

**Form 531**

**Corporations Act 2001**

436DA(4A) & (6A)

449CA(4A) & (6A)

453D(3) & 453D(6)

456F(4) & 456F(6)

506A(3) & (6)

Corporations Regulations 2001

5.3B.35(4), 5.3B.36(3)

Insolvency Practice Rules (Corporations) 2016

90-18(2)(b) & (4)(d)

# Copy of declaration of relevant relationships and/or declaration of indemnities

## Liquidator details

Liquidator number

**15904**

Liquidator name

**EZIO MARCO SENATORE**

## Company details

ACN

**656 100 793**

Company name

**BEHEMOTH CANBERRA PTY LTD**

## Type of declaration

This is a:

**Declaration of relevant relationships and/or  
declaration of indemnities**

Declaration by:

**Administrator**

## Details of the DIRRI

Who referred the appointment to you?

**Benchmark Financial Group**

Date of declaration

**22-05-2023**

Were you appointed to any other company within a 2 year period prior to the appointment to the company covered by the attached declaration (the current company) which was an associate of the current company, or where there were common directors between the other company and the current company, or between the other company and a related body corporate of the current company?

**No**

Have you provided any professional advice to the company, or to an associate of the company, other than advice on the company's insolvency and, or, the process for insolvent companies under the Corporations Act 2001? (see s9 of the Corporations Act for the definition of 'associate')

**No**

Have you received, or are you entitled to receive, either an indemnity or an up-front payment for remuneration?

**No**

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## Authentication

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This form has been authenticated by

Name                      EZIO MARCO SENATORE

This form has been submitted by

Name                      Ezio SENATORE

Date                        22-05-2023

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**For more help or information**

Web                            [www.asic.gov.au](http://www.asic.gov.au)  
Ask a question?            [www.asic.gov.au/question](http://www.asic.gov.au/question)  
Telephone                    1300 300 630



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

### **Behemoth Canberra Pty Limited (Administrator Appointed) ACN 656 100 793 (the “Company”)**

The purpose of this document is to assist creditors with understanding any relevant relationships that I 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 ARITA – Australian Restructuring Insolvency and Turnaround Association. I acknowledge that I am bound by the ARITA Code of Professional Practice.

#### **A. Independence**

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

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

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

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

This appointment was referred to me by Benchmarc Financial Group.

I believe that this referral does not result in a conflict of interest or duty because:

- I am only referred matters from time to time by Benchmarc Financial Group.
- In taking this appointment I have not given, nor have I received, any commissions, inducements or other benefit.
- There is no expectation, agreement or understanding between me and Benchmarc Financial Group regarding the conduct of this 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.



I held two meetings with the Company's director and its advisor. One on 3 April 2023, the second on 12 May 2023.

- Meeting 3 April 2023

In attendance were Messrs Samuel Dodimead, Ricky Wilson, Andrew Hirsch and Nicolas Geou. Matters discussed included the background of the Company, its history and trading performance, and the make-up of its assets and liabilities. I provided technical information regarding the various forms of external administrations.

- Meeting 12 May 2023

In attendance Messrs Samuel Dodimead, Andrew Hirsch and Nicolas Geou. Matters discussed included options to pay creditors by way of formal and informal arrangements. Discussions also included how assets could be realised for the benefit of creditors, including contributions by the Director personally. I again provided technical information regarding the various forms of external administrations and the director concluded the voluntary administration was the appropriate next step.

I received no remuneration for these meetings.

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

- Neither my firm nor my staff or contractors have had a prior relationship with the Company or its associates that would preclude me from acting as Administrator of the Company.
- Communications were limited to the potential options available to the Company in respect of its financial situation. It is my opinion that these communications do not present a conflict as I am not bound to provide any of the services to the Company which were discussed.
- The pre-appointment advice will not influence my ability to be able to fully comply with the statutory and fiduciary obligations associated with the administration of the Company in an objective and impartial manner.
- I am not obliged to deliver a favourable outcome to any party.
- The information I provided will not be subject to review and challenged during the course of the administration of the Company.
- There is often a need for insolvency practitioners to provide advice on the insolvency process and the options available.

I have provided no other information or advice to the Company, its director and advisors 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 checked="" type="checkbox"/> No <input type="checkbox"/> Yes
The directors?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
Any associates of the Company?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
A former insolvency practitioner appointed to the Company?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
A secured creditor entitled to enforce a security over the Company?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes

Do I have any other relationships that I consider are relevant to creditors assessing my independence?
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Benchmarc Financial Group
I am referred matters from time to time by Benchmarc Financial Group. I am not paid, nor do I pay any commissions, inducements or benefits by or to Benchmarc Financial Group to undertake any appointments.

### 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 22 May 2023:

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.