



SHERIDANS
CHARTERED ACCOUNTANTS

WARDAK PTY LTD

(In Liquidation)

ACN 620 824 615

ATF WARDAK UNIT TRUST

ABN 15 326 774 515

Initial information for creditors

Section 70-30

Insolvency Practice Rules (Corporations) 2016

8 May 2024

Level 9, 40 St George's Terrace, Perth WA 6000
Telephone: (08) 9221 9339 Facsimile: (08) 9221 9340 Email: general@sheridansac.com.au
Website: www.sheridansac.com.au
Liability limited by a scheme approved under Professional Standards Legislation

Contents Page

1	Introduction	2
2	Notification of appointment	2
3	What is a court liquidation?	2
4	What happens to your debt?	2
5	Your rights as a creditor	3
6	Listing of creditors	3
7	What happens next?	3
8	Liquidator's remuneration and disbursements	3
9	More information	4

Annexures

- A Declaration of Independence, Relevant Relationships and Indemnities
- B Information Sheet - Creditor Rights in Liquidations
- C Listing of creditors
- D Initial Remuneration Notice

Enclosure

- (i) Form 535 - Formal Proof of Debt or Claim

1. Introduction

The purpose of this document is to provide you with information about the liquidation of Wardak Pty Ltd (“the company”) and your rights as a creditor.

2. Notification of appointment

- 2.1 I was appointed Liquidator of the company pursuant to an order made by the Supreme Court of Western Australia on 10 April 2024.
- 2.2 A copy of my Declaration of Independence, Relevant Relationships and Indemnities (“DIRRI”) is attached at Annexure A. The DIRRI assists you to understand any relevant relationships that I have, and any indemnities or upfront payments that have been provided to me. I have considered each relationship and it is my opinion that none of the relationships disclosed in the DIRRI results in a conflict of interest or duty, or affects my independence.
- 2.3 I was also appointed as Receiver & Manager of the assets of the Wardak Unit Trust pursuant to the above order on 10 April 2024.

3. What is a court liquidation?

- 3.1 A court liquidation is where an order to place a company into liquidation is made by the court. Usually this is on the application of a creditor where the company has not paid its outstanding debts and is therefore insolvent.
- 3.2 However, in this case, in my capacity as Liquidator of the related company Safa Auto Parts Pty Ltd (In Liquidation), I applied to the court for the company to be reinstated, and for me to be subsequently appointed as Liquidator, in order to recover a *prima facie* voidable transaction under Section 588 of the Corporations Act 2001.

4. What happens to your debt?

- 4.1 According to the company’s records, you may be a creditor of the company.
- 4.2 All creditors of the company are now creditors in the liquidation. As a creditor, you have certain rights, although your debt will now be dealt with in the liquidation.
- 4.3 If you have leased property to the company, have a retention of title claim or hold a security interest in relation to the company, please immediately contact this office.

5. Your rights as a creditor

Annexure B to this circular contains information about your rights as a creditor, including your right to:

- Make reasonable requests for a meeting.
- Make reasonable requests for information.
- Give directions to me.
- Appoint a reviewing liquidator.
- Replace me as liquidator.

6. Listing of creditors

- 6.1 Attached at Annexure C is a list of creditors, including their addresses and the estimated amounts of their claims, as shown in the records of the company. Any creditors related to the company are identified.
- 6.2 Enclosed is a Proof of Debt or Claim form to enable you to lodge your claim in the liquidation.

7. What happens next?

- 7.1 I will proceed with the liquidation, including:
- (i) Recovering and selling any available property.
 - (ii) Investigating the company's affairs.
 - (iii) Reporting to the corporate regulator, the Australian Securities and Investments Commission ("ASIC").
- 7.2 If I receive a request for a meeting that complies with the guidelines set out in the information sheet at Annexure B, I will hold a meeting of creditors.
- 7.3 I will write to you within three months of my appointment advising whether a dividend is likely and updating you on the progress of my investigations.
- 7.4 I may write to you again after that with further information on the progress of the liquidation.

8. Liquidator's remuneration and disbursements

- 8.1 Attached at Annexure D is my Initial Remuneration Notice. This document provides you with information about how I propose to be paid for undertaking the liquidation.
- 8.2 In accordance with the Initial Remuneration Notice, my estimated remuneration for the external administration is \$30,000.00.

8. Liquidator's remuneration and disbursements (cont.)

- 8.3 In anticipation that there will be funds in the liquidation, I will be seeking approval for my fees and internal disbursements on a time cost basis at a future date. Please see Annexure D for further information.

9. More information

- 9.1 The Australian Restructuring Insolvency and Turnaround Association ("ARITA") provides information to assist creditors with understanding liquidations and insolvency.
- 9.2 Information is available from ARITA's website at arita.com.au/creditors.
- 9.3 ASIC also provides information sheets on a range of insolvency topics. These information sheets can be accessed on ASIC's website at asic.gov.au (search for "insolvency information sheets").

If you have any queries in relation to this matter, please contact Shaun Carrington or Nicholas D'Alesio of this office.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Jennifer E. Low', written over a horizontal line.

JENNIFER E. LOW
Liquidator of
Wardak Pty Ltd

WARDAK PTY LTD (In Liquidation)
ACN 620 824 615 (“the company”)

DECLARATION OF INDEPENDENCE, RELEVANT RELATIONSHIPS AND INDEMNITIES

Practitioners appointed to an insolvent entity are required to make declarations as to:

- A. their independence generally;
- B. relationships, including:
 - (i) the circumstances of the appointment;
 - (ii) any relationships with the company and others within the previous 24 months;
 - (iii) any prior professional services for the company within the previous 24 months;
 - (iv) that there are no other relationships to declare; and
- C. any indemnities given, or upfront payments made, to the Practitioner.

This declaration is made on my own behalf and on behalf of my firm, Sheridans.

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.

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 disclosed in this document, if any.

Declaration of relationships

A. *Circumstances of appointment*

This appointment occurred as a result of my investigations into a loan due from the company to Safa Auto Parts Pty Ltd (In Liquidation) (“Safa”). I advise that I was appointed Administrator of Safa on 17 October 2023 and on 21 November 2023, I was appointed Liquidator.

In my capacity as Liquidator of Safa I applied to the Court to have the company reinstated and placed into liquidation.

In my opinion, the circumstances of my appointment do not affect my independence as the connection between Safa and the company will not influence my ability to be able to fully comply in an objective and impartial manner with the statutory and fiduciary obligations associated with the liquidation of the company.

I have provided prior to my appointment no other information or advice beyond that outlined in this DIRRI to the company or to its director or to any of its advisors.

Declaration of relationships (cont.)

B. *Relevant relationships (excluding professional services to the company)*

As stated above, I was appointed Liquidator of a related entity, Safa, on 21 November 2023. I note that the director of the company, Mr Suliman Rawi, is also the director of Safa.

I advise that my correspondence with Mr Rawi prior to my appointment has been in relation to the liquidation of Safa and the potential liquidation of the company.

I understand that there have been transactions between the company and Safa.

I believe that this relationship does not result in a conflict of interest or duty for the following reasons:

- Related party transactions are reviewed as a part of the normal investigation process in a liquidation. The nature of the transactions between the two companies mean that the liquidations can be conducted more efficiently by one practitioner; and
- At the time of my appointment, I was not aware of any conflicts of interest between the two companies or the company's current director.

C. *Prior professional services to the company*

I and my firm have provided no professional services to the company in the previous 24 months.

D. *No other relevant relationships to disclose*

There are no other known relevant relationships, including personal, business and professional relationships, from the previous 24 months with the company, an associate of the company, a former insolvency practitioner appointed to the company or any person or entity that has security over the whole or substantially the whole of the company's property that should be disclosed.

Indemnities and upfront payments

I have not been indemnified in relation to this administration, other than any indemnities that I may be entitled to under the law, and I have not received any upfront payments in respect of my remuneration or disbursements.

Dated: 8 May 2024



JENNIFER E. LOW

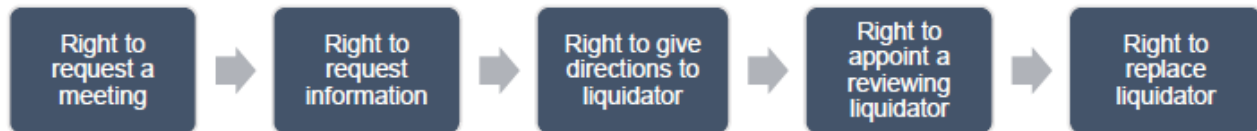
Note:

1. If circumstances change, or new information is identified, I am required under the Corporations Act 2001 and the ARITA Code of Professional Practice to update this Declaration and provide a copy to creditors with my next communication as well as to table a copy of any replacement declaration at the next meeting of the company's creditors.
2. Any relationships, indemnities or upfront payments disclosed in the DIRRI must not be such that the Practitioner is no longer independent. The purpose of the DIRRI is to disclose relationships that, while they do not result in the Practitioner having a conflict of interest or duty, ensure that creditors are aware of those relationships and understand why the Practitioner nevertheless remains independent.



Creditor Rights in Liquidations

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



Right to request a meeting

In liquidations, no meetings of creditors are held automatically. However, creditors with claims of a certain value can request in writing that the liquidator hold a meeting of creditors.

A meeting may be requested in the first 20 business days in a creditors' voluntary liquidation by $\geq 5\%$ of the value of the debts held by known creditors who are not a related entity of the company.

Otherwise, meetings can be requested at any other time or in a court liquidation by:

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

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

Right to request information

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

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

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

Requests must be reasonable.

They are not reasonable if:

Both meetings and information:

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

Meeting requests only:

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

Information requests only:

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

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

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



Right to give directions to liquidator

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

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

An individual creditor cannot provide a direction to a liquidator.

Right to appoint a reviewing liquidator

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

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

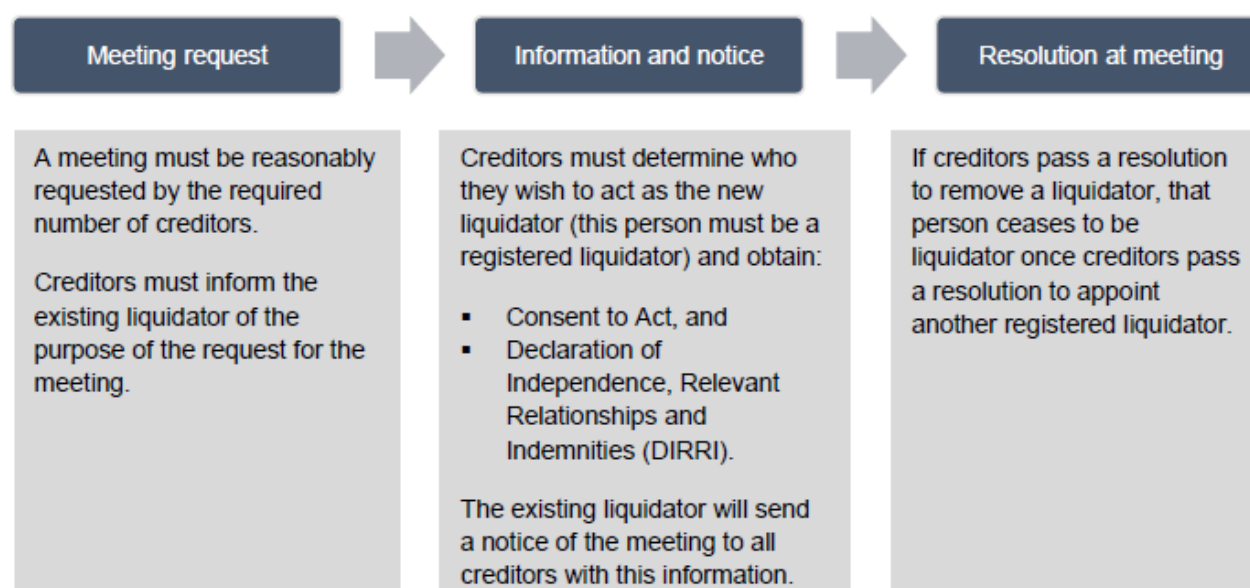
The cost of the reviewing liquidator is paid from the assets of the liquidation, in priority to creditor claims.

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

Right to replace liquidator

Creditors, by resolution, have the right to remove a liquidator and appoint another registered liquidator.

For this to happen, there are certain requirements that must be complied with:



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

WARDAK PTY LTD (In Liquidation)
ACN 620 824 615

LISTING OF CREDITORS

Name	Address	Amount \$
Unsecured creditors		
Safa Auto Parts Pty Ltd (In Liquidation) ①	C/- Sheridans, Chartered Accountants PO Box Z5209 PERTH WA 6831	501,440
Total creditors		501,440

① Related entity

WARDAK PTY LTD (In Liquidation)
ACN 620 824 615
("the company")

INITIAL REMUNERATION NOTICE

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

1. Remuneration methods

There are four 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 asset realisations.
- D. Contingency:** The practitioner's fee is structured to be contingent on the achievement of a particular outcome.

2. Method chosen

Given the nature of this administration I propose that my remuneration be calculated at an hourly rate for the time spent by each member of my staff. I believe this method to be appropriate because it accurately reflects the work required to administer this matter.

3. Explanation of hourly rates

The rates for my remuneration calculation are set out in the table overleaf, together with a general guide showing the qualifications and experience of staff 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.

4. Estimated remuneration

I estimate that this administration will cost approximately \$30,000.00 to complete, subject to the variable of the investigation into the affairs of the company and the conduct of its officers, which may have a significant effect on this estimate. I am unable to determine the effect of this variable until I have commenced work on this aspect of the administration.

5. Disbursements

Disbursements are divided into three types:

- A. Externally provided professional services** - these are recovered at cost. An example of an externally provided professional service disbursement is legal fees.
- B. Externally provided non-professional costs** such as travel, accommodation and search fees - these are recovered at cost.
- C. 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 that 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 creditors' consent for the payment of disbursements only where there may be a profit or advantage. Creditors will be asked to approve my disbursements where there is a profit or advantage before these disbursements are paid from the administration. Details of the basis of recovering disbursements in this administration are provided overleaf.

Hourly rates		
Staff Level	Hourly rate (excl. GST) \$	Experience rate classification
Registered Liquidator	540	Liquidator & Bankruptcy Trustee bringing her specialist skills to the administration or insolvency task.
Director	435	More than 10 years' insolvency experience, more than 4 years as a manager. Answerable to the appointee but otherwise responsible for all aspects of administration.
Senior Manager	385	More than 7 years' insolvency experience, more than 3 years as a manager, qualified accountant. Answerable to the appointee but otherwise responsible for most aspects of administration. Experienced and competent at all levels. Controls staff and their training.
Manager	310	6 - 7 years. Qualified accountant, with well-developed technical and commercial skills. Has significant conduct of most administrations. Answerable to the appointee but otherwise manages administrations on a day to day basis. Controls 2 - 4 staff.
Supervisor	270	4 - 6 years. CA Program complete. Has conduct of minor administrations and experience in controlling 1 - 3 staff. Assists planning and control of medium to larger jobs.
Senior 1	245	2 - 4 years. CA Program normally completed within this period. Assists planning and control of small to medium sized jobs as well as performing some of the more difficult work on larger jobs.
Senior 2	225	2 - 3 years. CA Program would normally be commenced. Required to control the fieldwork on small jobs and is responsible for helping to complete fieldwork on medium to large jobs.
Intermediate 1	185	1 - 2 years. Graduate required to assist in day-to-day field work under supervision of more senior staff.
Intermediate 2	175	0 - 1 year. Trainee / graduate required to assist in day-to-day field work under supervision of more senior staff.
Graduate	150	0 - 1 year. HSC, graduate or completing part-time degree. Required to assist in administration and day-to-day field work under supervision of more senior staff.
Secretary	140	Appropriate skills including word processing competency.

Disbursements - Basis of recovery	
Disbursement	Rate (excl. GST)
ASIC IF Levy	\$167 per year
Faxes	Local: \$2.50 Interstate: \$4.00 International: \$4.00
Meeting room hire	\$170.00
Postage	Local and interstate: cost International: cost Other: cost
Printing and photocopying	20 cents/page
RP Data	\$105 on appointment
Searches	Cost
Storage	Cost
Telephone	National calls (inc. mobile): \$1.00 International: cost
Staff vehicle use	72 cents/per km
Statutory advertising	Cost

Dated: 8 May 2024

WARDAK PTY LTD (In Liquidation)
ACN 620 824 615
ATF WARDAK UNIT TRUST
ABN 15 326 774 515
("the company")

PROOF OF DEBT OR CLAIM

This is to state that the company was on 10 April 2024 and still is justly and truly indebted to _____ for:

\$ _____ and _____ cents

Date	Consideration (how the debt arose)	Amount \$	Remarks (include details of voucher substantiating payment)

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

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. ①

I am the creditor's agent authorised in writing to make this statement in writing. 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. ①

① *Delete both if this proof is made by the creditor personally. Otherwise, strike out or leave, as appropriate.*

Please ensure this proof is signed for completion, before lodgement.

Date: _____

Signature: _____

Name: _____

Occupation: _____

Creditor's address: _____

I nominate to receive electronic notification of notices or documents in accordance with Section 600G of the Corporations Act 2001 at the following email address:
