

10 June 2025



B A Murphy
Constructions Pty Ltd
(In Liquidation)
ACN 612 803 139

REPORT AND PROPOSAL TO CREDITORS

1. Introduction

I refer to the appointment of John Park and I, Ben Campbell, as Liquidators of B A Murphy Constructions Pty Ltd (In Liquidation) ("the Company") on 21 December 2021.

The purpose of this report is to:

- provide a final update on the Liquidation to creditors; and
- seek approval from creditors for my remuneration by way of a 'proposal without meeting'.

2. Update on the progress of the Liquidation

Outlined below is a summary of the key works which have been attended to since my last update to creditors:

Insolvent trading claim against the Director of the Company

- In my last report to creditors, I outlined a potential insolvent trading claim against the Director of the Company, Ben Murphy ("the Director").
- On 21 February 2023, the Director was declared a bankrupt.
- We submitted a claim for insolvent trading against the Director's bankrupt estate totalling \$6,321,432 on behalf of the Company. The Liquidators submitted a total of three insolvent trading claims (an additional two insolvent trading claims were for related entities of the Company) and formed the majority of claims in the bankrupt estate of the Director.
- On 21 March 2023, the Trustees of the Director's bankrupt estate provided an update to creditors advising there were no expected returns to unsecured creditors.
- In February 2024, a Section 73 proposal was put forward by the Director to compromise the debts in his bankrupt estate and end his bankruptcy early. This initial proposal was ultimately rejected by creditors.
- In October 2024, a revised Section 73 proposal offering a better return for creditors was put forward which was recommended by the Trustees and accepted by creditors.
- On 21 February 2025, the Company received a final distribution of approximately \$159,000 from the bankrupt estate of the Director.

We undertook the following work in relation to the insolvent trading claim against the Director:

- Reviewed reports regarding the bankrupt estate of Ben Murphy and liaised with the bankruptcy Trustee of the Director.
- Calculated estimated returns to creditors of the Company based on proposals from the Director.
- Attended two creditor meetings of the Director's bankrupt estate.
- Quantified and lodged an insolvent trading claim in the Director's bankrupt estate.
- Engaged in negotiations in relation to the Director's initial and revised proposals.

Other work performed

- Declared a dividend to priority creditors for wages and superannuation guarantee charges ("SGC").

- Analysed and reviewed company records relating to employee entitlements for the purpose of declaring a dividend to employees.
- Attended to numerous queries and requests in relation to the Company; and
- Attended to statutory tasks and ongoing statutory reporting of the liquidation.

Following receipt of a final distribution from the bankrupt estate of the Director, we estimate the following returns to creditors:

Creditor class	Updated rate of return (estimate)
Priority - Wages and Superannuation (incl. SGC)	100 cents in the dollar
Priority – Leave of absence	50 to 56 cents in the dollar *

** The final dividend rate is subject to the value of adjudicated claims*

Please note that unsecured creditors are not expected to receive a return in the Liquidation.

3. Liquidators' remuneration

Our remuneration had increased compared to our prior estimate due to, but not limited to, the following reasons:

- We engaged in protracted negotiations with the Trustees, and the Director and his lawyer in relation to the Director's section 73 proposal for their bankrupt estate which has resulted in a favourable outcome for creditors (\$159k recovered) which also included;
 - Quantifying and lodging an insolvent trading claim in the bankrupt estate of the Director;
 - Attending the first and second creditor meetings of the bankrupt estate of the Director;
 - Liaising with the bankruptcy Trustee; and
 - Engaging in protracted negotiations in relation to the Director's initial and revised proposals.
- Further analysis was required to adjudicate claims in the previous dividend to priority creditors. This analysis was complicated by limited access to records and former payroll staff;
- The volume of customer, stakeholder and creditor queries, and information requests received and responded to;
- Attending to statutory tasks and ongoing statutory reporting of the liquidation, which has increased as the period of the liquidation has extended; and
- As a result of the additional recoveries made, I have needed to prepare a further report to creditors and will be conducting an additional dividend process.

This is our final remuneration approval request and we do not expect to seek further approval from creditors.

Attached at Appendix 1 is my detailed Remuneration Approval Report on the cost of the Liquidation and the tasks I have undertaken which supports my claims for which approval is sought from creditors. I propose my remuneration and disbursements be approved by way of a proposal without meeting process, which will save time and costs of convening a meeting of creditors.

Further information regarding proposals is detailed below. I am unable to pay my remuneration and disbursements without the approval of creditors or the Court.

4. Participating in the proposal

Under the *Corporations Act 2001*, the Liquidator is able to obtain resolutions of creditors without holding a meeting of creditors, known as a proposal without meeting. An information sheet on “proposals without a meeting” is included at **Appendix 2**.

A resolution will be passed if more than 50% in number and 50% in value (of those creditors who did vote) voted in favour of the proposal, as long as not more than 25% in value objected to the proposal being resolved without a meeting.

To participate in the proposal, please complete and return the following by no later than **1 July 2025**:

- The “proposal without a meeting” form/s included at **Appendix 4** and **Appendix 5**.
- The “proof of debt” form included at Appendix 3 which provides information about what the Company owes you, along with supporting documents for your claim (only if you have not previously provided it).

The documents can be scanned and emailed to bamurphy@fticonsulting.com or returned via post to my firm’s address, attention Kevin McCartney. If you choose to return these documents via post, please ensure that you allow enough time for me to receive them by the due date.

5. What to do next

You should now:

- read my report and **attached** information;
- determine if and how you are going to vote on the proposal; and
- complete and return your proposal voting form and proof of debt by **1 July 2025**.

Should you have any queries, please contact Kevin McCartney of my office by email at bamurphy@fticonsulting.com.

Yours faithfully



Ben Campbell

Liquidator

Attachments:

Appendix 1 – Remuneration Approval Report

Appendix 2 – Proposals information sheet

Appendix 3 – Blank proof of debt form

Appendix 4 – Proposal voting form – Resolution 1

Appendix 5 – Proposal voting form – Resolution 2

10 June 2025



Remuneration Approval Report

B A Murphy Constructions Pty Ltd (In Liquidation)
ACN 612 803 139

Table of Contents

Summary.....3

Declaration4

Remuneration sought.....4

Disbursements.....4

Previous remuneration approvals5

Likely impact on dividends5

Summary of receipts and payments.....5

Queries5

Schedule A – Details of work7

Schedule B – Time spent by staff on each major task (work already done) 10

Schedule C – Resolutions..... 12

Schedule D – Summary of receipts and payments..... 13

Schedule E - Explanation where remuneration previously approved 14

Schedule F – FTI Consulting schedule of rates effective 1 July 2024 (excluding GST)..... 17

Schedule G – FTI Consulting schedule of rates effective 1 October 2023 (excluding GST)..... 18

Schedule H – FTI Consulting schedule of rates effective 1 July 2022 (excluding GST) 19

Summary

This remuneration approval report provides you with the information the Act and the Code of Professional Practice published by the ARITA requires creditors to receive to make an informed decision regarding the approval of our remuneration for undertaking the Liquidation of B A Murphy Constructions Pty Ltd (In Liquidation) 612 803 139 ("the Company").

We are asking creditors to approve the following remuneration:

Appointment type	Period	Remuneration for approval \$ (excl GST)
Liquidation	Resolution 1: 24 November 2022 – 9 June 2025*	Work performed: \$86,074.00 <u>Less discount:</u> (\$41,074.00) For approval: \$45,000.00
Liquidation	Resolution 2: 10 June 2025 – finalisation	\$15,000.00
Total		\$60,000.00

* Please note an additional \$35,000 of work performed for this period has previously been approved and is included in the table below.

Creditors have previously approved our remuneration and disbursements as follows:

Appointment type	Period	Remuneration (excl GST)	Drawn (excl GST)
Liquidation	21 December 2021 to 4 March 2022	\$301,603.05	\$301,603.05
Liquidation	5 March 2022 to 30 October 2022	\$174,799.50	\$174,799.50
Liquidation	31 October 2022 to finalisation	\$35,000.00	\$35,000.00
Total		\$511,402.55	\$511,402.55

We estimate that the total cost of this liquidation will be \$571,402.55 excl. GST. This has increased compared to our prior estimate due to, but not limited to, the following reasons:

- We engaged in protracted negotiations with the Director in relation to the Director's section 73 proposal for their bankrupt estate which has resulted in a favourable outcome for creditors (~\$159k recovered), this included:
 - Quantifying and lodging an insolvent trading claim in the bankrupt estate of the Director;
 - Attending the first and second creditor meetings of the bankrupt estate of the Director;
 - Liaising with the bankruptcy Trustee; and
 - Engaging in protracted negotiations in relation to the Director's initial and revised proposals.
- Further analysis was required to adjudicate claims in the previous dividend to priority creditors. This analysis was complicated by limited access to records and former payroll staff;
- The volume of customer, stakeholder and creditor queries and information requests received and responded to;

- Attending to statutory tasks and ongoing statutory reporting of the liquidation, which has increased as the period of the liquidation has extended; and
- As a result of the additional recoveries made, I have needed to prepare a further report to creditors and will be conducting an additional dividend process.

This is our final remuneration approval request and we do not expect to seek further approval from creditors.

Declaration

We, John Park and Ben Campbell, of FTI Consulting, have undertaken a proper assessment of the claims for remuneration for the appointment as Joint and Several Liquidators of the Company in accordance with the law and applicable professional standards. We are satisfied that the remuneration claimed is in respect of necessary work, properly performed, or to be properly performed, in the conduct of this appointment and further, that the disbursements that have been incurred in the conduct of the external administration are necessary and proper.

Remuneration sought

The remuneration we are asking creditors to approve is summarised as follows:

For	Period	Amount \$ (excl GST)	Applicable rates	Timing of payment
Work completed	24 November 2022 to 9 June 2025	\$86,074.00	<i>Refer to Schedules E and G</i>	<i>Immediately</i>
	<u>Less discount</u>	<u>(\$41,074.00)</u>		
	For approval	\$45,000.00		
Future work	10 June 2025 to Finalisation	\$15,000.00	<i>As per the attached hourly rate in Schedule E</i>	<i>As time is incurred on a monthly basis</i>
Total		\$60,000.00		

Details of the work already done and future work that we intend to do are **enclosed** at **Schedule A**.

Schedule B includes a breakdown of time spent by staff members on each major task for work we have already done.

Actual resolutions to be put to Creditors are included at **Schedule C** for your information. These resolutions also appear in the proposal form provided to you.

Disbursements

We are not currently seeking approval for disbursements.

Previous remuneration approvals

The following remuneration approvals have previously been provided by creditors:

Appointment Type	Period	For	Approving Body	Approved Amount \$	Amount Paid \$
Liquidation	21 December 2021 to 4 March 2022	Work already completed	Creditors	\$301,603.05	\$301,603.05
Liquidation	5 March 2022 to 30 October 2022	Work already completed	Creditors	\$174,799.50	\$174,799.50
Liquidation	31 October 2022 to finalisation	Work already completed	Creditors	\$35,000.00	\$35,000.00
Total				\$511,402.55	\$511,402.55

We are now seeking approval of a further \$60,000.00 in remuneration which will bring total remuneration claimed in the Liquidation to \$571,402.55. This is our final remuneration approval request and we do not expect to seek further approval from creditors.

Likely impact on dividends

The Act sets the order for payment of claims against the Company and it provides for remuneration of the Liquidator to be paid in priority to other claims. This ensures that when there are sufficient funds, the Liquidator receives payment for the work done to recover assets, investigate the company's affairs, report to creditors and ASIC and distribute any available funds.

Based on realisations to date, estimated remuneration to complete the Liquidation and estimated creditor claims we estimate the following dividends will be paid to priority creditors:

- Priority - Wages and Super incl. SGC (to be paid in full)
- Priority – Leave of absence (to be paid in part; 50 to 56 cents in the dollar estimate)

Please note that this estimate is subject to the value of adjudicated claims.

There are not expected to be sufficient funds to pay a dividend to unsecured creditors.

Summary of receipts and payments

A summary of the receipts and payments for the Liquidation as at 9 June 2025 is **enclosed** at **Schedule D** to this report.

An annual administration return was lodged with ASIC on 17 March 2023, 19 March 2024 and 12 March 2025 which also provides information on the conduct of the administration.

Queries

Further supporting documentation for our remuneration claim can be provided to creditors on request.

You can also access information which may assist you on the following websites:

- ARITA at www.arita.com.au/creditors
- ASIC at www.asic.gov.au (search for INFO 85).

If you have any queries in relation to the information in this report, please contact Kevin McCartney of this office by email at bamurphy@fticonsulting.com.

Yours faithfully



Ben Campbell

Liquidator

Attachments:

Schedule A – Details of work

Schedule B – Time spent by staff on each major task (work already done)

Schedule C – Resolutions

Schedule D – Summary of receipts and payments

Schedule E – Explanation where remuneration previously approved

Schedule F – FTI Consulting schedule of rates effective 1 July 2024

Schedule G – FTI Consulting schedule of rates effective 1 October 2023

Schedule H – FTI Consulting schedule of rates effective 1 July 2022

Schedule A – Details of work

Task area/General description	Work already done	Future work
Period	24 November 2022 to 9 June 2025	10 June 2025 to Finalisation
Amount \$ (excl GST)	\$86,074.00	\$15,000.00
Creditors	34.17 hours \$14,160.50	\$5,000.00
Creditor Enquiries, Requests & Directions	■ Receive and respond to creditor enquiries ■ Maintaining creditor request log ■ Compiling information requested by creditors ■ Corresponding with FEG as to the future of the Liquidation	■ Receive and respond to creditor enquiries ■ Maintaining creditor request log ■ Compiling information requested by creditors
Creditor reports	■ Preparing final reports to creditors	■ Preparing final reports to creditors
Dealing with proofs of debt	■ Receipting and filing POD when not related to a dividend	■ Receipting and filing POD when not related to a dividend
Proposals to Creditors	■ Preparing proposal notices and voting forms ■ Forward notice of proposal to all known creditors ■ Reviewing votes and determining outcome of proposal ■ Preparation and lodgement of proposal outcome with ASIC	■ Preparing proposal notices and voting forms ■ Forward notice of proposal to all known creditors ■ Reviewing votes and determining outcome of proposal ■ Preparation and lodgement of proposal outcome with ASIC
Employees	55.30 hours \$18,119.50	\$5,000.00
Employee enquiries	■ Receive and follow up employee enquiries via telephone ■ Maintain employee enquiry register ■ Review and prepare correspondence to creditors and their representatives via facsimile, email and post ■ Preparation of letters to employees advising of their entitlements and options available	■ Receive and follow up employee enquiries via telephone ■ Maintain employee enquiry register ■ Review and prepare correspondence to creditors and their representatives via facsimile, email and post ■ Preparation of letters to employees advising of their entitlements and options available

Task area/General description	Work already done	Future work
	■ Receive and prepare correspondence in response to employee's objections to leave entitlements	■ Receive and prepare correspondence in response to employee's objections to leave entitlements
FEG	■ Correspondence with FEG	■ Correspondence with FEG
Calculation of entitlements	■ Calculating employee entitlements ■ Reviewing employee files and company's books and records ■ Reconciling superannuation accounts	■ Calculating employee entitlements ■ Reviewing employee files and company's books and records ■ Reconciling superannuation accounts
Employee 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 ■ Adjudicating POD ■ Ensuring PAYG is remitted to ATO	■ 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 ■ Adjudicating POD ■ Ensuring PAYG is remitted to ATO
Investigations	48.00 hours \$17,132.00	\$0
Conducting investigation	■ Reviewing company's books and records ■ Reviewing and quantifying Insolvent trading claim prior to lodging a formal proof of debt in the bankrupt estate ■ Investigations in relation to a claim against a former contractor ■ Attending to information request from bankruptcy trustee of the Director of the Company to consider potential recoveries	<i>Intentionally left blank</i>
Litigation / Recoveries	■ Internal meetings to discuss status of recoveries in the Director's bankrupt estate ■ Liaising with Bankruptcy Trustee regarding the Director's bankrupt estate	<i>Intentionally left blank</i>

Task area/General description	Work already done	Future work
	■ Attending to negotiations relating to proposals from the bankrupt ■ Attending to first and second creditor meetings for the bankrupt estate	
Administration	96.10 hours \$35,143.50	\$5,000.00
Correspondence	■ General correspondence with various parties	■ General correspondence with various parties
Document maintenance/file review/checklist	■ Conduct administration reviews ■ Filing of documents ■ File reviews ■ Updating checklists	■ Conduct administration reviews ■ Filing of documents ■ File reviews ■ Updating checklists
Funds handling	■ Entering receipts and payments into accounting system ■ Requesting bank statements ■ Bank account reconciliations ■ Correspondence with bank regarding specific transfers	■ Entering receipts and payments into accounting system ■ Requesting bank statements ■ Bank account reconciliations ■ Correspondence with bank regarding specific transfers
ASIC Forms and lodgements	■ Preparing and lodging ASIC forms including 505, 5602/5603 etc.	■ Preparing and lodging ASIC forms including 505, 5602/5603 etc.
ATO and other statutory reporting	■ Preparing BAS ■ Completing STP reporting obligations	■ Preparing BAS ■ Completing STP reporting obligations
Finalisation	<i>Intentionally left blank</i>	■ Notifying ATO of finalisation ■ Cancelling ABN / GST / PAYG registration ■ Completing checklists
Planning / Review	■ Discussions regarding status of Liquidation ■ Held internal meetings	■ Discussions regarding status of Liquidation ■ Hold internal meetings
Books and records / storage	■ Dealt with records in storage ■ Sending job files to storage	■ Attend to storage of electronic records

Employee	Position	\$/hour (excl GST)	Total actual hours	Total \$ (excl GST)	Task Area							
					Creditors		Employees		Investigation		Administration	
					Hrs	\$	Hrs	\$	Hrs	\$	Hrs	\$
Sam Rayner	Associate	350	0.1	35.0	-	-	-	-	0.1	35.0	-	-
Samuel Dennis	Consultant	375	0.9	337.5	0.9	337.5	-	-	-	-	-	-
Anisa Jaffar	Associate	315	4.0	1,260.0	3.6	1,134.0	-	-	0.3	94.5	0.1	31.5
Various	Junior Associate	210	21.7	4,557.0	-	-	6.3	1,323.0	15.1	3,171.0	0.3	63.0
Various	Treasury	340	1.8	612.0	-	-	-	-	-	-	1.8	612.0
Various	Treasury	330	2.0	660.0	-	-	-	-	-	-	2.0	660.0
Various	Treasury	300	9.9	2,970.0	-	-	-	-	-	-	9.9	2,970.0
Various	Administration 2	295	0.4	118.0	-	-	-	-	-	-	0.4	118.0
Various	Administration 2	250	1.2	300.0	-	-	-	-	-	-	1.2	300.0
Various	Treasury	230	1.1	253.0	-	-	-	-	-	-	1.1	253.0
Various	Administration 2	220	0.4	88.0	-	-	-	-	-	-	0.4	88.0
Various	Treasury	210	0.2	42.0	-	-	-	-	-	-	0.2	42.0
Various	Administration 1	210	0.3	63.0	0.3	63.0	-	-	-	-	-	-
Total (ex GST)				86,074.00	34.20	14,160.50	62.10	19,638.00	48.00	17,132.00	96.10	35,143.50
GST				8,607.40								
Total (Incl GST)				94,681.40								
Total hours			240.4									
Avg hourly rate (ex GST)				358.09		414.05		316.23		356.92		365.70

Schedule C – Resolutions

Resolution 1 – Remuneration from 24 November 2022 to 9 June 2025

“The remuneration of the Liquidators of B A Murphy Constructions Pty Ltd (In Liquidation) ACN 612 803 139, their partners and staff, for the period 24 November 2022 to 9 June 2025 (inclusive) calculated on a time basis at the hourly rates detailed in the FTI Consulting Standard Rates (Corporate Finance & Restructuring effective 1 July 2022, 1 October 2023 and 1 July 2024), is approved for payment in the amount of \$45,000.00 (exclusive of GST), to be drawn from available funds immediately or as funds become available.”

Resolution 2 – Remuneration From 10 June 2025 to the Finalisation of the Liquidation

“The remuneration of the Liquidators of B A Murphy Constructions Pty Ltd (In Liquidation) ACN 612 803 139, their partners and staff, for the period 10 June 2025 to the finalisation of the Liquidation (inclusive), calculated on a time basis at the hourly rates detailed in the FTI Consulting Standard Rates (Corporate Finance & Restructuring Effective 1 July 2024), is approved up to a capped amount of \$15,000.00 (exclusive of GST), to be drawn from available funds as time is incurred on a monthly basis or as funds become available.”

Schedule D – Summary of receipts and payments

As at 9 June 2025

Receipts	\$
Interest	74.75
Refunds	20,820.39
Investigation funding from ASIC	11,550.00
Plant & equipment	14,005.00
Inventory	23,613.12
Other recoveries	24,006.09
Debtors	50,000.00
Preference claim recoveries	149,223.01
Insolvent trading claim recoveries	159,230.83
Pre-appointment cash at bank	163,401.01
Related party loan recoveries	226,545.64
Sale of motor vehicles	496,944.96
Total Receipts	1,339,414.80
Payments	
Other costs	(81.00)
Utilities	(212.49)
PAYG	(1,962.00)
Insurance costs	(3,909.00)
Employee wages	(12,892.88)
Superannuation	(1,240.84)
IT costs	(13,003.06)
Auctioneer costs	(14,259.77)
Bank charges	(16,138.04)
GST (Paid) / Received	20,241.00
Legal fees	(98,864.81)
Appointee fees	(562,542.81)
Appointee disbursements	(2,966.63)
Payments to priority creditors (wages)	(14,922.81)
Payments to priority creditors (super)	(69,015.43)
Payments to secured creditor	(384,507.04)
Total Payments	(1,176,277.61)
Net Receipts	163,137.19

Schedule E - Explanation where remuneration previously approved

At the creditors meeting of 29 November 2022, creditors approved our prospective remuneration of \$35,000.00. To date, we have drawn \$35,000.00 and applied it in payment of our remuneration. Our remuneration has exceeded this cap and in this report we are now seeking approval of a further capped amount of \$60,000.00 to enable us to complete the Liquidation.

Task	Fees already approved as at 29/11/2022 \$	Approval sought for work already done \$	Approval sought for future work \$	Total fees sought per task \$
Creditors	15,000.00	14,160.50	5,000.00	34,160.50
Employees	5,000.00	19,638.00	5,000.00	29,638.00
Investigation	5,000.00	17,132.00	0.00	22,132.00
Administration	10,000.00	35,143.50	5,000.00	50,143.50
Total (ex GST)		\$ 86,074.00		\$ 136,074.00
	\$ 35,000.00	\$ Discounted to 45,000.00	\$ 15,000.00	\$ Discounted to 95,000.00
Total Remuneration previously approved				\$ 35,000.00
Difference (see below table for further breakdown)				\$ 60,000.00

Payment reconciliation

Total remuneration claimed	\$ 511,402.50
Amount paid to date	\$ 511,402.50
Amount Outstanding	\$ -

In the below table we compare, on a task basis, the difference between our previous remuneration report and this report, together with explanations for the difference.

Task	Fees already approved as at 29/11/2022 \$	Total per task (from previous table) \$	Difference \$	Reasons for difference
Creditors	15,000.00	34,160.50	19,160.50	▪ Attending to numerous customer enquiries and information requests ▪ Attending to requests and queries in relation to construction projects previously managed by the Company ▪ Preparation of an additional report to proposal notice to creditors ▪ Attending to subsequent queries from the additional report to creditors
Employees	5,000.00	29,638.00	24,638.00	▪ Calculating, adjudicating and investigating additional claims from employees ▪ Searching and reviewing employee information in the absence of complete records and no access to former payroll staff ▪ Reconciling and investigating outstanding superannuation to ensure all claims are captured in SGC returns ▪ Attending to numerous employee queries ▪ Declare an additional dividend to priority creditors ▪ Adjudicate on claims for leave entitlements in the second dividend process
Investigation	5,000.00	22,132.00	17,132.00	▪ Reviewing numerous creditor claims received in the Liquidation to quantify the insolvent trading claim against the Director of the Company ▪ Prepare and submit a proof of debt in the bankrupt estate of the Director ▪ Investigations in relation to a claim against a former contractor ▪ Attending to information request from bankruptcy Trustee of the Director
Administration	10,000.00	50,143.50	40,143.50	▪ Liaising with the bankruptcy Trustee of the Director ▪ Preparing updated estimated statements of position ▪ Attending to numerous stakeholder queries and information requests (e.g. former clients, bank guarantee holders, QBCC, QLEAVE) ▪ Attending to ongoing statutory reporting and file management as a result of the prolonged appointment period ▪ Attending to settlement of a legal claim against a former contractor ▪ Attending to queries from FEG
Total (ex GST)	\$35,000.00	\$136,074.00 Discounted to \$95,000.00	\$101,074.00 After discounts \$60,000.00	

We also make the following general comments regarding the progress of the Liquidation that have affected our previous remuneration estimate:

- We engaged in protracted negotiations with the Trustees, and the Director and his lawyer in relation to the Director's Section 73 proposal for their bankrupt estate which has resulted in a favourable outcome for creditors (\$159k recovered) which also included;
 - Quantifying and lodging an insolvent trading claim in the bankrupt estate of the Director;
 - Attending the first and second creditor meetings of the bankrupt estate of the Director;
 - Liaising with the bankruptcy Trustee; and
 - Engaging in protracted negotiations in relation to the Director's initial and revised proposals.
- Further analysis was required to adjudicate claims in the previous dividend to priority creditors. This analysis was complicated by limited access to records and former payroll staff;
- The volume of customer, stakeholder and creditor queries, and information requests received and responded to;
- Attending to statutory tasks and ongoing statutory reporting of the liquidation, which has increased as the period of the liquidation has extended; and
- As a result of the additional recoveries made, I have needed to prepare a further report to creditors and will be conducting an additional dividend process.

We have provided an explanation of tasks remaining to be completed, including our estimated costs to complete those tasks, to support our current remuneration approval request, in this report and in Schedule A.

Schedule F – FTI Consulting schedule of rates effective 1 July 2024 (excluding GST)

Typical classification	Standard Rates \$/hour	General guide to classifications
Senior Managing Director 2	950	Registered Liquidator and/or Trustee or corporate advisory professional, with extensive specialist skills, experience in all forms of insolvency engagements, turnaround scenarios or restructures over many years. A market leader with proven leadership experience in business or industry, bringing recognised specialist expertise and knowledge to the engagement.
Senior Managing Director 1	850	Registered Liquidator and/or Trustee or corporate advisory professional, with specialist skills and experience in all forms of insolvency engagements, turnaround scenarios and restructures. Proven leadership experience in business or industry, bringing specialist expertise and knowledge to the engagement.
Managing Director	750	Broad specialist skills brought to the engagement. Extensive experience in managing large, complex engagements at a senior level over many years. May also be a Registered Liquidator and/or Trustee or has extensive leadership/senior management experience in business or industry.
Senior Director	670	Strong technical and commercial skill with significant experience in managing all types of large, complex engagements. Alternatively, has significant senior management experience in business or industry, with specialist skills and/or qualifications.
Director	625	Significant experience across all types of engagements. Strong technical and commercial skills. Has primary conduct of small to medium engagements, managing a team of professionals. Alternatively, has senior management experience in business or industry, with specialist skills and/or qualifications.
Senior Consultant	540	Typically studying to become or qualified to be a professional member of the Australian Restructuring Insolvency & Turnaround Association. Well developed technical and commercial skills. Has experience in large and complex engagements and may have primary conduct of small engagements, supervising a small team of professionals.
Consultant	440	Typically qualified chartered accountant and member of Chartered Accountants Australia & New Zealand (or similar). Required to control the tasks on small engagements or responsible for select aspects on medium to large-sized engagements under supervision of senior staff.
Associate	375	Typically a degree qualified accountant, who assists with day-to-day tasks under the supervision of senior staff.
Treasury	340	Typically, qualified accountant and/or bookkeeper. Undertakes treasury activities and is skilled in bookkeeping and funds handling activities.
Junior Associate	275	Undergraduate in the latter stage of their university degree.
Administration 2	295	Well developed administrative skills with significant experience supporting professional staff, including superior knowledge of software packages, personal assistance work and/or office management.
Administration 1	230	Has appropriate skills and experience to support professional staff in an administrative capacity.

The FTI Consulting Standard Rates above apply to the Corporate Finance & Restructuring practice and are subject to periodical review.

Schedule G – FTI Consulting schedule of rates effective 1 October 2023 (excluding GST)

Typical classification	Standard Rates \$/hour	General guide to classifications
Senior Managing Director 2	950	Registered Liquidator and/or Trustee or corporate advisory professional, with extensive specialist skills, experience in all forms of insolvency engagements, turnaround scenarios or restructures over many years. A market leader with proven leadership experience in business or industry, bringing recognised specialist expertise and knowledge to the engagement.
Senior Managing Director 1	820	Registered Liquidator and/or Trustee or corporate advisory professional, with specialist skills and experience in all forms of insolvency engagements, turnaround scenarios and restructures. Proven leadership experience in business or industry, bringing specialist expertise and knowledge to the engagement.
Managing Director	710	Broad specialist skills brought to the engagement. Extensive experience in managing large, complex engagements at a senior level over many years. May also be a Registered Liquidator and/or Trustee or has extensive leadership/senior management experience in business or industry.
Senior Director	635	Strong technical and commercial skill with significant experience in managing all types of large, complex engagements. Alternatively, has significant senior management experience in business or industry, with specialist skills and/or qualifications.
Director	575	Significant experience across all types of engagements. Strong technical and commercial skills. Has primary conduct of small to medium engagements, managing a team of professionals. Alternatively, has senior management experience in business or industry, with specialist skills and/or qualifications.
Senior Consultant	510	Typically studying to become or qualified to be a professional member of the Australian Restructuring Insolvency & Turnaround Association. Well developed technical and commercial skills. Has experience in large and complex engagements and may have primary conduct of small engagements, supervising a small team of professionals.
Consultant	410	Typically studying to become or qualified chartered accountant and member of Chartered Accountants Australia & New Zealand (or similar). Required to control the tasks on small engagements or responsible for select aspects on medium to large-sized engagements under supervision of senior staff.
Associate	355	Typically a degree qualified accountant, who assists with day-to-day tasks under the supervision of senior staff.
Treasury	330	Typically, qualified accountant and/or bookkeeper. Undertakes treasury activities and is skilled in bookkeeping and funds handling activities.
Junior Associate	275	Undergraduate in the latter stage of their university degree.
Administration 2	295	Well developed administrative skills with significant experience supporting professional staff, including superior knowledge of software packages, personal assistance work and/or office management.
Administration 1	230	Has appropriate skills and experience to support professional staff in an administrative capacity.

The FTI Consulting Standard Rates above apply to the Corporate Finance & Restructuring practice and are subject to periodical review.

Schedule H – FTI Consulting schedule of rates effective 1 July 2022 (excluding GST)

Typical classification	Standard Rates \$/hour	General guide to classifications
Senior Managing Director/Appointee	740	Registered Liquidator and/or Trustee, with specialist skills and extensive experience in all forms of insolvency administrations. Alternatively, has proven leadership experience in business or industry, bringing specialist expertise and knowledge to the administration.
Managing Director	680	Specialist skills brought to the administration. Extensive experience in managing large, complex engagements at a very senior level over many years. Can deputise for the appointee. May also be a Registered Liquidator and/or Trustee. Alternatively, has extensive leadership/senior management experience in business or industry.
Senior Director	620	Extensive experience in managing large, complex engagements at a very senior level over many years. Can deputise for the appointee, where required. May also be a Registered Liquidator and/or Trustee or have experience sufficient to support an application to become registered. Alternatively, has significant senior management experience in business or industry, with specialist skills and/or qualifications.
Director	550	Significant experience across all types of administrations. Strong technical and commercial skills. Has primary conduct of small to large administrations, controlling a team of professionals. Answerable to the appointee, but otherwise responsible for all aspects of the administration. Alternatively, has significant senior management experience in business or industry, with specialist skills and/or qualifications.
Senior Consultant 2	500	Typically an Australian Restructuring Insolvency & Turnaround Association professional member. Well developed technical and commercial skills. Has experience in complex matters and has conduct of small to medium administrations, supervising a small team of professionals. Assists planning and control of medium to larger administrations.
Senior Consultant 1	450	Assists with the planning and control of small to medium-sized administrations. May have the conduct of simpler administrations. Can supervise staff. Has experience performing more difficult tasks on larger administrations.
Consultant 2	405	Typically Institute of Chartered Accountants in Australia qualified chartered accountant (or similar). Required to control the tasks on small administrations and is responsible for assisting with tasks on medium to large-sized administrations.
Consultant 1	375	Qualified accountant with several years' experience. Required to assist with day-to-day tasks under the supervision of senior staff.
Associate 2	350	Typically a qualified accountant. Required to assist with day-to-day tasks under the supervision of senior staff.
Associate 1	315	Typically a university graduate. Required to assist with day-to-day tasks under the supervision of senior staff.
Treasury	300	Typically, qualified accountant and/or bookkeeper with at least 4 years' experience working in a treasury function in a professional services setting. Undertakes treasury activities and is skilled in bookkeeping, funds handling, banking, payroll, tax compliance, accounts receivable and accounts payable. May be responsible for the management of discreet, medium-complexity accounts services relating to business trade on activities.
Junior Associate	250	Undergraduate in the latter stage of their university degree.

Typical classification	Standard Rates \$/hour	General guide to classifications
Administration 2	250	Well developed administrative skills with significant experience supporting professional staff, including superior knowledge of software packages, personal assistance work and/or office management.
Administration 1	210	Has appropriate skills and experience to support professional staff in an administrative capacity.
Junior Accountant	210	Undergraduate in the early stage of their university degree.

The FTI Consulting Standard Rates above apply to the Corporate Finance & Restructuring practice and are subject to periodical review.

Information sheet: Proposals without meetings

You may be a creditor in a liquidation, voluntary administration or deed of company arrangement (collectively referred to as an external administration).

You have been asked by the liquidator, voluntary administrator or deed administrator (collectively referred to as an external administrator) to consider passing a proposal without a meeting.

This information sheet is to assist you with understanding what a proposal without a meeting is and what your rights as a creditor are.

What is a proposal without a meeting?

Meetings of creditors were previously the only way that external administrators could obtain the views of the body of creditors. However, meetings can be very expensive to hold.

A proposal without a meeting is a cost effective way for the external administrator to obtain the consent of creditors to a particular course of action.

What types of proposals can be put to creditors?

The external administrator is able to put a range of proposals to creditors by giving notice in writing to the creditors. There is a restriction under the law that each notice can only contain a single proposal. However, the external administrator can send more than one notice at any single time.

What information must the notice contain?

The notice must:

- include a statement of the reasons for the proposal and the likely impact it will have on creditors if it is passed
- invite the creditor to either:
 - vote yes or no to the proposal, or
 - object to the proposal being resolved without a meeting, and
- specify a period of at least 15 business days for replies to be received by the external administrator.

If you wish to vote or object, you will also need to lodge a Proof of Debt (POD) to substantiate your claim in the external administration. The external administrator will provide you with a POD to complete. You should ensure that you also provide documentation to support your claim.

If you have already lodged a POD in this external administration, you do not need to lodge another one.

The external administrator must also provide you with enough information for you to be able to make an informed decision on how to cast your vote on the proposal. With some types of proposals, the law or ARITA's Code of Professional Practice sets requirements for the information that you must be provided.

For example, if the external administrator is asking you to approve remuneration, you will be provided with a Remuneration Approval Report, which will provide you with detailed information about how the external administrator's remuneration for undertaking the external administration has been calculated.

What are your options if you are asked to vote on a proposal without a meeting?

You can choose to vote yes, no or object to the proposal being resolved without a meeting. If the administration is a simplified creditors' voluntary liquidation (SCVL), you cannot object to the proposal being resolved without a meeting as meetings cannot be held in a SCVL.

How is a resolution passed?

A resolution will be passed if more than 50% in number and 50% in value (of those creditors who did vote) voted in favour of the proposal, but only so long as not more than 25% in value objected to the proposal being resolved without a meeting.

What happens if the proposal doesn't pass?

If the proposal doesn't pass and an objection is not received, the external administrator can choose to amend the proposal and ask creditors to consider it again or the external administrator can choose to hold a meeting of creditors to consider the proposal.

The external administrator may also be able to go to Court to seek approval.

What happens if I object to the proposal being resolved without a meeting?

If more than 25% in value of creditors responding to the proposal object to the proposal being resolved without a meeting, the proposal will not pass even if the required majority vote yes. The external administrator will also be unable to put the proposal to creditors again without a meeting. You should be aware that if you choose to object, there will be additional costs associated with convening a meeting of creditors or the external administrator seeking the approval of the Court. This cost will normally be paid from the available assets in the external administration.

This is an important power and you should ensure that it is used appropriately.

Where can I 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 arita.com.au/creditors.

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").

**For more information, go to www.arita.com.au/creditors.
Specific queries should be directed to the external administrator's office.**

FORM 535 – FORMAL PROOF OF DEBT OR CLAIM

B A Murphy Group of Companies (All in Liquidation)
See below list of companies

To the Liquidator of the Company:

1. Select one (1) company **only** ("the Company")

Please tick one **ONLY** company that you are a creditor of

Company	ACN	Which company owes you money (tick ONE)
B A Murphy Constructions Pty Ltd (in Liquidation)	612 803 139	☐
B A Murphy Constructions (NSW) Pty Ltd (in Liquidation)	624 957 875	☐
B A Murphy Constructions (VIC) Pty Ltd (in Liquidation)	619 712 935	☐

2. This is to state that the Company was on 21 December 2021, and still is, justly and truly indebted to:

(full name, ABN and address of the creditor and, if applicable, the creditor's partners)

for \$.....(dollars) and.....(cents)

Particulars of the debt are:

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

3. 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 (\$/c)	Due Date
------	--------	----------	---------------	----------

4. Signed by (select correct 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:

** If prepared by an employee or agent of the creditor, also insert a description of the occupation of the creditor*

RECEIVE REPORTS BY EMAIL	YES	NO
Do you wish to receive all future reports and correspondence from our office via email?	☐	☐
Email:		

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

- a) Is the debt you are claiming assigned to you? ☐ Yes ☐ No
- 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?
(If you are unsure contact the Liquidator's office) ☐ Yes ☐ No

Our Ref.: BAMC Group POD

10 June 2025

DUE DATE: 1 July 2025

NOTICE OF PROPOSAL TO CREDITORS**B A MURPHY CONSTRUCTIONS PTY LTD (IN LIQUIDATION) ACN 612 803 139****("THE COMPANY")**

Please complete this document and return with any supporting documents by no later than 1 July 2025 for your vote to be counted, by email to Kevin McCartney at bamurphy@fticonsulting.com. If you have any questions please call 07 3225 4901.

Completed forms may also be sent by post attention to Kevin McCartney at FTI Consulting, GPO Box 3127, Brisbane QLD 4001, although you should ensure this is sent with sufficient time to arrive by the date the vote closes.

Proposal for creditor approval

"The remuneration of the Liquidators of B A Murphy Constructions Pty Ltd (In Liquidation) ACN 612 803 139, their partners and staff, for the period 24 November 2022 to 9 June 2025 (inclusive) calculated on a time basis at the hourly rates detailed in the FTI Consulting Standard Rates (Corporate Finance & Restructuring effective 1 July 2022, 1 October 2023 and 1 July 2024), is approved for payment in the amount of \$45,000.00 (exclusive of GST), to be drawn from available funds immediately or as funds become available."

Reasons for the proposal and the likely impact it will have on creditors if it is passed

The proposal is being put to creditors to approve remuneration as allowed under law.

The proposal if passed will minimise the cost of approving remuneration to the Liquidation, which would otherwise require a meeting of creditors or court application to be approved – which can be costly.

Remuneration of the Liquidator is to be paid in priority to other claims under the Corporations Act. This ensures that when there are sufficient funds, the Liquidator receives payment for the work done to recover assets, investigate the company's affairs, report to creditors and ASIC and distribute any available funds. Even if creditors approve my remuneration, this does not guarantee that I will be paid, as I am only paid if sufficient assets are recovered.

If sufficient assets are recovered, there may be funds available to pay a dividend to creditors, however this is affected by many variables including the value of assets and complexity of realising those assets, the level of creditor enquiries, the priority of claims (including employee claims) and the total value of creditor claims to be admitted to participate in a dividend.

We estimate the following dividends will be paid;

- *Priority - Wages and Super incl. SGC (to be paid in full)*
- *Priority – Leave of absence (50 to 56 cents in the dollar)*

Please note that this estimate is subject to the value of adjudicated claims.

There are not expected to be sufficient funds to pay a dividend to unsecured creditors.

My remuneration approval report, which has been provided with this notice provides more detailed information on the remuneration I am seeking to be approved.

Vote on proposal

Creditors have the option of approving, not approving or objecting to the proposal being resolved without a meeting of creditors. Please select the appropriate Yes, No or Object box referred to below:

- Yes ☐ I approve the proposal
No ☐ I do not approve the proposal
Object ☐ I object to the proposal being resolved without a meeting of creditors

Your claim against the Company must be admitted for the purposes of voting by the Liquidation for your vote to count. Please select the option that applies:

- ☐ I have previously submitted a proof of debt form and supporting documents
☐ I have enclosed a proof of debt form and supporting documents with this proposal form

Creditor details

Name of creditor: ACN / ABN (if applicable):

- ☐ I am not a related creditor of the Company.
☐ I am a related creditor of the Company, relationship:

Address:

Name of creditor / authorised person:

Signature: Date:

10 June 2025

DUE DATE: 1 July 2025

NOTICE OF PROPOSAL TO CREDITORS**B A MURPHY CONSTRUCTIONS PTY LTD (IN LIQUIDATION) ACN 612 803 139****("THE COMPANY")**

Please complete this document and return with any supporting documents by no later than 1 July 2025 for your vote to be counted, by email to Kevin McCartney at bamurphy@fticonsulting.com. If you have any questions please call 07 3225 4901.

Completed forms may also be sent by post attention to Kevin McCartney at FTI Consulting, GPO Box 3127, Brisbane QLD 4001, although you should ensure this is sent with sufficient time to arrive by the date the vote closes.

Proposal for creditor approval

"The remuneration of the Liquidators of B A Murphy Constructions Pty Ltd (In Liquidation) ACN 612 803 139, their partners and staff, for the period 10 June 2025 to the finalisation of the Liquidation (inclusive), calculated on a time basis at the hourly rates detailed in the FTI Consulting Standard Rates (Corporate Finance & Restructuring Effective 1 July 2024), is approved up to a capped amount of \$15,000.00 (exclusive of GST), to be drawn from available funds as time is incurred on a monthly basis or as funds become available."

Reasons for the proposal and the likely impact it will have on creditors if it is passed

The proposal is being put to creditors to approve remuneration as allowed under law.

The proposal if passed will minimise the cost of approving remuneration to the Liquidation, which would otherwise require a meeting of creditors or court application to be approved – which can be costly.

Remuneration of the Liquidator is to be paid in priority to other claims under the Corporations Act. This ensures that when there are sufficient funds, the Liquidator receives payment for the work done to recover assets, investigate the company's affairs, report to creditors and ASIC and distribute any available funds. Even if creditors approve my remuneration, this does not guarantee that I will be paid, as I am only paid if sufficient assets are recovered.

If sufficient assets are recovered, there may be funds available to pay a dividend to creditors, however this is affected by many variables including the value of assets and complexity of realising those assets, the level of creditor enquiries, the priority of claims (including employee claims) and the total value of creditor claims to be admitted to participate in a dividend.

We estimate the following dividends will be paid;

- *Priority - Wages and Super incl. SGC (to be paid in full)*
- *Priority – Leave of absence (50 to 56 cents in the dollar)*

Please note that this estimate is subject to the value of adjudicated claims.

There are not expected to be sufficient funds to pay a dividend to unsecured creditors.

My remuneration approval report, which has been provided with this notice provides more detailed information on the remuneration I am seeking to be approved.

RESOLUTION 2

Vote on proposal

Creditors have the option of approving, not approving or objecting to the proposal being resolved without a meeting of creditors. Please select the appropriate Yes, No or Object box referred to below:

- Yes ☐ I approve the proposal
No ☐ I do not approve the proposal
Object ☐ I object to the proposal being resolved without a meeting of creditors

Your claim against the Company must be admitted for the purposes of voting by the Liquidation for your vote to count. Please select the option that applies:

- ☐ I have previously submitted a proof of debt form and supporting documents
☐ I have enclosed a proof of debt form and supporting documents with this proposal form

Creditor details

Name of creditor: ACN / ABN (if applicable):

- ☐ I am not a related creditor of the Company.
☐ I am a related creditor of the Company, relationship:

Address:

Name of creditor / authorised person:

Signature: Date: