business days, or
- the request is vexatious.

If the request for information is not unreasonable, the external administrator must provide the requested information within 5 business days, but the law provides for further time in certain circumstances.

An external administrator must inform the COI if their meeting or information request is not reasonable and the reason why.

### How does the COI exercise its powers?

A COI exercises its powers by passing resolutions at meetings of the COI. To pass a resolution, a meeting must be convened and a majority of the members of the COI must be in attendance.

A meeting is convened by the external administrator by giving notice of the meeting to the members of the COI. Meetings of the COI can be convened at short notice. The external administrator must keep minutes of the meeting and lodge them with ASIC within one month of the end of the meeting.

ASIC is entitled to attend any meeting of a COI.

### What restrictions are there on COI members?

A member of a COI must not directly or indirectly derive any profit or advantage from the external administration. This includes by purchasing assets of the company or by entering into a transaction with the company or a creditor of the company. This prohibition extends to related entities of the member of the COI and a large creditor(s) that appoints a member to the COI.

Creditors, by resolution at a meeting of creditors, can resolve to allow the transaction. The member of the COI or the large creditor(s) that appoints a member to the COI is not allowed to vote on the resolution.

### Where can you get more information?

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

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

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

# Appendix “E”



EDDIE SENATORE  
Advisory

PO Box 3481  
MANUKA ACT 2603

+61 2 6100 3435  
hello@eddiesenatore.com  
eddiesenatore.com

## Initial Remuneration Notice

### Canberra Cavalry (ACT) Pty Ltd (Administrator Appointed) ACN 625 850 099 (the "Company")

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

#### 1 Remuneration Methods

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

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

#### 2 Method chosen

Given the nature of this administration I propose that my remuneration be calculated on Time based / hourly rates. This is because:

- It ensures that creditors are only charged for work that is performed.
- The Practitioner is required to perform a number of tasks which do not relate to the realisation of assets, for example responding to creditor enquiries, reporting to ASIC, distributing funds in accordance with the provisions of the Corporations Act or the Bankruptcy Act.
- The practitioner is unable to estimate with certainty the total amount of fees necessary to complete all tasks required in the Administration.
- The practitioner has a time recording system that can produce a detailed analysis of time spent on each type of task by each individual staff member utilised in the administration;
- Time based remuneration calculates fees upon a basis of time spent at the level appropriate to the work performed;



- the method provides full accountability in the method of calculation.

### 3 Explanation of Hourly Rates

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

Title	Description	Hourly Rate (excl GST)
Appointee	Registered liquidator, Chartered Accountant, degree qualified with more than twelve years of experience. Assignment lead.	\$550
Manager	Chartered Accountant and degree qualified with more than five years of experience. Self-sufficiently conducts insolvency appointments and takes a supervisory role on matters.	\$400
Intermediate	Generally degree qualified and undertaking or about to undertake professional year qualification or comparable relevant qualification with less than one year of experience.	\$300
Secretary	Appropriately experienced and undertakes senior activities such as oversight of the processing of payment of receipts and banking administration.	\$220
Clerk	Appropriately experienced and undertakes support activities such as meeting coordination and preparation of materials where it is efficient and appropriate to do so.	\$150

### 4 Estimated remuneration

I estimate this administration will cost approximately between \$15,000 to \$35,000 plus GST to complete, subject to the following variables which may have a significant effect on this estimate and that I am unable to determine at this early stage in the administration:

- The extent of enquiries requested by creditors
- The outcome of investigations warranting further action
- Any possible recoveries discovered during the course of investigations
- Offences which may have been committed by the Directors of the Company

Prior to my appointment, I provided an estimate of the cost of the administration to the directors. This estimate is consistent with the estimate provided to the directors prior to my appointment.

### 5 Disbursements

Disbursements are divided into three types:

- **Externally provided professional services** - these are recovered at cost. An example of an externally provided professional service disbursement is legal fees.



- **Externally provided non-professional costs** such as travel, accommodation and search fees - these are recovered at cost.
- **Internal disbursements** such as photocopying, printing and postage. These disbursements, if charged to the Administration, would generally be charged at cost; though some expenses such as telephone calls, photocopying and printing may be charged at a rate which recoups both variable and fixed costs. The recovery of these costs must be on a reasonable commercial basis.

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

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

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

***Basis of disbursement claim***

Disbursements will be claimed at cost.

Should you have any further questions in relation to the above, please do not hesitate to contact myself.

Dated this 1<sup>st</sup> day of April 2021

**Ezio Senatore**  
**Administrator**