

## **NOTICE OF FILING**

### **Details of Filing**

Document Lodged:	Affidavit - Form 59 - Rule 29.02(1)
Court of Filing	FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment:	24/02/2025 5:56:49 PM AEST
Date Accepted for Filing:	24/02/2025 5:57:09 PM AEST
File Number:	QUD13/2025
File Title:	IN THE MATTER OF VOYAGER RESORT LIMITED (IN LIQUIDATION) ACN 010 547 618
Registry:	QUEENSLAND REGISTRY - FEDERAL COURT OF AUSTRALIA

Registrar

### **Important Information**

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.

**Certificate identifying annexure**  
(rule29.02)

Federal Court of Australia  
District Registry: Queensland  
Division: General

No. QUD13/2025

**IN THE MATTER** of VOYAGER RESORT LIMITED (In Liquidation)  
ACN 010 547 618

**BRADLEY VINCENT HELLEN AND NIGEL MARKEY AS JOINT AND SEVERAL  
LIQUIDATORS OF VOYAGER RESORT LIMITED**

Plaintiff

The following 1 page is the annexure marked "BVH-33" produced and shown to BRADLEY VINCENT HELLEN at the time of affirming his affidavit this 24th day of February 2025.

  
.....  
Benjamin Leigh Sandford

**Annexure "BVH-33"**

List of unclaimed distributions

.....

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Filed on behalf of     Bradley Vincent Hellen and Nigel Markey as joint and several liquidators of voyager resort limited, Plaintiff

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Prepared by     Benjamin Leigh Sandford

---

Law firm     Mahoneys

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Tel     07 3007 3777

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Fax     07 3007 3778

---

Email     info@mahoneys.com.au

---

Ref     32419

**Address for Service MAHONEYS**

Level 18, 167 Eagle Street, Brisbane Qld 4000  
Email: [info@mahoneys.com.au](mailto:info@mahoneys.com.au)

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Unclaimed Distributions

Title Reference	Lot Number	Interest	Owner Name	Reason Withheld
16863184	12	1/17	Gregory James Lay	Deceased estate
18398233	4	1/51	Ian Grant Russell & Laurel Dawn Russell	No bank details
17340008	12	1/51	Michiko Tomimatsu	No bank details
16989135	36	1/51	Kerry Garth Donnelly & Glenda Elizabeth Donnelly	No bank details
17061095	36	1/51	Norman James Campbell & Catherine Margaret Campbell	No bank details
16865032	45	2/51	Graeme Ralston Irvine & Judith Elizabeth Irvine	No bank details
16812062	48	1/51	Maureen Foldi	No bank details
50638284	58	1/51	Emmanuel Antoine Gueho & Eileen Winifred Gueho	No bank details

**Certificate identifying annexure**  
(rule29.02)

Federal Court of Australia  
District Registry: Queensland  
Division: General

No. QUD13/2025

**IN THE MATTER** of VOYAGER RESORT LIMITED (In Liquidation)  
ACN 010 547 618

**BRADLEY VINCENT HELLEN AND NIGEL MARKEY AS JOINT AND SEVERAL  
LIQUIDATORS OF VOYAGER RESORT LIMITED**

Plaintiff

The following 49 pages are the annexure marked "BVH-34" produced and shown to BRADLEY VINCENT HELLEN at the time of affirming his affidavit this 24th day of February 2025.

  
.....  
Benjamin Leigh Sandford

**Annexure "BVH-34"**

Bundle of Documents relating to Lay, GJ

.....

Filed on behalf of     Bradley Vincent Hellen and Nigel Markey as joint and several liquidators of voyager  
resort limited, Plaintiff

Prepared by     Benjamin Leigh Sandford

Law firm     Mahoneys

Tel     07 3007 3777

Fax     07 3007 3778

Email     info@mahoneys.com.au

Ref     32419

**Address for Service MAHONEYS**

Level 18, 167 Eagle Street, Brisbane Qld 4000  
Email: info@mahoneys.com.au





## Current Title Search

Queensland Titles Registry Pty Ltd  
ABN 23 648 568 101

<b>Title Reference:</b>	<b>16863184</b>	<b>Search Date:</b>	02/08/2021 09:06
<b>Date Title Created:</b>	28/01/1986	<b>Request No:</b>	38057530
<b>Previous Title:</b>	16804205, 16804206, 16804207		

## ESTATE AND LAND

Estate in Fee Simple

LOT 12 BUILDING UNIT PLAN 6459  
Local Government: GOLD COAST  
COMMUNITY MANAGEMENT STATEMENT 8766

## REGISTERED OWNER

## INTEREST

GREGORY JAMES LAY

1/17

## EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by  
Deed of Grant No. 13332009 (ALLOT 16 SEC 26)  
Deed of Grant No. 13332010 (ALLOT 15 SEC 26)  
Deed of Grant No. 16426157 (ALLOT 14 SEC 26)
2. LEASE No 601085045 (H479546) 27/12/1984  
TO VOYAGER RESORT LIMITED  
FOR 99 YEARS  
COMMENCING 27 DEC 1984

## ADMINISTRATIVE ADVICES

NIL

## UNREGISTERED DEALINGS

NIL

Caution - Charges do not necessarily appear in order of priority

\*\* End of Current Title Search \*\*

**From:** Tabitha Malken  
**Sent:** Tuesday, 18 July 2023 10:27:28 AM  
**To:** Voyager  
**Cc:** mail@ynw.com.pg  
**Subject:** RE: Voyager Resort Limited (In Liquidation) [PILOT-CLIENT.FID1210282]  
**Attachments:** Ltr to Pilot Partners dated 18 July 2023.pdf

Dear Sir/Madam,

Please find **attached** our letter in respect of the subject matter.

Kindly acknowledge receipt of this email and the attachment.

Best Regards

**Tabitha Malken**

*Executive Assistant to the  
Managing Partner, Gregory J. Sheppard*

Email: [tmalken@ynw.com.pg](mailto:tmalken@ynw.com.pg)



**YOUNG & WILLIAMS LAWYERS**

Francis Griffin Chambers, █ First & Second Floors, █ Tandy Haus (on Waigani Drive) █ Allotment 1 Section 51 Hohola, █ National Capital District, Papua New Guinea, █ (P.O. Box 1475, Port Moresby) █ Telephone: +675 311 2311 █ Facsimile: +675 325 5007 █ Web: [www.ynw.com.pg](http://www.ynw.com.pg)

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**From:** Voyager <Voyager@pilotpartners.com.au>  
**Sent:** Monday, 17 July 2023 9:27 AM  
**To:** mail@ynw.com.pg  
**Subject:** Voyager Resort Limited (In Liquidation) [PILOT-CLIENT.FID1210282]

Please refer **attached**.

Regards,



Voyager Resort Limited (In Liquidation)

Level 10, Waterfront Place, 1 Eagle Street, Brisbane, Qld, Australia, 4000  
E [voyager@pilotpartners.com.au](mailto:voyager@pilotpartners.com.au)

Chartered Accountants

[W pilotpartners.com.au](http://pilotpartners.com.au)



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**PARTNERS:**  
Greg J. Sheppard, OBE CSM  
Harvey Maladina

**SENIOR ASSOCIATES:**  
Geoffrey Purvey  
Phillip Tabuchi

**ASSOCIATE:**  
Laura Painap

**LAWYERS:**  
Menchie Numi  
George Kult  
Veronica Yala  
Kennedy Kulip

**CONSULTANTS:**  
Bryan S. Priestley



**Young & Williams**  
Lawyers

Francis Griffin Chambers  
First & Second Floors, Tandy Haus (on Waigani Drive)  
Allotment 1 Section 51 Hohola, National Capital District  
Papua New Guinea

P.O. Box 1475, Port Moresby  
Papua New Guinea

Telephone: 3112311 / 3112313  
3112314 / 3112345  
Facsimile: 3112322 / 3255007  
E-mail: [mail@ynw.com.pg](mailto:mail@ynw.com.pg)  
Website: [www.ynw.com.pg](http://www.ynw.com.pg)

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*Our Reference: Admin/GJS/2023*

18 July 2023

**Pilot Partners**

Chartered Accountants  
Level 10, Waterfront Place  
1 Eagle Street  
Brisbane QLD 4000

*"By email: [voyager@pilotpartners.com.au](mailto:voyager@pilotpartners.com.au)"*

**Re: Voyager Resort Limited (In Liquidation)**

We refer to your letter dated 14 July 2023.

We confirm that the amount outstanding as advised by you may be deducted from any distribution to which the deceased may be entitled from the Statutory Trustees.

We acknowledge that this may also reduce any entitlement as a potential shareholder of the company.

We look forward to further advice as the proposed liquidation proceeds.

Yours faithfully,  
**YOUNG & WILLIAMS LAWYERS**

**G. J. Sheppard**

**From:** Voyager  
**Sent:** Friday, 19 July 2024 9:41:39 AM  
**To:** mail@ynw.com.pg  
**Cc:** Tabitha Malken  
**Bcc:** VOYAGER RESORT LIMITED \_ Court Liquidation \_ VOYAGER RESORT LIMITED \_ Shareholders  
**Subject:** Voyager Resort Limited (In Liquidation) - Estate of Gregory James Lay [PILOT-CLIENT.FID1210301]  
**Attachments:** EFT Details Form.pdf, Report to Shareholders\_1 May 2024.pdf

Dear Mr Sheppard,

We understand you have been engaged to assist with the estate of Gregory James Lay.

Mr Lay was a shareholder of Voyager Resort Limited (In Liquidation). The Liquidators of the Company will, in due course, be distributing any surplus funds in the administration to the Company's shareholders.

To enable distribution any entitlement owed to the estate of Gregory James Lay, would you please provide our office with the following:

1. A completed and signed EFT details form (**attached**)
2. The Will and Grant of Probate
3. 100 points of identification from the executor(s)
4. A written direction to pay the distribution to a nominated account, which is signed by the executor(s).

For your reference, I have **attached** the Liquidators' most recent report to shareholders, dated 1 May 2024.

Should you have any questions, please do not hesitate to contact our office.

Regards,

Level 10, One Eagle, 1 Eagle Street, Brisbane, Qld, Australia, 4000

**T** +61 7 3023 130 **E** [Voyager@pilotpartners.com.au](mailto:Voyager@pilotpartners.com.au) **W** [pilotpartners.com.au](http://pilotpartners.com.au)  
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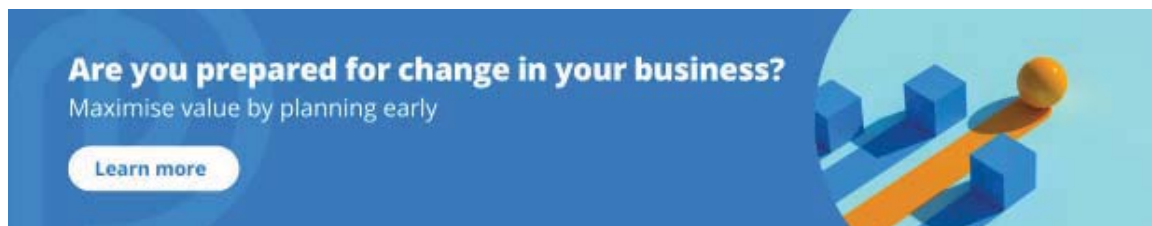


Chartered Accountant  
s

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**ELECTRONIC FUNDS TRANSFER (EFT) DETAILS FORM****Voyager Resort Limited (In Liquidation)****ACN 010 547 618****(the "Company")****Shareholder name**

--

All payments made in relation to the Company should be paid to the following bank account:

<b>Bank account name:</b>	
<b>BSB:</b>	
<b>Account number:</b>	

**For international transfers only**, please provide the following additional information:

<b>SWIFT/BIC code:</b>		<b>IBAN:</b>	
<b>Bank name:</b>		<b>Bank address:</b>	
<b>Account holder name:</b>		<b>Account holder address:</b>	

<b>Signature of authorised representative*</b>	<b>Date</b>
<b>Name</b>	<b>Email</b>

\*In signing this form, I confirm I am either the shareholder personally or authorised by the shareholder.

**Please return this form to: [voyager@pilotpartners.com.au](mailto:voyager@pilotpartners.com.au)**





Voyager Resort Limited  
(In Liquidation)  
ACN 010 547 618  
(the “Company”)

## REPORT TO SHAREHOLDERS

**Appointees:**

Mr Bradley Vincent Hellen  
and Mr Nigel Robert Markey  
Pilot Partners

**Contact:**

voyager@pilotpartners.com.au

**Date:** 1<sup>st</sup> day of May 2024

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APPENDICES	DOCUMENT DESCRIPTION
A	Summary of Lot Holdings Owned by Voyager Resort Limited
B	Summary of Receipts and Payments
C	Australian Taxation Office Class Ruling for Lot Owners
D	Court Order
E	ASIC Information Sheet – Insolvency: A Guide for Shareholders



## Section | ONE

### 1. SUMMARY

#### 1.1 Background

We refer to our reports dated 30 May 2023, 21 August 2023, 13 October 2023 and 14 November 2023. This report should be read in conjunction with our previous reports.

The purpose of this report is to provide you with an update on the progress of the liquidation.

#### 1.2 Distribution from Statutory Trustees

The Statutory Trustees of the Voyager Resort ("the Trustees") have made payment to Voyager Resort Limited ("VRL or the Company") for:

	\$
Outstanding levies from Lot Owners	2,088,372.72
Lot holdings owned within the Voyager Resort	15,320,298.57
<b>Total</b>	<b>17,408,671.29</b>

Now these funds have been received, we are able to proceed with the liquidation.

#### 1.3 Matters requiring Court Approval

There are several matters we intend to seek the direction of the Court on. These include:

- Verification of the Company's shareholder list;
- The treatment of levies still owed by Lot Owners entitled to a distribution as a shareholder of the Company;
- Approval to pay a distribution to shareholders in a court liquidation; and
- The Liquidators' remuneration.

These matters are discussed in more detail at Section 4 of this report. The progress of these proceedings will have significant influence over the timeframe for finalisation of the administration.

#### 1.4 Costs of the Administration

Please refer to Section 4.4 of this report for details on the cost of this administration.

#### 1.5 Distribution to Shareholders

The timeframe and quantum of a distribution to shareholders is dependent on the progress of the matters discussed in the body of this report, particularly the matters requiring Court direction discussed at Section 4.

Further updates on the progress of these matters and the administration will be provided in due course.

## 1.6 Who Can I Contact?

An updated list of Frequently Asked Questions can be found at Section 6 of this report.

Should you have any further queries relating to the liquidation, please contact our office.

	Details
Email:	<a href="mailto:voyager@pilotpartners.com.au">voyager@pilotpartners.com.au</a>

Should you have any further queries or information to provide relating to the Trustees' distribution, please contact the Trustees.

	Details
Email:	<a href="mailto:trustees@voyagerresort.com.au">trustees@voyagerresort.com.au</a>

Dated this 1<sup>st</sup> day of May 2024



**BRADLEY HELLEN**  
**JOINT & SEVERAL LIQUIDATOR**

## Section | TWO

### 2. TRUSTEES' DISTRIBUTION TO LOT OWNERS

The Trustees have requested we provide the below update on their behalf.

#### 2.1 Distribution from the Trustees to Lot Owners

The Trustees have now made payment of all but twelve entitlements resulting from the sale of the Voyager Resort (the "Resort"). Lot Owners who have been paid have been issued with distribution statements detailing how their payments were calculated.

If you have not received payment, the Trustees have withheld your payment because at the date of distribution:

- You had not provided your bank account details; and/or
- You had not provided all requested authorisation documents; and/or
- Your lot holding was disputed.

The withheld funds, currently totalling \$118,878.49, remain under the control of the Trustees and continue to accrue interest.

The Trustees intend to proceed with investigating these cases, collecting the required information, and making payment where appropriate.

Any queries relating to payment of the Trustees' distribution should be sent directly to the Trustees at [trustees@voyagerresort.com.au](mailto:trustees@voyagerresort.com.au)

#### 2.2 ATO Class Ruling

The Trustees requested a Class Ruling from the Australian Taxation Office ("ATO") to confirm the following for Lot Owners:

- Which year the capital gain should be reported in; and
- That the ATO will not apply interest or penalties to any amended tax returns for Lot Owners.

The ATO has now published their decision. A copy of the Ruling is attached at **Appendix C**.

#### 2.3 Foreign Resident Capital Gains Withholding

There were nine Lots within the Resort that:

- Were owned in part by a non-resident of Australia for tax purposes; and
- Had an apportioned sale value exceeding \$750,000.

Due to the above, the ATO assessed the nine Lots for Foreign Residents Capital Gains Withholding ("FRCGW") and the Trustees were required to withhold 12.5% of the sale proceeds from these Lots.

The Trustees sought guidance from the ATO to determine if the FRCGW could be applied to non-residents only. Ultimately, the Trustees were required to withhold FRCGW from all owners within these nine Lots.



This FRCGW was paid to the ATO by the Trustees and withheld from the distribution of impacted owners.

If you were impacted and believe you are an Australian resident for tax purposes, we recommend you seek guidance from your tax agent on how to claim for the withheld FRCGW.

A list of Lots impacted by FRCGW and the withheld amounts is below:

Lot	Proportion of Net Contract Price (\$)	Withholding (\$)
45	756,248.12	94,531
49	763,000.33	95,375
53	776,504.77	97,063
56	756,248.12	94,531
57	783,256.98	97,907
58	756,248.12	94,531
60	763,000.33	95,375
61	790,009.20	98,751
62	763,000.33	95,375
<b>TOTAL</b>	<b>6,907,516.30</b>	<b>863,439</b>

## 2.4 Foreign Resident Interest Withholding

If you are or were suspected to be a foreign resident for tax purposes, the Trustees have paid a portion of the interest you were entitled to the ATO as interest withholding. Please consult your own tax agent on the treatment of this withholding.



## 2.5 Sale Proceeds Reconciliation

The combined contract price for all lots at the Resort was \$45,301,680.00. A breakdown of sale proceeds is below:

	\$	\$
Funds to be distributed		
Resort sale proceeds	45,301,680.00	
Interest earned by the Trustees	<u>810,969.07</u>	46,112,649.07
Distributions paid to VRL		
Lots 1 and 2	1,751,667.07	
Lots 3 to 62	15,320,298.57	
Debtor recovery	<u>2,088,372.72</u>	19,160,338.36
Distributions paid to Lot Owners		
1 <sup>st</sup> payment group	23,516,880.19	
2 <sup>nd</sup> payment group	<u>813,861.96</u>	24,330,742.15
Payments to the ATO		
FRCGW	863,439.00	
Foreign resident interest withholding	<u>4,845.65</u>	868,284.65
Trustees' costs (incl. agent commission, legal costs, consultants' fees, etc.)		1,634,405.42
<b>Funds held by the Trustees</b>		<b>118,878.49</b>

## Section | THREE

### 3. COMPANY INFORMATION

#### 3.1 Company (VRL) Assets and Liabilities

A breakdown of the Company's assets and liabilities is below. Please refer to **Appendix B** for a full summary of receipts and payments in the administration to date.

	Note	Liquidators' ERV* \$
<b>Assets</b>		
Pre-appointment cash at bank	1	3,338,481
Pre-appointment debtors – recovered	2	2,107,879
Pre-appointment debtors – unrecovered	2	Unknown
Distribution from the Trustees	3	15,320,299
ASIC security bond	4	20,000
FRCGW refund	5	Unknown
<b>Liabilities</b>		
Unsecured creditors	6	7,101
Taxation liabilities	5	Unknown
<b>Net Surplus/(Deficiency)</b>		<b>Unknown</b>

\*Estimated Realisable Value.

#### Notes:

##### 1. Pre-Appointment Cash at Bank

At the date of liquidation there was \$3,338,481 in the Company's accounts with the Bank of Queensland ("BOQ").

These accounts were frozen shortly after our appointment. The funds are under the control of the Liquidators and are currently bearing interest.

##### 2. Pre-Appointment Debtors

At the date of our appointment, the Company's records disclosed debtors of \$5,153,894.11. This amount represented unpaid levies owed to the Company by Lot Owners.

	Note	\$
Outstanding levies on appointment		5,153,894.11
Levies recovered directly	A	19,506.40
Levies paid to VRL by the Trustees	B	2,088,372.72
Adjustment to debts by the Liquidators	C	154,328.10
<b>Levies remaining outstanding</b>	<b>D</b>	<b>2,891,686.89</b>

A. We issued demand notices to the debtors and recovered \$19,506.40 of outstanding levies as a result of these notices.

B. \$2,088,372.72 was recovered during the Statutory Trustees distribution by offsetting outstanding debts against the funds owed by Owners, pursuant to the Court Order dated 25 March 2022 (attached at **Appendix D**).



- C. Amounts written off by the Liquidators for disputed debts or due to being incorrectly recorded in the Company's records.
- D. Clarification from the Court is required for the Liquidators to offset outstanding debts against any distribution the debtors are entitled to as a shareholder of the Company. Please refer to Section 4.3 of this report for further information on this process. Until clarification is received, the recoverable amount is unable to be determined.

### 3. Distribution from Statutory Trustees

Over time, the Company acquired 1,126.5 timeshare weeks within the Resort. A full breakdown of weeks owned by VRL can be found at **Appendix A**.

The Trustees have made payment to the Company of \$15,320,298.57 for these holdings. These funds are now under control of the Liquidators.

### 4. ASIC Security Bond

The Company ceases to hold an AFS licence with the Australian Securities and Investments Commission ("ASIC"). ASIC held a security bond of \$20,000 relating to licence. The security bond is currently held in a term deposit with the Australia and New Zealand Banking Group Ltd ("ANZ").

The Liquidators have lodged forms with ASIC in July 2023 to discharge the security bond and recover the funds. On 8 February 2024, ASIC posted a public notice to discharge the security bond. This notice must appear on the website for three months prior to the bond being discharged and the funds being recovered by the Liquidators.

### 5. Taxation Matters

The Liquidators are required to bring the Company's tax obligations up to date prior to paying a dividend to creditors or a distribution to shareholders.

#### ***Mutuality Principle***

We lodged a Private Ruling application with the ATO regarding the use of the mutuality principle for the Company.

The mutuality principle is based on the proposition that an organisation cannot derive income from itself. The principle provides that where a number of persons, such as the members of a club, contribute to a fund created for a common purpose, any surplus arising from the use of that fund is not income.

The Liquidators sought clarification regarding the application of this principle to maintenance levies and late fees on those levies earned by VRL. Ultimately, the ATO ruled that maintenance levies and late fees on those levies are not assessable income.

The Liquidators also sought clarification as to whether the mutuality principle applied to disregard any net capital gain the Company has from the sale of its interest in the resort and business. The private ruling clarified the mutuality principle cannot be applied in such regard.

Now this ruling has been received, we are preparing and will lodge the final tax return for the Company.



***FRCGW***

A number of the Lot entitlements owned by the Company within the building were subject to FRCGW. Refer to Section 2.3 for a list of Lots subjected to FRCGW, and **Appendix A** for details of Lots owned by the Company.

We will be claiming FRCGW in the Company's final tax return. Given there may be a significant liability due to the capital gain from the sale of the Timeshare weeks. Any refund of the FRCGW is yet to be determined.

***Taxation Clearance***

We are required to seek clearance from the ATO prior to paying a dividend to creditors. This clearance will be sought as soon as we are in a position to do so.

***Shareholder Distribution – Tax implications***

A shareholder distribution from a liquidator can give rise to a number of tax implications for shareholders. The distribution may be capital or revenue in nature, impacting shareholders' taxable positions. The distribution may also be eligible for franking credits currently held by the Company.

These are matters we are currently reviewing to ensure the best outcome for shareholders.

**6. Unsecured Creditors**

Currently, unsecured creditor claims total \$7,101.

The exact amount due to unsecured creditors will not be determined until such time as:

- The tax payable by the Company has been determined;
- All creditors have lodged their Proof of Debt; and
- We have adjudicated those Proofs of Debt.

A dividend to creditors must be paid prior to a distribution of surplus funds to shareholders.

## Section | FOUR

### 4. MATTERS REQUIRING COURT DIRECTION

We intend to seek direction from the Court in relation to the following matters. We have engaged legal representatives for this purpose. The timeline of future steps in the administration are dependent on the progress of these Court proceedings.

It also means the estimated timeline and work required to be completed in this administration could change drastically, should the proceedings not progress as anticipated.

We intend to report to shareholders following completion of the matters set out below, and in the event our legal advice indicates to us an alternative approach ought to be taken.

#### 4.1 Shareholder Clarification

The Company's articles of association provide that:

- in order to qualify as a member (i.e., a shareholder) of the Company a person must be a "co-owner" of a Lot (meaning they must either be a registered owner or entitled to be registered as owner of one of a 1/51 fractional interests in a Lot); and
- the Company is entitled to treat the registered holder of any share as the absolute owner of that share.

In effect, the ownership of shares in the Company is stapled to the ownership of Lots at the Resort.

As discussed in previous reports, the Company's member registry was not maintained in accordance with the requirements of the articles of association and does not match the list of registered owners per Titles Queensland's Registry.

We have identified that:

- certain shares have been transferred without the associated fractional interest in a Lot being transferred;
- certain fractional interests in Lots have been transferred without the membership register being updated to reflect the transfer; and
- certain fractional interests in Lots have been further divided (for example, by multiple people sharing a 1/51 fractional interest).

As a consequence, distribution in accordance with the current register would lead to a situation where people who do not have any entitlement to a distribution would receive one, and people who ought to be entitled to a distribution would not.

Extensive work has been conducted throughout Trustees' appointment to establish a list of those who rightly have a claim to the Resort's sale proceeds.

We intend to seek confirmation from the Court that a distribution from the Liquidators ought to be made to those parties paid by the Trustees.

## 4.2 Distribution to Shareholders in Court Liquidations

The Company was wound up pursuant to 461(k) of the *Corporations Act 2001* (Cth) (the "Act"). In a Court ordered liquidation, the liquidator is required to seek approval from the Court prior to paying a distribution of surplus funds to shareholders, pursuant to section 488(2) of the Act.

This approval is not required prior to making a payment to creditors.

## 4.3 Outstanding Levies Offset

At the date of our appointment, the Company records disclosed debtors of \$5,153,894.11. Over \$2 million was recovered during the Statutory Trustees distribution by offsetting debts against funds owed to Lot Owners, pursuant to the Court Order dated 25 March 2022.

Over \$2.8 million in pre-appointment debtors remains outstanding. We have sought legal advice as to whether the amount owed by those members may be set-off against any distribution which may be made to them, and are advised that there is no express mechanism within the Act which entitles a liquidator to offset amounts payable by members against distributions which may be owed to them.

We intend to seek directions from the Court under cl 90-15(1) of the *Insolvency Practice Schedule (Corporations)* ("IPSC") as to whether we are entitled to offset the levy debts that remain outstanding against any distribution the debtors are entitled to as a shareholder of the company.

We have estimated these debtors could be entitled to approximately \$1.4 million, meaning if successful, these funds would instead be available for distribution to non-debtor shareholders.

In the event the Court does not allow the set-off of those debts against distributions then we will need to take advice on, and consider, whether it is feasible to pursue debt claims against the delinquent members.

## 4.4 Liquidators' Remuneration

It is estimated the costs of the administration will be approximately \$550,000 to \$800,000 (excluding GST).

This has increased from our initial estimate due to more work than anticipated being required surrounding the following:

- Level of enquiries from shareholders;
- Verification around shareholdings and the Lot title interests;
- Correspondence with ASIC regarding the release of their bond;
- Preparation and investigations into the Company's tax liabilities including;
  - Preparation of multiple tax returns;
  - Obtaining a private ruling on mutuality of income;
  - Work surrounding the quantification and classification of the income received by the Liquidators from the Statutory Trustees.
  - Advice on tax effective shareholder distributions (i.e. franking credit, revenue vs capital);
- Seeking approval from the Court to pay a distribution to members;
- Seeking direction from the Court on the shareholders of the company; and



- Work required and directions on the offsetting of outstanding entitlements of shareholders with outstanding levies.

The Company was wound up by the Court pursuant to section 461(k) of the Act. In a Court ordered liquidation, a liquidators' remuneration determination can, relevantly, be made by:

- a resolution of creditors; or
- if approval is not made by creditors, by the Court.

Pursuant to 60-10 of the IPSC, any person with a financial interest in this external administration may make an application to the Court for a review of the remuneration determination, unless the determination was made by the Court.

Given the scale of our fees in comparison to creditor claims, and financial interest of shareholders in our fees, we intend to seek approval of our remuneration by the creditors and advise the Court of our remuneration approved.

In the event our remuneration is not approved by the creditors we will be required to apply to the Court for approval.

## Section | FIVE

### 5. WHAT HAPPENS NEXT

We are proceeding with the liquidation, including:

- Responding to shareholder enquiries;
- Responding to creditor enquiries;
- Completing and lodging the outstanding Company's final tax returns;
- Calling and holding a creditor meeting (shareholders are not entitled to attend this meeting);
- Adjudicating on creditor claims;
- Paying a dividend to creditors;
- Obtaining control of ASIC security bond funds;
- Obtaining legal advice on the matters discussed in Section 4, with a view to, where appropriate, seeking direction of the Court in respect of:
  - Verification of the Company's shareholder list;
  - Approval to distribute surplus funds to shareholders in a Court liquidation;
  - The Liquidators' ability to offset outstanding levies against distributions to shareholders; and
  - Liquidators' remuneration
- Reporting to shareholders on the progress of the administration;
- Investigating tax implications of a distribution to shareholders and identifying the most efficient way of distributing surplus funds;
- Calculation of shareholder distribution entitlements; and
- Paying a distribution of surplus funds to shareholders;

Further updates will be provided when information becomes available and warrants a further report.



## Section | SIX

### 6. FREQUENTLY ASKED QUESTIONS – UPDATED

#### 6.1 What do I need to do?

We will contact you if we require any action from you.

#### 6.2 Why haven't I received a distribution from the Trustees?

The Trustees have now made a distribution to Lot Owners.

If you have not received payment, the Trustees have withheld your payment because:

1. You have not confirmed your bank account details, and/or
2. You have not provided all requested authorisation documents, and/or
3. Your lot holding is disputed.

The Trustees are now investigating these matters further.

If you have been requested to provide further documentation, please send these documents to [trustees@voyagerresort.com.au](mailto:trustees@voyagerresort.com.au)

#### 6.3 How was my distribution from the Trustees calculated?

Please refer to your distribution statement, including the notes to the statement, for information about how your payment has been calculated.

#### 6.4 Why have I received multiple distribution statements?

Lot Owners have received a distribution statement from the Trustees for each Lot they held weeks in, as the calculation differs between each Lot.

For example, if you hold 2 weeks in Lot 5 and 1 week in Lot 6, you will receive one statement for Lot 5 and one statement for Lot 6.



## 6.5 Why is the HTW Valuation Report amount different to the sale price?

This valuation was performed in accordance with the Court Order dated 25 March 2022. This is the assessed value attributed by Herron Todd White.

## 6.6 Are the funds held by the Liquidators earning interest?

The Liquidators have transferred \$19.5 million into a 3-month term deposit at market rates.

The Liquidators approached a broker to find the best available rate.

The remaining funds are held in an interest-bearing account with Macquarie Bank at market rates.

Refer to **Appendix B** for a summary of receipts and payments in the administration to date.

## 6.7 When will I receive my distribution from the Liquidators?

The timeframe for a distribution to shareholders is dependent on the progress of the matters discussed in this report, particularly matters requiring Court approval discussed at Section 4.

We are unable to provide an estimated date for payment at this time. Further updates on the progress of the administration will be provided in due course.

## 6.8 Who can I contact if I have a question?

For any enquiries relating to the liquidation and a payment to shareholders, please contact [voyager@pilotpartners.com.au](mailto:voyager@pilotpartners.com.au)

For any enquires relating to the Trustees' distribution, please contact [trustees@voyagerresort.com.au](mailto:trustees@voyagerresort.com.au)

## Appendix A





Lot Number	Percentage of Lot Owned by VRL	No. of Weeks Owned by VRL	Distribution Received by VRL (\$)
3	29.41%	15	180,683.59
4	54.90%	28	352,266.08
5	43.14%	22	288,558.38
6	47.06%	24	301,942.35
7	54.90%	28	344,771.06
8	58.82%	30	385,458.32
9	64.71%	33	441,671.00
10	58.82%	30	385,458.32
11	49.02%	25	311,177.29
12	37.25%	19	246,666.56
13	39.22%	20	270,356.19
14	54.90%	28	363,508.61
15	52.94%	27	339,685.15
16	54.90%	28	367,256.13
17	43.14%	22	300,336.28
18	35.29%	18	236,093.22
19	27.45%	14	183,628.06
20	49.02%	25	341,291.22
21	39.22%	20	283,740.16
22	23.53%	12	163,819.79
23	29.41%	15	198,751.95
24	62.75%	32	441,135.64
25	29.41%	15	214,812.71
26	31.37%	16	220,567.82
27	25.49%	13	173,991.60
28	58.82%	30	417,579.85
29	50.98%	26	375,821.87
30	19.61%	10	139,193.28
31	23.53%	12	162,213.71
32	21.57%	11	154,584.85
33	25.49%	13	189,650.85
34	25.49%	13	182,691.18
35	37.25%	19	259,381.33
36	31.37%	16	226,992.12
37	39.22%	20	294,447.33
38	19.61%	10	141,870.08
39	27.45%	14	192,996.84
40	11.76%	6	85,925.08
41	47.06%	24	356,548.95
42	23.53%	12	171,850.17
43	21.57%	11	153,112.61
44	50.98%	26	375,821.87
45	50.98%	26	341,548.91
46	41.18%	21	303,548.43
47	25.49%	13	182,691.18
48	33.33%	17	248,004.96
49	29.41%	15	198,806.80
50	31.37%	16	233,416.43
51	25.49%	13	186,171.02
52	56.86%	29	430,829.98
53	45.10%	23	310,232.44
54	30.39%	15.5	230,271.20
55	9.80%	5	72,273.44
56	33.33%	17	223,320.44
57	19.61%	10	136,056.57
58	29.41%	15	197,047.45
59	25.49%	13	189,650.85
60	33.33%	17	225,314.38
61	35.29%	18	247,013.05
62	21.57%	11	145,791.65
<b>TOTAL</b>		<b>1126.5</b>	<b>15,320,298.57</b>

\*All figures have been rounded to 2 decimal places. The actual amounts paid may vary slightly due to being calculated with the maximum accuracy allowable with our software.

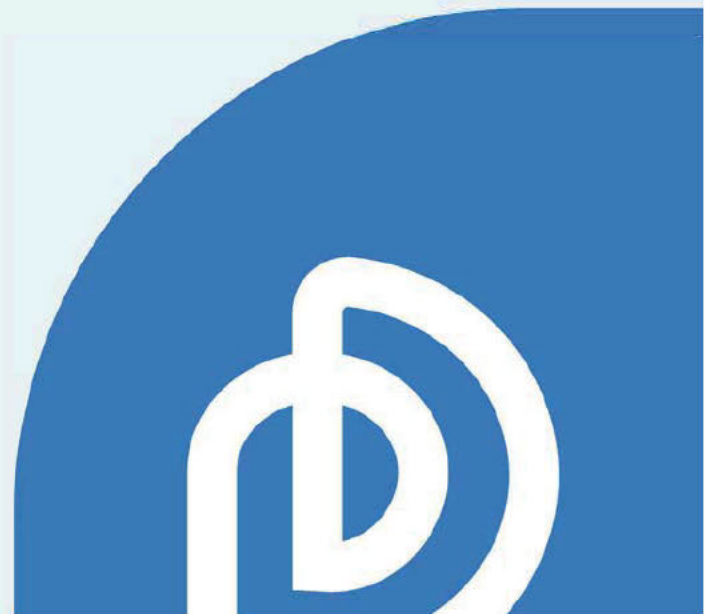
## Appendix B



**Voyager Resort Limited (In Liquidation)**  
**ACN 142 651 965**  
**Receipts and Payments**  
**For the Period 2 May 2023 to 26 April 2024**

	<b>Amount (\$)</b>
<b>RECEIPTS</b>	
Pre-appointment cash at bank	3,357,228.20
Pre-appointment debtors	19,506.40
Pre-appointment debtors (received from Statutory Trustees)	2,088,372.72
Lot holdings owned within Resort	15,320,298.57
Refund from Telstra	17.03
Interest income	90,837.02
	<u>20,876,259.94</u>
<b>PAYMENTS</b>	
Commission on recovery of debts	1,662.94
IT consulting fees	11,000.00
Legal costs paid pursuant to QLD Supreme Court Order dated 2 May 2023	89,064.06
Legal fees	7,557.00
Website subscription	19.95
	<u>109,303.95</u>
	<b>Net Receipts (Payments) <u>20,766,955.99</u></b>
<b>REPRESENTED BY</b>	
	<b>Cash at Bank as at 26 April 2024 1,266,955.99</b>
	<b>Term Deposit with BOQ 19,500,000.00</b>
	<b><u>20,766,955.99</u></b>

## Appendix C



## ***CR 2024/23 - The Trustee for the Voyager Resort - tax consequences for former timeshare owners***



This cover sheet is provided for information only. It does not form part of *CR 2024/23 - The Trustee for the Voyager Resort - tax consequences for former timeshare owners*



Australian Government  
Australian Taxation Office

Class Ruling

**CR 2024/23**

Status: **legally binding**

## Class Ruling

# The Trustee for the Voyager Resort – tax consequences for former timeshare owners

### **1 Relying on this Ruling**

This publication (excluding appendix) is a public ruling for the purposes of the *Taxation Administration Act 1953*.

If this Ruling applies to you, and you correctly rely on it, we will apply the law to you in the way set out in this Ruling. That is, you will not pay any more tax or penalties or interest in respect of the matters covered by this Ruling.

<b>Table of Contents</b>	<b>Paragraph</b>
What this Ruling is about	1
Who this Ruling applies to	4
When this Ruling applies	5
<b>Ruling</b>	<b>6</b>
<b>Scheme</b>	<b>16</b>
<b>Appendix – Explanation</b>	<b>28</b>

### **What this Ruling is about**

1. This Ruling sets out the income tax consequences arising for the former timeshare owners of Voyager Resort at 167 Old Burleigh Road, Broadbeach, Queensland from the sale of that property and from related events.
2. Details of this scheme are set out in paragraphs 16 to 27 of this Ruling.
3. All legislative references in this Ruling are to the *Income Tax Assessment Act 1997*, unless otherwise indicated.

### **Who this Ruling applies to**

4. This Ruling applies to you if all of the following apply:
  - You are a former timeshare owner in the Voyager Resort (Resort).
  - You were entitled to a share of the proceeds from the sale of the property at 167 Old Burleigh Road, Broadbeach, Queensland.
  - You were an Australian tax resident during the 2021–22, 2022–23, or 2023–24 income years.

### **When this Ruling applies**

5. This Ruling applies from 1 July 2021 to 30 June 2024.

Class Ruling

**CR 2024/23**

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Status: **legally binding**

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**Ruling**

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**Capital gains tax**

6. CGT event A1 happened in respect of your timeshare interest in the Resort when the statutory trustees were appointed by court order on 25 March 2022, and the time of that event is in the 2021–22 income year.
7. Your capital proceeds from this CGT event A1 were the share of the sale proceeds you were entitled to receive from the trustees – that is from the sale of the property at 167 Old Burleigh Road, Broadbeach, Queensland.
8. You will have a capital gain from CGT event A1 if your share of the sale proceeds exceeded the cost base of your former timeshare interest.
9. You can disregard any capital gain or capital loss if you acquired your whole timeshare interest before 20 September 1985.

**Interest income**

10. You include a proportionate share of the interest income derived by the trustees in your assessable income for each of the 2022–23 and 2023–24 income years. For each year, your proportion of the total interest income (received by the trustees in that year) will be the same proportion as your share of the sale proceeds.
11. The trustees will advise you of the amount of interest income to be included in your assessable income for each of the 2022–23 and 2023–24 income years.

**Penalties and interest charges**

12. We will remit all penalties that may apply because you failed to lodge a tax return for the 2021–22 or 2022–23 income years, provided:
- you lodge your return by 31 May 2024, and
  - the requirement to lodge a return arises because of the matters dealt with in this Ruling.
13. We will remit all penalties that may apply to any false or misleading statements made on your tax returns for the 2021–22 or 2022–23 income years provided:
- those statements related to the omission of income connected to the ending of your timeshare interest in the Resort, and
  - you request an amendment of your income tax assessment to include this income and to reflect the Commissioner's position in this Ruling by 31 May 2024.
14. We will remit all applicable interest charges where you request we amend your assessment, or you lodge your tax return, consistent with this Ruling by 31 May 2024.
15. In the event any penalty or interest charge is applied by our systems, you will need to phone **13 11 42**, and explain that you are requesting a remission of interest and penalties consistent with this Ruling and to quote the reference number CR 2024/23.



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Status: **legally binding**

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## **Scheme**

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16. The following description of the scheme is based on information provided by the applicant. If the scheme is not carried out as described, you cannot rely on this Ruling.

17. Voyager Resort was a block of apartments at 167 Old Burleigh Road, Broadbeach, Queensland, with 62 strata-titled lots.

18. Lots 1 and 2 and the common areas of the Resort were owned by Voyager Resort Limited (the company) since the 1980s.

19. Lots 3 to 62 each had 51 timeshare ownership rights which were held by 1,017 timeshare owners. The company was one of the timeshare owners.

20. When a timeshare owner acquired a timeshare interest in the Resort, they acquired a share in the company, and a fractional interest in a lot of the Resort.

21. The titles of Lots 3 to 62 show the fractional ownership of each timeshare owner for the relevant lot. The titles also show that the lots are subject to 99-year leases made by the timeshare owners to the company. Those leases began on 27 December 1984.

22. The trustees were appointed as statutory trustees for sale of Lots 3 to 62 of the Resort, by an order of the Supreme Court of Queensland, made on 24 March 2022, under section 38 of the former *Property Law Act 1974* (Qld).

23. The court order:

- vested all scheme lots in the trustees, to be held upon trust to sell them and hold the proceeds, after paying costs and expenses, and any net income until sale (after paying rates, taxes, insurance, et cetera properly payable out of that income)
- required the trustees to appoint a valuer to determine the proportionate share of each Lot (a share) in the purchase price
- authorised the trustees to sell all lots jointly, together with the company selling Lots 1 and 2.

24. The court order required the trustees to distribute the proceeds in this order:

- (i) discharge encumbrances
- (ii) pay fees and costs associated with holding or selling the Resort (including agents fees, rates, et cetera)
- (iii) reimburse trustees for properly incurred expenses
- (iv) pay the proceeds for Lots 1 and 2 to the company
- (v) divide the balance into shares (1 for each Lot), with each share being divided into 51 co-owner shares, and pay the co-owner share to the co-owner (after deducting any debts), with different procedures for any outstanding mortgages.

25. The Resort was sold in the 2022 calendar year, with settlement occurring in late December 2022. The sale was effected by 2 interdependent sale contracts – one for the trustees, and one for the company.

26. The trustees and the purchasing entity were both willing but not anxious participants in the contract.

Class Ruling

**CR 2024/23**

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**Status: legally binding**

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27. The trustees placed the sale proceeds of Lots 3 to 62 of the Resort into interest-earning bank accounts while they began finalising distributions to timeshare owners.

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**Commissioner of Taxation**

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10 April 2024

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Status: **not legally binding**

Appendix – Explanation

**❶**     *This Explanation is provided as information to help you understand how the Commissioner’s view has been reached. It does not form part of the binding public ruling.*

Table of Contents	Paragraph
Capital gains tax	28
Interest income	39
Administrative penalties	43
Interest charges	47

Capital gains tax

28.     CGT event A1 happens if you dispose of a capital gains tax (CGT) asset. See subsection 104-10(1).
29.     You dispose of a CGT asset if a change of ownership occurs from you to another entity, whether because of some act or event or operation of law. However, a change of ownership doesn’t occur if you stop being the asset’s legal owner but you continue to be its beneficial owner. See subsection 104-10(2).
30.     The Commissioner’s view is that CGT event A1 happens when a court appoints statutory trustees for sale. ATO Interpretative Decision ATO ID 2009/129 *Capital gains tax: land vested in a statutory trustee for sale, CGT event A1 or CGT event E1?* says a court order appointing statutory trustees for the sale of co-owned property effects a disposal. The order vests the property in the trustees and authorises them to convert the property into money. The co-owners lose their interest in the property, and receive a personal claim against the trustees to collect their share of the proceeds of sale.
31.     Following ATO ID 2009/129, CGT event A1 happened to the timeshare owners’ interests in Lots 3 to 62 when the statutory trustees were appointed.
32.     Subsection 104-10(3) says the time of the event (for CGT event A1) is:
- when you enter into the contract for the disposal, or
  - if there’s no contract, when the change of ownership occurs.
33.     The time of the event will be the court order date. The trustees were appointed by court order in March 2022, so the timeshare owners didn’t enter a contract disposing of their timeshare interests in the Resort. Therefore, the time of the event will be when the court orders effected the change of ownership in March 2022, which is during the 2021–22 income year.
34.     You have a capital gain from CGT event A1 if your capital proceeds for the CGT event are more than your cost base. See subsection 104-10(4).
35.     Section 116-20 says the capital proceeds are the money and market value of property you have received (or are entitled to receive) in respect of the event happening.
36.     Section 116-30 says that if you received no capital proceeds from a CGT event, you are taken to have received the market value of the CGT asset that’s the subject of the CGT event.

Class Ruling

**CR 2024/23**

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**Status: not legally binding**

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37. On these facts, the Commissioner accepts that timeshare owners capital proceeds in respect of the disposal of their timeshare interests (to the trustees) is equal to the share of the sale proceeds they will later receive from the trustees.

38. Timeshare owners will have a capital gain if their share of the sale proceeds is more than the cost base for their timeshare interest.

**Interest income**

39. Interest income is ordinary income under section 6-5, and derived when it's received or credited.

40. Division 6 of Part III of the *Income Tax Assessment Act 1936* applies to trust income. The interest derived by the trustees is trust income and is included in the net income of the trust estate in the income year they received it.

41. Under section 97 of the *Income Tax Assessment Act 1936*, beneficiaries who are presently entitled to a share of the income of the trust estate include their share of the net income of the trust estate in their assessable income for the corresponding income year.

42. In these circumstances, the Commissioner accepts that each timeshare owner was presently entitled to a percentage share of the total interest income derived by the trustees equal to their percentage share of the total sale proceeds.

**Administrative penalties**

43. Subdivision 284-B of Schedule 1 to the *Taxation Administration Act 1953* (TAA) is about administrative penalties for making false or misleading statements. Taxpayers may be liable for penalties if they make a statement to the Commissioner that's false or misleading in a material particular.

44. Division 286 of Schedule 1 to the TAA is about penalties for failing to lodge documents on time. Taxpayers may be liable for an administrative penalty if they are required to give a document to the Commissioner by a particular day and fail to do so.

45. The Commissioner has a discretion to remit administrative penalties under section 298-20 of Schedule 1 to the TAA.

46. The Commissioner will remit any penalties for timeshare owners that may be applicable if the timeshare owners lodge their returns or seek amendments of their assessments by 31 May 2024 and comply with the requirement in paragraphs 12 and 13 of this Ruling.

**Interest charges**

47. There are 2 types of interest charges. Shortfall interest charge (SIC), worked out under Division 280 of Schedule 1 to the TAA, applies on any additional income tax payable as a result of an amended assessment. General interest charge (GIC), worked out under section 5-15 and Part IIA of the TAA, applies to late payments. Section 280-160 of Schedule 1 to the TAA allows the Commissioner to remit SIC, and section 8AAG of the TAA allows the Commissioner to remit GIC, in circumstances specified in those provisions.

48. Law Administration Practice Statement PS LA 2006/8 *Remission of shortfall interest charge and general interest charge for shortfall periods* says it may be appropriate to remit SIC in some circumstances, including where the delay in reporting correctly

Class Ruling

**CR 2024/23**

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**Status: not legally binding**

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arose from circumstances outside the taxpayer's control, or where the taxpayer couldn't have been aware of the shortfall when lodging the return.

49. Law Administration Practice Statement PS LA 2011/12 *Remission of General Interest Charge* says it may be appropriate to remit GIC where:

- the Commissioner is satisfied that the circumstances contributing to delayed payment arose because of events beyond their control, and they took reasonable steps to mitigate, or
- ordinary and reasonable members of the community (who pay tax on time) would agree that it's fair and reasonable for the Commissioner to remit GIC.

50. The Commissioner considers that it's appropriate to remit SIC and GIC so long as:

- the SIC or shortfall GIC is solely attributable to shortfalls or tax liabilities arising from the income tax issues addressed in this Ruling
- the timeshare owners amend their assessments or lodge the relevant tax returns by 31 May 2024
- the relevant amendments or lodgments adopt the position outlined in this Ruling.

Class Ruling

**CR 2024/23**

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**Status: not legally binding**

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## References

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*Legislative references:*

- ITAA 1936 Div 6
- ITAA 1936 97
- ITAA 1997 5-15
- ITAA 1997 6-5
- ITAA 1997 104-10(1)
- ITAA 1997 104-10(2)
- ITAA 1997 104-10(3)
- ITAA 1997 104-10(4)
- ITAA 1997 116-20
- ITAA 1997 116-30
- TAA 1953 Pt IIA
- TAA 1953 8AAG

- TAA 1953 Sch 1 Div 280
- TAA 1953 Sch 1 280-160
- TAA 1953 Sch 1 Subdiv 284-B
- TAA 1953 Sch 1 Div 286
- TAA 1953 Sch 1 298-20
- Property Law Act 1974 (Qld) 38 (repealed)

*Other references:*

- ATO ID 2009/129
- PS LA 2006/8
- PS LA 2011/12

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**ATO references**

NO: 1-10A72FWD  
 ISSN: 2205-5517  
 BSL: PW  
 ATOLaw topic: Administration ~~ Interest charges  
                   Capital gains tax ~~ CGT events ~~ A1 - disposal of a CGT asset  
                   Income tax ~~ Trusts ~~ Trust income ~~ Beneficiary assessable - section 97

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## Appendix D





*Duplicate***SUPREME COURT OF QUEENSLAND**

REGISTRY: BRISBANE

NUMBER: BS13638/21

Applicant: **VOYAGER RESORT LTD ACN 010 547 618**

AND

Respondents: **ALAN SKELTON and the others described in the SCHEDULE OF RESPONDENTS****ORDER**

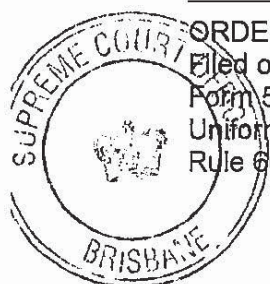
Before: Ryan J

Date: 25 March 2022

Initiating document: Originating Application filed 16 November 2021

**THE ORDER OF THE COURT IS THAT:**

1. Service is deemed to have been effected on:
  - (a) the One Hundred and Fourth Respondent;
  - (b) the One Hundred and Forty Eighth Respondent;
  - (c) the One Hundred and Seventy Seventh Respondent;
  - (d) the Two Hundred and Forty Second Respondent;
  - (e) the Two Hundred and Ninety Seventh Respondent;
  - (f) the Three Hundred and Thirty Second Respondent;
  - (g) the Four Hundred and Eleventh Respondent;
  - (h) the Six Hundred and Fifty Seventh Respondent;

**ORDER**

Filed on behalf of the Applicant  
Form 59, Version 1  
Uniform Civil Procedure Rules 1999  
Rule 661

Mahoneys  
Level 18, 167 Eagle Street  
Brisbane Qld 4000  
Tel: 07 3007 3777  
Fax: 07 3007 3778  
Ref: 25203



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- (i) the Six Hundred and Seventy Third Respondent;
  - (j) the Eight Hundred and Sixty Fourth Respondent;
  - (k) the Nine Hundred and Eighth Respondent;
  - (l) the One Thousandth and Twenty Third Respondent.
2. Notwithstanding non-compliance with paragraphs 3(a) and 6(a) of the Order made on 9 December 2021, the hearing of this application proceed.
  3. Geoffrey Graeme Heaton, Geoffrey Philip Walters and Angela Julian-Armitage (the **Trustees**) be appointed trustees of each of Lots 3 to 62 (inclusive) on BUP 6459 (the **Scheme Lot(s)**, and collectively with Lots 1 and 2 on BUP 6459, the **Property** and **Lot(s)**).
  4. Each Scheme Lot thereupon vest in the Trustees, subject to encumbrances affecting the entirety or any encumbrance which, prior to the appointment of the Trustees, affected any undivided share of a Scheme Lot, to be held by them upon trust to sell the same and to stand possessed of the share of the net proceeds, after payment of costs and expenses, and of the net income until sale after payment of rates, taxes, costs of insurance, repairs properly payable out of income and other outgoing, and pursuant to the priority in Order [11].
  5. The Trustees have liberty to apply without notice for directions in relation to the performance of their duties.
  6. The applicant's costs be paid on the indemnity basis and paid out of the proceeds of sale before division.

**THE COURT DIRECTS THAT:**

7. The Trustees:
  - (a) keep proper books of account in relation to all amounts received or expended by them;
  - (b) take out and maintain appropriate insurance;
  - (c) shall not be entitled to any remuneration;
  - (d) appoint a registered valuer to determine, following the Trustees entering into a contract of sale, the proportionate share of each Lot in the purchase price payable under the contract of sale, based on the respective value that each Lot represents to the value of all other Lots in the Property (once determined the **Share**), where such determination will, except in the case of manifest error, be final and binding on all respondents.

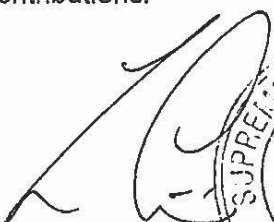
- 3 -

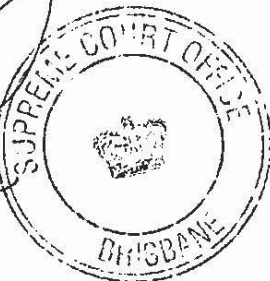
8. The Trustees may sell all Lots jointly:
  - (a) and so that they settle simultaneously;
  - (b) with the applicant in any sale of Lots 1 and 2 on BUP 6459
9. The Trustees be excused from complying with s 39(1) of the *Property Law Act 1974* (Q).
10. The net income of each Scheme Lot, after payment of rates, taxes, costs of insurance, repairs properly payable out of income and other outgoings, be paid to the applicant.
11. The proceeds of sale after payment of all expenses of and incidental to such sale be distributed in the following manner and priority:
  - (a) First, in discharge of any valid encumbrance over the title to the Property;
  - (b) Second, in payment of agent's commission, auctioneers and auction fees associated with the sale of the Property;
  - (c) Third, in payment of expenses and reasonable legal costs and disbursements incurred upon the sale of the Property;
  - (d) Fourth, in adjustment of council rates, water rates and other statutory imposts;
  - (e) Fifth, in payment of the costs of the applicant's costs of this proceeding;
  - (f) Sixth, in payment of the properly incurred expenses of the Trustees;
  - (g) Seventh, by the Share for Lots 1 and 2 being paid to the applicant;
  - (h) Eighth, by the Trustees retaining and dividing the balance into the Shares, before dividing each Share into fifty-one shares (each such share, a **Co-Owner Share**);
  - (i) Ninth, where a respondent's fractional interest in a Scheme Lot was not the subject of a registered mortgage immediately before sale, by paying the Co-Owner Share to that respondent Co-Owner after deduction of any debt due and owing to the applicant on account of any unpaid contributions;
  - (j) Tenth, where a respondent's fractional interest in a Scheme Lot was the subject of a registered mortgage immediately before sale, by:
    - (i) giving notice in writing to each such respondent Co-Owner and each such mortgagee as to the amount of the Co-Owner Share; and
    - (ii) thereafter, paying the Co-Owner Share as directed in writing by the respondent Co-Owner and the mortgagee, or as otherwise ordered by any court, but in any case where the Co-Owner Share is to be paid or is payable to the Co-Owner respondent, only after deduction of any

- 4 -

debt due and owing to the applicant on account of any unpaid contributions.

Signed:

  
Deputy Registrar



## Appendix E




**ASIC**

Australian Securities &amp; Investments Commission

## INFORMATION SHEET 43

# Insolvency: a guide for shareholders

If a company is in financial difficulty, it can be put under the control of an independent external administrator. The role of the external administrator depends on the type of external administration.

This information sheet gives general information for shareholders on the three most common forms of external administration (liquidation, voluntary administration and receivership). Other forms of external administration are beyond the scope of this information sheet.

## Liquidation

There are two types of liquidation for an insolvent company: creditors' voluntary and court. The most common type is a creditors' voluntary liquidation, which usually begins in one of two ways:

1. when creditors vote for liquidation following a voluntary administration or a terminated deed of company arrangement, or
2. when an insolvent company's shareholders resolve to liquidate the company and appoint a liquidator. Within 11 days of being appointed by shareholders, the liquidator must call a meeting of creditors who may confirm the liquidator's appointment or appoint another liquidator of the creditors' choice.

In a court liquidation, a liquidator is appointed by the court to wind up a company following an application, usually by a creditor.

### The liquidator's role

The liquidator's role is to:

- collect, protect and realise the company's assets
- investigate and report to creditors about the company's affairs, including any unfair preferences which may be recoverable, any uncommercial transactions which may be set aside, and any possible claims against the company's officers
- enquire into the failure of the company and possible offences by people involved in the company and report to ASIC
- after payment of the costs of the liquidation, and subject to the rights of any secured creditor, distribute the proceeds of realisation—first to priority creditors, including employees, and then to unsecured creditors, and

**Important note:** This information sheet contains a summary of basic information on the topic. It is not a substitute for legal advice. Some provisions of the law referred to may have important exceptions or qualifications. This document may not contain all of the information about the law or the exceptions and qualifications that are relevant to your circumstances. You will need a qualified professional adviser to take into account your particular circumstances and to tell you how the law applies to you.



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- apply for deregistration of the company on completion of the liquidation.

Except for lodging documents and reports required under the *Corporations Act 2001* (Corporations Act), a liquidator is not required to do any work unless there are enough assets to pay their costs.

**The directors' role**

Directors cannot use their powers after a liquidator has been appointed. They must help the liquidator, including providing the company's books and records, and a report about the company's affairs.

**Shareholders and liquidation**

The liquidator's primary duty is to all of the company's creditors. The shareholders rank behind the creditors and are unlikely to receive any dividend in an insolvent liquidation unless they also have a claim as a creditor.

In a court liquidation, the liquidator is not required to report to the shareholders on the progress or outcome of the liquidation.

The liquidator is not required to hold a meeting of shareholders during a creditors' voluntary liquidation. A joint meeting of the creditors and shareholders must be held at the conclusion of the winding up.

Shareholders in both types of insolvent liquidation can request that the liquidator call separate meetings of shareholders and creditors to decide whether a committee of inspection should be appointed and, if so, who will represent the shareholders and creditors on the committee. However, the shareholder(s) making the request must pay the costs of calling and holding these meetings. A committee of inspection assists the liquidator, approves their fees and, in limited circumstances, approves the use of some of their powers.

A transfer of shares in a company or alteration of status of shareholders during a liquidation will not be effective unless the liquidator gives their written consent or the court permits. The liquidator or the court will need to be satisfied that the transfer of shares, or the alteration in the status of shareholders, is in the best interest of the company as a whole and does not breach other sections of the Corporations Act that deal with the rights of shareholders.

When giving written consent to a transfer of shares in a company or alteration of status of shareholders, the liquidator can impose conditions which must be satisfied before the transfer or alteration is effective. In the case of a transfer of shares, the current shareholder, the prospective shareholder, or a creditor, may apply to the court to set aside any or all of these conditions. Similarly, a shareholder or a creditor may apply to the court to set aside any or all conditions that must be satisfied for an alteration in the status to have effect. A shareholder or a creditor may also apply to the court to authorise an alteration in the status of shareholders if the liquidator refuses the alteration.

The liquidator can call on the holders of any unpaid or partly paid shares in the company to pay the amount outstanding on those shares.

If a liquidator makes a written declaration that they have reasonable grounds to believe there is no likelihood that shareholders will receive any further distribution in the winding up, shareholders can realise a capital loss. To realise a loss, the shares in the company must have been purchased on or after 20 September 1985. If no such declaration is made by the liquidator, the deregistration of a company at the end of the liquidation also enables realisation of any capital loss.

**Financial reporting**

Listed and very large companies usually have financial reporting obligations under the Corporations Act. ASIC has given relief so that such companies don't need to comply with these obligations if they

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are in liquidation. Also, public companies in insolvent liquidation don't need to hold annual general meetings (this does not apply to a section 509 meeting).

The liquidator must lodge a detailed list of their receipts and payments for the liquidation with ASIC every six months. A copy of these statements of receipts and payments may be obtained from any ASIC Business Centre, on payment of the relevant fee. The liquidator must also make them available at their office for inspection by shareholders and creditors.

## **Voluntary administration**

Voluntary administration is designed to resolve a company's future direction quickly. An independent and suitably qualified person (the voluntary administrator) takes full control of the company to try to work out a way to save either the company or the company's business.

If this isn't possible, the aim is to administer the affairs of the company in a way that results in a better return to creditors than they would have received if the company had instead been placed straight into liquidation. A mechanism for achieving these aims is a deed of company arrangement.

### **The voluntary administrator's role**

After taking control of the company, the voluntary administrator investigates and reports to creditors on the company's business, property, affairs and financial circumstances, and on the three options available to creditors. These are:

1. end the voluntary administration and return the company to the directors' control
2. approve a deed of company arrangement through which the company will pay all or part of its debts and then be free of those debts, or
3. wind up the company and appoint a liquidator.

The voluntary administrator must give an opinion on each option and recommend which option is in the best interests of creditors.

The voluntary administrator has all the powers of the company and its directors. This includes the power to sell or close down the company's business or sell individual assets in the lead up to the creditors' decision on the company's future.

The voluntary administrator must also report to ASIC on possible offences by people involved with the company.

If a deed of company arrangement is approved, the voluntary administrator will usually become the deed administrator and oversee its operation.

### **The directors' role**

Directors cannot use their powers while the company is in voluntary administration. They must help the voluntary administrator, including providing the company's books and records, and a report about the company's business, property, affairs and financial circumstances, as well as any further information about these that the voluntary administrator reasonably requires.

If the company goes from voluntary administration into a deed of company arrangement, the directors' powers depend on the deed's terms. When the deed is completed, the directors regain full control, unless the deed provides for the company to go into liquidation on completion.

If the deed is not completed and the company goes into liquidation as a result, the directors cannot use their powers, as discussed in the liquidation section above.

**INSOLVENCY: A GUIDE FOR SHAREHOLDERS****Shareholders and voluntary administration**

A voluntary administrator isn't required to report to shareholders on the progress or outcome of the voluntary administration. Shareholders don't get to vote on the future of the company.

A transfer of shares in a company or alteration of status of shareholders during a voluntary administration will not be effective unless the voluntary administrator gives their written consent or the court permits. The voluntary administrator or the court will need to be satisfied that the transfer of shares, or the alteration in the status of shareholders, is in the best interest of the company as a whole and does not breach other sections of the Corporations Act that deal with the rights of shareholders.

When giving written consent to a transfer of shares in a company or alteration of status of shareholders, the voluntary administrator can impose conditions which must be satisfied before the transfer or alteration is effective. In the case of a transfer of shares, the current shareholder, the prospective shareholder, or a creditor, may apply to the court to set aside any or all of these conditions. Similarly, a shareholder or a creditor may apply to the court to set aside any or all conditions that must be satisfied for an alteration in the status to have effect. A shareholder or a creditor may also apply to the court to authorise an alteration in the status of shareholders if the voluntary administrator refuses the alteration.

Shareholders are bound by a deed of company arrangement approved by creditors. Also, the deed administrator may transfer shares in the company with the written consent of the shareholder or with the court's permission. A shareholder, a creditor, ASIC or any other interested person can oppose an application to the court by the deed administrator to approve a share transfer.

If a deed administrator makes a written declaration that they have reasonable grounds to believe there is no likelihood that shareholders will receive any further distribution at any time in the future, shareholders can realise a capital loss. To realise a loss, the shares in the company must have been purchased on or after 20 September 1985.

**Financial reporting**

The statutory financial reporting obligations of listed and very large companies remain while they are in voluntary administration or under a deed of company arrangement. ASIC has given relief so that a company in voluntary administration may defer meeting its financial reporting obligations for six months after the appointment of the voluntary administrator. ASIC may grant relief to a company under voluntary administration or subject to a deed of company arrangement from the requirement to hold an annual general meeting.

To get the benefit of this relief, ASIC must be notified that it is being relied on and the administrator must answer, free of charge, reasonable inquiries from shareholders about the administration during the deferral period. If the company is listed, the relevant stock exchange must also be told. The relief also provides for the use of alternative methods of distributing an annual report to shareholders at the end of the period.

At the end of this deferral period, if the company is still in voluntary administration or under a deed of company arrangement, ASIC may give the company an exemption or further deferral from all or some of their financial reporting obligations in certain circumstances.

ASIC may also give an extension of time for the annual general meeting or decide to take no action for failure to hold the annual general meeting if a public company is in voluntary administration or under a deed of company arrangement.

A voluntary administrator and a deed administrator must lodge a detailed list of receipts and payments with ASIC every six months and at the end of their administration. A copy of these statements of



**INSOLVENCY: A GUIDE FOR SHAREHOLDERS**

receipts and payments may be obtained from any ASIC Business Centre, on payment of the relevant fee.

## **Receivership**

A company goes into receivership when an independent and suitably qualified person (the receiver) is appointed by a secured creditor or, in special circumstances, by the court to take control of some or all of the company's assets. A secured creditor is someone who has a charge, such as a mortgage, over all or some of a company's assets.

Court receiverships are not covered in this information sheet.

The powers of the receiver are set out in the charge document and the Corporations Act.

If a receiver has, under the terms of their appointment, the power to manage the company's affairs, they are known as a receiver and manager.

### **The receiver's role**

The receiver's role is:

- to collect and sell enough of the charged assets to repay the debt owed to the secured creditor
- if they have been appointed under a fixed charge (e.g. over land, plant or equipment), to pay out the money collected:
  - first, to pay the secured creditor, and
  - second, if there are any funds left over, to pay this surplus to the company or its other external administrator if one has been appointed
- if they have been appointed under a floating charge (e.g. over cash, debtors or stock), to pay out the money collected:
  - first, to pay priority claims (including certain employee entitlements)
  - second, to pay the secured creditor, and
  - third, if there are any funds left over, to pay the company or its other external administrator if one has been appointed, and
- to report to ASIC any possible offences or other irregular matters.

The receiver is usually paid from the money collected during the receivership.

### **The directors' role**

Receivership does not affect the legal existence of the company. The directors continue to hold office, but their powers depend on the powers of the receiver and the extent of the assets over which the receiver is appointed.

Control of the charged property, which often includes the company's business, is taken away from them.

Directors must provide the receiver with a report about the company's affairs and must allow the receiver access to books and records relating to the charged property.

### **Shareholders and receivership**

The receiver's primary duty is to the company's secured creditor. The main duty owed to unsecured creditors and shareholders is an obligation to take reasonable care to sell charged property for not less

## INSOLVENCY: A GUIDE FOR SHAREHOLDERS

than its market value or, if there is no market value, the best price reasonably obtainable. A receiver also has the same general duties as a company director.

There is no obligation for the receiver to report to the shareholders on the progress or outcome of the receivership.

### Financial reporting

The statutory financial reporting obligations of listed and very large companies remain while it is in receivership, as do the requirements for public companies to hold annual general meetings.

However, ASIC has given relief so that a company with a receiver appointed to the whole or substantially the whole of its property may defer meeting its financial reporting obligations for six months after the receiver's appointment.

To get the benefit of this relief, the receiver must tell ASIC they are relying on it, and agree to answer, free of charge, reasonable inquiries from shareholders about the receivership during the deferral period. If the company is listed, the relevant stock exchange must also be told. The relief also provides for the use of alternative methods of distributing an annual report to shareholders at the end of this period.

At the end of this deferral period, ASIC may give an exemption or further deferral from all or some of the financial reporting obligations, in certain circumstances. ASIC may also give an extension of time for the annual general meeting, or decide to take no action for failure to hold the annual general meeting.

The receiver must lodge a detailed list of their receipts and payments for the receivership with ASIC every six months. A copy of these statements of receipts and payments may be obtained from any ASIC Business Centre, on payment of the relevant fee.

### To find out more

For an explanation of terms used in this information sheet, see ASIC information sheet INFO 41 *Insolvency: a glossary of terms*. For more on voluntary administration, liquidation and receivership, see ASIC's related information sheets, available at [www.asic.gov.au/insolvencyinfosheets](http://www.asic.gov.au/insolvencyinfosheets):

- INFO 74 *Voluntary administration: a guide for creditors*
- INFO 75 *Voluntary administration: a guide for employees*
- INFO 45 *Liquidation: a guide for creditors*
- INFO 46 *Liquidation: a guide for employees*
- INFO 54 *Receivership: a guide for creditors*
- INFO 55 *Receivership: a guide for employees*
- INFO 42 *Insolvency: a guide for directors*
- INFO 84 *Independence of external administrators: a guide for creditors*
- INFO 85 *Approving fees: a guide for creditors*

These are also available from the Insolvency Practitioners Association (IPA) website at [www.ipaa.com.au](http://www.ipaa.com.au). The IPA website also contains the IPA's Code of Professional Practice for Insolvency Professionals, which applies to IPA members.

You may also wish to check the website of the external administrator's firm and the company's website for any information on a particular external administration.

**Certificate identifying annexure**  
(rule29.02)

Federal Court of Australia  
District Registry: Queensland  
Division: General

No. QUD13/2025

**IN THE MATTER** of VOYAGER RESORT LIMITED (In Liquidation)  
ACN 010 547 618

**BRADLEY VINCENT HELLEN AND NIGEL MARKEY AS JOINT AND SEVERAL  
LIQUIDATORS OF VOYAGER RESORT LIMITED**

Plaintiff

The following 49 pages are the annexure marked "BVH-35" produced and shown to BRADLEY VINCENT HELLEN at the time of affirming his affidavit this 24th day of February 2025.

  
.....  
Benjamin Leigh Sandford

**Annexure "BVH-35"**

**Bundle of Documents relating to Russell, IG & LD**

.....

Filed on behalf of Bradley Vincent Hellen and Nigel Markey as joint and several liquidators of voyager resort limited, Plaintiff

Prepared by Benjamin Leigh Sandford

Law firm Mahoneys

Tel 07 3007 3777

Fax 07 3007 3778

Email info@mahoneys.com.au

Ref 32419

**Address for Service MAHONEYS**

Level 18, 167 Eagle Street, Brisbane Qld 4000  
Email: info@mahoneys.com.au



## Current Title Search

Queensland Titles Registry Pty Ltd  
ABN 23 648 568 101

<b>Title Reference:</b>	<b>18398233</b>	<b>Search Date:</b>	30/07/2021 16:30
<b>Date Title Created:</b>	19/10/1992	<b>Request No:</b>	38051508
<b>Previous Title:</b>	18387150		

## ESTATE AND LAND

Estate in Fee Simple

LOT 4 BUILDING UNIT PLAN 6459  
Local Government: GOLD COAST  
COMMUNITY MANAGEMENT STATEMENT 8766

## REGISTERED OWNER

## INTEREST

IAN GRANT RUSSELL LAUREL DAWN RUSSELL	JOINT TENANTS INTER SE	1/51
--	------------------------	------

## EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by  
Deed of Grant No. 13332009 (ALLOT 16 SEC 26)  
Deed of Grant No. 13332010 (ALLOT 15 SEC 26)  
Deed of Grant No. 16426157 (ALLOT 14 SEC 26)
2. LEASE No 601085045 (H479546) 27/12/1984  
TO VOYAGER RESORT LIMITED  
FOR 99 YEARS  
ORIGINAL TERM: COMMENCING 27 DEC 1984  
OR OPTIONS AS MAY BE STATED

## ADMINISTRATIVE ADVICES

NIL

## UNREGISTERED DEALINGS

NIL

Caution - Charges do not necessarily appear in order of priority

\*\* End of Current Title Search \*\*

**From:** Bailey Cox  
**Sent:** Friday, 26 July 2024 3:45:15 PM  
**To:** Bailey Cox  
**Subject:** Attempted PC / Ian and Russell Laurel / 26 July 2024 [PILOT-CLIENT.FID1210301]

Contact details per Xero:

**Contact details**

#

Account number

1372 0

☎

Phone

02 97442890

📱

Mobile

04 3989 8226

0439 898 226 – 26/07/2024 at 3:39pm – no answer, left voicemail.

02 9744 2890 – 26/07/2024 at 3:43pm – number has been disconnected

Regards,

**Bailey Cox**

Accountant

Level 10, One Eagle, 1 Eagle Street, Brisbane, Qld, Australia, 4000


**T** [+61 7 3023 136](tel:+6173023136) **E** [bcx@pilotpartners.com.au](mailto:bcx@pilotpartners.com.au) **W** [pilotpartners.com.au](http://pilotpartners.com.au)

[5](#)



Chartered Accountant

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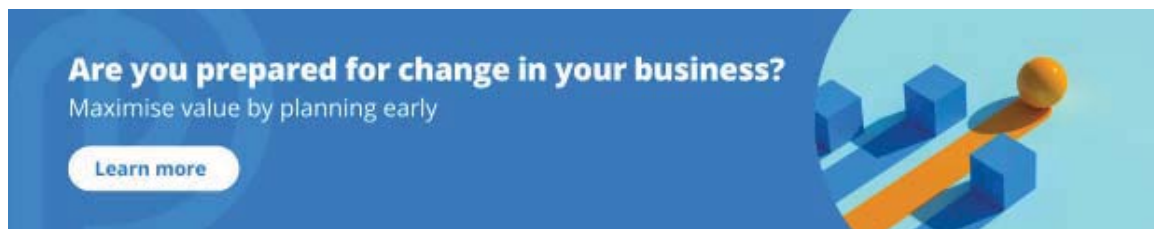
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**From:** Bailey Cox  
**Sent:** Monday, 29 July 2024 10:42:15 AM  
**To:** Bailey Cox  
**Subject:** PC / Ian Russell / 26 July 2024 [PILOT-CLIENT.FID1210301]  
**Attachments:** Attempted PC \_ Ian and Russell Laurel \_ 26 July 2024 [PILOT-CLIENT.FID1210301](2709278.1).msg.nrl

#### FILE NOTE

<b>Matter</b>	Voyager Resort Limited (In Liquidation)
<b>Filing No.</b>	Shareholders
<b>Date/Time</b>	26/07/2024 at 3:45PM
<b>Phone No.</b>	0439 898 226
<b>In/Out</b>	In
<b>Person</b>	Ian Russell
<b>Alternate Contact</b>	

#### Comments

- Ian returning missed call (attached)
- Ian unaware of sale of resort or liquidation of company – he initially thought I was contacting him regarding the levy debt they owed to VRL
- I explained levy debt wiped out by their entitlement to sale proceeds and there is further money they are entitled to that has been withheld due to them not providing bank details
- Ian recalled seeing correspondence from the liquidators, ignored it because he did not know our firm
- Ian confirmed they do not have an email address
- I advised I would send EFT form and latest report in the mail, they should read report for update on progress of liquidation and return EFT form as soon as possible
- Confirmed address 62 Broughton St, Concord, NSW 2137

#### Actions To Be Performed

- 

Regards,

**Bailey Cox**

Accountant


Level 10, One Eagle, 1 Eagle Street, Brisbane, Qld, Australia, 4000

**T** +61 7 3023 136 **E** [bcox@pilotpartners.com.au](mailto:bcox@pilotpartners.com.au) **W** [pilotpartners.com.au](http://pilotpartners.com.au)

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**PILOT PARTNERS**  
**Chartered Accountants**  
 Level 10, 1 Eagle Street  
 Brisbane QLD 4000  
 PO Box 7095  
 Brisbane QLD 4001  
 P +61 7 3023 1300  
[pilotpartners.com.au](http://pilotpartners.com.au)

**Staff Contact:** Mr Bailey Cox  
**Telephone:** (07) 3023 1365  
**Email:** [bcox@pilotpartners.com.au](mailto:bcox@pilotpartners.com.au)

29 July 2024

IAN GRANT RUSSELL & LAUREL DAWN RUSSELL  
 62 Broughton St  
 Concord NSW 2137

Dear Sir/Madam

**Re: Voyager Resort Limited (In Liquidation)**  
**ACN 010 547 618**

On 2 May 2023, Mr Bradley Vincent Hellen and Mr Nigel Robert Markey were appointed Liquidators of the Company by Order of the Supreme Court of Queensland.

Our latest report dated 1 May 2024 is enclosed. This report should be read in conjunction with our previous reports, which can be accessed at [vrltimeshare.com.au](http://vrltimeshare.com.au).

I refer to your phone conversation with Mr Bailey Cox of this office on 26 July 2024. As discussed, we require confirmation of your account details for payment of the entitlements owed to you in relation to the sale of Voyager Resort and the winding up of the Company.

You have informed us you do not have an email address. As such, an EFT form is enclosed.

Please complete and return this form to our office at the below address as soon as possible.

	Details
Email:	<a href="mailto:voyager@pilotpartners.com.au">voyager@pilotpartners.com.au</a>
Postal:	PO Box 7095, BRISBANE QLD 4001

Should you have any queries please contact Mr Bailey Cox of this office.

Yours faithfully

**BRADLEY HELLEN**  
**JOINT & SEVERAL LIQUIDATOR**

Encl.



Voyager Resort Limited  
(In Liquidation)  
ACN 010 547 618  
(the “Company”)

## REPORT TO SHAREHOLDERS

**Appointees:**

Mr Bradley Vincent Hellen  
and Mr Nigel Robert Markey  
Pilot Partners

**Contact:**

voyager@pilotpartners.com.au

**Date:** 1<sup>st</sup> day of May 2024

Liability limited by a scheme approved under Professional Standards Legislation





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APPENDICES	DOCUMENT DESCRIPTION
A	Summary of Lot Holdings Owned by Voyager Resort Limited
B	Summary of Receipts and Payments
C	Australian Taxation Office Class Ruling for Lot Owners
D	Court Order
E	ASIC Information Sheet – Insolvency: A Guide for Shareholders





## Section | ONE

### 1. SUMMARY

#### 1.1 Background

We refer to our reports dated 30 May 2023, 21 August 2023, 13 October 2023 and 14 November 2023. This report should be read in conjunction with our previous reports.

The purpose of this report is to provide you with an update on the progress of the liquidation.

#### 1.2 Distribution from Statutory Trustees

The Statutory Trustees of the Voyager Resort ("the Trustees") have made payment to Voyager Resort Limited ("VRL or the Company") for:

	\$
Outstanding levies from Lot Owners	2,088,372.72
Lot holdings owned within the Voyager Resort	15,320,298.57
<b>Total</b>	<b>17,408,671.29</b>

Now these funds have been received, we are able to proceed with the liquidation.

#### 1.3 Matters requiring Court Approval

There are several matters we intend to seek the direction of the Court on. These include:

- Verification of the Company's shareholder list;
- The treatment of levies still owed by Lot Owners entitled to a distribution as a shareholder of the Company;
- Approval to pay a distribution to shareholders in a court liquidation; and
- The Liquidators' remuneration.

These matters are discussed in more detail at Section 4 of this report. The progress of these proceedings will have significant influence over the timeframe for finalisation of the administration.

#### 1.4 Costs of the Administration

Please refer to Section 4.4 of this report for details on the cost of this administration.

#### 1.5 Distribution to Shareholders

The timeframe and quantum of a distribution to shareholders is dependent on the progress of the matters discussed in the body of this report, particularly the matters requiring Court direction discussed at Section 4.

Further updates on the progress of these matters and the administration will be provided in due course.

## 1.6 Who Can I Contact?

An updated list of Frequently Asked Questions can be found at Section 6 of this report.

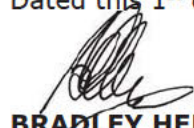
Should you have any further queries relating to the liquidation, please contact our office.

	Details
Email:	<a href="mailto:voyager@pilotpartners.com.au">voyager@pilotpartners.com.au</a>

Should you have any further queries or information to provide relating to the Trustees' distribution, please contact the Trustees.

	Details
Email:	<a href="mailto:trustees@voyagerresort.com.au">trustees@voyagerresort.com.au</a>

Dated this 1<sup>st</sup> day of May 2024



**BRADLEY HELLEN**  
**JOINT & SEVERAL LIQUIDATOR**



## Section | TWO

### 2. TRUSTEES' DISTRIBUTION TO LOT OWNERS

The Trustees have requested we provide the below update on their behalf.

#### 2.1 Distribution from the Trustees to Lot Owners

The Trustees have now made payment of all but twelve entitlements resulting from the sale of the Voyager Resort (the "Resort"). Lot Owners who have been paid have been issued with distribution statements detailing how their payments were calculated.

If you have not received payment, the Trustees have withheld your payment because at the date of distribution:

- You had not provided your bank account details; and/or
- You had not provided all requested authorisation documents; and/or
- Your lot holding was disputed.

The withheld funds, currently totalling \$118,878.49, remain under the control of the Trustees and continue to accrue interest.

The Trustees intend to proceed with investigating these cases, collecting the required information, and making payment where appropriate.

Any queries relating to payment of the Trustees' distribution should be sent directly to the Trustees at [trustees@voyagerresort.com.au](mailto:trustees@voyagerresort.com.au)

#### 2.2 ATO Class Ruling

The Trustees requested a Class Ruling from the Australian Taxation Office ("ATO") to confirm the following for Lot Owners:

- Which year the capital gain should be reported in; and
- That the ATO will not apply interest or penalties to any amended tax returns for Lot Owners.

The ATO has now published their decision. A copy of the Ruling is attached at **Appendix C**.

#### 2.3 Foreign Resident Capital Gains Withholding

There were nine Lots within the Resort that:

- Were owned in part by a non-resident of Australia for tax purposes; and
- Had an apportioned sale value exceeding \$750,000.

Due to the above, the ATO assessed the nine Lots for Foreign Residents Capital Gains Withholding ("FRCGW") and the Trustees were required to withhold 12.5% of the sale proceeds from these Lots.

The Trustees sought guidance from the ATO to determine if the FRCGW could be applied to non-residents only. Ultimately, the Trustees were required to withhold FRCGW from all owners within these nine Lots.



This FRCGW was paid to the ATO by the Trustees and withheld from the distribution of impacted owners.

If you were impacted and believe you are an Australian resident for tax purposes, we recommend you seek guidance from your tax agent on how to claim for the withheld FRCGW.

A list of Lots impacted by FRCGW and the withheld amounts is below:

Lot	Proportion of Net Contract Price (\$)	Withholding (\$)
45	756,248.12	94,531
49	763,000.33	95,375
53	776,504.77	97,063
56	756,248.12	94,531
57	783,256.98	97,907
58	756,248.12	94,531
60	763,000.33	95,375
61	790,009.20	98,751
62	763,000.33	95,375
<b>TOTAL</b>	<b>6,907,516.30</b>	<b>863,439</b>

## 2.4 Foreign Resident Interest Withholding

If you are or were suspected to be a foreign resident for tax purposes, the Trustees have paid a portion of the interest you were entitled to the ATO as interest withholding. Please consult your own tax agent on the treatment of this withholding.

## 2.5 Sale Proceeds Reconciliation

The combined contract price for all lots at the Resort was \$45,301,680.00. A breakdown of sale proceeds is below:

	\$	\$
Funds to be distributed		
Resort sale proceeds	45,301,680.00	
Interest earned by the Trustees	<u>810,969.07</u>	46,112,649.07
Distributions paid to VRL		
Lots 1 and 2	1,751,667.07	
Lots 3 to 62	15,320,298.57	
Debtor recovery	<u>2,088,372.72</u>	19,160,338.36
Distributions paid to Lot Owners		
1 <sup>st</sup> payment group	23,516,880.19	
2 <sup>nd</sup> payment group	<u>813,861.96</u>	24,330,742.15
Payments to the ATO		
FRCGW	863,439.00	
Foreign resident interest withholding	<u>4,845.65</u>	868,284.65
Trustees' costs (incl. agent commission, legal costs, consultants' fees, etc.)		1,634,405.42
<b>Funds held by the Trustees</b>		<b>118,878.49</b>



## Section | THREE

### 3. COMPANY INFORMATION

#### 3.1 Company (VRL) Assets and Liabilities

A breakdown of the Company's assets and liabilities is below. Please refer to **Appendix B** for a full summary of receipts and payments in the administration to date.

	Note	Liquidators' ERV* \$
<b>Assets</b>		
Pre-appointment cash at bank	1	3,338,481
Pre-appointment debtors – recovered	2	2,107,879
Pre-appointment debtors – unrecovered	2	Unknown
Distribution from the Trustees	3	15,320,299
ASIC security bond	4	20,000
FRCGW refund	5	Unknown
<b>Liabilities</b>		
Unsecured creditors	6	7,101
Taxation liabilities	5	Unknown
<b>Net Surplus/(Deficiency)</b>		<b>Unknown</b>

\*Estimated Realisable Value.

#### Notes:

##### 1. Pre-Appointment Cash at Bank

At the date of liquidation there was \$3,338,481 in the Company's accounts with the Bank of Queensland ("BOQ").

These accounts were frozen shortly after our appointment. The funds are under the control of the Liquidators and are currently bearing interest.

##### 2. Pre-Appointment Debtors

At the date of our appointment, the Company's records disclosed debtors of \$5,153,894.11. This amount represented unpaid levies owed to the Company by Lot Owners.

	Note	\$
Outstanding levies on appointment		5,153,894.11
Levies recovered directly	A	19,506.40
Levies paid to VRL by the Trustees	B	2,088,372.72
Adjustment to debts by the Liquidators	C	154,328.10
<b>Levies remaining outstanding</b>	<b>D</b>	<b>2,891,686.89</b>

A. We issued demand notices to the debtors and recovered \$19,506.40 of outstanding levies as a result of these notices.

B. \$2,088,372.72 was recovered during the Statutory Trustees distribution by offsetting outstanding debts against the funds owed by Owners, pursuant to the Court Order dated 25 March 2022 (attached at **Appendix D**).



- C. Amounts written off by the Liquidators for disputed debts or due to being incorrectly recorded in the Company's records.
- D. Clarification from the Court is required for the Liquidators to offset outstanding debts against any distribution the debtors are entitled to as a shareholder of the Company. Please refer to Section 4.3 of this report for further information on this process. Until clarification is received, the recoverable amount is unable to be determined.

### 3. Distribution from Statutory Trustees

Over time, the Company acquired 1,126.5 timeshare weeks within the Resort. A full breakdown of weeks owned by VRL can be found at **Appendix A**.

The Trustees have made payment to the Company of \$15,320,298.57 for these holdings. These funds are now under control of the Liquidators.

### 4. ASIC Security Bond

The Company ceases to hold an AFS licence with the Australian Securities and Investments Commission ("ASIC"). ASIC held a security bond of \$20,000 relating to licence. The security bond is currently held in a term deposit with the Australia and New Zealand Banking Group Ltd ("ANZ").

The Liquidators have lodged forms with ASIC in July 2023 to discharge the security bond and recover the funds. On 8 February 2024, ASIC posted a public notice to discharge the security bond. This notice must appear on the website for three months prior to the bond being discharged and the funds being recovered by the Liquidators.

### 5. Taxation Matters

The Liquidators are required to bring the Company's tax obligations up to date prior to paying a dividend to creditors or a distribution to shareholders.

#### ***Mutuality Principle***

We lodged a Private Ruling application with the ATO regarding the use of the mutuality principle for the Company.

The mutuality principle is based on the proposition that an organisation cannot derive income from itself. The principle provides that where a number of persons, such as the members of a club, contribute to a fund created for a common purpose, any surplus arising from the use of that fund is not income.

The Liquidators sought clarification regarding the application of this principle to maintenance levies and late fees on those levies earned by VRL. Ultimately, the ATO ruled that maintenance levies and late fees on those levies are not assessable income.

The Liquidators also sought clarification as to whether the mutuality principle applied to disregard any net capital gain the Company has from the sale of its interest in the resort and business. The private ruling clarified the mutuality principle cannot be applied in such regard.

Now this ruling has been received, we are preparing and will lodge the final tax return for the Company.

***FRCGW***

A number of the Lot entitlements owned by the Company within the building were subject to FRCGW. Refer to Section 2.3 for a list of Lots subjected to FRCGW, and **Appendix A** for details of Lots owned by the Company.

We will be claiming FRCGW in the Company's final tax return. Given there may be a significant liability due to the capital gain from the sale of the Timeshare weeks. Any refund of the FRCGW is yet to be determined.

***Taxation Clearance***

We are required to seek clearance from the ATO prior to paying a dividend to creditors. This clearance will be sought as soon as we are in a position to do so.

***Shareholder Distribution – Tax implications***

A shareholder distribution from a liquidator can give rise to a number of tax implications for shareholders. The distribution may be capital or revenue in nature, impacting shareholders' taxable positions. The distribution may also be eligible for franking credits currently held by the Company.

These are matters we are currently reviewing to ensure the best outcome for shareholders.

**6. Unsecured Creditors**

Currently, unsecured creditor claims total \$7,101.

The exact amount due to unsecured creditors will not be determined until such time as:

- The tax payable by the Company has been determined;
- All creditors have lodged their Proof of Debt; and
- We have adjudicated those Proofs of Debt.

A dividend to creditors must be paid prior to a distribution of surplus funds to shareholders.

## Section | FOUR

### 4. MATTERS REQUIRING COURT DIRECTION

We intend to seek direction from the Court in relation to the following matters. We have engaged legal representatives for this purpose. The timeline of future steps in the administration are dependent on the progress of these Court proceedings.

It also means the estimated timeline and work required to be completed in this administration could change drastically, should the proceedings not progress as anticipated.

We intend to report to shareholders following completion of the matters set out below, and in the event our legal advice indicates to us an alternative approach ought to be taken.

#### 4.1 Shareholder Clarification

The Company's articles of association provide that:

- in order to qualify as a member (i.e., a shareholder) of the Company a person must be a "co-owner" of a Lot (meaning they must either be a registered owner or entitled to be registered as owner of one of a 1/51 fractional interests in a Lot); and
- the Company is entitled to treat the registered holder of any share as the absolute owner of that share.

In effect, the ownership of shares in the Company is stapled to the ownership of Lots at the Resort.

As discussed in previous reports, the Company's member registry was not maintained in accordance with the requirements of the articles of association and does not match the list of registered owners per Titles Queensland's Registry.

We have identified that:

- certain shares have been transferred without the associated fractional interest in a Lot being transferred;
- certain fractional interests in Lots have been transferred without the membership register being updated to reflect the transfer; and
- certain fractional interests in Lots have been further divided (for example, by multiple people sharing a 1/51 fractional interest).

As a consequence, distribution in accordance with the current register would lead to a situation where people who do not have any entitlement to a distribution would receive one, and people who ought to be entitled to a distribution would not.

Extensive work has been conducted throughout Trustees' appointment to establish a list of those who rightly have a claim to the Resort's sale proceeds.

We intend to seek confirmation from the Court that a distribution from the Liquidators ought to be made to those parties paid by the Trustees.

## 4.2 Distribution to Shareholders in Court Liquidations

The Company was wound up pursuant to 461(k) of the *Corporations Act 2001* (Cth) (the "Act"). In a Court ordered liquidation, the liquidator is required to seek approval from the Court prior to paying a distribution of surplus funds to shareholders, pursuant to section 488(2) of the Act.

This approval is not required prior to making a payment to creditors.

## 4.3 Outstanding Levies Offset

At the date of our appointment, the Company records disclosed debtors of \$5,153,894.11. Over \$2 million was recovered during the Statutory Trustees distribution by offsetting debts against funds owed to Lot Owners, pursuant to the Court Order dated 25 March 2022.

Over \$2.8 million in pre-appointment debtors remains outstanding. We have sought legal advice as to whether the amount owed by those members may be set-off against any distribution which may be made to them, and are advised that there is no express mechanism within the Act which entitles a liquidator to offset amounts payable by members against distributions which may be owed to them.

We intend to seek directions from the Court under cl 90-15(1) of the *Insolvency Practice Schedule (Corporations)* ("IPSC") as to whether we are entitled to offset the levy debts that remain outstanding against any distribution the debtors are entitled to as a shareholder of the company.

We have estimated these debtors could be entitled to approximately \$1.4 million, meaning if successful, these funds would instead be available for distribution to non-debtor shareholders.

In the event the Court does not allow the set-off of those debts against distributions then we will need to take advice on, and consider, whether it is feasible to pursue debt claims against the delinquent members.

## 4.4 Liquidators' Remuneration

It is estimated the costs of the administration will be approximately \$550,000 to \$800,000 (excluding GST).

This has increased from our initial estimate due to more work than anticipated being required surrounding the following:

- Level of enquiries from shareholders;
- Verification around shareholdings and the Lot title interests;
- Correspondence with ASIC regarding the release of their bond;
- Preparation and investigations into the Company's tax liabilities including;
  - Preparation of multiple tax returns;
  - Obtaining a private ruling on mutuality of income;
  - Work surrounding the quantification and classification of the income received by the Liquidators from the Statutory Trustees.
  - Advice on tax effective shareholder distributions (i.e. franking credit, revenue vs capital);
- Seeking approval from the Court to pay a distribution to members;
- Seeking direction from the Court on the shareholders of the company; and



- Work required and directions on the offsetting of outstanding entitlements of shareholders with outstanding levies.

The Company was wound up by the Court pursuant to section 461(k) of the Act. In a Court ordered liquidation, a liquidators' remuneration determination can, relevantly, be made by:

- a resolution of creditors; or
- if approval is not made by creditors, by the Court.

Pursuant to 60-10 of the IPSC, any person with a financial interest in this external administration may make an application to the Court for a review of the remuneration determination, unless the determination was made by the Court.

Given the scale of our fees in comparison to creditor claims, and financial interest of shareholders in our fees, we intend to seek approval of our remuneration by the creditors and advise the Court of our remuneration approved.

In the event our remuneration is not approved by the creditors we will be required to apply to the Court for approval.

## Section | FIVE

### 5. WHAT HAPPENS NEXT

We are proceeding with the liquidation, including:

- Responding to shareholder enquiries;
- Responding to creditor enquiries;
- Completing and lodging the outstanding Company's final tax returns;
- Calling and holding a creditor meeting (shareholders are not entitled to attend this meeting);
- Adjudicating on creditor claims;
- Paying a dividend to creditors;
- Obtaining control of ASIC security bond funds;
- Obtaining legal advice on the matters discussed in Section 4, with a view to, where appropriate, seeking direction of the Court in respect of:
  - Verification of the Company's shareholder list;
  - Approval to distribute surplus funds to shareholders in a Court liquidation;
  - The Liquidators' ability to offset outstanding levies against distributions to shareholders; and
  - Liquidators' remuneration
- Reporting to shareholders on the progress of the administration;
- Investigating tax implications of a distribution to shareholders and identifying the most efficient way of distributing surplus funds;
- Calculation of shareholder distribution entitlements; and
- Paying a distribution of surplus funds to shareholders;

Further updates will be provided when information becomes available and warrants a further report.





## Section | SIX

### 6. FREQUENTLY ASKED QUESTIONS – UPDATED

#### 6.1 What do I need to do?

We will contact you if we require any action from you.

#### 6.2 Why haven't I received a distribution from the Trustees?

The Trustees have now made a distribution to Lot Owners.

If you have not received payment, the Trustees have withheld your payment because:

1. You have not confirmed your bank account details, and/or
2. You have not provided all requested authorisation documents, and/or
3. Your lot holding is disputed.

The Trustees are now investigating these matters further.

If you have been requested to provide further documentation, please send these documents to [trustees@voyagerresort.com.au](mailto:trustees@voyagerresort.com.au)

#### 6.3 How was my distribution from the Trustees calculated?

Please refer to your distribution statement, including the notes to the statement, for information about how your payment has been calculated.

#### 6.4 Why have I received multiple distribution statements?

Lot Owners have received a distribution statement from the Trustees for each Lot they held weeks in, as the calculation differs between each Lot.

For example, if you hold 2 weeks in Lot 5 and 1 week in Lot 6, you will receive one statement for Lot 5 and one statement for Lot 6.



## 6.5 Why is the HTW Valuation Report amount different to the sale price?

This valuation was performed in accordance with the Court Order dated 25 March 2022. This is the assessed value attributed by Herron Todd White.

## 6.6 Are the funds held by the Liquidators earning interest?

The Liquidators have transferred \$19.5 million into a 3-month term deposit at market rates.

The Liquidators approached a broker to find the best available rate.

The remaining funds are held in an interest-bearing account with Macquarie Bank at market rates.

Refer to **Appendix B** for a summary of receipts and payments in the administration to date.

## 6.7 When will I receive my distribution from the Liquidators?

The timeframe for a distribution to shareholders is dependent on the progress of the matters discussed in this report, particularly matters requiring Court approval discussed at Section 4.

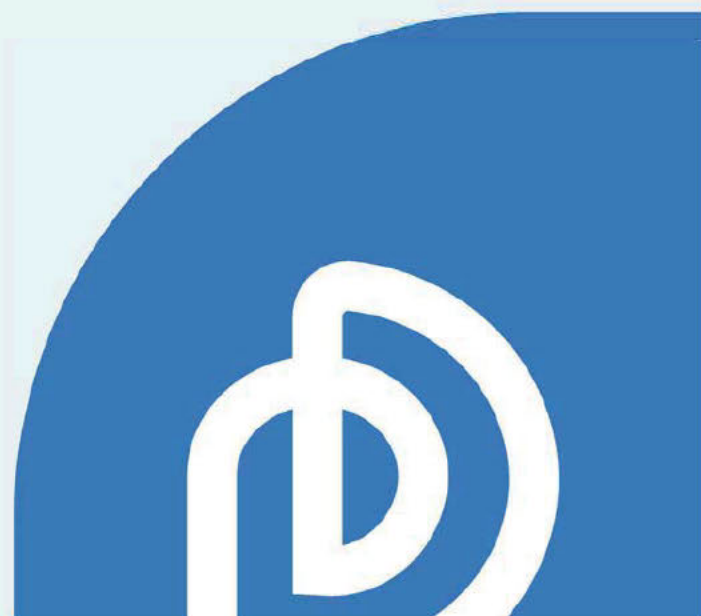
We are unable to provide an estimated date for payment at this time. Further updates on the progress of the administration will be provided in due course.

## 6.8 Who can I contact if I have a question?

For any enquiries relating to the liquidation and a payment to shareholders, please contact [voyager@pilotpartners.com.au](mailto:voyager@pilotpartners.com.au)

For any enquires relating to the Trustees' distribution, please contact [trustees@voyagerresort.com.au](mailto:trustees@voyagerresort.com.au)

## Appendix A



Lot Number	Percentage of Lot Owned by VRL	No. of Weeks Owned by VRL	Distribution Received by VRL (\$)
3	29.41%	15	180,683.59
4	54.90%	28	352,266.08
5	43.14%	22	288,558.38
6	47.06%	24	301,942.35
7	54.90%	28	344,771.06
8	58.82%	30	385,458.32
9	64.71%	33	441,671.00
10	58.82%	30	385,458.32
11	49.02%	25	311,177.29
12	37.25%	19	246,666.56
13	39.22%	20	270,356.19
14	54.90%	28	363,508.61
15	52.94%	27	339,685.15
16	54.90%	28	367,256.13
17	43.14%	22	300,336.28
18	35.29%	18	236,093.22
19	27.45%	14	183,628.06
20	49.02%	25	341,291.22
21	39.22%	20	283,740.16
22	23.53%	12	163,819.79
23	29.41%	15	198,751.95
24	62.75%	32	441,135.64
25	29.41%	15	214,812.71
26	31.37%	16	220,567.82
27	25.49%	13	173,991.60
28	58.82%	30	417,579.85
29	50.98%	26	375,821.87
30	19.61%	10	139,193.28
31	23.53%	12	162,213.71
32	21.57%	11	154,584.85
33	25.49%	13	189,650.85
34	25.49%	13	182,691.18
35	37.25%	19	259,381.33
36	31.37%	16	226,992.12
37	39.22%	20	294,447.33
38	19.61%	10	141,870.08
39	27.45%	14	192,996.84
40	11.76%	6	85,925.08
41	47.06%	24	356,548.95
42	23.53%	12	171,850.17
43	21.57%	11	153,112.61
44	50.98%	26	375,821.87
45	50.98%	26	341,548.91
46	41.18%	21	303,548.43
47	25.49%	13	182,691.18
48	33.33%	17	248,004.96
49	29.41%	15	198,806.80
50	31.37%	16	233,416.43
51	25.49%	13	186,171.02
52	56.86%	29	430,829.98
53	45.10%	23	310,232.44
54	30.39%	15.5	230,271.20
55	9.80%	5	72,273.44
56	33.33%	17	223,320.44
57	19.61%	10	136,056.57
58	29.41%	15	197,047.45
59	25.49%	13	189,650.85
60	33.33%	17	225,314.38
61	35.29%	18	247,013.05
62	21.57%	11	145,791.65
<b>TOTAL</b>		<b>1126.5</b>	<b>15,320,298.57</b>

\*All figures have been rounded to 2 decimal places. The actual amounts paid may vary slightly due to being calculated with the maximum accuracy allowable with our software.

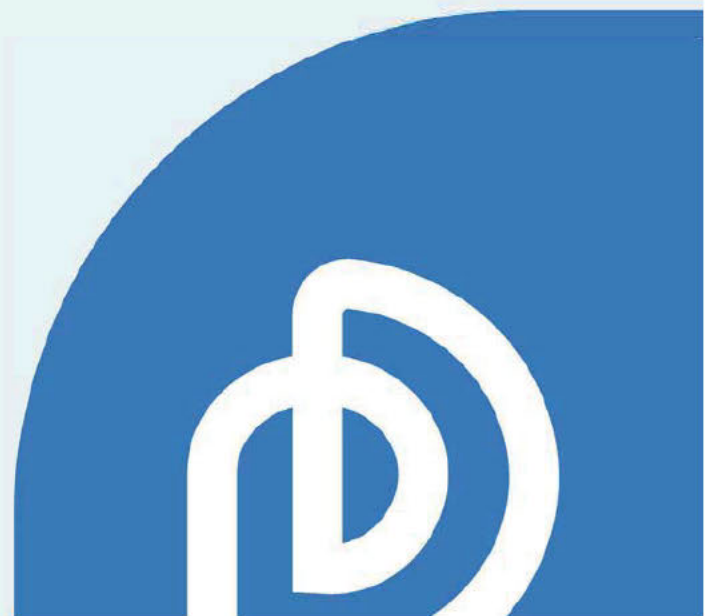
## Appendix B



**Voyager Resort Limited (In Liquidation)**  
**ACN 142 651 965**  
**Receipts and Payments**  
**For the Period 2 May 2023 to 26 April 2024**

	<b>Amount (\$)</b>
<b>RECEIPTS</b>	
Pre-appointment cash at bank	3,357,228.20
Pre-appointment debtors	19,506.40
Pre-appointment debtors (received from Statutory Trustees)	2,088,372.72
Lot holdings owned within Resort	15,320,298.57
Refund from Telstra	17.03
Interest income	90,837.02
	<u>20,876,259.94</u>
<b>PAYMENTS</b>	
Commission on recovery of debts	1,662.94
IT consulting fees	11,000.00
Legal costs paid pursuant to QLD Supreme Court Order dated 2 May 2023	89,064.06
Legal fees	7,557.00
Website subscription	19.95
	<u>109,303.95</u>
	<b>Net Receipts (Payments) <u>20,766,955.99</u></b>
<b>REPRESENTED BY</b>	
	<b>Cash at Bank as at 26 April 2024 1,266,955.99</b>
	<b>Term Deposit with BOQ 19,500,000.00</b>
	<b><u>20,766,955.99</u></b>

## Appendix C





## ***CR 2024/23 - The Trustee for the Voyager Resort - tax consequences for former timeshare owners***



This cover sheet is provided for information only. It does not form part of *CR 2024/23 - The Trustee for the Voyager Resort - tax consequences for former timeshare owners*



Australian Government  
Australian Taxation Office

Class Ruling

**CR 2024/23**

Status: **legally binding**

## Class Ruling

# The Trustee for the Voyager Resort – tax consequences for former timeshare owners

### **1 Relying on this Ruling**

This publication (excluding appendix) is a public ruling for the purposes of the *Taxation Administration Act 1953*.

If this Ruling applies to you, and you correctly rely on it, we will apply the law to you in the way set out in this Ruling. That is, you will not pay any more tax or penalties or interest in respect of the matters covered by this Ruling.

<b>Table of Contents</b>	<b>Paragraph</b>
What this Ruling is about	1
Who this Ruling applies to	4
When this Ruling applies	5
<b>Ruling</b>	<b>6</b>
<b>Scheme</b>	<b>16</b>
<b>Appendix – Explanation</b>	<b>28</b>

### **What this Ruling is about**

1. This Ruling sets out the income tax consequences arising for the former timeshare owners of Voyager Resort at 167 Old Burleigh Road, Broadbeach, Queensland from the sale of that property and from related events.
2. Details of this scheme are set out in paragraphs 16 to 27 of this Ruling.
3. All legislative references in this Ruling are to the *Income Tax Assessment Act 1997*, unless otherwise indicated.

### **Who this Ruling applies to**

4. This Ruling applies to you if all of the following apply:
  - You are a former timeshare owner in the Voyager Resort (Resort).
  - You were entitled to a share of the proceeds from the sale of the property at 167 Old Burleigh Road, Broadbeach, Queensland.
  - You were an Australian tax resident during the 2021–22, 2022–23, or 2023–24 income years.

### **When this Ruling applies**

5. This Ruling applies from 1 July 2021 to 30 June 2024.

Class Ruling

**CR 2024/23**

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Status: **legally binding**

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**Ruling**

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**Capital gains tax**

6. CGT event A1 happened in respect of your timeshare interest in the Resort when the statutory trustees were appointed by court order on 25 March 2022, and the time of that event is in the 2021–22 income year.
7. Your capital proceeds from this CGT event A1 were the share of the sale proceeds you were entitled to receive from the trustees – that is from the sale of the property at 167 Old Burleigh Road, Broadbeach, Queensland.
8. You will have a capital gain from CGT event A1 if your share of the sale proceeds exceeded the cost base of your former timeshare interest.
9. You can disregard any capital gain or capital loss if you acquired your whole timeshare interest before 20 September 1985.

**Interest income**

10. You include a proportionate share of the interest income derived by the trustees in your assessable income for each of the 2022–23 and 2023–24 income years. For each year, your proportion of the total interest income (received by the trustees in that year) will be the same proportion as your share of the sale proceeds.
11. The trustees will advise you of the amount of interest income to be included in your assessable income for each of the 2022–23 and 2023–24 income years.

**Penalties and interest charges**

12. We will remit all penalties that may apply because you failed to lodge a tax return for the 2021–22 or 2022–23 income years, provided:
- you lodge your return by 31 May 2024, and
  - the requirement to lodge a return arises because of the matters dealt with in this Ruling.
13. We will remit all penalties that may apply to any false or misleading statements made on your tax returns for the 2021–22 or 2022–23 income years provided:
- those statements related to the omission of income connected to the ending of your timeshare interest in the Resort, and
  - you request an amendment of your income tax assessment to include this income and to reflect the Commissioner's position in this Ruling by 31 May 2024.
14. We will remit all applicable interest charges where you request we amend your assessment, or you lodge your tax return, consistent with this Ruling by 31 May 2024.
15. In the event any penalty or interest charge is applied by our systems, you will need to phone **13 11 42**, and explain that you are requesting a remission of interest and penalties consistent with this Ruling and to quote the reference number CR 2024/23.

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Status: **legally binding**

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## Scheme

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16. The following description of the scheme is based on information provided by the applicant. If the scheme is not carried out as described, you cannot rely on this Ruling.

17. Voyager Resort was a block of apartments at 167 Old Burleigh Road, Broadbeach, Queensland, with 62 strata-titled lots.

18. Lots 1 and 2 and the common areas of the Resort were owned by Voyager Resort Limited (the company) since the 1980s.

19. Lots 3 to 62 each had 51 timeshare ownership rights which were held by 1,017 timeshare owners. The company was one of the timeshare owners.

20. When a timeshare owner acquired a timeshare interest in the Resort, they acquired a share in the company, and a fractional interest in a lot of the Resort.

21. The titles of Lots 3 to 62 show the fractional ownership of each timeshare owner for the relevant lot. The titles also show that the lots are subject to 99-year leases made by the timeshare owners to the company. Those leases began on 27 December 1984.

22. The trustees were appointed as statutory trustees for sale of Lots 3 to 62 of the Resort, by an order of the Supreme Court of Queensland, made on 24 March 2022, under section 38 of the former *Property Law Act 1974* (Qld).

23. The court order:

- vested all scheme lots in the trustees, to be held upon trust to sell them and hold the proceeds, after paying costs and expenses, and any net income until sale (after paying rates, taxes, insurance, et cetera properly payable out of that income)
- required the trustees to appoint a valuer to determine the proportionate share of each Lot (a share) in the purchase price
- authorised the trustees to sell all lots jointly, together with the company selling Lots 1 and 2.

24. The court order required the trustees to distribute the proceeds in this order:

- (i) discharge encumbrances
- (ii) pay fees and costs associated with holding or selling the Resort (including agents fees, rates, et cetera)
- (iii) reimburse trustees for properly incurred expenses
- (iv) pay the proceeds for Lots 1 and 2 to the company
- (v) divide the balance into shares (1 for each Lot), with each share being divided into 51 co-owner shares, and pay the co-owner share to the co-owner (after deducting any debts), with different procedures for any outstanding mortgages.

25. The Resort was sold in the 2022 calendar year, with settlement occurring in late December 2022. The sale was effected by 2 interdependent sale contracts – one for the trustees, and one for the company.

26. The trustees and the purchasing entity were both willing but not anxious participants in the contract.

Class Ruling

**CR 2024/23**

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**Status: legally binding**

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27. The trustees placed the sale proceeds of Lots 3 to 62 of the Resort into interest-earning bank accounts while they began finalising distributions to timeshare owners.

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**Commissioner of Taxation**

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10 April 2024

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Status: **not legally binding**

Appendix – Explanation

**❶**     *This Explanation is provided as information to help you understand how the Commissioner’s view has been reached. It does not form part of the binding public ruling.*

Table of Contents	Paragraph
Capital gains tax	28
Interest income	39
Administrative penalties	43
Interest charges	47

Capital gains tax

28.     CGT event A1 happens if you dispose of a capital gains tax (CGT) asset. See subsection 104-10(1).
29.     You dispose of a CGT asset if a change of ownership occurs from you to another entity, whether because of some act or event or operation of law. However, a change of ownership doesn’t occur if you stop being the asset’s legal owner but you continue to be its beneficial owner. See subsection 104-10(2).
30.     The Commissioner’s view is that CGT event A1 happens when a court appoints statutory trustees for sale. ATO Interpretative Decision ATO ID 2009/129 *Capital gains tax: land vested in a statutory trustee for sale, CGT event A1 or CGT event E1?* says a court order appointing statutory trustees for the sale of co-owned property effects a disposal. The order vests the property in the trustees and authorises them to convert the property into money. The co-owners lose their interest in the property, and receive a personal claim against the trustees to collect their share of the proceeds of sale.
31.     Following ATO ID 2009/129, CGT event A1 happened to the timeshare owners’ interests in Lots 3 to 62 when the statutory trustees were appointed.
32.     Subsection 104-10(3) says the time of the event (for CGT event A1) is:
- when you enter into the contract for the disposal, or
  - if there’s no contract, when the change of ownership occurs.
33.     The time of the event will be the court order date. The trustees were appointed by court order in March 2022, so the timeshare owners didn’t enter a contract disposing of their timeshare interests in the Resort. Therefore, the time of the event will be when the court orders effected the change of ownership in March 2022, which is during the 2021–22 income year.
34.     You have a capital gain from CGT event A1 if your capital proceeds for the CGT event are more than your cost base. See subsection 104-10(4).
35.     Section 116-20 says the capital proceeds are the money and market value of property you have received (or are entitled to receive) in respect of the event happening.
36.     Section 116-30 says that if you received no capital proceeds from a CGT event, you are taken to have received the market value of the CGT asset that’s the subject of the CGT event.

Class Ruling

**CR 2024/23**

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**Status: not legally binding**

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37. On these facts, the Commissioner accepts that timeshare owners capital proceeds in respect of the disposal of their timeshare interests (to the trustees) is equal to the share of the sale proceeds they will later receive from the trustees.

38. Timeshare owners will have a capital gain if their share of the sale proceeds is more than the cost base for their timeshare interest.

**Interest income**

39. Interest income is ordinary income under section 6-5, and derived when it's received or credited.

40. Division 6 of Part III of the *Income Tax Assessment Act 1936* applies to trust income. The interest derived by the trustees is trust income and is included in the net income of the trust estate in the income year they received it.

41. Under section 97 of the *Income Tax Assessment Act 1936*, beneficiaries who are presently entitled to a share of the income of the trust estate include their share of the net income of the trust estate in their assessable income for the corresponding income year.

42. In these circumstances, the Commissioner accepts that each timeshare owner was presently entitled to a percentage share of the total interest income derived by the trustees equal to their percentage share of the total sale proceeds.

**Administrative penalties**

43. Subdivision 284-B of Schedule 1 to the *Taxation Administration Act 1953* (TAA) is about administrative penalties for making false or misleading statements. Taxpayers may be liable for penalties if they make a statement to the Commissioner that's false or misleading in a material particular.

44. Division 286 of Schedule 1 to the TAA is about penalties for failing to lodge documents on time. Taxpayers may be liable for an administrative penalty if they are required to give a document to the Commissioner by a particular day and fail to do so.

45. The Commissioner has a discretion to remit administrative penalties under section 298-20 of Schedule 1 to the TAA.

46. The Commissioner will remit any penalties for timeshare owners that may be applicable if the timeshare owners lodge their returns or seek amendments of their assessments by 31 May 2024 and comply with the requirement in paragraphs 12 and 13 of this Ruling.

**Interest charges**

47. There are 2 types of interest charges. Shortfall interest charge (SIC), worked out under Division 280 of Schedule 1 to the TAA, applies on any additional income tax payable as a result of an amended assessment. General interest charge (GIC), worked out under section 5-15 and Part IIA of the TAA, applies to late payments. Section 280-160 of Schedule 1 to the TAA allows the Commissioner to remit SIC, and section 8AAG of the TAA allows the Commissioner to remit GIC, in circumstances specified in those provisions.

48. Law Administration Practice Statement PS LA 2006/8 *Remission of shortfall interest charge and general interest charge for shortfall periods* says it may be appropriate to remit SIC in some circumstances, including where the delay in reporting correctly



Class Ruling

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**Status: not legally binding**

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arose from circumstances outside the taxpayer's control, or where the taxpayer couldn't have been aware of the shortfall when lodging the return.

49. Law Administration Practice Statement PS LA 2011/12 *Remission of General Interest Charge* says it may be appropriate to remit GIC where:

- the Commissioner is satisfied that the circumstances contributing to delayed payment arose because of events beyond their control, and they took reasonable steps to mitigate, or
- ordinary and reasonable members of the community (who pay tax on time) would agree that it's fair and reasonable for the Commissioner to remit GIC.

50. The Commissioner considers that it's appropriate to remit SIC and GIC so long as:

- the SIC or shortfall GIC is solely attributable to shortfalls or tax liabilities arising from the income tax issues addressed in this Ruling
- the timeshare owners amend their assessments or lodge the relevant tax returns by 31 May 2024
- the relevant amendments or lodgments adopt the position outlined in this Ruling.

Class Ruling

**CR 2024/23**

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**Status: not legally binding**

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## References

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*Legislative references:*

- ITAA 1936 Div 6
- ITAA 1936 97
- ITAA 1997 5-15
- ITAA 1997 6-5
- ITAA 1997 104-10(1)
- ITAA 1997 104-10(2)
- ITAA 1997 104-10(3)
- ITAA 1997 104-10(4)
- ITAA 1997 116-20
- ITAA 1997 116-30
- TAA 1953 Pt IIA
- TAA 1953 8AAG

- TAA 1953 Sch 1 Div 280
- TAA 1953 Sch 1 280-160
- TAA 1953 Sch 1 Subdiv 284-B
- TAA 1953 Sch 1 Div 286
- TAA 1953 Sch 1 298-20
- Property Law Act 1974 (Qld) 38 (repealed)

*Other references:*

- ATO ID 2009/129
- PS LA 2006/8
- PS LA 2011/12

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**ATO references**

NO: 1-10A72FWD

ISSN: 2205-5517

BSL: PW

ATOlaw topic: Administration ~~ Interest charges

Capital gains tax ~~ CGT events ~~ A1 - disposal of a CGT asset

Income tax ~~ Trusts ~~ Trust income ~~ Beneficiary assessable - section 97

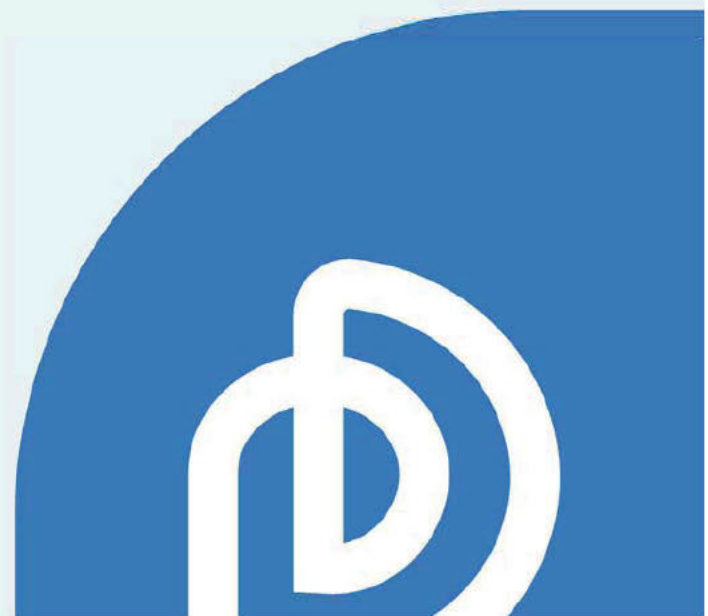
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## Appendix D



*Duplicate***SUPREME COURT OF QUEENSLAND**

REGISTRY: BRISBANE

NUMBER: BS13638/21

Applicant: **VOYAGER RESORT LTD ACN 010 547 618**

AND

Respondents: **ALAN SKELTON and the others described in the SCHEDULE OF RESPONDENTS****ORDER**

Before: Ryan J

Date: 25 March 2022

Initiating document: Originating Application filed 16 November 2021

**THE ORDER OF THE COURT IS THAT:**

1. Service is deemed to have been effected on:
  - (a) the One Hundred and Fourth Respondent;
  - (b) the One Hundred and Forty Eighth Respondent;
  - (c) the One Hundred and Seventy Seventh Respondent;
  - (d) the Two Hundred and Forty Second Respondent;
  - (e) the Two Hundred and Ninety Seventh Respondent;
  - (f) the Three Hundred and Thirty Second Respondent;
  - (g) the Four Hundred and Eleventh Respondent;
  - (h) the Six Hundred and Fifty Seventh Respondent;

**ORDER**

Filed on behalf of the Applicant  
Form 59, Version 1  
Uniform Civil Procedure Rules 1999  
Rule 661

Mahoneys  
Level 18, 167 Eagle Street  
Brisbane Qld 4000  
Tel: 07 3007 3777  
Fax: 07 3007 3778  
Ref: 25203

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- (i) the Six Hundred and Seventy Third Respondent;
  - (j) the Eight Hundred and Sixty Fourth Respondent;
  - (k) the Nine Hundred and Eighth Respondent;
  - (l) the One Thousandth and Twenty Third Respondent.
2. Notwithstanding non-compliance with paragraphs 3(a) and 6(a) of the Order made on 9 December 2021, the hearing of this application proceed.
  3. Geoffrey Graeme Heaton, Geoffrey Philip Walters and Angela Julian-Armitage (the **Trustees**) be appointed trustees of each of Lots 3 to 62 (inclusive) on BUP 6459 (the **Scheme Lot(s)**, and collectively with Lots 1 and 2 on BUP 6459, the **Property** and **Lot(s)**).
  4. Each Scheme Lot thereupon vest in the Trustees, subject to encumbrances affecting the entirety or any encumbrance which, prior to the appointment of the Trustees, affected any undivided share of a Scheme Lot, to be held by them upon trust to sell the same and to stand possessed of the share of the net proceeds, after payment of costs and expenses, and of the net income until sale after payment of rates, taxes, costs of insurance, repairs properly payable out of income and other outgoing, and pursuant to the priority in Order [11].
  5. The Trustees have liberty to apply without notice for directions in relation to the performance of their duties.
  6. The applicant's costs be paid on the indemnity basis and paid out of the proceeds of sale before division.

**THE COURT DIRECTS THAT:**

7. The Trustees:
  - (a) keep proper books of account in relation to all amounts received or expended by them;
  - (b) take out and maintain appropriate insurance;
  - (c) shall not be entitled to any remuneration;
  - (d) appoint a registered valuer to determine, following the Trustees entering into a contract of sale, the proportionate share of each Lot in the purchase price payable under the contract of sale, based on the respective value that each Lot represents to the value of all other Lots in the Property (once determined the **Share**), where such determination will, except in the case of manifest error, be final and binding on all respondents.



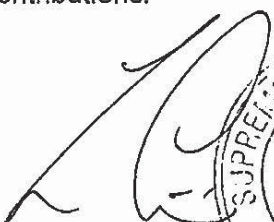
- 3 -

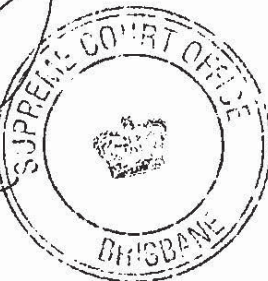
8. The Trustees may sell all Lots jointly:
  - (a) and so that they settle simultaneously;
  - (b) with the applicant in any sale of Lots 1 and 2 on BUP 6459
9. The Trustees be excused from complying with s 39(1) of the *Property Law Act 1974* (Q).
10. The net income of each Scheme Lot, after payment of rates, taxes, costs of insurance, repairs properly payable out of income and other outgoings, be paid to the applicant.
11. The proceeds of sale after payment of all expenses of and incidental to such sale be distributed in the following manner and priority:
  - (a) First, in discharge of any valid encumbrance over the title to the Property;
  - (b) Second, in payment of agent's commission, auctioneers and auction fees associated with the sale of the Property;
  - (c) Third, in payment of expenses and reasonable legal costs and disbursements incurred upon the sale of the Property;
  - (d) Fourth, in adjustment of council rates, water rates and other statutory imposts;
  - (e) Fifth, in payment of the costs of the applicant's costs of this proceeding;
  - (f) Sixth, in payment of the properly incurred expenses of the Trustees;
  - (g) Seventh, by the Share for Lots 1 and 2 being paid to the applicant;
  - (h) Eighth, by the Trustees retaining and dividing the balance into the Shares, before dividing each Share into fifty-one shares (each such share, a **Co-Owner Share**);
  - (i) Ninth, where a respondent's fractional interest in a Scheme Lot was not the subject of a registered mortgage immediately before sale, by paying the Co-Owner Share to that respondent Co-Owner after deduction of any debt due and owing to the applicant on account of any unpaid contributions;
  - (j) Tenth, where a respondent's fractional interest in a Scheme Lot was the subject of a registered mortgage immediately before sale, by:
    - (i) giving notice in writing to each such respondent Co-Owner and each such mortgagee as to the amount of the Co-Owner Share; and
    - (ii) thereafter, paying the Co-Owner Share as directed in writing by the respondent Co-Owner and the mortgagee, or as otherwise ordered by any court, but in any case where the Co-Owner Share is to be paid or is payable to the Co-Owner respondent, only after deduction of any

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debt due and owing to the applicant on account of any unpaid contributions.

Signed:

  
Deputy Registrar





## Appendix E




**ASIC**

Australian Securities &amp; Investments Commission

## INFORMATION SHEET 43

# Insolvency: a guide for shareholders

If a company is in financial difficulty, it can be put under the control of an independent external administrator. The role of the external administrator depends on the type of external administration.

This information sheet gives general information for shareholders on the three most common forms of external administration (liquidation, voluntary administration and receivership). Other forms of external administration are beyond the scope of this information sheet.

## Liquidation

There are two types of liquidation for an insolvent company: creditors' voluntary and court. The most common type is a creditors' voluntary liquidation, which usually begins in one of two ways:

1. when creditors vote for liquidation following a voluntary administration or a terminated deed of company arrangement, or
2. when an insolvent company's shareholders resolve to liquidate the company and appoint a liquidator. Within 11 days of being appointed by shareholders, the liquidator must call a meeting of creditors who may confirm the liquidator's appointment or appoint another liquidator of the creditors' choice.

In a court liquidation, a liquidator is appointed by the court to wind up a company following an application, usually by a creditor.

### The liquidator's role

The liquidator's role is to:

- collect, protect and realise the company's assets
- investigate and report to creditors about the company's affairs, including any unfair preferences which may be recoverable, any uncommercial transactions which may be set aside, and any possible claims against the company's officers
- enquire into the failure of the company and possible offences by people involved in the company and report to ASIC
- after payment of the costs of the liquidation, and subject to the rights of any secured creditor, distribute the proceeds of realisation—first to priority creditors, including employees, and then to unsecured creditors, and

**Important note:** This information sheet contains a summary of basic information on the topic. It is not a substitute for legal advice. Some provisions of the law referred to may have important exceptions or qualifications. This document may not contain all of the information about the law or the exceptions and qualifications that are relevant to your circumstances. You will need a qualified professional adviser to take into account your particular circumstances and to tell you how the law applies to you.

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- apply for deregistration of the company on completion of the liquidation.

Except for lodging documents and reports required under the *Corporations Act 2001* (Corporations Act), a liquidator is not required to do any work unless there are enough assets to pay their costs.

**The directors' role**

Directors cannot use their powers after a liquidator has been appointed. They must help the liquidator, including providing the company's books and records, and a report about the company's affairs.

**Shareholders and liquidation**

The liquidator's primary duty is to all of the company's creditors. The shareholders rank behind the creditors and are unlikely to receive any dividend in an insolvent liquidation unless they also have a claim as a creditor.

In a court liquidation, the liquidator is not required to report to the shareholders on the progress or outcome of the liquidation.

The liquidator is not required to hold a meeting of shareholders during a creditors' voluntary liquidation. A joint meeting of the creditors and shareholders must be held at the conclusion of the winding up.

Shareholders in both types of insolvent liquidation can request that the liquidator call separate meetings of shareholders and creditors to decide whether a committee of inspection should be appointed and, if so, who will represent the shareholders and creditors on the committee. However, the shareholder(s) making the request must pay the costs of calling and holding these meetings. A committee of inspection assists the liquidator, approves their fees and, in limited circumstances, approves the use of some of their powers.

A transfer of shares in a company or alteration of status of shareholders during a liquidation will not be effective unless the liquidator gives their written consent or the court permits. The liquidator or the court will need to be satisfied that the transfer of shares, or the alteration in the status of shareholders, is in the best interest of the company as a whole and does not breach other sections of the Corporations Act that deal with the rights of shareholders.

When giving written consent to a transfer of shares in a company or alteration of status of shareholders, the liquidator can impose conditions which must be satisfied before the transfer or alteration is effective. In the case of a transfer of shares, the current shareholder, the prospective shareholder, or a creditor, may apply to the court to set aside any or all of these conditions. Similarly, a shareholder or a creditor may apply to the court to set aside any or all conditions that must be satisfied for an alteration in the status to have effect. A shareholder or a creditor may also apply to the court to authorise an alteration in the status of shareholders if the liquidator refuses the alteration.

The liquidator can call on the holders of any unpaid or partly paid shares in the company to pay the amount outstanding on those shares.

If a liquidator makes a written declaration that they have reasonable grounds to believe there is no likelihood that shareholders will receive any further distribution in the winding up, shareholders can realise a capital loss. To realise a loss, the shares in the company must have been purchased on or after 20 September 1985. If no such declaration is made by the liquidator, the deregistration of a company at the end of the liquidation also enables realisation of any capital loss.

**Financial reporting**

Listed and very large companies usually have financial reporting obligations under the Corporations Act. ASIC has given relief so that such companies don't need to comply with these obligations if they

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are in liquidation. Also, public companies in insolvent liquidation don't need to hold annual general meetings (this does not apply to a section 509 meeting).

The liquidator must lodge a detailed list of their receipts and payments for the liquidation with ASIC every six months. A copy of these statements of receipts and payments may be obtained from any ASIC Business Centre, on payment of the relevant fee. The liquidator must also make them available at their office for inspection by shareholders and creditors.

## **Voluntary administration**

Voluntary administration is designed to resolve a company's future direction quickly. An independent and suitably qualified person (the voluntary administrator) takes full control of the company to try to work out a way to save either the company or the company's business.

If this isn't possible, the aim is to administer the affairs of the company in a way that results in a better return to creditors than they would have received if the company had instead been placed straight into liquidation. A mechanism for achieving these aims is a deed of company arrangement.

### **The voluntary administrator's role**

After taking control of the company, the voluntary administrator investigates and reports to creditors on the company's business, property, affairs and financial circumstances, and on the three options available to creditors. These are:

1. end the voluntary administration and return the company to the directors' control
2. approve a deed of company arrangement through which the company will pay all or part of its debts and then be free of those debts, or
3. wind up the company and appoint a liquidator.

The voluntary administrator must give an opinion on each option and recommend which option is in the best interests of creditors.

The voluntary administrator has all the powers of the company and its directors. This includes the power to sell or close down the company's business or sell individual assets in the lead up to the creditors' decision on the company's future.

The voluntary administrator must also report to ASIC on possible offences by people involved with the company.

If a deed of company arrangement is approved, the voluntary administrator will usually become the deed administrator and oversee its operation.

### **The directors' role**

Directors cannot use their powers while the company is in voluntary administration. They must help the voluntary administrator, including providing the company's books and records, and a report about the company's business, property, affairs and financial circumstances, as well as any further information about these that the voluntary administrator reasonably requires.

If the company goes from voluntary administration into a deed of company arrangement, the directors' powers depend on the deed's terms. When the deed is completed, the directors regain full control, unless the deed provides for the company to go into liquidation on completion.

If the deed is not completed and the company goes into liquidation as a result, the directors cannot use their powers, as discussed in the liquidation section above.

**INSOLVENCY: A GUIDE FOR SHAREHOLDERS****Shareholders and voluntary administration**

A voluntary administrator isn't required to report to shareholders on the progress or outcome of the voluntary administration. Shareholders don't get to vote on the future of the company.

A transfer of shares in a company or alteration of status of shareholders during a voluntary administration will not be effective unless the voluntary administrator gives their written consent or the court permits. The voluntary administrator or the court will need to be satisfied that the transfer of shares, or the alteration in the status of shareholders, is in the best interest of the company as a whole and does not breach other sections of the Corporations Act that deal with the rights of shareholders.

When giving written consent to a transfer of shares in a company or alteration of status of shareholders, the voluntary administrator can impose conditions which must be satisfied before the transfer or alteration is effective. In the case of a transfer of shares, the current shareholder, the prospective shareholder, or a creditor, may apply to the court to set aside any or all of these conditions. Similarly, a shareholder or a creditor may apply to the court to set aside any or all conditions that must be satisfied for an alteration in the status to have effect. A shareholder or a creditor may also apply to the court to authorise an alteration in the status of shareholders if the voluntary administrator refuses the alteration.

Shareholders are bound by a deed of company arrangement approved by creditors. Also, the deed administrator may transfer shares in the company with the written consent of the shareholder or with the court's permission. A shareholder, a creditor, ASIC or any other interested person can oppose an application to the court by the deed administrator to approve a share transfer.

If a deed administrator makes a written declaration that they have reasonable grounds to believe there is no likelihood that shareholders will receive any further distribution at any time in the future, shareholders can realise a capital loss. To realise a loss, the shares in the company must have been purchased on or after 20 September 1985.

**Financial reporting**

The statutory financial reporting obligations of listed and very large companies remain while they are in voluntary administration or under a deed of company arrangement. ASIC has given relief so that a company in voluntary administration may defer meeting its financial reporting obligations for six months after the appointment of the voluntary administrator. ASIC may grant relief to a company under voluntary administration or subject to a deed of company arrangement from the requirement to hold an annual general meeting.

To get the benefit of this relief, ASIC must be notified that it is being relied on and the administrator must answer, free of charge, reasonable inquiries from shareholders about the administration during the deferral period. If the company is listed, the relevant stock exchange must also be told. The relief also provides for the use of alternative methods of distributing an annual report to shareholders at the end of the period.

At the end of this deferral period, if the company is still in voluntary administration or under a deed of company arrangement, ASIC may give the company an exemption or further deferral from all or some of their financial reporting obligations in certain circumstances.

ASIC may also give an extension of time for the annual general meeting or decide to take no action for failure to hold the annual general meeting if a public company is in voluntary administration or under a deed of company arrangement.

A voluntary administrator and a deed administrator must lodge a detailed list of receipts and payments with ASIC every six months and at the end of their administration. A copy of these statements of

**INSOLVENCY: A GUIDE FOR SHAREHOLDERS**

receipts and payments may be obtained from any ASIC Business Centre, on payment of the relevant fee.

## **Receivership**

A company goes into receivership when an independent and suitably qualified person (the receiver) is appointed by a secured creditor or, in special circumstances, by the court to take control of some or all of the company's assets. A secured creditor is someone who has a charge, such as a mortgage, over all or some of a company's assets.

Court receiverships are not covered in this information sheet.

The powers of the receiver are set out in the charge document and the Corporations Act.

If a receiver has, under the terms of their appointment, the power to manage the company's affairs, they are known as a receiver and manager.

### **The receiver's role**

The receiver's role is:

- to collect and sell enough of the charged assets to repay the debt owed to the secured creditor
- if they have been appointed under a fixed charge (e.g. over land, plant or equipment), to pay out the money collected:
  - first, to pay the secured creditor, and
  - second, if there are any funds left over, to pay this surplus to the company or its other external administrator if one has been appointed
- if they have been appointed under a floating charge (e.g. over cash, debtors or stock), to pay out the money collected:
  - first, to pay priority claims (including certain employee entitlements)
  - second, to pay the secured creditor, and
  - third, if there are any funds left over, to pay the company or its other external administrator if one has been appointed, and
- to report to ASIC any possible offences or other irregular matters.

The receiver is usually paid from the money collected during the receivership.

### **The directors' role**

Receivership does not affect the legal existence of the company. The directors continue to hold office, but their powers depend on the powers of the receiver and the extent of the assets over which the receiver is appointed.

Control of the charged property, which often includes the company's business, is taken away from them.

Directors must provide the receiver with a report about the company's affairs and must allow the receiver access to books and records relating to the charged property.

### **Shareholders and receivership**

The receiver's primary duty is to the company's secured creditor. The main duty owed to unsecured creditors and shareholders is an obligation to take reasonable care to sell charged property for not less

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than its market value or, if there is no market value, the best price reasonably obtainable. A receiver also has the same general duties as a company director.

There is no obligation for the receiver to report to the shareholders on the progress or outcome of the receivership.

**Financial reporting**

The statutory financial reporting obligations of listed and very large companies remain while it is in receivership, as do the requirements for public companies to hold annual general meetings.

However, ASIC has given relief so that a company with a receiver appointed to the whole or substantially the whole of its property may defer meeting its financial reporting obligations for six months after the receiver's appointment.

To get the benefit of this relief, the receiver must tell ASIC they are relying on it, and agree to answer, free of charge, reasonable inquiries from shareholders about the receivership during the deferral period. If the company is listed, the relevant stock exchange must also be told. The relief also provides for the use of alternative methods of distributing an annual report to shareholders at the end of this period.

At the end of this deferral period, ASIC may give an exemption or further deferral from all or some of the financial reporting obligations, in certain circumstances. ASIC may also give an extension of time for the annual general meeting, or decide to take no action for failure to hold the annual general meeting.

The receiver must lodge a detailed list of their receipts and payments for the receivership with ASIC every six months. A copy of these statements of receipts and payments may be obtained from any ASIC Business Centre, on payment of the relevant fee.

**To find out more**

For an explanation of terms used in this information sheet, see ASIC information sheet INFO 41 *Insolvency: a glossary of terms*. For more on voluntary administration, liquidation and receivership, see ASIC's related information sheets, available at [www.asic.gov.au/insolvencyinfosheets](http://www.asic.gov.au/insolvencyinfosheets):

- INFO 74 *Voluntary administration: a guide for creditors*
- INFO 75 *Voluntary administration: a guide for employees*
- INFO 45 *Liquidation: a guide for creditors*
- INFO 46 *Liquidation: a guide for employees*
- INFO 54 *Receivership: a guide for creditors*
- INFO 55 *Receivership: a guide for employees*
- INFO 42 *Insolvency: a guide for directors*
- INFO 84 *Independence of external administrators: a guide for creditors*
- INFO 85 *Approving fees: a guide for creditors*

These are also available from the Insolvency Practitioners Association (IPA) website at [www.ipaa.com.au](http://www.ipaa.com.au). The IPA website also contains the IPA's Code of Professional Practice for Insolvency Professionals, which applies to IPA members.

You may also wish to check the website of the external administrator's firm and the company's website for any information on a particular external administration.



**ELECTRONIC FUNDS TRANSFER (EFT) DETAILS FORM****Voyager Resort Limited (In Liquidation)****ACN 010 547 618****(the "Company")****Shareholder name**

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All payments made in relation to the Company should be paid to the following bank account:

<b>Bank account name:</b>	
<b>BSB:</b>	
<b>Account number:</b>	

**For international transfers only**, please provide the following additional information:

<b>SWIFT/BIC code:</b>		<b>IBAN:</b>	
<b>Bank name:</b>		<b>Bank address:</b>	
<b>Account holder name:</b>		<b>Account holder address:</b>	

<b>Signature of authorised representative*</b>	<b>Date</b>
<b>Name</b>	<b>Email</b>

\*In signing this form, I confirm I am either the shareholder personally or authorised by the shareholder.

**Please return this form to: [voyager@pilotpartners.com.au](mailto:voyager@pilotpartners.com.au)**

**Certificate identifying annexure**  
(rule29.02)

Federal Court of Australia  
District Registry: Queensland  
Division: General

No. QUD13/2025

**IN THE MATTER** of VOYAGER RESORT LIMITED (In Liquidation)  
ACN 010 547 618

**BRADLEY VINCENT HELLEN AND NIGEL MARKEY AS JOINT AND SEVERAL  
LIQUIDATORS OF VOYAGER RESORT LIMITED**

Plaintiff

The following 2 pages are the annexure marked "BVH-36" produced and shown to BRADLEY VINCENT HELLEN at the time of affirming his affidavit this 24th day of February 2025.

  
.....  
Benjamin Leigh Sandford

**Annexure "BVH-36"**

Bundle of Documents relating to Tomimatsu, M

.....

Filed on behalf of     Bradley Vincent Hellen and Nigel Markey as joint and several liquidators of voyager  
   resort limited, Plaintiff

Prepared by     Benjamin Leigh Sandford

Law firm     Mahoneys

Tel     07 3007 3777

Fax     07 3007 3778

Email     info@mahoneys.com.au

Ref     32419

**Address for Service MAHONEYS**

Level 18, 167 Eagle Street, Brisbane Qld 4000  
Email: info@mahoneys.com.au



## Current Title Search

Queensland Titles Registry Pty Ltd  
ABN 23 648 568 101

<b>Title Reference:</b>	17340008	<b>Search Date:</b>	02/08/2021 09:06
<b>Date Title Created:</b>	13/06/1989	<b>Request No:</b>	38057538
<b>Previous Title:</b>	16865003		

## ESTATE AND LAND

Estate in Fee Simple

LOT 12 BUILDING UNIT PLAN 6459  
Local Government: GOLD COAST  
COMMUNITY MANAGEMENT STATEMENT 8766

## REGISTERED OWNER

## INTEREST

MICHIKO TOMIMATSU

1/51

## EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by  
Deed of Grant No. 13332009 (ALLOT 16 SEC 26)  
Deed of Grant No. 13332010 (ALLOT 15 SEC 26)  
Deed of Grant No. 16426157 (ALLOT 14 SEC 26)
2. LEASE No 601085045 (H479546) 27/12/1984  
TO VOYAGER RESORT LIMITED  
ORIGINAL TERM: FOR 99 YEARS  
COMMENCING 27 DEC 1984  
OR OPTIONS AS MAY BE STATED

## ADMINISTRATIVE ADVICES

NIL

## UNREGISTERED DEALINGS

NIL

Caution - Charges do not necessarily appear in order of priority

\*\* End of Current Title Search \*\*



Telephone: (07) 3023 1300  
Email: [voyager@pilotpartners.com.au](mailto:voyager@pilotpartners.com.au)

**PILOT PARTNERS**  
Chartered Accountants  
Level 10, Waterfront Place  
1 Eagle Street  
Brisbane QLD 4000  
PO Box 7095  
Brisbane QLD 4001  
P +61 7 3023 1300  
[pilotpartners.com.au](http://pilotpartners.com.au)

14 July 2023

Michiko Tomimatsu  
25-1-208, Chome Nakoji  
Amagasaki-shi  
Hyogo-Ken Japan 661-0974

By Email: [m.tom9nov@gmail.com](mailto:m.tom9nov@gmail.com)

### FINAL DEMAND - OUTSTANDING LEVIES

Dear Sir/Madam

**Re: Voyager Resort Limited (In Liquidation)**  
**ACN 010 547 618**

We, Mr Bradley Vincent Hellen and Mr Nigel Robert Markey, were appointed Joint & Several Liquidators of the abovenamed Company by Order of the Supreme Court of Queensland on 2 May 2023.

On 25 March 2022, the Supreme Court of Queensland appointed Statutory Trustee's to sell and distribute the sale proceeds of the Voyager resort. The Statutory Trustees have now sold the Voyager resort and are in the process of determining the distribution of sale proceeds.

The records of the company indicate **you have a balance of \$8,967.24 outstanding** with the company for unpaid levies.

The amount outstanding, will be deducted from any distribution you may be entitled to from the Statutory Trustees and/or may reduce any entitlement as a potential shareholder of the Company.

In the event you dispute the amount owed, please notify this office in **writing** and attach all documentation in support of your claim **by 31 July 2023**.

**This will be your final chance to raise any dispute prior to the sale proceeds being distributed.**

Should you have any queries please contact our office at [voyager@pilotpartners.com.au](mailto:voyager@pilotpartners.com.au)



**JOINT & SEVERAL LIQUIDATOR**

**Certificate identifying annexure**  
(rule29.02)

Federal Court of Australia  
District Registry: Queensland  
Division: General

No. QUD13/2025

**IN THE MATTER** of VOYAGER RESORT LIMITED (In Liquidation)  
ACN 010 547 618

**BRADLEY VINCENT HELLEN AND NIGEL MARKEY AS JOINT AND SEVERAL  
LIQUIDATORS OF VOYAGER RESORT LIMITED**

Plaintiff

The following 5 pages are the annexure marked "BVH-37" produced and shown to BRADLEY VINCENT HELLEN at the time of affirming his affidavit this 24th day of February 2025.

  
.....  
Benjamin Leigh Sandford

**Annexure "BVH-37"**

**Bundle of Documents relating to Donnelly, KG & GE**

.....

Filed on behalf of Bradley Vincent Hellen and Nigel Markey as joint and several liquidators of voyager resort limited, Plaintiff

Prepared by Benjamin Leigh Sandford

Law firm Mahoneys

Tel 07 3007 3777

Fax 07 3007 3778

Email info@mahoneys.com.au

Ref 32419

**Address for Service MAHONEYS**

Level 18, 167 Eagle Street, Brisbane Qld 4000  
Email: info@mahoneys.com.au



## Current Title Search

Queensland Titles Registry Pty Ltd  
ABN 23 648 568 101

<b>Title Reference:</b>	<b>16989135</b>	<b>Search Date:</b>	02/08/2021 10:57
<b>Date Title Created:</b>	31/12/1986	<b>Request No:</b>	38060611
<b>Previous Title:</b>	16864248		

## ESTATE AND LAND

Estate in Fee Simple

LOT 36 BUILDING UNIT PLAN 6459  
Local Government: GOLD COAST  
COMMUNITY MANAGEMENT STATEMENT 8766

## REGISTERED OWNER

## INTEREST

KERRY GARTH DONNELLY GLENDA ELIZABETH DONNELLY	JOINT TENANTS INTER SE	1/51
---	------------------------	------

## EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by  
Deed of Grant No. 13332009 (ALLOT 16 SEC 26)  
Deed of Grant No. 13332010 (ALLOT 15 SEC 26)  
Deed of Grant No. 16426157 (ALLOT 14 SEC 26)
2. LEASE No 601085045 (H479546) 27/12/1984  
TO VOYAGER RESORT LIMITED  
ORIGINAL TERM: FOR 99 YEARS  
COMMENCING 27 DEC 1984  
OR OPTIONS AS MAY BE STATED

## ADMINISTRATIVE ADVICES

NIL

## UNREGISTERED DEALINGS

NIL

Caution - Charges do not necessarily appear in order of priority

\*\* End of Current Title Search \*\*





	Notices	Articles	Funeral Directors
--	---------	----------	-------------------

Search...

Category

Location

+50km

Our Partners



DONNELLY, Glenda Elizabeth

S

Publication: Toowoomba Chronicle    Date Listed: 20/5/2023    Location: T

Late of Toowoomba, passed away on 8th May 2023, aged 78 years.

Dearly loved Wife of Kerry (dec'd). Much loved Mother of Michael (dec'd), Annett Brigitte (dec'd). Loved Step-Mother of Tanya (dec'd) and David. Beloved by all friends.

Relatives and friends are respectfully invited to attend Glenda's funeral, to be held at St Patrick's Cathedral, 123 Neil Street, Toowoomba, Requiem Mass commencing at Tuesday, 23rd May 2023.

Livestream available at <https://www.burstows.com/tribute-centre>

*"In God's Care"*

T.S. Burstow Funerals

Australian and Family owned

Toowoomba Qld 4636 9600

08/05/2023

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Send flowers    Light a candle    Support services

Funeral Director information

Funeral by : Burstows Funeral Care  
Website: <http://www.burstows.com.au>  
Phone number : 074636...

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Articles



Dame Maggie Smith: A Life in Theatre and ...

Dame Maggie Smith, an icon of stage and screen, has captivated audiences worldwide for over six decades.



Where to find grief support

Find grief support in NSW to help you on your healing journey and guidance for someone who is grieving?



A eulogy for my best friend

Read My Tributes article when writing an eulogy for your loved one expressing your love and best friend in a eulogy.



6 funeral notice word examples

Writing a funeral notice for your loved one can be a difficult task. Read 6 funeral notice word examples to help you during your bereavement.

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Funeral Director & Services

Archives

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Director

Ryersor

Flowers

Support



**From:** Voyager  
**Sent:** Friday, 26 July 2024 9:12:16 AM  
**To:** directors@burstows.com.au  
**Subject:** Voyager Resort Limited (In Liquidation) - Glenda Elizabeth Donnelly [PILOT-CLIENT.FID1210301]  
**Attachments:** order\_image\_7b6d787c-39f6-4132-8229-55f0ad578458.pdf

Good afternoon,

We understand, based on the **attached** notice, your business arranged the funeral of Glenda Elizabeth Donnelly.

Glenda, jointly with Kerry Garth Donnelly, was a shareholder in Voyager Resort Limited (In Liquidation) (the "Company"). Our office, in due course, will be paying a distribution to the Company's shareholders.

If you are able to, would you please provide contact details for Glenda's estate, so we are able to request the required information to facilitate this payment.

Should you have any questions, please do not hesitate to contact our office.

Regards,

Level 10, One Eagle, 1 Eagle Street, Brisbane, Qld, Australia, 4000

**T** +61 7 3023 130 **E** [Voyager@pilotpartners.com.au](mailto:Voyager@pilotpartners.com.au) **W** [pilotpartners.com.au](http://pilotpartners.com.au)

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# DONNELLY, Glenda Elizabeth

Late of Toowoomba, passed away on 8th May 2023, aged 78 years.

Dearly loved Wife of Kerry (dec'd). Much loved Mother of Michael (dec'd), Annette and Brigitte (dec'd). Loved Step-Mother of Tanya (dec'd) and David. Beloved by all her family and friends.

Relatives and friends are respectfully invited to attend Glenda's funeral, to be held at St Patrick's Cathedral, 123 Neil Street, Toowoomba, Requiem Mass commencing at 10:30am, Tuesday, 23rd May 2023.

Livestream available at [www.burstows.com.au/tribute-centre](http://www.burstows.com.au/tribute-centre)

*"In God's Care"*

Toowoomba  
07 4636 9600

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(rule29.02)

Federal Court of Australia  
District Registry: Queensland  
Division: General

No. QUD13/2025

**IN THE MATTER** of VOYAGER RESORT LIMITED (In Liquidation)  
ACN 010 547 618

**BRADLEY VINCENT HELLEN AND NIGEL MARKEY AS JOINT AND SEVERAL  
LIQUIDATORS OF VOYAGER RESORT LIMITED**

Plaintiff

The following 4 pages are the annexure marked "BVH-38" produced and shown to BRADLEY VINCENT HELLEN at the time of affirming his affidavit this 24th day of February 2025.

  
.....  
Benjamin Leigh Sandford

**Annexure "BVH-38"**

**Bundle of Documents relating to Campbell, NJ & JE**

.....

Filed on behalf of Bradley Vincent Hellen and Nigel Markey as joint and several liquidators of voyager resort limited, Plaintiff

Prepared by Benjamin Leigh Sandford

Law firm Mahoneys

Tel 07 3007 3777

Fax 07 3007 3778

Email info@mahoneys.com.au

Ref 32419

**Address for Service MAHONEYS**

Level 18, 167 Eagle Street, Brisbane Qld 4000  
Email: info@mahoneys.com.au



## Current Title Search

Queensland Titles Registry Pty Ltd  
ABN 23 648 568 101

<b>Title Reference:</b>	<b>17061095</b>	<b>Search Date:</b>	02/08/2021 10:57
<b>Date Title Created:</b>	21/09/1987	<b>Request No:</b>	38060613
<b>Previous Title:</b>	16977185		

## ESTATE AND LAND

Estate in Fee Simple

LOT 36 BUILDING UNIT PLAN 6459  
Local Government: GOLD COAST  
COMMUNITY MANAGEMENT STATEMENT 8766

## REGISTERED OWNER

## INTEREST

NORMAN JAMES CAMPBELL CATHERINE MARGARET CAMPBELL	JOINT TENANTS INTER SE	1/51
--	------------------------	------

## EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by  
Deed of Grant No. 13332009 (ALLOT 16 SEC 26)  
Deed of Grant No. 13332010 (ALLOT 15 SEC 26)  
Deed of Grant No. 16426157 (ALLOT 14 SEC 26)
2. LEASE No 601085045 (H479546) 27/12/1984  
TO VOYAGER RESORT LIMITED  
ORIGINAL TERM: FOR 99 YEARS  
COMMENCING 27 DEC 1984  
OR OPTIONS AS MAY BE STATED

## ADMINISTRATIVE ADVICES

NIL

## UNREGISTERED DEALINGS

NIL

Caution - Charges do not necessarily appear in order of priority

\*\* End of Current Title Search \*\*



**From:** Bailey Cox  
**Sent:** Friday, 14 July 2023 9:27:54 AM  
**To:** Cameron Woodcroft;Amelia Meek  
**Subject:** PC/Debtors/14/07/2023 [PILOT-CLIENT.FID1210282]

#### FILE NOTE

<b>Matter</b>	Voyager Resort Limited
<b>Filing No.</b>	
<b>Date/Time</b>	13/07/2023 – 14/07/2023
<b>Phone No.</b>	
<b>In/Out</b>	Out
<b>Person</b>	
<b>Alternate Contact</b>	

#### Comments

##### Corona Travel

03 9333 4037 – 13/07 4:50pm – no answer, left message

##### Banfield, B W Estate

02 6249 7023 – 13/07 4:55pm – spoke with P. Banfield (was hesitant to provide name) who advised Brian is deceased. No email address, provided mailing address 110 Oliver St, Lyneham 2602

##### Bennett, Heather R.

0415 643 462 – 14/07 8:44am – no answer, left voicemail

##### Auton, Arthur C.

3981 9699 – 14/07 8:48am – number not in service

##### Hohaia & Eynon R & J

02 9565 2332 – 14/07 9:11am – number not in service

##### Colin Reid

02 9971 2136 – 14/07 8:49am – number not in service

##### Kingston, Brian Patrick & Jan Elizabeth

3865 2884 – 14/07 8:50am – number not in service  
 0422 721 655 – 14/07 9:16am – no answer, left voicemail

##### Joy Smith

03 9888 4227 – 14/07 8:52am – number not in service

##### McNaughton, Fraser Jeremy & Ellen

0011 64 3383 6219 – 14/07 8:55am – call unable to be connected

##### Hall, Geoffrey Francis & Jean Emily Cameron

02 6559 6151 – 14/07 8:58am – number not in service

**Rixon, David John & Denise Natalie**

0426 753 42 – Number is missing digit

**Aquino, Avonne D.**

5415 6385 78 – Number has extra digit

**Bohner, John F. & Olive N.**

67 1653 2843 – 14/07 9:02am – number not in service

**Bailie, Desmond B. / Hugh**

03 9787 5948 – 14/07 9:05am – number not in service

0412 653 584 – 14/07 9:23am – call unable to be connected

**Hook, Robert William**

07 4687 747 – number missing digit

**Spencer, Carolyn Susan**

0412 220 094 – 14/07 9:12am – no answer, no option to leave voicemail

**Campbell, Norman J. & Catherine M.**

02 4932 3265 – 14/07 9:14am – no answer, no option to leave voicemail

0407 932 990 – 14/07 9:23am – number not in service

**Actions To Be Performed**

- 

Regards,



Chartered Accountants

**Bailey Cox**

Accountant

Level 10, Waterfront Place, 1 Eagle Street, Brisbane, Qld, Australia, 4000

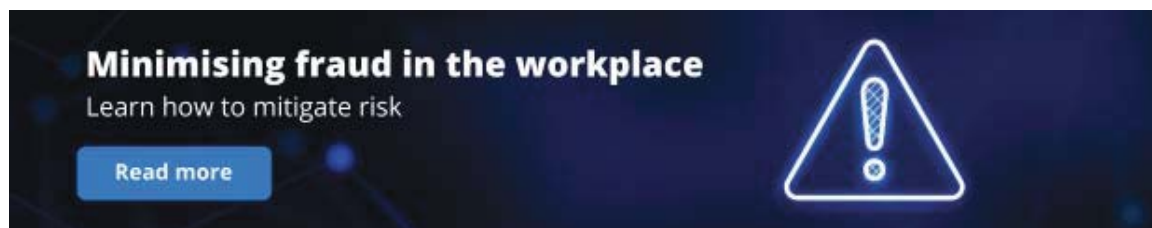
**T** +61 7 3023 1365 **E** [BCox@pilotpartners.com.au](mailto:BCox@pilotpartners.com.au)

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Federal Court of Australia  
District Registry: Queensland  
Division: General

No. QUD13/2025

**IN THE MATTER** of VOYAGER RESORT LIMITED (In Liquidation)  
ACN 010 547 618

**BRADLEY VINCENT HELLEN AND NIGEL MARKEY AS JOINT AND SEVERAL  
LIQUIDATORS OF VOYAGER RESORT LIMITED**

Plaintiff

The following 51 pages are the annexure marked "BVH-39" produced and shown to BRADLEY VINCENT HELLEN at the time of affirming his affidavit this 24th day of February 2025.

.....  
Benjamin Leigh Sandford

**Annexure "BVH-39"**

Bundle of Documents relating to Irvine, GR & JE

.....

---

Filed on behalf of	Bradley Vincent Hellen and Nigel Markey as joint and several liquidators of voyager resort limited, Plaintiff		
Prepared by	Benjamin Leigh Sandford		
Law firm	Mahoneys		
Tel	07 3007 3777	Fax	07 3007 3778
Email	info@mahoneys.com.au	Ref	32419

---

**Address for Service MAHONEYS**  
Level 18, 167 Eagle Street, Brisbane Qld 4000  
Email: [info@mahoneys.com.au](mailto:info@mahoneys.com.au)

---



## Current Title Search

Queensland Titles Registry Pty Ltd  
ABN 23 648 568 101

<b>Title Reference:</b>	<b>16865032</b>	<b>Search Date:</b>	02/08/2021 11:23
<b>Date Title Created:</b>	30/01/1986	<b>Request No:</b>	38061610
<b>Previous Title:</b>	16811114, 16811115		

## ESTATE AND LAND

Estate in Fee Simple

LOT 45 BUILDING UNIT PLAN 6459  
Local Government: GOLD COAST  
COMMUNITY MANAGEMENT STATEMENT 8766

## REGISTERED OWNER

## INTEREST

GRAEME RALSTON IRVINE		
JUDITH ELIZABETH IRVINE	JOINT TENANTS INTER SE	2/51

## EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by  
Deed of Grant No. 13332009 (ALLOT 16 SEC 26)  
Deed of Grant No. 13332010 (ALLOT 15 SEC 26)  
Deed of Grant No. 16426157 (ALLOT 14 SEC 26)
2. LEASE No 601085045 (H479546) 27/12/1984  
TO VOYAGER RESORT LIMITED  
ORIGINAL TERM: FOR 99 YEARS  
COMMENCING 27 DEC 1984  
OR OPTIONS AS MAY BE STATED

## ADMINISTRATIVE ADVICES

NIL

## UNREGISTERED DEALINGS

NIL

Caution - Charges do not necessarily appear in order of priority

\*\* End of Current Title Search \*\*

**From:** Bailey Cox  
**Sent:** Friday, 26 July 2024 3:30:24 PM  
**To:** Bailey Cox  
**Subject:** Attempted PC / Judith Irvine / 26 July 2024 [PILOT-CLIENT.FID1210301]

Attempted PC to Judith Irvine on 0466 333 564 at 3:24pm – following up on below lead provided by Geoff Heaton re withheld distribution.

No answer, left voicemail.

Regards,

**Bailey Cox**

Accountant


Level 10, One Eagle, 1 Eagle Street, Brisbane, Qld, Australia, 4000

**T** +61 7 3023 136 **E** [bcox@pilotpartners.com.au](mailto:bcox@pilotpartners.com.au) **W** [pilotpartners.com.au](http://pilotpartners.com.au)

5

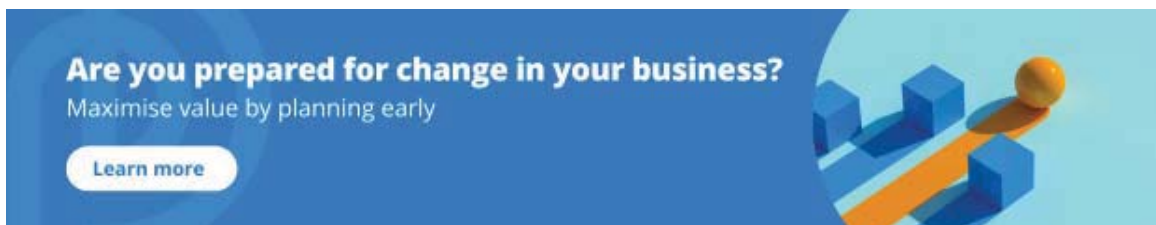


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**From:** Geoffrey Heaton <heatong48@gmail.com>  
**Sent:** Monday, July 8, 2024 6:03 AM  
**To:** Bailey Cox <bcox@pilotpartners.com.au>; Bradley Hellen <BHellen@pilotpartners.com.au>; Cameron Woodcroft <CWoodcroft@pilotpartners.com.au>  
**Subject:** Re: Voyager Resort Limited (In Liquidation) - Information for Court Application [PILOT-CLIENT.FID1210296]

Hi Bailey,  
A mobile number for Irvine 0466 333 564 was answered by I believe Judith Irvine.  
She has avoided our numbers for years, but may answer your call.  
Her husband was in hospital many times and may be deceased.

**Best regards,**

**Geoff Heaton**  
*Resort Manager*  
Voyager Resort Broadbeach Pty Ltd  
0408 707 457

On Sun, Jul 7, 2024 at 1:05 PM Geoffrey Heaton <[heatong48@gmail.com](mailto:heatong48@gmail.com)> wrote:

Hi Bailey,

Further to my email, I have investigated and some details to add;

Maureen Foldi's son is David, email [david.foldi@icloud.com](mailto:david.foldi@icloud.com) his phone 0424 045 651. Maureen is deceased.

Eileen Gueho died 6 May 2020 (attached notice), Emmanuel died some years earlier. Not sure of contacts.

James Martin Forde (deceased) husband of Ellen Cecelia Forde. Ellen was paid her half share distribution (see Payment form attached).

Tracey Anne Robertson (deceased) - file 2 weeks - Distributions were paid to her executors Lisa Maddocks and Timothy John Danahay (Attached)

Will forward other information on these matters if I have any further leads.

**Best regards,**

**Geoff Heaton**  
*Resort Manager*  
Voyager Resort Broadbeach Pty Ltd  
0408 707 457

On Fri, Jul 5, 2024 at 9:45 AM Geoffrey Heaton <[heatong48@gmail.com](mailto:heatong48@gmail.com)> wrote:

Hi Bailey,

More work !

Do you hold any of the files at your office?

I hold the files for Lay, Donnelly, Foldi, & Irvine, and will continue searching for the others if you're not holding them.

Attached is a start, Lay - Russell - Donnelly - Foldi - & Irvine.

All files have been extensively work for a number of years, including PCS & Solicitors.

**Best regards,**

**Geoff Heaton**

*Resort Manager*

Voyager Resort Broadbeach Pty Ltd

0408 707 457

On Thu, Jul 4, 2024 at 4:56 PM Bailey Cox <[bc Cox@pilotpartners.com.au](mailto:bc Cox@pilotpartners.com.au)> wrote:

Hi Geoff,

As Mahoneys continue to prepare the court applications, they have come back to us requesting clarification surrounding a number of matters. Particularly with regard to the ten lot owners in the attached list for which the Trustees have not yet paid a distribution to.

Mahoneys believe it is important to notify the court of the following information, which you may be able to provide:

- a. Whether these owners suddenly fell out of contact with the Company
- b. Whether these owners had a prolonged history of non-communication the Company
- c. What attempts were made to reach these owners to inform them of their right to claim a distribution

If you would please provide this information to the extent that you have it, it would be greatly appreciated.

I'm happy to discuss further with you if you have any questions.

Regards,

**Bailey Cox**

Accountant


Level 10, One Eagle, 1 Eagle Street, Brisbane, Qld, Australia, 4000

**T** [+61 7 3023 136](tel:+6173023136) **E** [bc Cox@pilotpartners.com.au](mailto:bc Cox@pilotpartners.com.au) **W** [pilotpartners.com.au](http://pilotpartners.com.au)

5

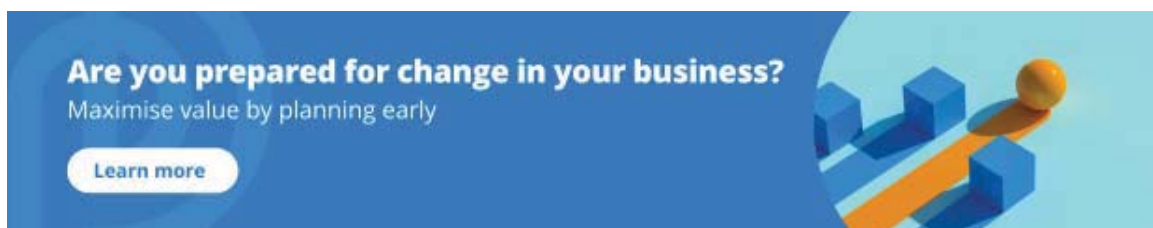


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**From:** Bailey Cox  
**Sent:** Monday, 29 July 2024 3:31:13 PM  
**To:** Bailey Cox  
**Bcc:** 'VOYAGER RESORT LIMITED \_ Court Liquidation \_ VOYAGER RESORT LIMITED \_ Shareholders'  
**Subject:** PC / Judith Irvine / 29 July 2024 [PILOT-CLIENT.FID1210301]  
**Attachments:** Attempted PC \_ Judith Irvine \_ 26 July 2024 [PILOT-CLIENT.FID1210301](2709264.1).msg.nrl

#### FILE NOTE

<b>Matter</b>	Voyager Resort Limited (In Liquidation)
<b>Filing No.</b>	
<b>Date/Time</b>	29/07/2024 at 2:58pm
<b>Phone No.</b>	0466 333 564
<b>In/Out</b>	In
<b>Person</b>	Judith Irvine
<b>Alternate Contact</b>	

#### Comments

- Judith returning missed call (attached)
- Judith aware the resort was sold and coy in liquidation, but has not been keeping up with correspondence because she thought she owed money to VRL. I explained levies have been offset by trustee distribution.
- Judith was entitled to ~\$500 from the trustees when they made payment earlier this year. This amount has been withheld (and so therefore may change).
- Judith will further be entitled to distribution from the liquidators, current estimated are \$8k-\$10k but still subject to change.
- Judith confirmed mailing address on file, I advised I would send latest report and EFT form she should return ASAP

#### Actions To Be Performed

- 

Regards,

**Bailey Cox**

Accountant


Level 10, One Eagle, 1 Eagle Street, Brisbane, Qld, Australia, 4000

**T** +61 7 3023 136 **E** [bcoc@pilotpartners.com.au](mailto:bcoc@pilotpartners.com.au) **W** [pilotpartners.com.au](http://pilotpartners.com.au)

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**Chartered Accountants**  
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 Brisbane QLD 4000  
 PO Box 7095  
 Brisbane QLD 4001  
 P +61 7 3023 1300  
[pilotpartners.com.au](http://pilotpartners.com.au)

**Staff Contact:** Mr Bailey Cox  
**Telephone:** (07) 3023 1365  
**Email:** [bcox@pilotpartners.com.au](mailto:bcox@pilotpartners.com.au)

30 July 2024

JUDITH ELIZABETH IRVINE  
 18-22 Barleycorn Ave  
 Buderim QLD 4556

Dear Madam

**Re: Voyager Resort Limited (In Liquidation)**  
**ACN 010 547 618**

On 2 May 2023, Mr Bradley Vincent Hellen and Mr Nigel Robert Markey were appointed Liquidators of the Company by Order of the Supreme Court of Queensland.

Our latest report dated 1 May 2024 is **enclosed**. This report should be read in conjunction with our previous reports, which can be accessed at [vrltimeshare.com.au](http://vrltimeshare.com.au).

I refer to your phone conversation with Mr Bailey Cox of this office on 29 July 2024. As discussed, we require confirmation of your account details for payment of the entitlements owed to you in relation to the sale of Voyager Resort and the winding up of the Company.

You have informed us you do not have an email address. As such, an EFT form is **enclosed**.

Please complete and return this form to our office at the below address as soon as possible.

	Details
Email:	<a href="mailto:voyager@pilotpartners.com.au">voyager@pilotpartners.com.au</a>
Postal:	PO Box 7095, BRISBANE QLD 4001

Should you have any queries please contact Mr Bailey Cox of this office.

Yours faithfully

**BRADLEY HELLEN**  
**JOINT & SEVERAL LIQUIDATOR**

Encl.



Voyager Resort Limited  
(In Liquidation)  
ACN 010 547 618  
(the “Company”)

## REPORT TO SHAREHOLDERS

**Appointees:**

Mr Bradley Vincent Hellen  
and Mr Nigel Robert Markey  
Pilot Partners

**Contact:**

voyager@pilotpartners.com.au

**Date:** 1<sup>st</sup> day of May 2024

Liability limited by a scheme approved under Professional Standards Legislation





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APPENDICES	DOCUMENT DESCRIPTION
A	Summary of Lot Holdings Owned by Voyager Resort Limited
B	Summary of Receipts and Payments
C	Australian Taxation Office Class Ruling for Lot Owners
D	Court Order
E	ASIC Information Sheet – Insolvency: A Guide for Shareholders





## Section | ONE

### 1. SUMMARY

#### 1.1 Background

We refer to our reports dated 30 May 2023, 21 August 2023, 13 October 2023 and 14 November 2023. This report should be read in conjunction with our previous reports.

The purpose of this report is to provide you with an update on the progress of the liquidation.

#### 1.2 Distribution from Statutory Trustees

The Statutory Trustees of the Voyager Resort ("the Trustees") have made payment to Voyager Resort Limited ("VRL or the Company") for:

	\$
Outstanding levies from Lot Owners	2,088,372.72
Lot holdings owned within the Voyager Resort	15,320,298.57
<b>Total</b>	<b>17,408,671.29</b>

Now these funds have been received, we are able to proceed with the liquidation.

#### 1.3 Matters requiring Court Approval

There are several matters we intend to seek the direction of the Court on. These include:

- Verification of the Company's shareholder list;
- The treatment of levies still owed by Lot Owners entitled to a distribution as a shareholder of the Company;
- Approval to pay a distribution to shareholders in a court liquidation; and
- The Liquidators' remuneration.

These matters are discussed in more detail at Section 4 of this report. The progress of these proceedings will have significant influence over the timeframe for finalisation of the administration.

#### 1.4 Costs of the Administration

Please refer to Section 4.4 of this report for details on the cost of this administration.

#### 1.5 Distribution to Shareholders

The timeframe and quantum of a distribution to shareholders is dependent on the progress of the matters discussed in the body of this report, particularly the matters requiring Court direction discussed at Section 4.

Further updates on the progress of these matters and the administration will be provided in due course.

## 1.6 Who Can I Contact?

An updated list of Frequently Asked Questions can be found at Section 6 of this report.

Should you have any further queries relating to the liquidation, please contact our office.

	Details
Email:	<a href="mailto:voyager@pilotpartners.com.au">voyager@pilotpartners.com.au</a>

Should you have any further queries or information to provide relating to the Trustees' distribution, please contact the Trustees.

	Details
Email:	<a href="mailto:trustees@voyagerresort.com.au">trustees@voyagerresort.com.au</a>

Dated this 1<sup>st</sup> day of May 2024



**BRADLEY HELLEN**  
**JOINT & SEVERAL LIQUIDATOR**



## Section | TWO

### 2. TRUSTEES' DISTRIBUTION TO LOT OWNERS

The Trustees have requested we provide the below update on their behalf.

#### 2.1 Distribution from the Trustees to Lot Owners

The Trustees have now made payment of all but twelve entitlements resulting from the sale of the Voyager Resort (the "Resort"). Lot Owners who have been paid have been issued with distribution statements detailing how their payments were calculated.

If you have not received payment, the Trustees have withheld your payment because at the date of distribution:

- You had not provided your bank account details; and/or
- You had not provided all requested authorisation documents; and/or
- Your lot holding was disputed.

The withheld funds, currently totalling \$118,878.49, remain under the control of the Trustees and continue to accrue interest.

The Trustees intend to proceed with investigating these cases, collecting the required information, and making payment where appropriate.

Any queries relating to payment of the Trustees' distribution should be sent directly to the Trustees at [trustees@voyagerresort.com.au](mailto:trustees@voyagerresort.com.au)

#### 2.2 ATO Class Ruling

The Trustees requested a Class Ruling from the Australian Taxation Office ("ATO") to confirm the following for Lot Owners:

- Which year the capital gain should be reported in; and
- That the ATO will not apply interest or penalties to any amended tax returns for Lot Owners.

The ATO has now published their decision. A copy of the Ruling is attached at **Appendix C**.

#### 2.3 Foreign Resident Capital Gains Withholding

There were nine Lots within the Resort that:

- Were owned in part by a non-resident of Australia for tax purposes; and
- Had an apportioned sale value exceeding \$750,000.

Due to the above, the ATO assessed the nine Lots for Foreign Residents Capital Gains Withholding ("FRCGW") and the Trustees were required to withhold 12.5% of the sale proceeds from these Lots.

The Trustees sought guidance from the ATO to determine if the FRCGW could be applied to non-residents only. Ultimately, the Trustees were required to withhold FRCGW from all owners within these nine Lots.



This FRCGW was paid to the ATO by the Trustees and withheld from the distribution of impacted owners.

If you were impacted and believe you are an Australian resident for tax purposes, we recommend you seek guidance from your tax agent on how to claim for the withheld FRCGW.

A list of Lots impacted by FRCGW and the withheld amounts is below:

Lot	Proportion of Net Contract Price (\$)	Withholding (\$)
45	756,248.12	94,531
49	763,000.33	95,375
53	776,504.77	97,063
56	756,248.12	94,531
57	783,256.98	97,907
58	756,248.12	94,531
60	763,000.33	95,375
61	790,009.20	98,751
62	763,000.33	95,375
<b>TOTAL</b>	<b>6,907,516.30</b>	<b>863,439</b>

## 2.4 Foreign Resident Interest Withholding

If you are or were suspected to be a foreign resident for tax purposes, the Trustees have paid a portion of the interest you were entitled to the ATO as interest withholding. Please consult your own tax agent on the treatment of this withholding.

## 2.5 Sale Proceeds Reconciliation

The combined contract price for all lots at the Resort was \$45,301,680.00. A breakdown of sale proceeds is below:

	\$	\$
Funds to be distributed		
Resort sale proceeds	45,301,680.00	
Interest earned by the Trustees	<u>810,969.07</u>	46,112,649.07
Distributions paid to VRL		
Lots 1 and 2	1,751,667.07	
Lots 3 to 62	15,320,298.57	
Debtor recovery	<u>2,088,372.72</u>	19,160,338.36
Distributions paid to Lot Owners		
1 <sup>st</sup> payment group	23,516,880.19	
2 <sup>nd</sup> payment group	<u>813,861.96</u>	24,330,742.15
Payments to the ATO		
FRCGW	863,439.00	
Foreign resident interest withholding	<u>4,845.65</u>	868,284.65
Trustees' costs (incl. agent commission, legal costs, consultants' fees, etc.)		1,634,405.42
<b>Funds held by the Trustees</b>		<b>118,878.49</b>

## Section | THREE

### 3. COMPANY INFORMATION

#### 3.1 Company (VRL) Assets and Liabilities

A breakdown of the Company's assets and liabilities is below. Please refer to **Appendix B** for a full summary of receipts and payments in the administration to date.

	Note	Liquidators' ERV* \$
<b>Assets</b>		
Pre-appointment cash at bank	1	3,338,481
Pre-appointment debtors – recovered	2	2,107,879
Pre-appointment debtors – unrecovered	2	Unknown
Distribution from the Trustees	3	15,320,299
ASIC security bond	4	20,000
FRCGW refund	5	Unknown
<b>Liabilities</b>		
Unsecured creditors	6	7,101
Taxation liabilities	5	Unknown
<b>Net Surplus/(Deficiency)</b>		<b>Unknown</b>

\*Estimated Realisable Value.

#### Notes:

##### 1. Pre-Appointment Cash at Bank

At the date of liquidation there was \$3,338,481 in the Company's accounts with the Bank of Queensland ("BOQ").

These accounts were frozen shortly after our appointment. The funds are under the control of the Liquidators and are currently bearing interest.

##### 2. Pre-Appointment Debtors

At the date of our appointment, the Company's records disclosed debtors of \$5,153,894.11. This amount represented unpaid levies owed to the Company by Lot Owners.

	Note	\$
Outstanding levies on appointment		5,153,894.11
Levies recovered directly	A	19,506.40
Levies paid to VRL by the Trustees	B	2,088,372.72
Adjustment to debts by the Liquidators	C	154,328.10
<b>Levies remaining outstanding</b>	<b>D</b>	<b>2,891,686.89</b>

A. We issued demand notices to the debtors and recovered \$19,506.40 of outstanding levies as a result of these notices.

B. \$2,088,372.72 was recovered during the Statutory Trustees distribution by offsetting outstanding debts against the funds owed by Owners, pursuant to the Court Order dated 25 March 2022 (attached at **Appendix D**).



- C. Amounts written off by the Liquidators for disputed debts or due to being incorrectly recorded in the Company's records.
- D. Clarification from the Court is required for the Liquidators to offset outstanding debts against any distribution the debtors are entitled to as a shareholder of the Company. Please refer to Section 4.3 of this report for further information on this process. Until clarification is received, the recoverable amount is unable to be determined.

### 3. Distribution from Statutory Trustees

Over time, the Company acquired 1,126.5 timeshare weeks within the Resort. A full breakdown of weeks owned by VRL can be found at **Appendix A**.

The Trustees have made payment to the Company of \$15,320,298.57 for these holdings. These funds are now under control of the Liquidators.

### 4. ASIC Security Bond

The Company ceases to hold an AFS licence with the Australian Securities and Investments Commission ("ASIC"). ASIC held a security bond of \$20,000 relating to licence. The security bond is currently held in a term deposit with the Australia and New Zealand Banking Group Ltd ("ANZ").

The Liquidators have lodged forms with ASIC in July 2023 to discharge the security bond and recover the funds. On 8 February 2024, ASIC posted a public notice to discharge the security bond. This notice must appear on the website for three months prior to the bond being discharged and the funds being recovered by the Liquidators.

### 5. Taxation Matters

The Liquidators are required to bring the Company's tax obligations up to date prior to paying a dividend to creditors or a distribution to shareholders.

#### ***Mutuality Principle***

We lodged a Private Ruling application with the ATO regarding the use of the mutuality principle for the Company.

The mutuality principle is based on the proposition that an organisation cannot derive income from itself. The principle provides that where a number of persons, such as the members of a club, contribute to a fund created for a common purpose, any surplus arising from the use of that fund is not income.

The Liquidators sought clarification regarding the application of this principle to maintenance levies and late fees on those levies earned by VRL. Ultimately, the ATO ruled that maintenance levies and late fees on those levies are not assessable income.

The Liquidators also sought clarification as to whether the mutuality principle applied to disregard any net capital gain the Company has from the sale of its interest in the resort and business. The private ruling clarified the mutuality principle cannot be applied in such regard.

Now this ruling has been received, we are preparing and will lodge the final tax return for the Company.



***FRCGW***

A number of the Lot entitlements owned by the Company within the building were subject to FRCGW. Refer to Section 2.3 for a list of Lots subjected to FRCGW, and **Appendix A** for details of Lots owned by the Company.

We will be claiming FRCGW in the Company's final tax return. Given there may be a significant liability due to the capital gain from the sale of the Timeshare weeks. Any refund of the FRCGW is yet to be determined.

***Taxation Clearance***

We are required to seek clearance from the ATO prior to paying a dividend to creditors. This clearance will be sought as soon as we are in a position to do so.

***Shareholder Distribution – Tax implications***

A shareholder distribution from a liquidator can give rise to a number of tax implications for shareholders. The distribution may be capital or revenue in nature, impacting shareholders' taxable positions. The distribution may also be eligible for franking credits currently held by the Company.

These are matters we are currently reviewing to ensure the best outcome for shareholders.

**6. Unsecured Creditors**

Currently, unsecured creditor claims total \$7,101.

The exact amount due to unsecured creditors will not be determined until such time as:

- The tax payable by the Company has been determined;
- All creditors have lodged their Proof of Debt; and
- We have adjudicated those Proofs of Debt.

A dividend to creditors must be paid prior to a distribution of surplus funds to shareholders.

## Section | FOUR

### 4. MATTERS REQUIRING COURT DIRECTION

We intend to seek direction from the Court in relation to the following matters. We have engaged legal representatives for this purpose. The timeline of future steps in the administration are dependent on the progress of these Court proceedings.

It also means the estimated timeline and work required to be completed in this administration could change drastically, should the proceedings not progress as anticipated.

We intend to report to shareholders following completion of the matters set out below, and in the event our legal advice indicates to us an alternative approach ought to be taken.

#### 4.1 Shareholder Clarification

The Company's articles of association provide that:

- in order to qualify as a member (i.e., a shareholder) of the Company a person must be a "co-owner" of a Lot (meaning they must either be a registered owner or entitled to be registered as owner of one of a 1/51 fractional interests in a Lot); and
- the Company is entitled to treat the registered holder of any share as the absolute owner of that share.

In effect, the ownership of shares in the Company is stapled to the ownership of Lots at the Resort.

As discussed in previous reports, the Company's member registry was not maintained in accordance with the requirements of the articles of association and does not match the list of registered owners per Titles Queensland's Registry.

We have identified that:

- certain shares have been transferred without the associated fractional interest in a Lot being transferred;
- certain fractional interests in Lots have been transferred without the membership register being updated to reflect the transfer; and
- certain fractional interests in Lots have been further divided (for example, by multiple people sharing a 1/51 fractional interest).

As a consequence, distribution in accordance with the current register would lead to a situation where people who do not have any entitlement to a distribution would receive one, and people who ought to be entitled to a distribution would not.

Extensive work has been conducted throughout Trustees' appointment to establish a list of those who rightly have a claim to the Resort's sale proceeds.

We intend to seek confirmation from the Court that a distribution from the Liquidators ought to be made to those parties paid by the Trustees.



## 4.2 Distribution to Shareholders in Court Liquidations

The Company was wound up pursuant to 461(k) of the *Corporations Act 2001* (Cth) (the "Act"). In a Court ordered liquidation, the liquidator is required to seek approval from the Court prior to paying a distribution of surplus funds to shareholders, pursuant to section 488(2) of the Act.

This approval is not required prior to making a payment to creditors.

## 4.3 Outstanding Levies Offset

At the date of our appointment, the Company records disclosed debtors of \$5,153,894.11. Over \$2 million was recovered during the Statutory Trustees distribution by offsetting debts against funds owed to Lot Owners, pursuant to the Court Order dated 25 March 2022.

Over \$2.8 million in pre-appointment debtors remains outstanding. We have sought legal advice as to whether the amount owed by those members may be set-off against any distribution which may be made to them, and are advised that there is no express mechanism within the Act which entitles a liquidator to offset amounts payable by members against distributions which may be owed to them.

We intend to seek directions from the Court under cl 90-15(1) of the *Insolvency Practice Schedule (Corporations)* ("IPSC") as to whether we are entitled to offset the levy debts that remain outstanding against any distribution the debtors are entitled to as a shareholder of the company.

We have estimated these debtors could be entitled to approximately \$1.4 million, meaning if successful, these funds would instead be available for distribution to non-debtor shareholders.

In the event the Court does not allow the set-off of those debts against distributions then we will need to take advice on, and consider, whether it is feasible to pursue debt claims against the delinquent members.

## 4.4 Liquidators' Remuneration

It is estimated the costs of the administration will be approximately \$550,000 to \$800,000 (excluding GST).

This has increased from our initial estimate due to more work than anticipated being required surrounding the following:

- Level of enquiries from shareholders;
- Verification around shareholdings and the Lot title interests;
- Correspondence with ASIC regarding the release of their bond;
- Preparation and investigations into the Company's tax liabilities including;
  - Preparation of multiple tax returns;
  - Obtaining a private ruling on mutuality of income;
  - Work surrounding the quantification and classification of the income received by the Liquidators from the Statutory Trustees.
  - Advice on tax effective shareholder distributions (i.e. franking credit, revenue vs capital);
- Seeking approval from the Court to pay a distribution to members;
- Seeking direction from the Court on the shareholders of the company; and



- Work required and directions on the offsetting of outstanding entitlements of shareholders with outstanding levies.

The Company was wound up by the Court pursuant to section 461(k) of the Act. In a Court ordered liquidation, a liquidators' remuneration determination can, relevantly, be made by:

- a resolution of creditors; or
- if approval is not made by creditors, by the Court.

Pursuant to 60-10 of the IPSC, any person with a financial interest in this external administration may make an application to the Court for a review of the remuneration determination, unless the determination was made by the Court.

Given the scale of our fees in comparison to creditor claims, and financial interest of shareholders in our fees, we intend to seek approval of our remuneration by the creditors and advise the Court of our remuneration approved.

In the event our remuneration is not approved by the creditors we will be required to apply to the Court for approval.

## Section | FIVE

### 5. WHAT HAPPENS NEXT

We are proceeding with the liquidation, including:

- Responding to shareholder enquiries;
- Responding to creditor enquiries;
- Completing and lodging the outstanding Company's final tax returns;
- Calling and holding a creditor meeting (shareholders are not entitled to attend this meeting);
- Adjudicating on creditor claims;
- Paying a dividend to creditors;
- Obtaining control of ASIC security bond funds;
- Obtaining legal advice on the matters discussed in Section 4, with a view to, where appropriate, seeking direction of the Court in respect of:
  - Verification of the Company's shareholder list;
  - Approval to distribute surplus funds to shareholders in a Court liquidation;
  - The Liquidators' ability to offset outstanding levies against distributions to shareholders; and
  - Liquidators' remuneration
- Reporting to shareholders on the progress of the administration;
- Investigating tax implications of a distribution to shareholders and identifying the most efficient way of distributing surplus funds;
- Calculation of shareholder distribution entitlements; and
- Paying a distribution of surplus funds to shareholders;

Further updates will be provided when information becomes available and warrants a further report.

## Section | SIX

### 6. FREQUENTLY ASKED QUESTIONS – UPDATED

#### 6.1 What do I need to do?

We will contact you if we require any action from you.

#### 6.2 Why haven't I received a distribution from the Trustees?

The Trustees have now made a distribution to Lot Owners.

If you have not received payment, the Trustees have withheld your payment because:

1. You have not confirmed your bank account details, and/or
2. You have not provided all requested authorisation documents, and/or
3. Your lot holding is disputed.

The Trustees are now investigating these matters further.

If you have been requested to provide further documentation, please send these documents to [trustees@voyagerresort.com.au](mailto:trustees@voyagerresort.com.au)

#### 6.3 How was my distribution from the Trustees calculated?

Please refer to your distribution statement, including the notes to the statement, for information about how your payment has been calculated.

#### 6.4 Why have I received multiple distribution statements?

Lot Owners have received a distribution statement from the Trustees for each Lot they held weeks in, as the calculation differs between each Lot.

For example, if you hold 2 weeks in Lot 5 and 1 week in Lot 6, you will receive one statement for Lot 5 and one statement for Lot 6.



## 6.5 Why is the HTW Valuation Report amount different to the sale price?

This valuation was performed in accordance with the Court Order dated 25 March 2022. This is the assessed value attributed by Herron Todd White.

## 6.6 Are the funds held by the Liquidators earning interest?

The Liquidators have transferred \$19.5 million into a 3-month term deposit at market rates.

The Liquidators approached a broker to find the best available rate.

The remaining funds are held in an interest-bearing account with Macquarie Bank at market rates.

Refer to **Appendix B** for a summary of receipts and payments in the administration to date.

## 6.7 When will I receive my distribution from the Liquidators?

The timeframe for a distribution to shareholders is dependent on the progress of the matters discussed in this report, particularly matters requiring Court approval discussed at Section 4.

We are unable to provide an estimated date for payment at this time. Further updates on the progress of the administration will be provided in due course.

## 6.8 Who can I contact if I have a question?

For any enquiries relating to the liquidation and a payment to shareholders, please contact [voyager@pilotpartners.com.au](mailto:voyager@pilotpartners.com.au)

For any enquires relating to the Trustees' distribution, please contact [trustees@voyagerresort.com.au](mailto:trustees@voyagerresort.com.au)

## Appendix A



Lot Number	Percentage of Lot Owned by VRL	No. of Weeks Owned by VRL	Distribution Received by VRL (\$)
3	29.41%	15	180,683.59
4	54.90%	28	352,266.08
5	43.14%	22	288,558.38
6	47.06%	24	301,942.35
7	54.90%	28	344,771.06
8	58.82%	30	385,458.32
9	64.71%	33	441,671.00
10	58.82%	30	385,458.32
11	49.02%	25	311,177.29
12	37.25%	19	246,666.56
13	39.22%	20	270,356.19
14	54.90%	28	363,508.61
15	52.94%	27	339,685.15
16	54.90%	28	367,256.13
17	43.14%	22	300,336.28
18	35.29%	18	236,093.22
19	27.45%	14	183,628.06
20	49.02%	25	341,291.22
21	39.22%	20	283,740.16
22	23.53%	12	163,819.79
23	29.41%	15	198,751.95
24	62.75%	32	441,135.64
25	29.41%	15	214,812.71
26	31.37%	16	220,567.82
27	25.49%	13	173,991.60
28	58.82%	30	417,579.85
29	50.98%	26	375,821.87
30	19.61%	10	139,193.28
31	23.53%	12	162,213.71
32	21.57%	11	154,584.85
33	25.49%	13	189,650.85
34	25.49%	13	182,691.18
35	37.25%	19	259,381.33
36	31.37%	16	226,992.12
37	39.22%	20	294,447.33
38	19.61%	10	141,870.08
39	27.45%	14	192,996.84
40	11.76%	6	85,925.08
41	47.06%	24	356,548.95
42	23.53%	12	171,850.17
43	21.57%	11	153,112.61
44	50.98%	26	375,821.87
45	50.98%	26	341,548.91
46	41.18%	21	303,548.43
47	25.49%	13	182,691.18
48	33.33%	17	248,004.96
49	29.41%	15	198,806.80
50	31.37%	16	233,416.43
51	25.49%	13	186,171.02
52	56.86%	29	430,829.98
53	45.10%	23	310,232.44
54	30.39%	15.5	230,271.20
55	9.80%	5	72,273.44
56	33.33%	17	223,320.44
57	19.61%	10	136,056.57
58	29.41%	15	197,047.45
59	25.49%	13	189,650.85
60	33.33%	17	225,314.38
61	35.29%	18	247,013.05
62	21.57%	11	145,791.65
<b>TOTAL</b>		<b>1126.5</b>	<b>15,320,298.57</b>

\*All figures have been rounded to 2 decimal places. The actual amounts paid may vary slightly due to being calculated with the maximum accuracy allowable with our software.



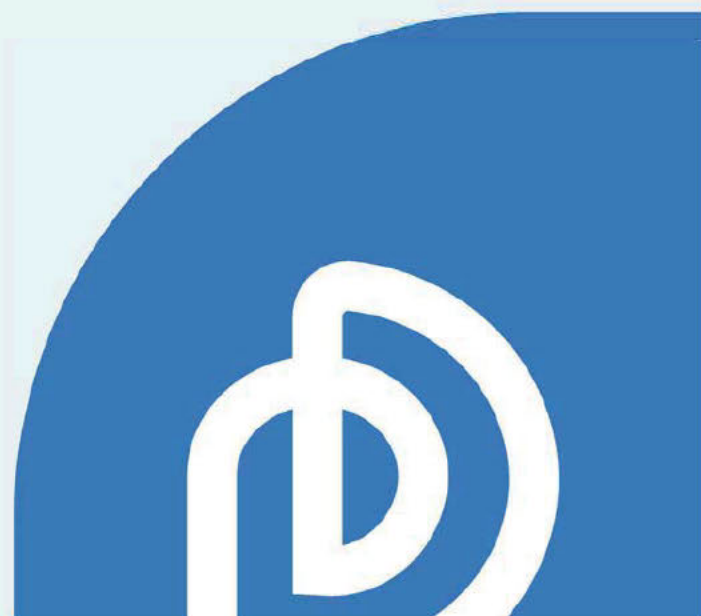
## Appendix B



**Voyager Resort Limited (In Liquidation)**  
**ACN 142 651 965**  
**Receipts and Payments**  
**For the Period 2 May 2023 to 26 April 2024**

	<b>Amount (\$)</b>
<b>RECEIPTS</b>	
Pre-appointment cash at bank	3,357,228.20
Pre-appointment debtors	19,506.40
Pre-appointment debtors (received from Statutory Trustees)	2,088,372.72
Lot holdings owned within Resort	15,320,298.57
Refund from Telstra	17.03
Interest income	90,837.02
	<u>20,876,259.94</u>
<b>PAYMENTS</b>	
Commission on recovery of debts	1,662.94
IT consulting fees	11,000.00
Legal costs paid pursuant to QLD Supreme Court Order dated 2 May 2023	89,064.06
Legal fees	7,557.00
Website subscription	19.95
	<u>109,303.95</u>
	<b>Net Receipts (Payments) <u>20,766,955.99</u></b>
<b>REPRESENTED BY</b>	
	<b>Cash at Bank as at 26 April 2024 1,266,955.99</b>
	<b>Term Deposit with BOQ 19,500,000.00</b>
	<b><u>20,766,955.99</u></b>

## Appendix C



## ***CR 2024/23 - The Trustee for the Voyager Resort - tax consequences for former timeshare owners***



This cover sheet is provided for information only. It does not form part of *CR 2024/23 - The Trustee for the Voyager Resort - tax consequences for former timeshare owners*



Australian Government  
Australian Taxation Office

Class Ruling

**CR 2024/23**

Status: **legally binding**

## Class Ruling

# The Trustee for the Voyager Resort – tax consequences for former timeshare owners

### **1 Relying on this Ruling**

This publication (excluding appendix) is a public ruling for the purposes of the *Taxation Administration Act 1953*.

If this Ruling applies to you, and you correctly rely on it, we will apply the law to you in the way set out in this Ruling. That is, you will not pay any more tax or penalties or interest in respect of the matters covered by this Ruling.

<b>Table of Contents</b>	<b>Paragraph</b>
What this Ruling is about	1
Who this Ruling applies to	4
When this Ruling applies	5
<b>Ruling</b>	<b>6</b>
<b>Scheme</b>	<b>16</b>
<b>Appendix – Explanation</b>	<b>28</b>

### **What this Ruling is about**

1. This Ruling sets out the income tax consequences arising for the former timeshare owners of Voyager Resort at 167 Old Burleigh Road, Broadbeach, Queensland from the sale of that property and from related events.
2. Details of this scheme are set out in paragraphs 16 to 27 of this Ruling.
3. All legislative references in this Ruling are to the *Income Tax Assessment Act 1997*, unless otherwise indicated.

### **Who this Ruling applies to**

4. This Ruling applies to you if all of the following apply:
  - You are a former timeshare owner in the Voyager Resort (Resort).
  - You were entitled to a share of the proceeds from the sale of the property at 167 Old Burleigh Road, Broadbeach, Queensland.
  - You were an Australian tax resident during the 2021–22, 2022–23, or 2023–24 income years.

### **When this Ruling applies**

5. This Ruling applies from 1 July 2021 to 30 June 2024.

Class Ruling

**CR 2024/23**

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Status: **legally binding**

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**Ruling**

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**Capital gains tax**

6. CGT event A1 happened in respect of your timeshare interest in the Resort when the statutory trustees were appointed by court order on 25 March 2022, and the time of that event is in the 2021–22 income year.
7. Your capital proceeds from this CGT event A1 were the share of the sale proceeds you were entitled to receive from the trustees – that is from the sale of the property at 167 Old Burleigh Road, Broadbeach, Queensland.
8. You will have a capital gain from CGT event A1 if your share of the sale proceeds exceeded the cost base of your former timeshare interest.
9. You can disregard any capital gain or capital loss if you acquired your whole timeshare interest before 20 September 1985.

**Interest income**

10. You include a proportionate share of the interest income derived by the trustees in your assessable income for each of the 2022–23 and 2023–24 income years. For each year, your proportion of the total interest income (received by the trustees in that year) will be the same proportion as your share of the sale proceeds.
11. The trustees will advise you of the amount of interest income to be included in your assessable income for each of the 2022–23 and 2023–24 income years.

**Penalties and interest charges**

12. We will remit all penalties that may apply because you failed to lodge a tax return for the 2021–22 or 2022–23 income years, provided:
- you lodge your return by 31 May 2024, and
  - the requirement to lodge a return arises because of the matters dealt with in this Ruling.
13. We will remit all penalties that may apply to any false or misleading statements made on your tax returns for the 2021–22 or 2022–23 income years provided:
- those statements related to the omission of income connected to the ending of your timeshare interest in the Resort, and
  - you request an amendment of your income tax assessment to include this income and to reflect the Commissioner's position in this Ruling by 31 May 2024.
14. We will remit all applicable interest charges where you request we amend your assessment, or you lodge your tax return, consistent with this Ruling by 31 May 2024.
15. In the event any penalty or interest charge is applied by our systems, you will need to phone **13 11 42**, and explain that you are requesting a remission of interest and penalties consistent with this Ruling and to quote the reference number CR 2024/23.

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Status: **legally binding**

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## **Scheme**

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16. The following description of the scheme is based on information provided by the applicant. If the scheme is not carried out as described, you cannot rely on this Ruling.

17. Voyager Resort was a block of apartments at 167 Old Burleigh Road, Broadbeach, Queensland, with 62 strata-titled lots.

18. Lots 1 and 2 and the common areas of the Resort were owned by Voyager Resort Limited (the company) since the 1980s.

19. Lots 3 to 62 each had 51 timeshare ownership rights which were held by 1,017 timeshare owners. The company was one of the timeshare owners.

20. When a timeshare owner acquired a timeshare interest in the Resort, they acquired a share in the company, and a fractional interest in a lot of the Resort.

21. The titles of Lots 3 to 62 show the fractional ownership of each timeshare owner for the relevant lot. The titles also show that the lots are subject to 99-year leases made by the timeshare owners to the company. Those leases began on 27 December 1984.

22. The trustees were appointed as statutory trustees for sale of Lots 3 to 62 of the Resort, by an order of the Supreme Court of Queensland, made on 24 March 2022, under section 38 of the former *Property Law Act 1974* (Qld).

23. The court order:

- vested all scheme lots in the trustees, to be held upon trust to sell them and hold the proceeds, after paying costs and expenses, and any net income until sale (after paying rates, taxes, insurance, et cetera properly payable out of that income)
- required the trustees to appoint a valuer to determine the proportionate share of each Lot (a share) in the purchase price
- authorised the trustees to sell all lots jointly, together with the company selling Lots 1 and 2.

24. The court order required the trustees to distribute the proceeds in this order:

- (i) discharge encumbrances
- (ii) pay fees and costs associated with holding or selling the Resort (including agents fees, rates, et cetera)
- (iii) reimburse trustees for properly incurred expenses
- (iv) pay the proceeds for Lots 1 and 2 to the company
- (v) divide the balance into shares (1 for each Lot), with each share being divided into 51 co-owner shares, and pay the co-owner share to the co-owner (after deducting any debts), with different procedures for any outstanding mortgages.

25. The Resort was sold in the 2022 calendar year, with settlement occurring in late December 2022. The sale was effected by 2 interdependent sale contracts – one for the trustees, and one for the company.

26. The trustees and the purchasing entity were both willing but not anxious participants in the contract.



Class Ruling

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**Status: legally binding**

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27. The trustees placed the sale proceeds of Lots 3 to 62 of the Resort into interest-earning bank accounts while they began finalising distributions to timeshare owners.

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**Commissioner of Taxation**

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10 April 2024

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Status: not legally binding

Appendix – Explanation

**❶** This Explanation is provided as information to help you understand how the Commissioner’s view has been reached. It does not form part of the binding public ruling.

Table of Contents	Paragraph
Capital gains tax	28
Interest income	39
Administrative penalties	43
Interest charges	47

Capital gains tax

28. CGT event A1 happens if you dispose of a capital gains tax (CGT) asset. See subsection 104-10(1).
29. You dispose of a CGT asset if a change of ownership occurs from you to another entity, whether because of some act or event or operation of law. However, a change of ownership doesn’t occur if you stop being the asset’s legal owner but you continue to be its beneficial owner. See subsection 104-10(2).
30. The Commissioner’s view is that CGT event A1 happens when a court appoints statutory trustees for sale. ATO Interpretative Decision ATO ID 2009/129 *Capital gains tax: land vested in a statutory trustee for sale, CGT event A1 or CGT event E1?* says a court order appointing statutory trustees for the sale of co-owned property effects a disposal. The order vests the property in the trustees and authorises them to convert the property into money. The co-owners lose their interest in the property, and receive a personal claim against the trustees to collect their share of the proceeds of sale.
31. Following ATO ID 2009/129, CGT event A1 happened to the timeshare owners’ interests in Lots 3 to 62 when the statutory trustees were appointed.
32. Subsection 104-10(3) says the time of the event (for CGT event A1) is:
- when you enter into the contract for the disposal, or
  - if there’s no contract, when the change of ownership occurs.
33. The time of the event will be the court order date. The trustees were appointed by court order in March 2022, so the timeshare owners didn’t enter a contract disposing of their timeshare interests in the Resort. Therefore, the time of the event will be when the court orders effected the change of ownership in March 2022, which is during the 2021–22 income year.
34. You have a capital gain from CGT event A1 if your capital proceeds for the CGT event are more than your cost base. See subsection 104-10(4).
35. Section 116-20 says the capital proceeds are the money and market value of property you have received (or are entitled to receive) in respect of the event happening.
36. Section 116-30 says that if you received no capital proceeds from a CGT event, you are taken to have received the market value of the CGT asset that’s the subject of the CGT event.

Class Ruling

**CR 2024/23**

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**Status: not legally binding**

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37. On these facts, the Commissioner accepts that timeshare owners capital proceeds in respect of the disposal of their timeshare interests (to the trustees) is equal to the share of the sale proceeds they will later receive from the trustees.

38. Timeshare owners will have a capital gain if their share of the sale proceeds is more than the cost base for their timeshare interest.

**Interest income**

39. Interest income is ordinary income under section 6-5, and derived when it's received or credited.

40. Division 6 of Part III of the *Income Tax Assessment Act 1936* applies to trust income. The interest derived by the trustees is trust income and is included in the net income of the trust estate in the income year they received it.

41. Under section 97 of the *Income Tax Assessment Act 1936*, beneficiaries who are presently entitled to a share of the income of the trust estate include their share of the net income of the trust estate in their assessable income for the corresponding income year.

42. In these circumstances, the Commissioner accepts that each timeshare owner was presently entitled to a percentage share of the total interest income derived by the trustees equal to their percentage share of the total sale proceeds.

**Administrative penalties**

43. Subdivision 284-B of Schedule 1 to the *Taxation Administration Act 1953* (TAA) is about administrative penalties for making false or misleading statements. Taxpayers may be liable for penalties if they make a statement to the Commissioner that's false or misleading in a material particular.

44. Division 286 of Schedule 1 to the TAA is about penalties for failing to lodge documents on time. Taxpayers may be liable for an administrative penalty if they are required to give a document to the Commissioner by a particular day and fail to do so.

45. The Commissioner has a discretion to remit administrative penalties under section 298-20 of Schedule 1 to the TAA.

46. The Commissioner will remit any penalties for timeshare owners that may be applicable if the timeshare owners lodge their returns or seek amendments of their assessments by 31 May 2024 and comply with the requirement in paragraphs 12 and 13 of this Ruling.

**Interest charges**

47. There are 2 types of interest charges. Shortfall interest charge (SIC), worked out under Division 280 of Schedule 1 to the TAA, applies on any additional income tax payable as a result of an amended assessment. General interest charge (GIC), worked out under section 5-15 and Part IIA of the TAA, applies to late payments. Section 280-160 of Schedule 1 to the TAA allows the Commissioner to remit SIC, and section 8AAG of the TAA allows the Commissioner to remit GIC, in circumstances specified in those provisions.

48. Law Administration Practice Statement PS LA 2006/8 *Remission of shortfall interest charge and general interest charge for shortfall periods* says it may be appropriate to remit SIC in some circumstances, including where the delay in reporting correctly

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**Status: not legally binding**

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arose from circumstances outside the taxpayer's control, or where the taxpayer couldn't have been aware of the shortfall when lodging the return.

49. Law Administration Practice Statement PS LA 2011/12 *Remission of General Interest Charge* says it may be appropriate to remit GIC where:

- the Commissioner is satisfied that the circumstances contributing to delayed payment arose because of events beyond their control, and they took reasonable steps to mitigate, or
- ordinary and reasonable members of the community (who pay tax on time) would agree that it's fair and reasonable for the Commissioner to remit GIC.

50. The Commissioner considers that it's appropriate to remit SIC and GIC so long as:

- the SIC or shortfall GIC is solely attributable to shortfalls or tax liabilities arising from the income tax issues addressed in this Ruling
- the timeshare owners amend their assessments or lodge the relevant tax returns by 31 May 2024
- the relevant amendments or lodgments adopt the position outlined in this Ruling.

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**Status: not legally binding**

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## References

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*Legislative references:*

- ITAA 1936 Div 6
- ITAA 1936 97
- ITAA 1997 5-15
- ITAA 1997 6-5
- ITAA 1997 104-10(1)
- ITAA 1997 104-10(2)
- ITAA 1997 104-10(3)
- ITAA 1997 104-10(4)
- ITAA 1997 116-20
- ITAA 1997 116-30
- TAA 1953 Pt IIA
- TAA 1953 8AAG

- TAA 1953 Sch 1 Div 280
- TAA 1953 Sch 1 280-160
- TAA 1953 Sch 1 Subdiv 284-B
- TAA 1953 Sch 1 Div 286
- TAA 1953 Sch 1 298-20
- Property Law Act 1974 (Qld) 38 (repealed)

*Other references:*

- ATO ID 2009/129
- PS LA 2006/8
- PS LA 2011/12

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**ATO references**

NO: 1-10A72FWD  
 ISSN: 2205-5517  
 BSL: PW  
 ATOLaw topic: Administration ~~ Interest charges  
                   Capital gains tax ~~ CGT events ~~ A1 - disposal of a CGT asset  
                   Income tax ~~ Trusts ~~ Trust income ~~ Beneficiary assessable - section 97

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## Appendix D



*Duplicate***SUPREME COURT OF QUEENSLAND**

REGISTRY: BRISBANE

NUMBER: BS13638/21

Applicant: **VOYAGER RESORT LTD ACN 010 547 618**

AND

Respondents: **ALAN SKELTON and the others described in the SCHEDULE OF RESPONDENTS****ORDER**

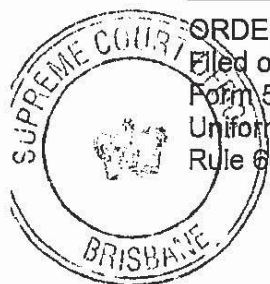
Before: Ryan J

Date: 25 March 2022

Initiating document: Originating Application filed 16 November 2021

**THE ORDER OF THE COURT IS THAT:**

1. Service is deemed to have been effected on:
  - (a) the One Hundred and Fourth Respondent;
  - (b) the One Hundred and Forty Eighth Respondent;
  - (c) the One Hundred and Seventy Seventh Respondent;
  - (d) the Two Hundred and Forty Second Respondent;
  - (e) the Two Hundred and Ninety Seventh Respondent;
  - (f) the Three Hundred and Thirty Second Respondent;
  - (g) the Four Hundred and Eleventh Respondent;
  - (h) the Six Hundred and Fifty Seventh Respondent;

**ORDER**

Filed on behalf of the Applicant  
Form 59, Version 1  
Uniform Civil Procedure Rules 1999  
Rule 661

Mahoneys  
Level 18, 167 Eagle Street  
Brisbane Qld 4000  
Tel: 07 3007 3777  
Fax: 07 3007 3778  
Ref: 25203



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- (i) the Six Hundred and Seventy Third Respondent;
  - (j) the Eight Hundred and Sixty Fourth Respondent;
  - (k) the Nine Hundred and Eighth Respondent;
  - (l) the One Thousandth and Twenty Third Respondent.
2. Notwithstanding non-compliance with paragraphs 3(a) and 6(a) of the Order made on 9 December 2021, the hearing of this application proceed.
  3. Geoffrey Graeme Heaton, Geoffrey Philip Walters and Angela Julian-Armitage (the **Trustees**) be appointed trustees of each of Lots 3 to 62 (inclusive) on BUP 6459 (the **Scheme Lot(s)**, and collectively with Lots 1 and 2 on BUP 6459, the **Property** and **Lot(s)**).
  4. Each Scheme Lot thereupon vest in the Trustees, subject to encumbrances affecting the entirety or any encumbrance which, prior to the appointment of the Trustees, affected any undivided share of a Scheme Lot, to be held by them upon trust to sell the same and to stand possessed of the share of the net proceeds, after payment of costs and expenses, and of the net income until sale after payment of rates, taxes, costs of insurance, repairs properly payable out of income and other outgoing, and pursuant to the priority in Order [11].
  5. The Trustees have liberty to apply without notice for directions in relation to the performance of their duties.
  6. The applicant's costs be paid on the indemnity basis and paid out of the proceeds of sale before division.

**THE COURT DIRECTS THAT:**

7. The Trustees:
  - (a) keep proper books of account in relation to all amounts received or expended by them;
  - (b) take out and maintain appropriate insurance;
  - (c) shall not be entitled to any remuneration;
  - (d) appoint a registered valuer to determine, following the Trustees entering into a contract of sale, the proportionate share of each Lot in the purchase price payable under the contract of sale, based on the respective value that each Lot represents to the value of all other Lots in the Property (once determined the **Share**), where such determination will, except in the case of manifest error, be final and binding on all respondents.

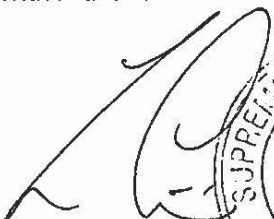
- 3 -

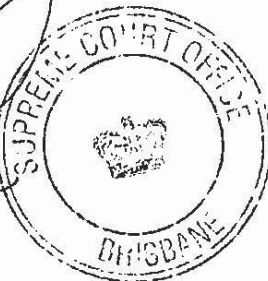
8. The Trustees may sell all Lots jointly:
  - (a) and so that they settle simultaneously;
  - (b) with the applicant in any sale of Lots 1 and 2 on BUP 6459
9. The Trustees be excused from complying with s 39(1) of the *Property Law Act 1974* (Q).
10. The net income of each Scheme Lot, after payment of rates, taxes, costs of insurance, repairs properly payable out of income and other outgoings, be paid to the applicant.
11. The proceeds of sale after payment of all expenses of and incidental to such sale be distributed in the following manner and priority:
  - (a) First, in discharge of any valid encumbrance over the title to the Property;
  - (b) Second, in payment of agent's commission, auctioneers and auction fees associated with the sale of the Property;
  - (c) Third, in payment of expenses and reasonable legal costs and disbursements incurred upon the sale of the Property;
  - (d) Fourth, in adjustment of council rates, water rates and other statutory imposts;
  - (e) Fifth, in payment of the costs of the applicant's costs of this proceeding;
  - (f) Sixth, in payment of the properly incurred expenses of the Trustees;
  - (g) Seventh, by the Share for Lots 1 and 2 being paid to the applicant;
  - (h) Eighth, by the Trustees retaining and dividing the balance into the Shares, before dividing each Share into fifty-one shares (each such share, a **Co-Owner Share**);
  - (i) Ninth, where a respondent's fractional interest in a Scheme Lot was not the subject of a registered mortgage immediately before sale, by paying the Co-Owner Share to that respondent Co-Owner after deduction of any debt due and owing to the applicant on account of any unpaid contributions;
  - (j) Tenth, where a respondent's fractional interest in a Scheme Lot was the subject of a registered mortgage immediately before sale, by:
    - (i) giving notice in writing to each such respondent Co-Owner and each such mortgagee as to the amount of the Co-Owner Share; and
    - (ii) thereafter, paying the Co-Owner Share as directed in writing by the respondent Co-Owner and the mortgagee, or as otherwise ordered by any court, but in any case where the Co-Owner Share is to be paid or is payable to the Co-Owner respondent, only after deduction of any

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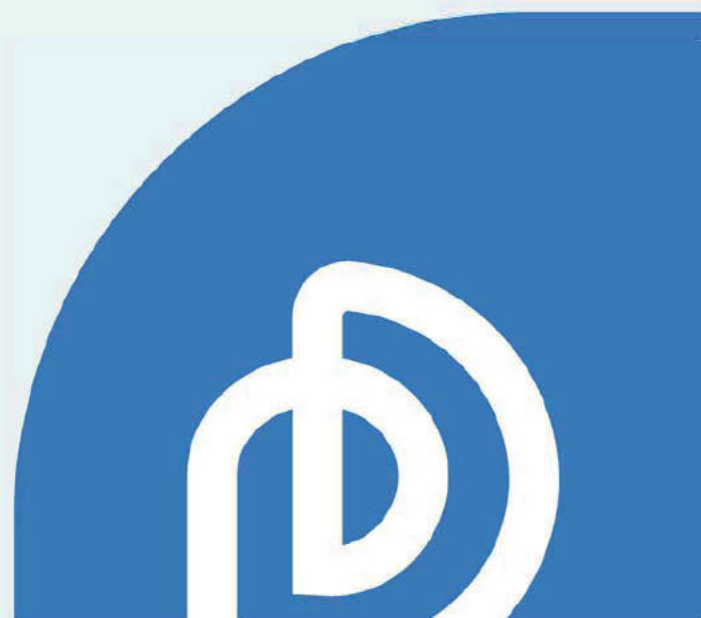
debt due and owing to the applicant on account of any unpaid contributions.

Signed:

  
Deputy Registrar



## Appendix E




**ASIC**

Australian Securities &amp; Investments Commission

## INFORMATION SHEET 43

# Insolvency: a guide for shareholders

If a company is in financial difficulty, it can be put under the control of an independent external administrator. The role of the external administrator depends on the type of external administration.

This information sheet gives general information for shareholders on the three most common forms of external administration (liquidation, voluntary administration and receivership). Other forms of external administration are beyond the scope of this information sheet.

## Liquidation

There are two types of liquidation for an insolvent company: creditors' voluntary and court. The most common type is a creditors' voluntary liquidation, which usually begins in one of two ways:

1. when creditors vote for liquidation following a voluntary administration or a terminated deed of company arrangement, or
2. when an insolvent company's shareholders resolve to liquidate the company and appoint a liquidator. Within 11 days of being appointed by shareholders, the liquidator must call a meeting of creditors who may confirm the liquidator's appointment or appoint another liquidator of the creditors' choice.

In a court liquidation, a liquidator is appointed by the court to wind up a company following an application, usually by a creditor.

### The liquidator's role

The liquidator's role is to:

- collect, protect and realise the company's assets
- investigate and report to creditors about the company's affairs, including any unfair preferences which may be recoverable, any uncommercial transactions which may be set aside, and any possible claims against the company's officers
- enquire into the failure of the company and possible offences by people involved in the company and report to ASIC
- after payment of the costs of the liquidation, and subject to the rights of any secured creditor, distribute the proceeds of realisation—first to priority creditors, including employees, and then to unsecured creditors, and

**Important note:** This information sheet contains a summary of basic information on the topic. It is not a substitute for legal advice. Some provisions of the law referred to may have important exceptions or qualifications. This document may not contain all of the information about the law or the exceptions and qualifications that are relevant to your circumstances. You will need a qualified professional adviser to take into account your particular circumstances and to tell you how the law applies to you.



**INSOLVENCY: A GUIDE FOR SHAREHOLDERS**

- apply for deregistration of the company on completion of the liquidation.

Except for lodging documents and reports required under the *Corporations Act 2001* (Corporations Act), a liquidator is not required to do any work unless there are enough assets to pay their costs.

**The directors' role**

Directors cannot use their powers after a liquidator has been appointed. They must help the liquidator, including providing the company's books and records, and a report about the company's affairs.

**Shareholders and liquidation**

The liquidator's primary duty is to all of the company's creditors. The shareholders rank behind the creditors and are unlikely to receive any dividend in an insolvent liquidation unless they also have a claim as a creditor.

In a court liquidation, the liquidator is not required to report to the shareholders on the progress or outcome of the liquidation.

The liquidator is not required to hold a meeting of shareholders during a creditors' voluntary liquidation. A joint meeting of the creditors and shareholders must be held at the conclusion of the winding up.

Shareholders in both types of insolvent liquidation can request that the liquidator call separate meetings of shareholders and creditors to decide whether a committee of inspection should be appointed and, if so, who will represent the shareholders and creditors on the committee. However, the shareholder(s) making the request must pay the costs of calling and holding these meetings. A committee of inspection assists the liquidator, approves their fees and, in limited circumstances, approves the use of some of their powers.

A transfer of shares in a company or alteration of status of shareholders during a liquidation will not be effective unless the liquidator gives their written consent or the court permits. The liquidator or the court will need to be satisfied that the transfer of shares, or the alteration in the status of shareholders, is in the best interest of the company as a whole and does not breach other sections of the Corporations Act that deal with the rights of shareholders.

When giving written consent to a transfer of shares in a company or alteration of status of shareholders, the liquidator can impose conditions which must be satisfied before the transfer or alteration is effective. In the case of a transfer of shares, the current shareholder, the prospective shareholder, or a creditor, may apply to the court to set aside any or all of these conditions. Similarly, a shareholder or a creditor may apply to the court to set aside any or all conditions that must be satisfied for an alteration in the status to have effect. A shareholder or a creditor may also apply to the court to authorise an alteration in the status of shareholders if the liquidator refuses the alteration.

The liquidator can call on the holders of any unpaid or partly paid shares in the company to pay the amount outstanding on those shares.

If a liquidator makes a written declaration that they have reasonable grounds to believe there is no likelihood that shareholders will receive any further distribution in the winding up, shareholders can realise a capital loss. To realise a loss, the shares in the company must have been purchased on or after 20 September 1985. If no such declaration is made by the liquidator, the deregistration of a company at the end of the liquidation also enables realisation of any capital loss.

**Financial reporting**

Listed and very large companies usually have financial reporting obligations under the Corporations Act. ASIC has given relief so that such companies don't need to comply with these obligations if they

**INSOLVENCY: A GUIDE FOR SHAREHOLDERS**

are in liquidation. Also, public companies in insolvent liquidation don't need to hold annual general meetings (this does not apply to a section 509 meeting).

The liquidator must lodge a detailed list of their receipts and payments for the liquidation with ASIC every six months. A copy of these statements of receipts and payments may be obtained from any ASIC Business Centre, on payment of the relevant fee. The liquidator must also make them available at their office for inspection by shareholders and creditors.

## **Voluntary administration**

Voluntary administration is designed to resolve a company's future direction quickly. An independent and suitably qualified person (the voluntary administrator) takes full control of the company to try to work out a way to save either the company or the company's business.

If this isn't possible, the aim is to administer the affairs of the company in a way that results in a better return to creditors than they would have received if the company had instead been placed straight into liquidation. A mechanism for achieving these aims is a deed of company arrangement.

### **The voluntary administrator's role**

After taking control of the company, the voluntary administrator investigates and reports to creditors on the company's business, property, affairs and financial circumstances, and on the three options available to creditors. These are:

1. end the voluntary administration and return the company to the directors' control
2. approve a deed of company arrangement through which the company will pay all or part of its debts and then be free of those debts, or
3. wind up the company and appoint a liquidator.

The voluntary administrator must give an opinion on each option and recommend which option is in the best interests of creditors.

The voluntary administrator has all the powers of the company and its directors. This includes the power to sell or close down the company's business or sell individual assets in the lead up to the creditors' decision on the company's future.

The voluntary administrator must also report to ASIC on possible offences by people involved with the company.

If a deed of company arrangement is approved, the voluntary administrator will usually become the deed administrator and oversee its operation.

### **The directors' role**

Directors cannot use their powers while the company is in voluntary administration. They must help the voluntary administrator, including providing the company's books and records, and a report about the company's business, property, affairs and financial circumstances, as well as any further information about these that the voluntary administrator reasonably requires.

If the company goes from voluntary administration into a deed of company arrangement, the directors' powers depend on the deed's terms. When the deed is completed, the directors regain full control, unless the deed provides for the company to go into liquidation on completion.

If the deed is not completed and the company goes into liquidation as a result, the directors cannot use their powers, as discussed in the liquidation section above.



**INSOLVENCY: A GUIDE FOR SHAREHOLDERS****Shareholders and voluntary administration**

A voluntary administrator isn't required to report to shareholders on the progress or outcome of the voluntary administration. Shareholders don't get to vote on the future of the company.

A transfer of shares in a company or alteration of status of shareholders during a voluntary administration will not be effective unless the voluntary administrator gives their written consent or the court permits. The voluntary administrator or the court will need to be satisfied that the transfer of shares, or the alteration in the status of shareholders, is in the best interest of the company as a whole and does not breach other sections of the Corporations Act that deal with the rights of shareholders.

When giving written consent to a transfer of shares in a company or alteration of status of shareholders, the voluntary administrator can impose conditions which must be satisfied before the transfer or alteration is effective. In the case of a transfer of shares, the current shareholder, the prospective shareholder, or a creditor, may apply to the court to set aside any or all of these conditions. Similarly, a shareholder or a creditor may apply to the court to set aside any or all conditions that must be satisfied for an alteration in the status to have effect. A shareholder or a creditor may also apply to the court to authorise an alteration in the status of shareholders if the voluntary administrator refuses the alteration.

Shareholders are bound by a deed of company arrangement approved by creditors. Also, the deed administrator may transfer shares in the company with the written consent of the shareholder or with the court's permission. A shareholder, a creditor, ASIC or any other interested person can oppose an application to the court by the deed administrator to approve a share transfer.

If a deed administrator makes a written declaration that they have reasonable grounds to believe there is no likelihood that shareholders will receive any further distribution at any time in the future, shareholders can realise a capital loss. To realise a loss, the shares in the company must have been purchased on or after 20 September 1985.

**Financial reporting**

The statutory financial reporting obligations of listed and very large companies remain while they are in voluntary administration or under a deed of company arrangement. ASIC has given relief so that a company in voluntary administration may defer meeting its financial reporting obligations for six months after the appointment of the voluntary administrator. ASIC may grant relief to a company under voluntary administration or subject to a deed of company arrangement from the requirement to hold an annual general meeting.

To get the benefit of this relief, ASIC must be notified that it is being relied on and the administrator must answer, free of charge, reasonable inquiries from shareholders about the administration during the deferral period. If the company is listed, the relevant stock exchange must also be told. The relief also provides for the use of alternative methods of distributing an annual report to shareholders at the end of the period.

At the end of this deferral period, if the company is still in voluntary administration or under a deed of company arrangement, ASIC may give the company an exemption or further deferral from all or some of their financial reporting obligations in certain circumstances.

ASIC may also give an extension of time for the annual general meeting or decide to take no action for failure to hold the annual general meeting if a public company is in voluntary administration or under a deed of company arrangement.

A voluntary administrator and a deed administrator must lodge a detailed list of receipts and payments with ASIC every six months and at the end of their administration. A copy of these statements of

**INSOLVENCY: A GUIDE FOR SHAREHOLDERS**

receipts and payments may be obtained from any ASIC Business Centre, on payment of the relevant fee.

## **Receivership**

A company goes into receivership when an independent and suitably qualified person (the receiver) is appointed by a secured creditor or, in special circumstances, by the court to take control of some or all of the company's assets. A secured creditor is someone who has a charge, such as a mortgage, over all or some of a company's assets.

Court receiverships are not covered in this information sheet.

The powers of the receiver are set out in the charge document and the Corporations Act.

If a receiver has, under the terms of their appointment, the power to manage the company's affairs, they are known as a receiver and manager.

### **The receiver's role**

The receiver's role is:

- to collect and sell enough of the charged assets to repay the debt owed to the secured creditor
- if they have been appointed under a fixed charge (e.g. over land, plant or equipment), to pay out the money collected:
  - first, to pay the secured creditor, and
  - second, if there are any funds left over, to pay this surplus to the company or its other external administrator if one has been appointed
- if they have been appointed under a floating charge (e.g. over cash, debtors or stock), to pay out the money collected:
  - first, to pay priority claims (including certain employee entitlements)
  - second, to pay the secured creditor, and
  - third, if there are any funds left over, to pay the company or its other external administrator if one has been appointed, and
- to report to ASIC any possible offences or other irregular matters.

The receiver is usually paid from the money collected during the receivership.

### **The directors' role**

Receivership does not affect the legal existence of the company. The directors continue to hold office, but their powers depend on the powers of the receiver and the extent of the assets over which the receiver is appointed.

Control of the charged property, which often includes the company's business, is taken away from them.

Directors must provide the receiver with a report about the company's affairs and must allow the receiver access to books and records relating to the charged property.

### **Shareholders and receivership**

The receiver's primary duty is to the company's secured creditor. The main duty owed to unsecured creditors and shareholders is an obligation to take reasonable care to sell charged property for not less

**INSOLVENCY: A GUIDE FOR SHAREHOLDERS**

than its market value or, if there is no market value, the best price reasonably obtainable. A receiver also has the same general duties as a company director.

There is no obligation for the receiver to report to the shareholders on the progress or outcome of the receivership.

**Financial reporting**

The statutory financial reporting obligations of listed and very large companies remain while it is in receivership, as do the requirements for public companies to hold annual general meetings.

However, ASIC has given relief so that a company with a receiver appointed to the whole or substantially the whole of its property may defer meeting its financial reporting obligations for six months after the receiver's appointment.

To get the benefit of this relief, the receiver must tell ASIC they are relying on it, and agree to answer, free of charge, reasonable inquiries from shareholders about the receivership during the deferral period. If the company is listed, the relevant stock exchange must also be told. The relief also provides for the use of alternative methods of distributing an annual report to shareholders at the end of this period.

At the end of this deferral period, ASIC may give an exemption or further deferral from all or some of the financial reporting obligations, in certain circumstances. ASIC may also give an extension of time for the annual general meeting, or decide to take no action for failure to hold the annual general meeting.

The receiver must lodge a detailed list of their receipts and payments for the receivership with ASIC every six months. A copy of these statements of receipts and payments may be obtained from any ASIC Business Centre, on payment of the relevant fee.

**To find out more**

For an explanation of terms used in this information sheet, see ASIC information sheet INFO 41 *Insolvency: a glossary of terms*. For more on voluntary administration, liquidation and receivership, see ASIC's related information sheets, available at [www.asic.gov.au/insolvencyinfosheets](http://www.asic.gov.au/insolvencyinfosheets):

- INFO 74 *Voluntary administration: a guide for creditors*
- INFO 75 *Voluntary administration: a guide for employees*
- INFO 45 *Liquidation: a guide for creditors*
- INFO 46 *Liquidation: a guide for employees*
- INFO 54 *Receivership: a guide for creditors*
- INFO 55 *Receivership: a guide for employees*
- INFO 42 *Insolvency: a guide for directors*
- INFO 84 *Independence of external administrators: a guide for creditors*
- INFO 85 *Approving fees: a guide for creditors*

These are also available from the Insolvency Practitioners Association (IPA) website at [www.ipaa.com.au](http://www.ipaa.com.au). The IPA website also contains the IPA's Code of Professional Practice for Insolvency Professionals, which applies to IPA members.

You may also wish to check the website of the external administrator's firm and the company's website for any information on a particular external administration.

**ELECTRONIC FUNDS TRANSFER (EFT) DETAILS FORM****Voyager Resort Limited (In Liquidation)****ACN 010 547 618****(the "Company")****Shareholder name**

--

All payments made in relation to the Company should be paid to the following bank account:

<b>Bank account name:</b>	
<b>BSB:</b>	
<b>Account number:</b>	

**For international transfers only**, please provide the following additional information:

<b>SWIFT/BIC code:</b>		<b>IBAN:</b>	
<b>Bank name:</b>		<b>Bank address:</b>	
<b>Account holder name:</b>		<b>Account holder address:</b>	

<b>Signature of authorised representative*</b>	<b>Date</b>
<b>Name</b>	<b>Email</b>

\*In signing this form, I confirm I am either the shareholder personally or authorised by the shareholder.

**Please return this form to: [voyager@pilotpartners.com.au](mailto:voyager@pilotpartners.com.au)**

**Certificate identifying annexure**  
(rule29.02)

Federal Court of Australia  
District Registry: Queensland  
Division: General

No. QUD13/2025

**IN THE MATTER** of VOYAGER RESORT LIMITED (In Liquidation)  
ACN 010 547 618

**BRADLEY VINCENT HELLEN AND NIGEL MARKEY AS JOINT AND SEVERAL  
LIQUIDATORS OF VOYAGER RESORT LIMITED**

Plaintiff

The following 48 pages are the annexure marked "BVH-40" produced and shown to BRADLEY VINCENT HELLEN at the time of affirming his affidavit this 24th day of February 2025.

  
.....  
Benjamin Leigh Sandford

**Annexure "BVH-40"**

Bundle of Documents relating to Foldi, M

.....

Filed on behalf of Bradley Vincent Hellen and Nigel Markey as joint and several liquidators of voyager resort limited, Plaintiff

Prepared by Benjamin Leigh Sandford

Law firm Mahoneys

Tel 07 3007 3777

Fax 07 3007 3778

Email info@mahoneys.com.au

Ref 32419

**Address for Service MAHONEYS**

Level 18, 167 Eagle Street, Brisbane Qld 4000  
Email: info@mahoneys.com.au



## Current Title Search

Queensland Titles Registry Pty Ltd  
ABN 23 648 568 101

<b>Title Reference:</b>	<b>16812062</b>	<b>Search Date:</b>	02/08/2021 11:24
<b>Date Title Created:</b>	04/10/1985	<b>Request No:</b>	38061736
<b>Previous Title:</b>	16699177		

## ESTATE AND LAND

Estate in Fee Simple

LOT 48 BUILDING UNIT PLAN 6459  
Local Government: GOLD COAST  
COMMUNITY MANAGEMENT STATEMENT 8766

## REGISTERED OWNER

## INTEREST

Dealing No: 701577831 01/10/1996  
MAUREEN FOLDI

1/51

## EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by  
Deed of Grant No. 13332009 (ALLOT 16 SEC 26)  
Deed of Grant No. 13332010 (ALLOT 15 SEC 26)  
Deed of Grant No. 16426157 (ALLOT 14 SEC 26)
2. LEASE No 601085045 (H479546) 27/12/1984  
TO VOYAGER RESORT LIMITED  
ORIGINAL TERM: FOR 99 YEARS  
COMMENCING 27 DEC 1984  
OR OPTIONS AS MAY BE STATED

## ADMINISTRATIVE ADVICES

NIL

## UNREGISTERED DEALINGS

NIL

Caution - Charges do not necessarily appear in order of priority

\*\* End of Current Title Search \*\*

**From:** Voyager  
**Sent:** Tuesday, 23 July 2024 11:58:05 AM  
**To:** david.foldi@icloud.com  
**Bcc:** VOYAGER RESORT LIMITED \_ Court Liquidation \_ VOYAGER RESORT LIMITED \_ Shareholders  
**Subject:** Voyager Resort Limited (In Liquidation) ("the Company") - Maureen Foldi Shareholding [PILOT-CLIENT.FID1210301]  
**Attachments:** EFT Details Form.pdf, Report to Shareholders\_1 May 2024.pdf

Dear David,

We have been provided your email address by the manager of the Voyager Resort, Geoff Heaton. We understand you are the son of Maureen Foldi and potentially the executor of her estate.

On 2 May 2023, Bradley Hellen and Nigel Markey of our office were appointed liquidators of Voyager Resort Limited. We understand Maureen Foldi was a shareholder of the Company.

In due course, the Liquidators will be paying a distribution to the Company's shareholders. The amount to be distributed and a payment date are yet to be confirmed.

So the Liquidators are able to distribute the entitlement owed to the estate of Maureen Foldi, would you please provide our office with the following:

1. completed and signed EFT Details Form (**attached**);
2. the will of Maureen Foldi and grant of probate;
3. 100 points of the identification from the executor(s); and
4. a written direction to pay the distribution to a nominated account, signed by the executor(s).

For your reference, **attached** is the most recent Report to Shareholders issued by the Liquidators on 1 May 2024. This report provides and update on the progress of the liquidation.

Should you have any questions, please do not hesitate to contact our office.

Regards,

Level 10, One Eagle, 1 Eagle Street, Brisbane, Qld, Australia, 4000

**T** +61 7 3023 130 **E** [Voyager@pilotpartners.com.au](mailto:Voyager@pilotpartners.com.au) **W** [pilotpartners.com.au](http://pilotpartners.com.au)  
0



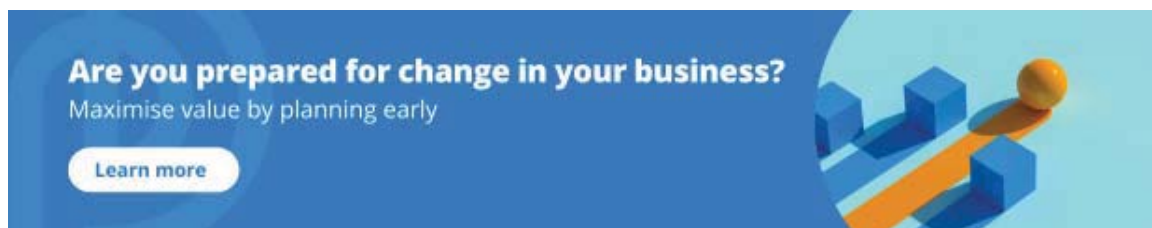
Chartered Accountant  
s

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[Nexia email disclaimer](#) | [Pilot email disclaimer](#)



**ELECTRONIC FUNDS TRANSFER (EFT) DETAILS FORM****Voyager Resort Limited (In Liquidation)****ACN 010 547 618****(the "Company")****Shareholder name**

--

All payments made in relation to the Company should be paid to the following bank account:

<b>Bank account name:</b>	
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<b>Account number:</b>	

**For international transfers only**, please provide the following additional information:

<b>SWIFT/BIC code:</b>		<b>IBAN:</b>	
<b>Bank name:</b>		<b>Bank address:</b>	
<b>Account holder name:</b>		<b>Account holder address:</b>	

<b>Signature of authorised representative*</b>	<b>Date</b>
<b>Name</b>	<b>Email</b>

\*In signing this form, I confirm I am either the shareholder personally or authorised by the shareholder.

**Please return this form to: [voyager@pilotpartners.com.au](mailto:voyager@pilotpartners.com.au)**



Voyager Resort Limited  
(In Liquidation)  
ACN 010 547 618  
(the “Company”)

## REPORT TO SHAREHOLDERS

**Appointees:**

Mr Bradley Vincent Hellen  
and Mr Nigel Robert Markey  
Pilot Partners

**Contact:**

voyager@pilotpartners.com.au

**Date:** 1<sup>st</sup> day of May 2024

Liability limited by a scheme approved under Professional Standards Legislation





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APPENDICES	DOCUMENT DESCRIPTION
A	Summary of Lot Holdings Owned by Voyager Resort Limited
B	Summary of Receipts and Payments
C	Australian Taxation Office Class Ruling for Lot Owners
D	Court Order
E	ASIC Information Sheet – Insolvency: A Guide for Shareholders



## Section | ONE

### 1. SUMMARY

#### 1.1 Background

We refer to our reports dated 30 May 2023, 21 August 2023, 13 October 2023 and 14 November 2023. This report should be read in conjunction with our previous reports.

The purpose of this report is to provide you with an update on the progress of the liquidation.

#### 1.2 Distribution from Statutory Trustees

The Statutory Trustees of the Voyager Resort ("the Trustees") have made payment to Voyager Resort Limited ("VRL or the Company") for:

	\$
Outstanding levies from Lot Owners	2,088,372.72
Lot holdings owned within the Voyager Resort	15,320,298.57
<b>Total</b>	<b>17,408,671.29</b>

Now these funds have been received, we are able to proceed with the liquidation.

#### 1.3 Matters requiring Court Approval

There are several matters we intend to seek the direction of the Court on. These include:

- Verification of the Company's shareholder list;
- The treatment of levies still owed by Lot Owners entitled to a distribution as a shareholder of the Company;
- Approval to pay a distribution to shareholders in a court liquidation; and
- The Liquidators' remuneration.

These matters are discussed in more detail at Section 4 of this report. The progress of these proceedings will have significant influence over the timeframe for finalisation of the administration.

#### 1.4 Costs of the Administration

Please refer to Section 4.4 of this report for details on the cost of this administration.

#### 1.5 Distribution to Shareholders

The timeframe and quantum of a distribution to shareholders is dependent on the progress of the matters discussed in the body of this report, particularly the matters requiring Court direction discussed at Section 4.

Further updates on the progress of these matters and the administration will be provided in due course.



## 1.6 Who Can I Contact?

An updated list of Frequently Asked Questions can be found at Section 6 of this report.

Should you have any further queries relating to the liquidation, please contact our office.

	Details
Email:	<a href="mailto:voyager@pilotpartners.com.au">voyager@pilotpartners.com.au</a>

Should you have any further queries or information to provide relating to the Trustees' distribution, please contact the Trustees.

	Details
Email:	<a href="mailto:trustees@voyagerresort.com.au">trustees@voyagerresort.com.au</a>

Dated this 1<sup>st</sup> day of May 2024



**BRADLEY HELLEN**  
**JOINT & SEVERAL LIQUIDATOR**

## Section | TWO

### 2. TRUSTEES' DISTRIBUTION TO LOT OWNERS

The Trustees have requested we provide the below update on their behalf.

#### 2.1 Distribution from the Trustees to Lot Owners

The Trustees have now made payment of all but twelve entitlements resulting from the sale of the Voyager Resort (the "Resort"). Lot Owners who have been paid have been issued with distribution statements detailing how their payments were calculated.

If you have not received payment, the Trustees have withheld your payment because at the date of distribution:

- You had not provided your bank account details; and/or
- You had not provided all requested authorisation documents; and/or
- Your lot holding was disputed.

The withheld funds, currently totalling \$118,878.49, remain under the control of the Trustees and continue to accrue interest.

The Trustees intend to proceed with investigating these cases, collecting the required information, and making payment where appropriate.

Any queries relating to payment of the Trustees' distribution should be sent directly to the Trustees at [trustees@voyagerresort.com.au](mailto:trustees@voyagerresort.com.au)

#### 2.2 ATO Class Ruling

The Trustees requested a Class Ruling from the Australian Taxation Office ("ATO") to confirm the following for Lot Owners:

- Which year the capital gain should be reported in; and
- That the ATO will not apply interest or penalties to any amended tax returns for Lot Owners.

The ATO has now published their decision. A copy of the Ruling is attached at **Appendix C**.

#### 2.3 Foreign Resident Capital Gains Withholding

There were nine Lots within the Resort that:

- Were owned in part by a non-resident of Australia for tax purposes; and
- Had an apportioned sale value exceeding \$750,000.

Due to the above, the ATO assessed the nine Lots for Foreign Residents Capital Gains Withholding ("FRCGW") and the Trustees were required to withhold 12.5% of the sale proceeds from these Lots.

The Trustees sought guidance from the ATO to determine if the FRCGW could be applied to non-residents only. Ultimately, the Trustees were required to withhold FRCGW from all owners within these nine Lots.





This FRCGW was paid to the ATO by the Trustees and withheld from the distribution of impacted owners.

If you were impacted and believe you are an Australian resident for tax purposes, we recommend you seek guidance from your tax agent on how to claim for the withheld FRCGW.

A list of Lots impacted by FRCGW and the withheld amounts is below:

Lot	Proportion of Net Contract Price (\$)	Withholding (\$)
45	756,248.12	94,531
49	763,000.33	95,375
53	776,504.77	97,063
56	756,248.12	94,531
57	783,256.98	97,907
58	756,248.12	94,531
60	763,000.33	95,375
61	790,009.20	98,751
62	763,000.33	95,375
<b>TOTAL</b>	<b>6,907,516.30</b>	<b>863,439</b>

## 2.4 Foreign Resident Interest Withholding

If you are or were suspected to be a foreign resident for tax purposes, the Trustees have paid a portion of the interest you were entitled to the ATO as interest withholding. Please consult your own tax agent on the treatment of this withholding.

## 2.5 Sale Proceeds Reconciliation

The combined contract price for all lots at the Resort was \$45,301,680.00. A breakdown of sale proceeds is below:

	\$	\$
Funds to be distributed		
Resort sale proceeds	45,301,680.00	
Interest earned by the Trustees	<u>810,969.07</u>	46,112,649.07
Distributions paid to VRL		
Lots 1 and 2	1,751,667.07	
Lots 3 to 62	15,320,298.57	
Debtor recovery	<u>2,088,372.72</u>	19,160,338.36
Distributions paid to Lot Owners		
1 <sup>st</sup> payment group	23,516,880.19	
2 <sup>nd</sup> payment group	<u>813,861.96</u>	24,330,742.15
Payments to the ATO		
FRCGW	863,439.00	
Foreign resident interest withholding	<u>4,845.65</u>	868,284.65
Trustees' costs (incl. agent commission, legal costs, consultants' fees, etc.)		1,634,405.42
<b>Funds held by the Trustees</b>		<b>118,878.49</b>

## Section | THREE

## 3. COMPANY INFORMATION

## 3.1 Company (VRL) Assets and Liabilities

A breakdown of the Company's assets and liabilities is below. Please refer to **Appendix B** for a full summary of receipts and payments in the administration to date.

	Note	Liquidators' ERV* \$
<b>Assets</b>		
Pre-appointment cash at bank	1	3,338,481
Pre-appointment debtors – recovered	2	2,107,879
Pre-appointment debtors – unrecovered	2	Unknown
Distribution from the Trustees	3	15,320,299
ASIC security bond	4	20,000
FRCGW refund	5	Unknown
<b>Liabilities</b>		
Unsecured creditors	6	7,101
Taxation liabilities	5	Unknown
<b>Net Surplus/(Deficiency)</b>		<b>Unknown</b>

\*Estimated Realisable Value.

**Notes:****1. Pre-Appointment Cash at Bank**

At the date of liquidation there was \$3,338,481 in the Company's accounts with the Bank of Queensland ("BOQ").

These accounts were frozen shortly after our appointment. The funds are under the control of the Liquidators and are currently bearing interest.

**2. Pre-Appointment Debtors**

At the date of our appointment, the Company's records disclosed debtors of \$5,153,894.11. This amount represented unpaid levies owed to the Company by Lot Owners.

	Note	\$
Outstanding levies on appointment		5,153,894.11
Levies recovered directly	A	19,506.40
Levies paid to VRL by the Trustees	B	2,088,372.72
Adjustment to debts by the Liquidators	C	154,328.10
<b>Levies remaining outstanding</b>	<b>D</b>	<b>2,891,686.89</b>

A. We issued demand notices to the debtors and recovered \$19,506.40 of outstanding levies as a result of these notices.

B. \$2,088,372.72 was recovered during the Statutory Trustees distribution by offsetting outstanding debts against the funds owed by Owners, pursuant to the Court Order dated 25 March 2022 (attached at **Appendix D**).



- C. Amounts written off by the Liquidators for disputed debts or due to being incorrectly recorded in the Company's records.
- D. Clarification from the Court is required for the Liquidators to offset outstanding debts against any distribution the debtors are entitled to as a shareholder of the Company. Please refer to Section 4.3 of this report for further information on this process. Until clarification is received, the recoverable amount is unable to be determined.

### 3. Distribution from Statutory Trustees

Over time, the Company acquired 1,126.5 timeshare weeks within the Resort. A full breakdown of weeks owned by VRL can be found at **Appendix A**.

The Trustees have made payment to the Company of \$15,320,298.57 for these holdings. These funds are now under control of the Liquidators.

### 4. ASIC Security Bond

The Company ceases to hold an AFS licence with the Australian Securities and Investments Commission ("ASIC"). ASIC held a security bond of \$20,000 relating to licence. The security bond is currently held in a term deposit with the Australia and New Zealand Banking Group Ltd ("ANZ").

The Liquidators have lodged forms with ASIC in July 2023 to discharge the security bond and recover the funds. On 8 February 2024, ASIC posted a public notice to discharge the security bond. This notice must appear on the website for three months prior to the bond being discharged and the funds being recovered by the Liquidators.

### 5. Taxation Matters

The Liquidators are required to bring the Company's tax obligations up to date prior to paying a dividend to creditors or a distribution to shareholders.

#### ***Mutuality Principle***

We lodged a Private Ruling application with the ATO regarding the use of the mutuality principle for the Company.

The mutuality principle is based on the proposition that an organisation cannot derive income from itself. The principle provides that where a number of persons, such as the members of a club, contribute to a fund created for a common purpose, any surplus arising from the use of that fund is not income.

The Liquidators sought clarification regarding the application of this principle to maintenance levies and late fees on those levies earned by VRL. Ultimately, the ATO ruled that maintenance levies and late fees on those levies are not assessable income.

The Liquidators also sought clarification as to whether the mutuality principle applied to disregard any net capital gain the Company has from the sale of its interest in the resort and business. The private ruling clarified the mutuality principle cannot be applied in such regard.

Now this ruling has been received, we are preparing and will lodge the final tax return for the Company.

**FRCGW**

A number of the Lot entitlements owned by the Company within the building were subject to FRCGW. Refer to Section 2.3 for a list of Lots subjected to FRCGW, and **Appendix A** for details of Lots owned by the Company.

We will be claiming FRCGW in the Company's final tax return. Given there may be a significant liability due to the capital gain from the sale of the Timeshare weeks. Any refund of the FRCGW is yet to be determined.

**Taxation Clearance**

We are required to seek clearance from the ATO prior to paying a dividend to creditors. This clearance will be sought as soon as we are in a position to do so.

**Shareholder Distribution – Tax implications**

A shareholder distribution from a liquidator can give rise to a number of tax implications for shareholders. The distribution may be capital or revenue in nature, impacting shareholders' taxable positions. The distribution may also be eligible for franking credits currently held by the Company.

These are matters we are currently reviewing to ensure the best outcome for shareholders.

**6. Unsecured Creditors**

Currently, unsecured creditor claims total \$7,101.

The exact amount due to unsecured creditors will not be determined until such time as:

- The tax payable by the Company has been determined;
- All creditors have lodged their Proof of Debt; and
- We have adjudicated those Proofs of Debt.

A dividend to creditors must be paid prior to a distribution of surplus funds to shareholders.



## Section | FOUR

### 4. MATTERS REQUIRING COURT DIRECTION

We intend to seek direction from the Court in relation to the following matters. We have engaged legal representatives for this purpose. The timeline of future steps in the administration are dependent on the progress of these Court proceedings.

It also means the estimated timeline and work required to be completed in this administration could change drastically, should the proceedings not progress as anticipated.

We intend to report to shareholders following completion of the matters set out below, and in the event our legal advice indicates to us an alternative approach ought to be taken.

#### 4.1 Shareholder Clarification

The Company's articles of association provide that:

- in order to qualify as a member (i.e., a shareholder) of the Company a person must be a "co-owner" of a Lot (meaning they must either be a registered owner or entitled to be registered as owner of one of a 1/51 fractional interests in a Lot); and
- the Company is entitled to treat the registered holder of any share as the absolute owner of that share.

In effect, the ownership of shares in the Company is stapled to the ownership of Lots at the Resort.

As discussed in previous reports, the Company's member registry was not maintained in accordance with the requirements of the articles of association and does not match the list of registered owners per Titles Queensland's Registry.

We have identified that:

- certain shares have been transferred without the associated fractional interest in a Lot being transferred;
- certain fractional interests in Lots have been transferred without the membership register being updated to reflect the transfer; and
- certain fractional interests in Lots have been further divided (for example, by multiple people sharing a 1/51 fractional interest).

As a consequence, distribution in accordance with the current register would lead to a situation where people who do not have any entitlement to a distribution would receive one, and people who ought to be entitled to a distribution would not.

Extensive work has been conducted throughout Trustees' appointment to establish a list of those who rightly have a claim to the Resort's sale proceeds.

We intend to seek confirmation from the Court that a distribution from the Liquidators ought to be made to those parties paid by the Trustees.

## 4.2 Distribution to Shareholders in Court Liquidations

The Company was wound up pursuant to 461(k) of the *Corporations Act 2001* (Cth) (the "Act"). In a Court ordered liquidation, the liquidator is required to seek approval from the Court prior to paying a distribution of surplus funds to shareholders, pursuant to section 488(2) of the Act.

This approval is not required prior to making a payment to creditors.

## 4.3 Outstanding Levies Offset

At the date of our appointment, the Company records disclosed debtors of \$5,153,894.11. Over \$2 million was recovered during the Statutory Trustees distribution by offsetting debts against funds owed to Lot Owners, pursuant to the Court Order dated 25 March 2022.

Over \$2.8 million in pre-appointment debtors remains outstanding. We have sought legal advice as to whether the amount owed by those members may be set-off against any distribution which may be made to them, and are advised that there is no express mechanism within the Act which entitles a liquidator to offset amounts payable by members against distributions which may be owed to them.

We intend to seek directions from the Court under cl 90-15(1) of the *Insolvency Practice Schedule (Corporations)* ("IPSC") as to whether we are entitled to offset the levy debts that remain outstanding against any distribution the debtors are entitled to as a shareholder of the company.

We have estimated these debtors could be entitled to approximately \$1.4 million, meaning if successful, these funds would instead be available for distribution to non-debtor shareholders.

In the event the Court does not allow the set-off of those debts against distributions then we will need to take advice on, and consider, whether it is feasible to pursue debt claims against the delinquent members.

## 4.4 Liquidators' Remuneration

It is estimated the costs of the administration will be approximately \$550,000 to \$800,000 (excluding GST).

This has increased from our initial estimate due to more work than anticipated being required surrounding the following:

- Level of enquiries from shareholders;
- Verification around shareholdings and the Lot title interests;
- Correspondence with ASIC regarding the release of their bond;
- Preparation and investigations into the Company's tax liabilities including;
  - Preparation of multiple tax returns;
  - Obtaining a private ruling on mutuality of income;
  - Work surrounding the quantification and classification of the income received by the Liquidators from the Statutory Trustees.
  - Advice on tax effective shareholder distributions (i.e. franking credit, revenue vs capital);
- Seeking approval from the Court to pay a distribution to members;
- Seeking direction from the Court on the shareholders of the company; and





- Work required and directions on the offsetting of outstanding entitlements of shareholders with outstanding levies.

The Company was wound up by the Court pursuant to section 461(k) of the Act. In a Court ordered liquidation, a liquidators' remuneration determination can, relevantly, be made by:

- a resolution of creditors; or
- if approval is not made by creditors, by the Court.

Pursuant to 60-10 of the IPSC, any person with a financial interest in this external administration may make an application to the Court for a review of the remuneration determination, unless the determination was made by the Court.

Given the scale of our fees in comparison to creditor claims, and financial interest of shareholders in our fees, we intend to seek approval of our remuneration by the creditors and advise the Court of our remuneration approved.

In the event our remuneration is not approved by the creditors we will be required to apply to the Court for approval.

## Section | FIVE

### 5. WHAT HAPPENS NEXT

We are proceeding with the liquidation, including:

- Responding to shareholder enquiries;
- Responding to creditor enquiries;
- Completing and lodging the outstanding Company's final tax returns;
- Calling and holding a creditor meeting (shareholders are not entitled to attend this meeting);
- Adjudicating on creditor claims;
- Paying a dividend to creditors;
- Obtaining control of ASIC security bond funds;
- Obtaining legal advice on the matters discussed in Section 4, with a view to, where appropriate, seeking direction of the Court in respect of:
  - Verification of the Company's shareholder list;
  - Approval to distribute surplus funds to shareholders in a Court liquidation;
  - The Liquidators' ability to offset outstanding levies against distributions to shareholders; and
  - Liquidators' remuneration
- Reporting to shareholders on the progress of the administration;
- Investigating tax implications of a distribution to shareholders and identifying the most efficient way of distributing surplus funds;
- Calculation of shareholder distribution entitlements; and
- Paying a distribution of surplus funds to shareholders;

Further updates will be provided when information becomes available and warrants a further report.



## Section | SIX

### 6. FREQUENTLY ASKED QUESTIONS – UPDATED

#### 6.1 What do I need to do?

We will contact you if we require any action from you.

#### 6.2 Why haven't I received a distribution from the Trustees?

The Trustees have now made a distribution to Lot Owners.

If you have not received payment, the Trustees have withheld your payment because:

1. You have not confirmed your bank account details, and/or
2. You have not provided all requested authorisation documents, and/or
3. Your lot holding is disputed.

The Trustees are now investigating these matters further.

If you have been requested to provide further documentation, please send these documents to [trustees@voyagerresort.com.au](mailto:trustees@voyagerresort.com.au)

#### 6.3 How was my distribution from the Trustees calculated?

Please refer to your distribution statement, including the notes to the statement, for information about how your payment has been calculated.

#### 6.4 Why have I received multiple distribution statements?

Lot Owners have received a distribution statement from the Trustees for each Lot they held weeks in, as the calculation differs between each Lot.

For example, if you hold 2 weeks in Lot 5 and 1 week in Lot 6, you will receive one statement for Lot 5 and one statement for Lot 6.



## 6.5 Why is the HTW Valuation Report amount different to the sale price?

This valuation was performed in accordance with the Court Order dated 25 March 2022. This is the assessed value attributed by Herron Todd White.

## 6.6 Are the funds held by the Liquidators earning interest?

The Liquidators have transferred \$19.5 million into a 3-month term deposit at market rates.

The Liquidators approached a broker to find the best available rate.

The remaining funds are held in an interest-bearing account with Macquarie Bank at market rates.

Refer to **Appendix B** for a summary of receipts and payments in the administration to date.

## 6.7 When will I receive my distribution from the Liquidators?

The timeframe for a distribution to shareholders is dependent on the progress of the matters discussed in this report, particularly matters requiring Court approval discussed at Section 4.

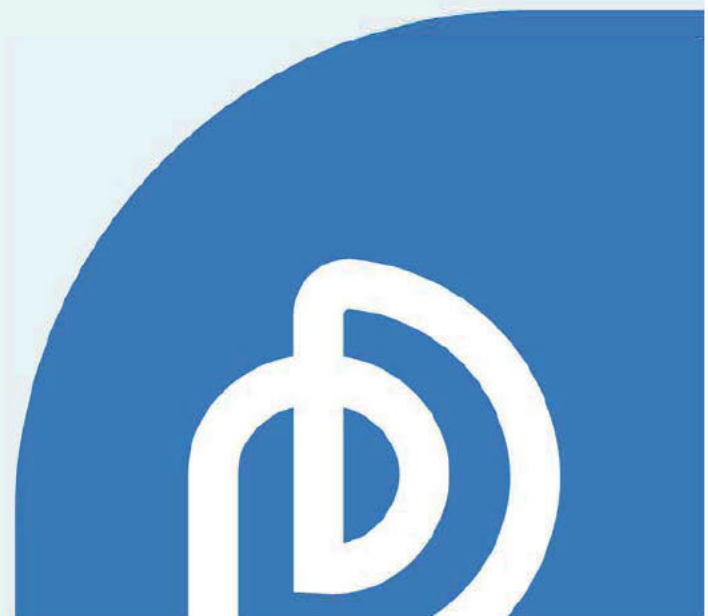
We are unable to provide an estimated date for payment at this time. Further updates on the progress of the administration will be provided in due course.

## 6.8 Who can I contact if I have a question?

For any enquiries relating to the liquidation and a payment to shareholders, please contact [voyager@pilotpartners.com.au](mailto:voyager@pilotpartners.com.au)

For any enquires relating to the Trustees' distribution, please contact [trustees@voyagerresort.com.au](mailto:trustees@voyagerresort.com.au)

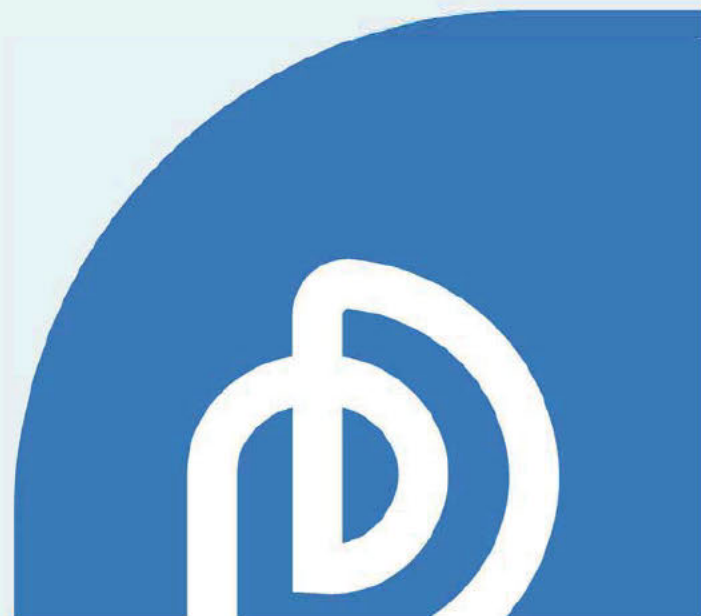
## Appendix A



Lot Number	Percentage of Lot Owned by VRL	No. of Weeks Owned by VRL	Distribution Received by VRL (\$)
3	29.41%	15	180,683.59
4	54.90%	28	352,266.08
5	43.14%	22	288,558.38
6	47.06%	24	301,942.35
7	54.90%	28	344,771.06
8	58.82%	30	385,458.32
9	64.71%	33	441,671.00
10	58.82%	30	385,458.32
11	49.02%	25	311,177.29
12	37.25%	19	246,666.56
13	39.22%	20	270,356.19
14	54.90%	28	363,508.61
15	52.94%	27	339,685.15
16	54.90%	28	367,256.13
17	43.14%	22	300,336.28
18	35.29%	18	236,093.22
19	27.45%	14	183,628.06
20	49.02%	25	341,291.22
21	39.22%	20	283,740.16
22	23.53%	12	163,819.79
23	29.41%	15	198,751.95
24	62.75%	32	441,135.64
25	29.41%	15	214,812.71
26	31.37%	16	220,567.82
27	25.49%	13	173,991.60
28	58.82%	30	417,579.85
29	50.98%	26	375,821.87
30	19.61%	10	139,193.28
31	23.53%	12	162,213.71
32	21.57%	11	154,584.85
33	25.49%	13	189,650.85
34	25.49%	13	182,691.18
35	37.25%	19	259,381.33
36	31.37%	16	226,992.12
37	39.22%	20	294,447.33
38	19.61%	10	141,870.08
39	27.45%	14	192,996.84
40	11.76%	6	85,925.08
41	47.06%	24	356,548.95
42	23.53%	12	171,850.17
43	21.57%	11	153,112.61
44	50.98%	26	375,821.87
45	50.98%	26	341,548.91
46	41.18%	21	303,548.43
47	25.49%	13	182,691.18
48	33.33%	17	248,004.96
49	29.41%	15	198,806.80
50	31.37%	16	233,416.43
51	25.49%	13	186,171.02
52	56.86%	29	430,829.98
53	45.10%	23	310,232.44
54	30.39%	15.5	230,271.20
55	9.80%	5	72,273.44
56	33.33%	17	223,320.44
57	19.61%	10	136,056.57
58	29.41%	15	197,047.45
59	25.49%	13	189,650.85
60	33.33%	17	225,314.38
61	35.29%	18	247,013.05
62	21.57%	11	145,791.65
<b>TOTAL</b>		<b>1126.5</b>	<b>15,320,298.57</b>

\*All figures have been rounded to 2 decimal places. The actual amounts paid may vary slightly due to being calculated with the maximum accuracy allowable with our software.

## Appendix B





**Voyager Resort Limited (In Liquidation)**  
**ACN 142 651 965**  
**Receipts and Payments**  
**For the Period 2 May 2023 to 26 April 2024**

	<b>Amount (\$)</b>
<b>RECEIPTS</b>	
Pre-appointment cash at bank	3,357,228.20
Pre-appointment debtors	19,506.40
Pre-appointment debtors (received from Statutory Trustees)	2,088,372.72
Lot holdings owned within Resort	15,320,298.57
Refund from Telstra	17.03
Interest income	90,837.02
	<u>20,876,259.94</u>
<b>PAYMENTS</b>	
Commission on recovery of debts	1,662.94
IT consulting fees	11,000.00
Legal costs paid pursuant to QLD Supreme Court Order dated 2 May 2023	89,064.06
Legal fees	7,557.00
Website subscription	19.95
	<u>109,303.95</u>
	<b>Net Receipts (Payments) <u>20,766,955.99</u></b>
<b>REPRESENTED BY</b>	
	<b>Cash at Bank as at 26 April 2024 1,266,955.99</b>
	<b>Term Deposit with BOQ 19,500,000.00</b>
	<b><u>20,766,955.99</u></b>

## Appendix C



## ***CR 2024/23 - The Trustee for the Voyager Resort - tax consequences for former timeshare owners***



This cover sheet is provided for information only. It does not form part of *CR 2024/23 - The Trustee for the Voyager Resort - tax consequences for former timeshare owners*



Australian Government  
Australian Taxation Office

Class Ruling

**CR 2024/23**

Status: **legally binding**

## Class Ruling

# The Trustee for the Voyager Resort – tax consequences for former timeshare owners

### **1 Relying on this Ruling**

This publication (excluding appendix) is a public ruling for the purposes of the *Taxation Administration Act 1953*.

If this Ruling applies to you, and you correctly rely on it, we will apply the law to you in the way set out in this Ruling. That is, you will not pay any more tax or penalties or interest in respect of the matters covered by this Ruling.

<b>Table of Contents</b>	<b>Paragraph</b>
What this Ruling is about	1
Who this Ruling applies to	4
When this Ruling applies	5
<b>Ruling</b>	<b>6</b>
<b>Scheme</b>	<b>16</b>
<b>Appendix – Explanation</b>	<b>28</b>

### **What this Ruling is about**

1. This Ruling sets out the income tax consequences arising for the former timeshare owners of Voyager Resort at 167 Old Burleigh Road, Broadbeach, Queensland from the sale of that property and from related events.
2. Details of this scheme are set out in paragraphs 16 to 27 of this Ruling.
3. All legislative references in this Ruling are to the *Income Tax Assessment Act 1997*, unless otherwise indicated.

### **Who this Ruling applies to**

4. This Ruling applies to you if all of the following apply:
  - You are a former timeshare owner in the Voyager Resort (Resort).
  - You were entitled to a share of the proceeds from the sale of the property at 167 Old Burleigh Road, Broadbeach, Queensland.
  - You were an Australian tax resident during the 2021–22, 2022–23, or 2023–24 income years.

### **When this Ruling applies**

5. This Ruling applies from 1 July 2021 to 30 June 2024.

Class Ruling

**CR 2024/23**

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Status: **legally binding**

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**Ruling**

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**Capital gains tax**

6. CGT event A1 happened in respect of your timeshare interest in the Resort when the statutory trustees were appointed by court order on 25 March 2022, and the time of that event is in the 2021–22 income year.
7. Your capital proceeds from this CGT event A1 were the share of the sale proceeds you were entitled to receive from the trustees – that is from the sale of the property at 167 Old Burleigh Road, Broadbeach, Queensland.
8. You will have a capital gain from CGT event A1 if your share of the sale proceeds exceeded the cost base of your former timeshare interest.
9. You can disregard any capital gain or capital loss if you acquired your whole timeshare interest before 20 September 1985.

**Interest income**

10. You include a proportionate share of the interest income derived by the trustees in your assessable income for each of the 2022–23 and 2023–24 income years. For each year, your proportion of the total interest income (received by the trustees in that year) will be the same proportion as your share of the sale proceeds.
11. The trustees will advise you of the amount of interest income to be included in your assessable income for each of the 2022–23 and 2023–24 income years.

**Penalties and interest charges**

12. We will remit all penalties that may apply because you failed to lodge a tax return for the 2021–22 or 2022–23 income years, provided:
- you lodge your return by 31 May 2024, and
  - the requirement to lodge a return arises because of the matters dealt with in this Ruling.
13. We will remit all penalties that may apply to any false or misleading statements made on your tax returns for the 2021–22 or 2022–23 income years provided:
- those statements related to the omission of income connected to the ending of your timeshare interest in the Resort, and
  - you request an amendment of your income tax assessment to include this income and to reflect the Commissioner's position in this Ruling by 31 May 2024.
14. We will remit all applicable interest charges where you request we amend your assessment, or you lodge your tax return, consistent with this Ruling by 31 May 2024.
15. In the event any penalty or interest charge is applied by our systems, you will need to phone **13 11 42**, and explain that you are requesting a remission of interest and penalties consistent with this Ruling and to quote the reference number CR 2024/23.

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Status: **legally binding**

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## **Scheme**

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16. The following description of the scheme is based on information provided by the applicant. If the scheme is not carried out as described, you cannot rely on this Ruling.

17. Voyager Resort was a block of apartments at 167 Old Burleigh Road, Broadbeach, Queensland, with 62 strata-titled lots.

18. Lots 1 and 2 and the common areas of the Resort were owned by Voyager Resort Limited (the company) since the 1980s.

19. Lots 3 to 62 each had 51 timeshare ownership rights which were held by 1,017 timeshare owners. The company was one of the timeshare owners.

20. When a timeshare owner acquired a timeshare interest in the Resort, they acquired a share in the company, and a fractional interest in a lot of the Resort.

21. The titles of Lots 3 to 62 show the fractional ownership of each timeshare owner for the relevant lot. The titles also show that the lots are subject to 99-year leases made by the timeshare owners to the company. Those leases began on 27 December 1984.

22. The trustees were appointed as statutory trustees for sale of Lots 3 to 62 of the Resort, by an order of the Supreme Court of Queensland, made on 24 March 2022, under section 38 of the former *Property Law Act 1974* (Qld).

23. The court order:

- vested all scheme lots in the trustees, to be held upon trust to sell them and hold the proceeds, after paying costs and expenses, and any net income until sale (after paying rates, taxes, insurance, et cetera properly payable out of that income)
- required the trustees to appoint a valuer to determine the proportionate share of each Lot (a share) in the purchase price
- authorised the trustees to sell all lots jointly, together with the company selling Lots 1 and 2.

24. The court order required the trustees to distribute the proceeds in this order:

- (i) discharge encumbrances
- (ii) pay fees and costs associated with holding or selling the Resort (including agents fees, rates, et cetera)
- (iii) reimburse trustees for properly incurred expenses
- (iv) pay the proceeds for Lots 1 and 2 to the company
- (v) divide the balance into shares (1 for each Lot), with each share being divided into 51 co-owner shares, and pay the co-owner share to the co-owner (after deducting any debts), with different procedures for any outstanding mortgages.

25. The Resort was sold in the 2022 calendar year, with settlement occurring in late December 2022. The sale was effected by 2 interdependent sale contracts – one for the trustees, and one for the company.

26. The trustees and the purchasing entity were both willing but not anxious participants in the contract.

Class Ruling

**CR 2024/23**

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**Status: legally binding**

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27. The trustees placed the sale proceeds of Lots 3 to 62 of the Resort into interest-earning bank accounts while they began finalising distributions to timeshare owners.

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**Commissioner of Taxation**

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10 April 2024

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Status: **not legally binding**

Appendix – Explanation

**❶**     *This Explanation is provided as information to help you understand how the Commissioner’s view has been reached. It does not form part of the binding public ruling.*

Table of Contents	Paragraph
Capital gains tax	28
Interest income	39
Administrative penalties	43
Interest charges	47

Capital gains tax

28.     CGT event A1 happens if you dispose of a capital gains tax (CGT) asset. See subsection 104-10(1).
29.     You dispose of a CGT asset if a change of ownership occurs from you to another entity, whether because of some act or event or operation of law. However, a change of ownership doesn’t occur if you stop being the asset’s legal owner but you continue to be its beneficial owner. See subsection 104-10(2).
30.     The Commissioner’s view is that CGT event A1 happens when a court appoints statutory trustees for sale. ATO Interpretative Decision ATO ID 2009/129 *Capital gains tax: land vested in a statutory trustee for sale, CGT event A1 or CGT event E1?* says a court order appointing statutory trustees for the sale of co-owned property effects a disposal. The order vests the property in the trustees and authorises them to convert the property into money. The co-owners lose their interest in the property, and receive a personal claim against the trustees to collect their share of the proceeds of sale.
31.     Following ATO ID 2009/129, CGT event A1 happened to the timeshare owners’ interests in Lots 3 to 62 when the statutory trustees were appointed.
32.     Subsection 104-10(3) says the time of the event (for CGT event A1) is:
- when you enter into the contract for the disposal, or
  - if there’s no contract, when the change of ownership occurs.
33.     The time of the event will be the court order date. The trustees were appointed by court order in March 2022, so the timeshare owners didn’t enter a contract disposing of their timeshare interests in the Resort. Therefore, the time of the event will be when the court orders effected the change of ownership in March 2022, which is during the 2021–22 income year.
34.     You have a capital gain from CGT event A1 if your capital proceeds for the CGT event are more than your cost base. See subsection 104-10(4).
35.     Section 116-20 says the capital proceeds are the money and market value of property you have received (or are entitled to receive) in respect of the event happening.
36.     Section 116-30 says that if you received no capital proceeds from a CGT event, you are taken to have received the market value of the CGT asset that’s the subject of the CGT event.

Class Ruling

**CR 2024/23**

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**Status: not legally binding**

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37. On these facts, the Commissioner accepts that timeshare owners capital proceeds in respect of the disposal of their timeshare interests (to the trustees) is equal to the share of the sale proceeds they will later receive from the trustees.

38. Timeshare owners will have a capital gain if their share of the sale proceeds is more than the cost base for their timeshare interest.

**Interest income**

39. Interest income is ordinary income under section 6-5, and derived when it's received or credited.

40. Division 6 of Part III of the *Income Tax Assessment Act 1936* applies to trust income. The interest derived by the trustees is trust income and is included in the net income of the trust estate in the income year they received it.

41. Under section 97 of the *Income Tax Assessment Act 1936*, beneficiaries who are presently entitled to a share of the income of the trust estate include their share of the net income of the trust estate in their assessable income for the corresponding income year.

42. In these circumstances, the Commissioner accepts that each timeshare owner was presently entitled to a percentage share of the total interest income derived by the trustees equal to their percentage share of the total sale proceeds.

**Administrative penalties**

43. Subdivision 284-B of Schedule 1 to the *Taxation Administration Act 1953* (TAA) is about administrative penalties for making false or misleading statements. Taxpayers may be liable for penalties if they make a statement to the Commissioner that's false or misleading in a material particular.

44. Division 286 of Schedule 1 to the TAA is about penalties for failing to lodge documents on time. Taxpayers may be liable for an administrative penalty if they are required to give a document to the Commissioner by a particular day and fail to do so.

45. The Commissioner has a discretion to remit administrative penalties under section 298-20 of Schedule 1 to the TAA.

46. The Commissioner will remit any penalties for timeshare owners that may be applicable if the timeshare owners lodge their returns or seek amendments of their assessments by 31 May 2024 and comply with the requirement in paragraphs 12 and 13 of this Ruling.

**Interest charges**

47. There are 2 types of interest charges. Shortfall interest charge (SIC), worked out under Division 280 of Schedule 1 to the TAA, applies on any additional income tax payable as a result of an amended assessment. General interest charge (GIC), worked out under section 5-15 and Part IIA of the TAA, applies to late payments. Section 280-160 of Schedule 1 to the TAA allows the Commissioner to remit SIC, and section 8AAG of the TAA allows the Commissioner to remit GIC, in circumstances specified in those provisions.

48. Law Administration Practice Statement PS LA 2006/8 *Remission of shortfall interest charge and general interest charge for shortfall periods* says it may be appropriate to remit SIC in some circumstances, including where the delay in reporting correctly

Class Ruling

**CR 2024/23**

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**Status: not legally binding**

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arose from circumstances outside the taxpayer's control, or where the taxpayer couldn't have been aware of the shortfall when lodging the return.

49. Law Administration Practice Statement PS LA 2011/12 *Remission of General Interest Charge* says it may be appropriate to remit GIC where:

- the Commissioner is satisfied that the circumstances contributing to delayed payment arose because of events beyond their control, and they took reasonable steps to mitigate, or
- ordinary and reasonable members of the community (who pay tax on time) would agree that it's fair and reasonable for the Commissioner to remit GIC.

50. The Commissioner considers that it's appropriate to remit SIC and GIC so long as:

- the SIC or shortfall GIC is solely attributable to shortfalls or tax liabilities arising from the income tax issues addressed in this Ruling
- the timeshare owners amend their assessments or lodge the relevant tax returns by 31 May 2024
- the relevant amendments or lodgments adopt the position outlined in this Ruling.

Class Ruling

**CR 2024/23**

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**Status: not legally binding**

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## References

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*Legislative references:*

- ITAA 1936 Div 6
- ITAA 1936 97
- ITAA 1997 5-15
- ITAA 1997 6-5
- ITAA 1997 104-10(1)
- ITAA 1997 104-10(2)
- ITAA 1997 104-10(3)
- ITAA 1997 104-10(4)
- ITAA 1997 116-20
- ITAA 1997 116-30
- TAA 1953 Pt IIA
- TAA 1953 8AAG

- TAA 1953 Sch 1 Div 280
- TAA 1953 Sch 1 280-160
- TAA 1953 Sch 1 Subdiv 284-B
- TAA 1953 Sch 1 Div 286
- TAA 1953 Sch 1 298-20
- Property Law Act 1974 (Qld) 38 (repealed)

*Other references:*

- ATO ID 2009/129
- PS LA 2006/8
- PS LA 2011/12

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**ATO references**

NO: 1-10A72FWD  
 ISSN: 2205-5517  
 BSL: PW  
 ATOLaw topic: Administration ~~ Interest charges  
                   Capital gains tax ~~ CGT events ~~ A1 - disposal of a CGT asset  
                   Income tax ~~ Trusts ~~ Trust income ~~ Beneficiary assessable - section 97

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## Appendix D



*Duplicate***SUPREME COURT OF QUEENSLAND**

REGISTRY: BRISBANE

NUMBER: BS13638/21

Applicant: **VOYAGER RESORT LTD ACN 010 547 618**

AND

Respondents: **ALAN SKELTON and the others described in the SCHEDULE OF RESPONDENTS****ORDER**

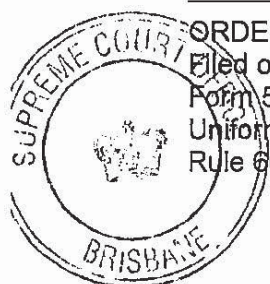
Before: Ryan J

Date: 25 March 2022

Initiating document: Originating Application filed 16 November 2021

**THE ORDER OF THE COURT IS THAT:**

1. Service is deemed to have been effected on:
  - (a) the One Hundred and Fourth Respondent;
  - (b) the One Hundred and Forty Eighth Respondent;
  - (c) the One Hundred and Seventy Seventh Respondent;
  - (d) the Two Hundred and Forty Second Respondent;
  - (e) the Two Hundred and Ninety Seventh Respondent;
  - (f) the Three Hundred and Thirty Second Respondent;
  - (g) the Four Hundred and Eleventh Respondent;
  - (h) the Six Hundred and Fifty Seventh Respondent;



**ORDER**  
Filed on behalf of the Applicant  
Form 59, Version 1  
Uniform Civil Procedure Rules 1999  
Rule 661

Mahoneys  
Level 18, 167 Eagle Street  
Brisbane Qld 4000  
Tel: 07 3007 3777  
Fax: 07 3007 3778  
Ref: 25203



- 2 -

- (i) the Six Hundred and Seventy Third Respondent;
  - (j) the Eight Hundred and Sixty Fourth Respondent;
  - (k) the Nine Hundred and Eighth Respondent;
  - (l) the One Thousandth and Twenty Third Respondent.
2. Notwithstanding non-compliance with paragraphs 3(a) and 6(a) of the Order made on 9 December 2021, the hearing of this application proceed.
  3. Geoffrey Graeme Heaton, Geoffrey Philip Walters and Angela Julian-Armitage (the **Trustees**) be appointed trustees of each of Lots 3 to 62 (inclusive) on BUP 6459 (the **Scheme Lot(s)**, and collectively with Lots 1 and 2 on BUP 6459, the **Property** and **Lot(s)**).
  4. Each Scheme Lot thereupon vest in the Trustees, subject to encumbrances affecting the entirety or any encumbrance which, prior to the appointment of the Trustees, affected any undivided share of a Scheme Lot, to be held by them upon trust to sell the same and to stand possessed of the share of the net proceeds, after payment of costs and expenses, and of the net income until sale after payment of rates, taxes, costs of insurance, repairs properly payable out of income and other outgoing, and pursuant to the priority in Order [11].
  5. The Trustees have liberty to apply without notice for directions in relation to the performance of their duties.
  6. The applicant's costs be paid on the indemnity basis and paid out of the proceeds of sale before division.

**THE COURT DIRECTS THAT:**

7. The Trustees:
  - (a) keep proper books of account in relation to all amounts received or expended by them;
  - (b) take out and maintain appropriate insurance;
  - (c) shall not be entitled to any remuneration;
  - (d) appoint a registered valuer to determine, following the Trustees entering into a contract of sale, the proportionate share of each Lot in the purchase price payable under the contract of sale, based on the respective value that each Lot represents to the value of all other Lots in the Property (once determined the **Share**), where such determination will, except in the case of manifest error, be final and binding on all respondents.



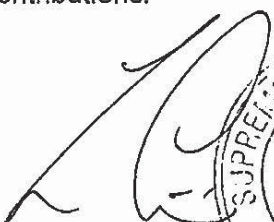
- 3 -

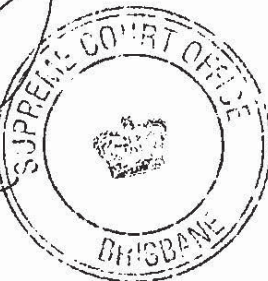
8. The Trustees may sell all Lots jointly:
  - (a) and so that they settle simultaneously;
  - (b) with the applicant in any sale of Lots 1 and 2 on BUP 6459
9. The Trustees be excused from complying with s 39(1) of the *Property Law Act 1974* (Q).
10. The net income of each Scheme Lot, after payment of rates, taxes, costs of insurance, repairs properly payable out of income and other outgoings, be paid to the applicant.
11. The proceeds of sale after payment of all expenses of and incidental to such sale be distributed in the following manner and priority:
  - (a) First, in discharge of any valid encumbrance over the title to the Property;
  - (b) Second, in payment of agent's commission, auctioneers and auction fees associated with the sale of the Property;
  - (c) Third, in payment of expenses and reasonable legal costs and disbursements incurred upon the sale of the Property;
  - (d) Fourth, in adjustment of council rates, water rates and other statutory imposts;
  - (e) Fifth, in payment of the costs of the applicant's costs of this proceeding;
  - (f) Sixth, in payment of the properly incurred expenses of the Trustees;
  - (g) Seventh, by the Share for Lots 1 and 2 being paid to the applicant;
  - (h) Eighth, by the Trustees retaining and dividing the balance into the Shares, before dividing each Share into fifty-one shares (each such share, a **Co-Owner Share**);
  - (i) Ninth, where a respondent's fractional interest in a Scheme Lot was not the subject of a registered mortgage immediately before sale, by paying the Co-Owner Share to that respondent Co-Owner after deduction of any debt due and owing to the applicant on account of any unpaid contributions;
  - (j) Tenth, where a respondent's fractional interest in a Scheme Lot was the subject of a registered mortgage immediately before sale, by:
    - (i) giving notice in writing to each such respondent Co-Owner and each such mortgagee as to the amount of the Co-Owner Share; and
    - (ii) thereafter, paying the Co-Owner Share as directed in writing by the respondent Co-Owner and the mortgagee, or as otherwise ordered by any court, but in any case where the Co-Owner Share is to be paid or is payable to the Co-Owner respondent, only after deduction of any

- 4 -

debt due and owing to the applicant on account of any unpaid contributions.

Signed:

  
Deputy Registrar



## Appendix E




**ASIC**

Australian Securities &amp; Investments Commission

## INFORMATION SHEET 43

# Insolvency: a guide for shareholders

If a company is in financial difficulty, it can be put under the control of an independent external administrator. The role of the external administrator depends on the type of external administration.

This information sheet gives general information for shareholders on the three most common forms of external administration (liquidation, voluntary administration and receivership). Other forms of external administration are beyond the scope of this information sheet.

## Liquidation

There are two types of liquidation for an insolvent company: creditors' voluntary and court. The most common type is a creditors' voluntary liquidation, which usually begins in one of two ways:

1. when creditors vote for liquidation following a voluntary administration or a terminated deed of company arrangement, or
2. when an insolvent company's shareholders resolve to liquidate the company and appoint a liquidator. Within 11 days of being appointed by shareholders, the liquidator must call a meeting of creditors who may confirm the liquidator's appointment or appoint another liquidator of the creditors' choice.

In a court liquidation, a liquidator is appointed by the court to wind up a company following an application, usually by a creditor.

### The liquidator's role

The liquidator's role is to:

- collect, protect and realise the company's assets
- investigate and report to creditors about the company's affairs, including any unfair preferences which may be recoverable, any uncommercial transactions which may be set aside, and any possible claims against the company's officers
- enquire into the failure of the company and possible offences by people involved in the company and report to ASIC
- after payment of the costs of the liquidation, and subject to the rights of any secured creditor, distribute the proceeds of realisation—first to priority creditors, including employees, and then to unsecured creditors, and

**Important note:** This information sheet contains a summary of basic information on the topic. It is not a substitute for legal advice. Some provisions of the law referred to may have important exceptions or qualifications. This document may not contain all of the information about the law or the exceptions and qualifications that are relevant to your circumstances. You will need a qualified professional adviser to take into account your particular circumstances and to tell you how the law applies to you.

**INSOLVENCY: A GUIDE FOR SHAREHOLDERS**

- apply for deregistration of the company on completion of the liquidation.

Except for lodging documents and reports required under the *Corporations Act 2001* (Corporations Act), a liquidator is not required to do any work unless there are enough assets to pay their costs.

**The directors' role**

Directors cannot use their powers after a liquidator has been appointed. They must help the liquidator, including providing the company's books and records, and a report about the company's affairs.

**Shareholders and liquidation**

The liquidator's primary duty is to all of the company's creditors. The shareholders rank behind the creditors and are unlikely to receive any dividend in an insolvent liquidation unless they also have a claim as a creditor.

In a court liquidation, the liquidator is not required to report to the shareholders on the progress or outcome of the liquidation.

The liquidator is not required to hold a meeting of shareholders during a creditors' voluntary liquidation. A joint meeting of the creditors and shareholders must be held at the conclusion of the winding up.

Shareholders in both types of insolvent liquidation can request that the liquidator call separate meetings of shareholders and creditors to decide whether a committee of inspection should be appointed and, if so, who will represent the shareholders and creditors on the committee. However, the shareholder(s) making the request must pay the costs of calling and holding these meetings. A committee of inspection assists the liquidator, approves their fees and, in limited circumstances, approves the use of some of their powers.

A transfer of shares in a company or alteration of status of shareholders during a liquidation will not be effective unless the liquidator gives their written consent or the court permits. The liquidator or the court will need to be satisfied that the transfer of shares, or the alteration in the status of shareholders, is in the best interest of the company as a whole and does not breach other sections of the Corporations Act that deal with the rights of shareholders.

When giving written consent to a transfer of shares in a company or alteration of status of shareholders, the liquidator can impose conditions which must be satisfied before the transfer or alteration is effective. In the case of a transfer of shares, the current shareholder, the prospective shareholder, or a creditor, may apply to the court to set aside any or all of these conditions. Similarly, a shareholder or a creditor may apply to the court to set aside any or all conditions that must be satisfied for an alteration in the status to have effect. A shareholder or a creditor may also apply to the court to authorise an alteration in the status of shareholders if the liquidator refuses the alteration.

The liquidator can call on the holders of any unpaid or partly paid shares in the company to pay the amount outstanding on those shares.

If a liquidator makes a written declaration that they have reasonable grounds to believe there is no likelihood that shareholders will receive any further distribution in the winding up, shareholders can realise a capital loss. To realise a loss, the shares in the company must have been purchased on or after 20 September 1985. If no such declaration is made by the liquidator, the deregistration of a company at the end of the liquidation also enables realisation of any capital loss.

**Financial reporting**

Listed and very large companies usually have financial reporting obligations under the Corporations Act. ASIC has given relief so that such companies don't need to comply with these obligations if they

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are in liquidation. Also, public companies in insolvent liquidation don't need to hold annual general meetings (this does not apply to a section 509 meeting).

The liquidator must lodge a detailed list of their receipts and payments for the liquidation with ASIC every six months. A copy of these statements of receipts and payments may be obtained from any ASIC Business Centre, on payment of the relevant fee. The liquidator must also make them available at their office for inspection by shareholders and creditors.

## **Voluntary administration**

Voluntary administration is designed to resolve a company's future direction quickly. An independent and suitably qualified person (the voluntary administrator) takes full control of the company to try to work out a way to save either the company or the company's business.

If this isn't possible, the aim is to administer the affairs of the company in a way that results in a better return to creditors than they would have received if the company had instead been placed straight into liquidation. A mechanism for achieving these aims is a deed of company arrangement.

### **The voluntary administrator's role**

After taking control of the company, the voluntary administrator investigates and reports to creditors on the company's business, property, affairs and financial circumstances, and on the three options available to creditors. These are:

1. end the voluntary administration and return the company to the directors' control
2. approve a deed of company arrangement through which the company will pay all or part of its debts and then be free of those debts, or
3. wind up the company and appoint a liquidator.

The voluntary administrator must give an opinion on each option and recommend which option is in the best interests of creditors.

The voluntary administrator has all the powers of the company and its directors. This includes the power to sell or close down the company's business or sell individual assets in the lead up to the creditors' decision on the company's future.

The voluntary administrator must also report to ASIC on possible offences by people involved with the company.

If a deed of company arrangement is approved, the voluntary administrator will usually become the deed administrator and oversee its operation.

### **The directors' role**

Directors cannot use their powers while the company is in voluntary administration. They must help the voluntary administrator, including providing the company's books and records, and a report about the company's business, property, affairs and financial circumstances, as well as any further information about these that the voluntary administrator reasonably requires.

If the company goes from voluntary administration into a deed of company arrangement, the directors' powers depend on the deed's terms. When the deed is completed, the directors regain full control, unless the deed provides for the company to go into liquidation on completion.

If the deed is not completed and the company goes into liquidation as a result, the directors cannot use their powers, as discussed in the liquidation section above.



**INSOLVENCY: A GUIDE FOR SHAREHOLDERS****Shareholders and voluntary administration**

A voluntary administrator isn't required to report to shareholders on the progress or outcome of the voluntary administration. Shareholders don't get to vote on the future of the company.

A transfer of shares in a company or alteration of status of shareholders during a voluntary administration will not be effective unless the voluntary administrator gives their written consent or the court permits. The voluntary administrator or the court will need to be satisfied that the transfer of shares, or the alteration in the status of shareholders, is in the best interest of the company as a whole and does not breach other sections of the Corporations Act that deal with the rights of shareholders.

When giving written consent to a transfer of shares in a company or alteration of status of shareholders, the voluntary administrator can impose conditions which must be satisfied before the transfer or alteration is effective. In the case of a transfer of shares, the current shareholder, the prospective shareholder, or a creditor, may apply to the court to set aside any or all of these conditions. Similarly, a shareholder or a creditor may apply to the court to set aside any or all conditions that must be satisfied for an alteration in the status to have effect. A shareholder or a creditor may also apply to the court to authorise an alteration in the status of shareholders if the voluntary administrator refuses the alteration.

Shareholders are bound by a deed of company arrangement approved by creditors. Also, the deed administrator may transfer shares in the company with the written consent of the shareholder or with the court's permission. A shareholder, a creditor, ASIC or any other interested person can oppose an application to the court by the deed administrator to approve a share transfer.

If a deed administrator makes a written declaration that they have reasonable grounds to believe there is no likelihood that shareholders will receive any further distribution at any time in the future, shareholders can realise a capital loss. To realise a loss, the shares in the company must have been purchased on or after 20 September 1985.

**Financial reporting**

The statutory financial reporting obligations of listed and very large companies remain while they are in voluntary administration or under a deed of company arrangement. ASIC has given relief so that a company in voluntary administration may defer meeting its financial reporting obligations for six months after the appointment of the voluntary administrator. ASIC may grant relief to a company under voluntary administration or subject to a deed of company arrangement from the requirement to hold an annual general meeting.

To get the benefit of this relief, ASIC must be notified that it is being relied on and the administrator must answer, free of charge, reasonable inquiries from shareholders about the administration during the deferral period. If the company is listed, the relevant stock exchange must also be told. The relief also provides for the use of alternative methods of distributing an annual report to shareholders at the end of the period.

At the end of this deferral period, if the company is still in voluntary administration or under a deed of company arrangement, ASIC may give the company an exemption or further deferral from all or some of their financial reporting obligations in certain circumstances.

ASIC may also give an extension of time for the annual general meeting or decide to take no action for failure to hold the annual general meeting if a public company is in voluntary administration or under a deed of company arrangement.

A voluntary administrator and a deed administrator must lodge a detailed list of receipts and payments with ASIC every six months and at the end of their administration. A copy of these statements of



**INSOLVENCY: A GUIDE FOR SHAREHOLDERS**

receipts and payments may be obtained from any ASIC Business Centre, on payment of the relevant fee.

## **Receivership**

A company goes into receivership when an independent and suitably qualified person (the receiver) is appointed by a secured creditor or, in special circumstances, by the court to take control of some or all of the company's assets. A secured creditor is someone who has a charge, such as a mortgage, over all or some of a company's assets.

Court receiverships are not covered in this information sheet.

The powers of the receiver are set out in the charge document and the Corporations Act.

If a receiver has, under the terms of their appointment, the power to manage the company's affairs, they are known as a receiver and manager.

### **The receiver's role**

The receiver's role is:

- to collect and sell enough of the charged assets to repay the debt owed to the secured creditor
- if they have been appointed under a fixed charge (e.g. over land, plant or equipment), to pay out the money collected:
  - first, to pay the secured creditor, and
  - second, if there are any funds left over, to pay this surplus to the company or its other external administrator if one has been appointed
- if they have been appointed under a floating charge (e.g. over cash, debtors or stock), to pay out the money collected:
  - first, to pay priority claims (including certain employee entitlements)
  - second, to pay the secured creditor, and
  - third, if there are any funds left over, to pay the company or its other external administrator if one has been appointed, and
- to report to ASIC any possible offences or other irregular matters.

The receiver is usually paid from the money collected during the receivership.

### **The directors' role**

Receivership does not affect the legal existence of the company. The directors continue to hold office, but their powers depend on the powers of the receiver and the extent of the assets over which the receiver is appointed.

Control of the charged property, which often includes the company's business, is taken away from them.

Directors must provide the receiver with a report about the company's affairs and must allow the receiver access to books and records relating to the charged property.

### **Shareholders and receivership**

The receiver's primary duty is to the company's secured creditor. The main duty owed to unsecured creditors and shareholders is an obligation to take reasonable care to sell charged property for not less

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than its market value or, if there is no market value, the best price reasonably obtainable. A receiver also has the same general duties as a company director.

There is no obligation for the receiver to report to the shareholders on the progress or outcome of the receivership.

**Financial reporting**

The statutory financial reporting obligations of listed and very large companies remain while it is in receivership, as do the requirements for public companies to hold annual general meetings.

However, ASIC has given relief so that a company with a receiver appointed to the whole or substantially the whole of its property may defer meeting its financial reporting obligations for six months after the receiver's appointment.

To get the benefit of this relief, the receiver must tell ASIC they are relying on it, and agree to answer, free of charge, reasonable inquiries from shareholders about the receivership during the deferral period. If the company is listed, the relevant stock exchange must also be told. The relief also provides for the use of alternative methods of distributing an annual report to shareholders at the end of this period.

At the end of this deferral period, ASIC may give an exemption or further deferral from all or some of the financial reporting obligations, in certain circumstances. ASIC may also give an extension of time for the annual general meeting, or decide to take no action for failure to hold the annual general meeting.

The receiver must lodge a detailed list of their receipts and payments for the receivership with ASIC every six months. A copy of these statements of receipts and payments may be obtained from any ASIC Business Centre, on payment of the relevant fee.

**To find out more**

For an explanation of terms used in this information sheet, see ASIC information sheet INFO 41 *Insolvency: a glossary of terms*. For more on voluntary administration, liquidation and receivership, see ASIC's related information sheets, available at [www.asic.gov.au/insolvencyinfosheets](http://www.asic.gov.au/insolvencyinfosheets):

- INFO 74 *Voluntary administration: a guide for creditors*
- INFO 75 *Voluntary administration: a guide for employees*
- INFO 45 *Liquidation: a guide for creditors*
- INFO 46 *Liquidation: a guide for employees*
- INFO 54 *Receivership: a guide for creditors*
- INFO 55 *Receivership: a guide for employees*
- INFO 42 *Insolvency: a guide for directors*
- INFO 84 *Independence of external administrators: a guide for creditors*
- INFO 85 *Approving fees: a guide for creditors*

These are also available from the Insolvency Practitioners Association (IPA) website at [www.ipaa.com.au](http://www.ipaa.com.au). The IPA website also contains the IPA's Code of Professional Practice for Insolvency Professionals, which applies to IPA members.

You may also wish to check the website of the external administrator's firm and the company's website for any information on a particular external administration.

**From:** Bailey Cox  
**Sent:** Tuesday, 23 July 2024 12:53:45 PM  
**To:** Bailey Cox  
**Subject:** PC / David Foldi / 23 July 2024 [PILOT-CLIENT.FID1210301]  
**Attachments:** Voyager Resort Limited (In Liquidation) ("the Company") - Maureen Foldi Shareholding [PILOT-CLIENT.FID1210301](2706296.1).msg.nrl

#### FILE NOTE

<b>Matter</b>	Voyager Resort Limited (In Liquidation)
<b>Filing No.</b>	
<b>Date/Time</b>	23/07/2024 at 12:42pm
<b>Phone No.</b>	0424 045 651
<b>In/Out</b>	In
<b>Person</b>	David Foldi
<b>Alternate Contact</b>	

#### Comments

- David calling after receiving attached email requesting additional verification documents to enable distribution owed to his mother Maureen Foldi (deceased).
- David unsure what grant of probate is, does not believe it was ever obtained. David explained his mother's estate was modest, did not have much to distribute at the time she passed away.
- I asked David to send through the other requested documents, will come back to him after reviewing if further documents are required.

#### Actions To Be Performed

- 

Regards,

**Bailey Cox**

Accountant

Level 10, One Eagle, 1 Eagle Street, Brisbane, Qld, Australia, 4000

**T** [+61 7 3023 136](tel:+6173023136) **E** [bcox@pilotpartners.com.au](mailto:bcox@pilotpartners.com.au) **W** [pilotpartners.com.au](http://pilotpartners.com.au)

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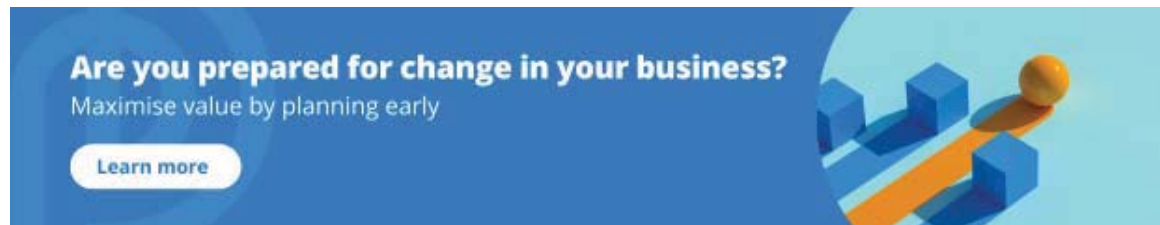
Chartered Accountant

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**Certificate identifying annexure**  
(rule29.02)

Federal Court of Australia  
District Registry: Queensland  
Division: General

No. QUD13/2025

**IN THE MATTER** of VOYAGER RESORT LIMITED (In Liquidation)  
ACN 010 547 618

**BRADLEY VINCENT HELLEN AND NIGEL MARKEY AS JOINT AND SEVERAL  
LIQUIDATORS OF VOYAGER RESORT LIMITED**

Plaintiff

The following 4 pages are the annexure marked "BVH-41" produced and shown to BRADLEY VINCENT HELLEN at the time of affirming his affidavit this 24th day of February 2025.

  
.....  
Benjamin Leigh Sandford

**Annexure "BVH-41"**

**Bundle of Documents relating to Gueho, EA & EW**

.....

Filed on behalf of Bradley Vincent Hellen and Nigel Markey as joint and several liquidators of voyager resort limited, Plaintiff

Prepared by Benjamin Leigh Sandford

Law firm Mahoneys

Tel 07 3007 3777

Fax 07 3007 3778

Email info@mahoneys.com.au

Ref 32419

**Address for Service MAHONEYS**

Level 18, 167 Eagle Street, Brisbane Qld 4000  
Email: info@mahoneys.com.au



## Current Title Search

Queensland Titles Registry Pty Ltd  
ABN 23 648 568 101

<b>Title Reference:</b>	<b>50638284</b>	<b>Search Date:</b>	02/08/2021 11:44
<b>Date Title Created:</b>	29/11/2006	<b>Request No:</b>	38062630
<b>Previous Title:</b>	16914191		

## ESTATE AND LAND

Estate in Fee Simple

LOT 58 BUILDING UNIT PLAN 6459  
Local Government: GOLD COAST  
COMMUNITY MANAGEMENT STATEMENT 8766

## REGISTERED OWNER

## INTEREST

Dealing No: 710128639 24/11/2006

EMMANUEL ANTOINE GUEHO  
EILEEN WINIFRED GUEHO

JOINT TENANTS INTER SE

1/51

## EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by  
Deed of Grant No. 13332009 (ALLOT 16 SEC 26)  
Deed of Grant No. 13332010 (ALLOT 15 SEC 26)  
Deed of Grant No. 16426157 (ALLOT 14 SEC 26)
2. LEASE No 601085045 (H479546) 27/12/1984  
TO VOYAGER RESORT LIMITED  
ORIGINAL TERM: FOR 99 YEARS  
COMMENCING 27 DEC 1984  
OR OPTIONS AS MAY BE STATED

## ADMINISTRATIVE ADVICES

NIL

## UNREGISTERED DEALINGS

NIL

Caution - Charges do not necessarily appear in order of priority

\*\* End of Current Title Search \*\*

**From:** Voyager  
**Sent:** Thursday, 25 July 2024 3:48:04 PM  
**To:** admin@argentlaw.com.au  
**Bcc:** VOYAGER RESORT LIMITED \_ Court Liquidation \_ VOYAGER RESORT LIMITED \_ Shareholders  
**Subject:** Voyager Resort Limited (In Liquidation) - Estate of Eileen Winifred Gueho [PILOT-CLIENT.FID1210301]  
**Attachments:** Gueho Notice.pdf, EFT Details Form.pdf

Good afternoon,

The **attached** notice lists your firm as the contact in relation to the estate of Eileen Winifred Gueho.

Eileen, jointly with Emmanuel Antoine Gueho, was a shareholder of Voyager Resort Limited (In Liquidation) (the "Company"). Bradley Hellen and Nigel Markey of our office were appointed Liquidators of the Company on 2 May 2023.

In due course, the Liquidators will be paying a distribution to the Company's shareholders. In order for the Liquidators to make payment of a distribution to the estate of Eileen Winifred Gueho, the Liquidators require:

1. a completed and signed EFT details from (**attached**);
2. the death certificate of Emmanuel Antoine Gueho;
3. the will of Eileen Winifred Gueho and grant of probate;
4. 100 points of identification from the executor(s) of the estate of Eileen Winifred Gueho;
5. a written direction to pay the distribution to a nominated account, signed by the executor(s) of the estate of Eileen Winifred Gueho.

Would you please, where possible, provide the above documentation to our office, or otherwise advise who may be able to assist.

Should you have any questions, please do not hesitate to contact our office.


Regards,

Level 10, One Eagle, 1 Eagle Street, Brisbane, Qld, Australia, 4000

**T** +61 7 3023 130 **E** [Voyager@pilotpartners.com.au](mailto:Voyager@pilotpartners.com.au) **W** [pilotpartners.com.au](http://pilotpartners.com.au)  
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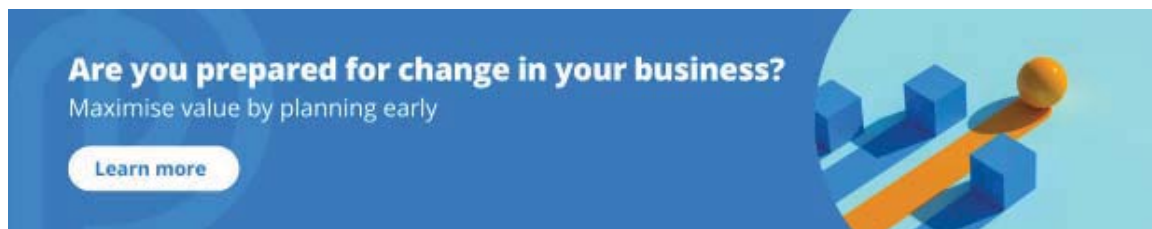
Chartered Accountant  
s

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EILEEN WINIFRED GUEHO, late of Blue Willows Aged Care, 74 Warandyte Road, Ringwood, Victoria 3134, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 6 November 2020, are required by the trustee, Janet May Hickinson, to send particulars of their claims to the undermentioned firm by 9 June 2021, after which date the said trustee may convey or distribute the estate, having regard only to the claims of which she then has notice. Probate was granted in Victoria on 26 March 2021.

ARGENT LAW,  
2 Stawell Street, Richmond, Victoria 3121.  
Phone: (03) 9571 7444.  
Contact: Helen Adoranti.

---

**Certificate identifying annexure**  
(rule29.02)

Federal Court of Australia  
District Registry: Queensland  
Division: General

No. QUD13/2025

**IN THE MATTER** of VOYAGER RESORT LIMITED (In Liquidation)  
ACN 010 547 618

**BRADLEY VINCENT HELLEN AND NIGEL MARKEY AS JOINT AND SEVERAL  
LIQUIDATORS OF VOYAGER RESORT LIMITED**

Plaintiff

The following 3 pages are the annexure marked "BVH-42" produced and shown to BRADLEY VINCENT HELLEN at the time of affirming his affidavit this 24th day of February 2025.

  
.....  
Benjamin Leigh Sandford

**Annexure "BVH-42"**

**List of No Claim Distributions made by the Trustees**

.....

Filed on behalf of Bradley Vincent Hellen and Nigel Markey as joint and several liquidators of voyager resort limited, Plaintiff

Prepared by Benjamin Leigh Sandford

Law firm Mahoneys

Tel 07 3007 3777

Fax 07 3007 3778

Email info@mahoneys.com.au

Ref 32419

**Address for Service MAHONEYS**

Level 18, 167 Eagle Street, Brisbane Qld 4000  
Email: info@mahoneys.com.au

Lot Owner Name	Title Ref No.	Lot Number	Weeks Held
ADRIAN JAMES MAHER & JULIE ANN MAHER	16813178	55	1
ALAN PARRY	17388027	54	0.5
ALASTAIR FIRTH ANDERSEN & DULCIE LORRAINE ANDERSEN	16808176	31	1
ALBERT JOSEPH ARMSTRONG & SHIRLEY JEAN ARMSTRONG	17251174	29	1
ALBY ARMSTRONG & SHIRLEY ARMSTRONG	16808187	31	1
ALFRED GILBERT ADDERLEY & SUSAN ANN ADDERLEY	16801097	3	1
ANNE HERDMAN & GRAHAM GIGLIA	16865169	25	2
ARTHUR CLEMENT AUTON	16804186	12	1
ARTHUR CLEMENT AUTON	16804199	12	1
ATIR PTY LTD	17143231	30	1
AVONNE DOLORES AQUINO	18384013	7	1
BARBARA ALLEN	16860063	51	2
BARRY JOHN NEWBY & LYNN HOPKINSON	17061068	18	1
BENJAMIN MICHAEL HOWARD	16763209	21	1
BEST & WEST LTD	18373064	55	1
BILL JELENKOVIC & CHARMAINE MARY BONELLA	18383226	3	1
BRIAN JAMES MITCHELL & LIANE HELENA JAIDHAWSER	17061080	38	1
BRIAN PATRICK KINGSTON & JAN ELIZABETH KINGSTON	16865021	34	2
BRIAN RICHARD STRINGER	50072214	4	2
BRIAN WALTER BANFIELD	16804103	10	1
BRIAN WALTER BANFIELD	18383222	3	1
BRIAN WYNESS & DAWN INMAN WYNESS	16811216	47	1
BRYAN JAMES DAVIES	50374851	45	1
CARDINAL E D P A C PTY LTD	16804213	12	1
CARMEL FENECH & AGNES FENECH	16864102	11	2
CAROLYN SUSAN SPENCER	17067037	53	1
CASTLEBROOK PTY LTD	16862063	39	2
CATHRINE JESSIE YOUNG	18139184	58	1
CHARLES FRANCIS DUFF & BETTY CHRISTINA DUFF	16740168	21	2
CHASETOP (NZ) LIMITED	16862084	14	2
CHASETOP (NZ) LIMITED	18379010	11	2
CHASETOP (NZ) LIMITED	18210135	17	2
CHRISTINE MARGARET KIDD	16808138	30	1
COLIN EDWIN	17156115	30	1
COLIN MCDONALD	16732194	19	1
COLIN MCDONALD	16801096	3	1
COLIN REID	16803080	8	1
COLLEEN GLENDA BLACKMAN	17131084	24	0.25
CORONA TRAVEL PTY LTD	16862038	18	2
DARYL IAN MUSPRATT	16862037	23	2
DARYL IAN MUSPRATT	17178065	62	1
DAVID IAN TUBMAN	16801146	4	1
DAVID JACOB GRYNGRAS	16907131	29	2
DAVID JOHN RIXON & DENISE NATALIE RIXON	16804099	10	1
DEAN WILLIAM BURNS & CHRISTINE FRANCIS BABOLKA	16806200	23	1
DENISE O'HARA	16805148	17	1
DENISE O'HARA	50046475	16	1
DENISE O'HARA	50168765	50	2
DENISE O'HARA	18384009	7	2
DENNIS FREEMAN	16865034	35	2
DEREK ERNEST BRAZIER & GWENDA MERLE BRAZIER	16863016	11	2
DESIIN PTY LTD A.C.N. 073 398 615	16732045	21	1
DESIIN PTY LTD A.C.N. 073 398 615	16811128	45	1
DESMOND BOYD BAILIE	18332021	9	1
DESMOND JOHN DAVIES	16864250	22	2
DESMOND RUSSELL EGAN	16863174	32	4
DIANNE MEXTED	17120085	24	1
DONALD JOHN MCCANN	16804143	11	1
DOROTHY ANNE BLACKMAN	17131081	24	0.25
EAST ASIA INVESTMENTS PTY LTD	16811111	45	1
ELEANOR FITZGERALD MARTIN	17061091	35	1
ELLEN ANN MCNAUGHTON & JEREMY SIMON FRASER	16785087	49	1
EVAN GEORGE HIGGS & DEBORAH ANNE HIGGS	16804181	11	1
FEZUMP PTY LTD	18502237	3	1
FEZUMP PTY LTD	18502238	4	1
FOOK SEE CHAI & SIEW CHOO CHAI	16806028	19	1
FOOK SEE CHAI & SIEW CHOO CHAI	16806150	22	1
FRANK CAMMAROTO & ANNETTE CAMMAROTO	17023185	55	2
FRANK WINDMILLER	16907104	29	1
GALWARY PTY LTD	16729126	38	1
GAY LYNETTE MORRISON	50912977	42	1
GAYLEEN FAYE MACKINNON	17131082	24	0.25
GEOFFREY FRANCIS HALL & JEAN EMILY CAMERON HALL	50109551	12	1

GEORGE EDWARD SMITH & JOYCE CHRISTINA SMITH	18384019	4	1
GEORGE EDWARD SMITH & JOYCE CHRISTINA SMITH	16808135	30	1
GEORGE EDWARD SMITH & JOYCE CHRISTINA SMITH	18384052	53	1
GERALD FRANCIS MYERS & ALPHA MAE MYERS	17126219	16	2
GORDON COUTTS & EDNA MAY COUTTS	50638283	58	1
HARRY RICHARD MAURICE & THELMA MARY MAURICE	16914195	38	2
HEATHER ROSAMOND BENNETT	16732052	19	2
HENRI BRIAN SMITH	16864021	6	2
HIROSHI HOTTA	18399219	3	1
HIROSHI HOTTA	18399220	3	1
HSIUCHUAN WU	17178091	52	1
IAN ROSS FISHER & BRONWYN ANNE FISHER	17486053	15	1
JACK BREEKVELDT	50197046	53	1
JAMES BRYAN MORGAN & JOYCE MORGAN	17131030	61	2
JAMES DOUGLAS & MARGARET KARIN DOUGLAS	17196131	22	1
JAMES TRUMAN & CHERYL ANN TRUMAN	16811124	45	1
JAMES WILLIAM EDWIN	17156114	30	1
JENNIFER JOY ROSE	16865074	12	2
JOAN YVONNE JENKINSON	17061101	30	1
JOAN YVONNE JENKINSON	18402060	3	1
JOHN BOHNER & OLIVINE BOHNER	16810222	42	1
JOHN DESMOND KONDOS & HONOR GERTRUDE KONDOS	16914186	28	2
JOHN KONDOS & HONOR KONDOS	17174070	50	1
JOHN RAYMOND FELDON	16804106	10	1
JOHN RAYMOND FELDON	17120155	52	1
JOHN WILLIAM SCHEELE & LORRAINE SCHEELE	16742219	31	3
JOSEPHINE ANNE MATHER	16732049	32	2
JOY BREEKVELDT	50197047	53	1
JOY SMITH	50054026	48	1
JUAY KIAT GAN & BEE LIN GAN	16860036	47	2
JUDITH LOUNDRAS ROBERTS	16806038	19	1
JUDITH LOUNDRAS ROBERTS	18250102	49	1
JUNE CURTIS & HOWARD ARTHUR CURTIS	16813181	55	1
JUNE CURTIS & HOWARD ARTHUR CURTIS	16813183	55	1
JUSTIN ROSE	16865080	13	2
KATHLEEN JEAN BAINBRIDGE	17390217	9	0.5
KEITH KNIGHT & JEAN ELIZABETH KNIGHT	17094067	58	2
KELVIN ROBERT STEELE & JACKIE ASH	16805014	14	1
KLAUS PETER LIPINSKI	17093214	36	1
KWOK ONN THAM	16811125	45	1
LEITH EMERSON MEYERS & THOMAS ANTHONY MEYERS	16808166	31	1
LESTER PASLEY	18398230	4	1
LEWIS ROBERT MCILROY & LINDA LESLEY MCILROY	17061106	35	1
LIM HUAH LEONG	16815055	60	1
LINDA FRANCES SEGALL	16941044	17	2
LINDA LEIGH GAMLIN	50429971	5	1
LYLE MACHENZIE WILLIAMS & DOROTHY MAY WILLIAMS	16815205	62	1
MARK PHILIP COOMBES & JENNIFER LEE COOMBES	17217230	44	1
MARK STEPHEN KELLY & MARGARET JEAN KELLY	16812100	49	1
MARK STEPHEN KELLY & MARGARET JEAN KELLY	18383244	5	1
MARK STEPHEN KELLY & MARGARET JEAN KELLY	17061102	30	1
MARK STEPHEN KELLY & MARGARET JEAN KELLY	18457033	37	1
MARTIN JAMES WELLS	16807202	27	1
MICHAEL JAMES MELVIN & RAMZA MELVIN	18402072	4	1
MICHAEL JOHN ROBERT SHERIDAN & SHARON SUSAN SHERIDAN SHERIDAN	17251164	60	1
MIKAYLA JOANNA KEEN	16810173	41	1
NEVIN ALEXANDER ROSSELL & ELIZABETH ANNE ROSSELL	16742204	49	2
NOEL ANTHONY RICHARDSON & BETH CHRISTINE RICHARDSON	17390211	13	1
NOEL WILLIAM BAINBRIDGE	17390216	9	0.5
NURTURED GOODNESS PTY LTD A.C.N. 006 634 957	17125121	57	1
OLTEN PTY LTD	16860067	8	2
P J ABBOTT INVESTMENTS PTY LTD	16863183	12	3
PATRICIA FRY	16806190	23	1
PATRICIA JACQUELINE ADCOCK	17120137	58	1
PATRICIA MAY WEBSTER	17120143	60	2
PATRICIA MAY WEBSTER	50864103	45	2
PATRICIA WEBSTER	18384034	6	1
PATRICIA WEBSTER	18384035	44	1
PETER BEROS & JANICE BEROS	16806103	21	1
PETER JOHN CURRY & ROSEMARY ANNE CURRY	16810199	41	1
PETER MITCHELL HARRIS & YVONNE VALERIE HARRIS	16729133	49	1
PETER VERNON YOUNG & LILIAN MARGARET YOUNG	17120158	48	1
RICHARD BRUCE JENKINS & IRENA JENKINS	16813191	53	1
ROBERT BRUCE GRAHAM & ELEANOR FRANCES GRAHAM	17122046	43	1

ROBERT HOHAIA & JILLIAN EYNON	18643210	61	1
ROBERT WILLIAM HOOK	17120139	58	1
ROGER VINCENT HOGAN & DENISE ANN HOGAN	17027033	17	2
ROLAND KEITH MCGREADY & JENNIFER ROBYN MCGREADY	16810001	38	1
RONALD CHARLES WOODGATE	16721024	13	2
RONALD JOHN BAMBER & ROSANNA BAMBER	16863071	38	2
SAMUEL SAUNDERS & CHARLIE SAUNDERS	18598193	7	1
SEAN WILLIAM SOLOMON & JUDY LEANNE MCWHINNIE	17178073	56	1
SHERYN ANN CANNAN	17131083	24	0.25
SIMON HUGH FINLAY & DENISE JOY FELMINGHAM	16806130	22	1
SIMON HUGH FINLAY & DENISE JOY FELMINGHAM	16865015	44	2
SNIKRIF PTY LTD A.C.N. 008 065 852	50083596	40	4
SUREN AKPINAR & HELEN AKPINAR	16864081	23	2
SUZANNE MAY SPARSHOTT & DONALD WILLIAM CLARK	16805077	15	1
SYDNEY GEORGE YATES	16805065	15	1
SYED PUTRA JAMALULLAIL	16815106	61	1
TANIGAMI CO LTD	18399217	3	1
TERRY ALLEN	16860063	51	2
TIBOR PINTER & EVA PINTER	16806052	20	1
TIMOTHY JOSEPH HOGAN & JUDITH HELEN HOGAN	17082070	43	1
TREVOR NOEL WENZEL	16809102	34	1
TREVOR PHILLIP BROWN & ANNE MARGARET FOLDI	50134534	57	1
VALERIE BOHNER	18209028	46	1
VECHTRANS PROPERTIES PTY LTD A.C.N. 052 882 130	50083595	40	4
VICTOR LIE	16809001	32	1
VIDEO UNLIMITED (NZ) LTD.	50061235	20	3
WADE ATKINSON & JOANNE TRACY HOWELL	16806027	19	1
WAYNE ROSS HOBBS & MARIE PATRICIA HOBBS	17093240	38	1
WENDY WALSH	16864086	31	2
WILLIAM CUTHERS & BERNADETTE CUTHERS	17061072	28	1
WILLIAM RICHARDS & MARGARET JOYCE RICHARDS	16805149	17	1
WILLY YEW CHAI LIM	16914182	43	2
WILLY YEW CHAI LIM	50206632	56	2

**Certificate identifying annexure**  
(rule29.02)

Federal Court of Australia  
District Registry: Queensland  
Division: General

No. QUD13/2025

**IN THE MATTER** of VOYAGER RESORT LIMITED (In Liquidation)  
ACN 010 547 618

**BRADLEY VINCENT HELLEN AND NIGEL MARKEY AS JOINT AND SEVERAL  
LIQUIDATORS OF VOYAGER RESORT LIMITED**

Plaintiff

The following 1 page is the annexure marked "BVH-43" produced and shown to BRADLEY VINCENT HELLEN at the time of affirming his affidavit this 24th day of February 2025.

  
.....  
Benjamin Leigh Sandford

**Annexure "BVH-43"**

Notice of winding up order and appointment of liquidator

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Filed on behalf of     Bradley Vincent Hellen and Nigel Markey as joint and several liquidators of voyager resort limited, Plaintiff

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Prepared by     Benjamin Leigh Sandford

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Law firm     Mahoneys

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Tel     07 3007 3777

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Fax     07 3007 3778

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Email     info@mahoneys.com.au

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Ref     32419

**Address for Service MAHONEYS**

Level 18, 167 Eagle Street, Brisbane Qld 4000  
Email: [info@mahoneys.com.au](mailto:info@mahoneys.com.au)

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## Notice

Corporations Act 2001  
Subsection 465A(2)  
Regulation 5.4.01B

### NOTICE OF WINDING UP ORDER AND APPOINTMENT AS LIQUIDATOR/PROVISIONAL LIQUIDATOR

#### Company details

**Company:** Voyager Resort Limited  
**ACN:** 010 547 618  
**ABN:** 11 010 547 618  
**Status:** In Liquidation  
**Appointed:** 02 May 2023

#### Appointment details

Notice is hereby given that Bradley Vincent Hellen and Nigel Robert Markey was appointed liquidator(s) by an order of the Court on 02/05/2023. Details of the Court are:

**Court:** Supreme  
**District/State:** Queensland

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**Date of Notice:** 12 May 2023

Bradley Vincent Hellen  
**Liquidator**

**Address** Pilot Partners  
Level 10, 1 Eagle Street  
BRISBANE QLD 4000  
**Contact person** Amelia Meek  
**Contact number** 07 3023 1315  
**Facsimile**  
**Email** ameeek@pilotpartners.com.au

**Certificate identifying annexure**  
(rule29.02)

Federal Court of Australia  
District Registry: Queensland  
Division: General

No. QUD13/2025

**IN THE MATTER** of VOYAGER RESORT LIMITED (In Liquidation)  
ACN 010 547 618

**BRADLEY VINCENT HELLEN AND NIGEL MARKEY AS JOINT AND SEVERAL  
LIQUIDATORS OF VOYAGER RESORT LIMITED**

Plaintiff

The following 7 pages are the annexure marked "BVH-44" produced and shown to BRADLEY VINCENT HELLEN at the time of affirming his affidavit this 24th day of February 2025.

  
.....  
Benjamin Leigh Sandford

**Annexure "BVH-44"**

**List of No Claim Contribution Debtors**

.....

Filed on behalf of     Bradley Vincent Hellen and Nigel Markey as joint and several liquidators of voyager resort limited, Plaintiff

Prepared by     Benjamin Leigh Sandford

Law firm     Mahoneys

Tel     07 3007 3777

Fax     07 3007 3778

Email     info@mahoneys.com.au

Ref     32419

**Address for Service MAHONEYS**

Level 18, 167 Eagle Street, Brisbane Qld 4000  
Email: [info@mahoneys.com.au](mailto:info@mahoneys.com.au)

Registered Owner Name	Title Ref(s)	Lot(s)	Interest	Amount outstanding at date of Liquidation	Amount recovered during Statutory Trustee payment	Contribution Debt currently outstanding	Date of last payment on account	Last known Address
ADRIAN JAMES MAHER & JULIE ANN MAHER	16813178	55	1/51	42,851.22	14,427.71	28,423.51	Unknown	N/a
ALAN PARRY	17388027	54	1/102	8,377.67	7,414.24	963.43	Friday, 3 July 2015	Rotorua, New Zealand
ALASTAIR FIRTH ANDERSEN & DULCIE LORRAINE ANDERSEN	16808176	31	1/51	16,756.11	13,517.81	3,238.30	Thursday, 30 June 2016	P.O. Box 48, Bundaberg QLD 4670
ARTHUR CLEMENT AUTON	16804186 16804199	12	2/51	61,330.84	25,916.45	35,414.39	Unknown	10/461 Adelaide Street, Brisbane QLD
ATIR PTY LTD	17143231	30	1/51	42,306.76	13,919.33	28,387.43	Unknown	Post Restante, Christchurch New Zealand
AVONNE DOLORES AQUINO	18384013	7	1/51	32,948.89	12,290.28	20,658.61	Friday, 30 April 2010	N/a
BARRY JOHN NEWBY & LYNN HOPKINSON	17061068	18	1/51	42,937.70	13,116.29	29,821.41	Unknown	1 Iona Street, Tamworth NSW 2340
BRIAN JAMES MITCHELL & LIANE HELENA JAIDHAWSER	17061080	38	1/51	39,084.60	14,160.53	24,924.07	Unknown	N/a
BRIAN PATRICK KINGSTON & JAN ELIZABETH KINGSTON	16865021	34	2/51	45,988.54	28,053.89	17,934.65	Unknown	N/a
BRIAN WALTER BANFIELD	16804103 18383222	10 3	1/51 1/51	66,149.56	24,847.73	41,301.83	Friday, 3 July 2015	N/a
BRYAN JAMES DAVIES	50374851	45	1/51	26,924.21	13,108.52	13,815.69	Unknown	N/a
CARDINAL E D P A C PTY LTD	16804213	12	1/51	32,760.42	12,982.45	19,777.97	Unknown	N/a
CARMEL FENECH & AGNES FENECH	16864102	11	2/51	75,707.24	24,894.18	50,813.06	Unknown	4 Firmin Road, Churchill VIC 3842

CAROLYN SUSAN SPENCER	17067037	53	1/51	16,913.77	13,459.65	3,454.12	Thursday, 21 May 2015	N/a
CHASETOP (NZ) LIMITED	18210135 18379010 17156115	17 11 30	2/51 2/51 1/51	131,063.95 48,385.83	78,016.53 13,893.35	53,047.42 34,492.48	Unknown Unknown	N/a 14 Princess Street, Waitara 4320 New Zealand
COLIN MCDONALD	16732194 16801096 16803080	19 3 8	1/51 1/51 1/51	49,640.84 48,587.96	25,114.91 12,824.63	24,525.93 35,763.33	Unknown Unknown	Banora Point NSW 2486 N/a
CORONA TRAVEL PTY LTD	16862038	18	2/51	80,398.59	26,232.58	54,166.01	Tuesday, 7 January 2020	6 Boswell Court, Greenvale VIC 3059
DARYL IAN MUSPRATT	16862037 17178065 16907131	23 62 29	2/51 1/51 2/51	87,658.81 66,718.25	39,676.37 28,909.37	47,982.44 37,808.88	Unknown Unknown	N/a 5 Tennis Grove, Caulfield VIC 3162
DAVID JOHN RIXON & DENISE NATALIE RIXON	16804099	10	1/51	40,315.47	12,824.63	27,490.84	Unknown	N/a
DEAN WILLIAM BURNS & CHRISTINE FRANCIS BABOLKA	16806200	23	1/51	53,758.82	13,225.40	40,533.42	Unknown	47 Lovelock Road, Parafield Garden SA 5107
DENNIS FREEMAN	16865034	35	2/51	84,833.20	27,252.35	57,580.85	Unknown	N/a
DEREK ERNEST BRAZIER and GWENDA MERLE BRAZIER	16863016	11	2/51	83,839.93	24,847.73	58,992.20	Unknown	N/a
DESIGN PTY LTD A.C.N. 073 398 615	16732045 16811128 18332021	21 46 9	1/51 1/51 1/51	37,205.45 31,257.32	27,323.50 13,358.99	9,881.95 17,898.33	Unknown Unknown	534 Italia Rd, East Seaham NSW 2324 N/a
DESMOND JOHN DAVIES	16864250	22	2/51	27,476.28	27,303.30	172.98	#####	2 Piombino View, Secret Harbour WA 6173
DESMOND RUSSELL EGAN	16863174	32	4/51	132,967.33	56,107.78	76,859.55	Unknown	N/a
DJANNE MEXTED	17120085	24	1/51	42,416.78	13,759.76	28,657.02	Unknown	3 Seaspray drive, Mt Maunganui Tauranga New Zealand
DONALD JOHN MCCANN	16804143	11	1/51	37,701.09	12,423.86	25,277.23	Friday, 31 July 2020	N/a



ELEANOR FITZGERALD MARTIN	17061091	35	1/51	37,297.97	13,651.65	23,646.32	Unknown	C/- Peter Kellaway, GPO Box 5426 Sydney
ELLEN ANN MCNAUGHTON & JEREMY SIMON FRASER	16785087	49	1/51	42,416.78	13,225.57	29,191.21	Unknown	N/a
FOOK SEE CHAI & SIEW CHOO CHAI	16806028 16806150	19 22	1/51 1/51	65,960.76	26,717.99	39,242.77	Unknown	6 Namly View, Singapore 1026
FRANK CAMMAROTO & ANNETTE CAMMAROTO	17023185	55	2/51	42,522.33	28,909.37	13,612.96	Friday, 14 August 2020	11 Fitzgerald Court, Taylors Lake Vic 3038
FRANK WINDMILLER	16907104	29	1/51	42,937.70	14,454.69	28,483.01	Unknown	45 Carnegie Avenue, East Kew VIC 3102
GALWARY PTY LTD	16729126	38	1/51	31,951.34	14,187.01	17,764.33	Friday, 3 July 2015	58/45 Glen Kyle Drive, Buderim QLD 4556
GEOFFREY FRANCIS HALL & JEAN EMILY CAMERON HALL	50109551	12	1/51	42,106.57	12,958.22	29,148.35	Unknown	N/a
GERALD FRANCIS MYERS & ALPHA MAE MYERS	17126219	16	2/51	69,374.95	26,183.63	43,191.32	Unknown	N/a
HEATHER ROSAMOND BENNETT	16732052	19	2/51	61,347.62	26,183.63	35,163.99	Unknown	N/a
HENRI BRIAN SMITH	16864021	6	2/51	48,451.34	25,114.91	23,336.43	Unknown	N/a
HIROSHI HOTTA	18399219 18399220	3	2/51	84,833.20	24,046.19	60,787.01	Unknown	N/a
HSIUCHUAN WU	17178091	52	1/51	42,416.78	14,828.48	27,588.30	Unknown	N/a
IAN ROSS FISHER & BRONWYN ANNE FISHER	17486053	15	1/51	30,165.38	12,557.45	17,607.93	Unknown	23 Comelian Cres, Bucklands Beach Auckland NEW ZEALAND
JACK BREEKVELDT	50197046	53	1/51	59,033.97	13,459.65	45,574.32	Unknown	113B Tiverton Road, Blockhouse Bay, Auckland New Zealand
JAMES BRYAN MORGAN & JOYCE MORGAN	17131030	61	2/51	49,640.84	27,387.45	22,253.39	Unknown	2 Tudor Close, Humberston, Grimsby North East Lincs DN36 4TE, UK
JAMES DOUGLAS & MARGARET KARIN DOUGLAS	17196131	22	1/51	18,076.18	13,651.65	4,424.53	Unknown	c/- 7 Solent Court, Daisy Hill QLD 4127

JAMES TRUMAN & CHERYL ANN TRUMAN	16811124	45	1/51	29,574.89	13,108.52	16,466.37	Unknown	4 Calder Ct, Creastmead QLD 4132
JAMES WILLIAM EDWIN	17156114	30	1/51	33,408.93	13,893.35	19,515.58	Unknown	N/a
JOAN YVONNE JENKINSON	17061101 18402060	30 3	1/51 1/51	28,372.58	25,964.90	2,407.68	Monday, 29 January 2018	P.O. Box 146, Chelsea VIC 3196
JOHN BOHNER & OLIVINE BOHNER	16810222	42	1/51	32,592.43	14,294.12	18,298.31	Unknown	N/a
JOHN RAYMOND FELDON	16804106 17120155	10 52	1/51	66,920.37	27,653.12	39,267.25	Unknown	17 Marybeth Place, Papakura New Zealand
JOY BREEKVELDT	50197047	53	1/51	59,033.97	13,459.65	45,574.32	Unknown	113B Tiverton Road, Blockhouse Bay Auckland New Zealand
JOY SMITH	50054026	48	1/51	42,851.22	14,561.30	28,289.92	Unknown	N/a
JUAY KIAT GAN & BEE LIN GAN	16860036	47	2/51	55,814.88	28,053.89	27,760.99	#####	100 Holland Grove View, Singapore 276257
JUNE CURTIS & HOWARD ARTHUR CURTIS	16813181 16813183	55	2/51	63,467.30	28,855.43	34,611.87	Friday, 15 February 2013	N/a
KATHLEEN JEAN BAINBRIDGE	17390217	9	1/102	16,255.10	6,691.98	9,563.12	Unknown	40 Hawthorn Street, Woody Point QLD 4019
KLAUS PETER LIPINSKI	17093214	36	1/51	30,739.50	14,160.53	16,578.97	Unknown	N/a
KWOK ONN THAM	16811125	45	1/51	42,416.03	13,108.52	29,307.51	Unknown	N/a
LESTER PASLEY	18398230	4	1/51	53,554.55	12,580.93	40,973.62	Unknown	80 Chestnut Crescent, Bidwill NSW 2770
LEWIS ROBERT MCILROY & LINDA LESLEY MCILROY	17061106	35	1/51	42,851.22	13,626.17	29,225.05	Unknown	N/a
LIM HUAH LEONG	16815055	60	1/51	29,653.23	13,225.57	16,427.66	Unknown	5/1008 10th Floor Jalan Sultan 50000 Kuala Lumpur Malaysia
LINDA FRANCES SEGALL	16941044	17	2/51	59,857.03	27,303.30	32,553.73	Unknown	c/- LF Kelly, 46 Armstrong Way, Nerang QLD 4211
LINDA LEIGH GAMLIN	50429971	5	1/51	33,090.46	13,091.81	19,998.65	Unknown	c/- 3 Andrew Street, Southport QLD 4215
MARK PHILIP COOMBS & JENNIFER LEE COOMBS	17217230	44	1/51	27,869.62	14,454.69	13,414.93	Friday, 31 July 2020	Mograni Creek Road, Gloucester NSW 2422



MARK STEPHEN KELLY & MARGARET JEAN KELLY	16812100 17061102 18383244 18457033	49 30 5 37	1/51 1/51 1/51 1/51	105,660.71	55,011.77	50,648.94	Friday, 3 July 2015	77 Hebbard Street, Broken Hill NSW 2880
MICHAEL JAMES MELVIN & RAMZA MELVIN	18402072	4	1/51	42,416.78	12,557.45	29,859.33	Unknown	N/a
MICHAEL JOHN ROBERT SHERIDAN & SHARON SUSAN SHERIDAN SHERIDAN	17251164	60	1/51	42,416.78	13,225.57	29,191.21	Unknown	N/a
NOEL ANTHONY RICHARDSON & BETH CHRISTINE RICHARDSON	17390211	13	1/51	38,563.07	13,492.58	25,070.49	Unknown	N/a
NOEL WILLIAM BAINBRIDGE	17390216	9	1/102	16,255.10	6,691.98	9,563.12	Unknown	40 Hawthorn Street, Woody Point QLD 4019
P J ABBOTT INVESTMENTS PTY LTD	16863183	12	1/17	132,150.57	38,947.35	93,203.22	Unknown	N/a
PATRICIA JACQUELINE ADCOCK	17120137	58	1/51	29,695.23	13,108.52	16,586.71	Unknown	33A Heyders Road, Christchurch New Zealand
PETER VERNON YOUNG & LILIAN MARGARET YOUNG	17120158	48	1/51	42,416.64	14,561.30	27,855.34	Unknown	6 Magnolia Rd, Gardenvale VIC 3185
ROBERT HOHAJA & JILLIAN EYNON	18643210	61	1/51	53,554.55	13,722.95	39,831.60	Unknown	N/a
ROBERT WILLIAM HOOK	17120139	58	1/51	30,831.18	13,108.52	17,722.66	Unknown	N/a
ROGER VINCENT HOGAN & DENISE ANN HOGAN	17027033	17	2/51	66,817.77	27,252.35	39,565.42	Unknown	9 Kaleo Court, Mt Gambier SA 5290
ROLAND KEITH MCGREADY & JENNIFER ROBYN MCGREADY	16810001	38	1/51	49,597.60	14,160.53	35,437.07	Unknown	N/a
SAMUEL SAUNDERS & CHARLIE SAUNDERS	18598193	7	1/51	34,603.07	12,290.28	22,312.79	Unknown	N/a



SEAN WILLIAM SOLOMON & JUDY LEANNE MCWHINNIE	17178073	56	1/51	42,580.72	13,136.50	29,444.22	#####	85 Raye Street, Tolland NSW 2650
SUREN AKPINAR & HELEN AKPINAR	16864081	23	2/51	65,068.54	26,500.26	38,568.28	Unknown	718 Warringah Rd, Forestville NSW 2087
SYED PUTRA JAMALULLAIL	16815106	61	1/51	42,416.78	13,693.73	28,723.05	Unknown	The Raja of Perils, Aura Perus, Malaysia
TANIGAMI CO LTD	18399217	3	1/51	33,090.46	12,045.57	21,044.89	Unknown	Level 1, Suite 4A, 3240 Surfers Paradise Blvd, Surfers Paradise QLD 4217
TIBOR PINTER & EVA PINTER	16806052	20	1/51	42,416.78	13,626.17	28,790.61	Unknown	N/a
TIMOTHY JOSEPH HOGAN & JUDITH HELEN HOGAN	17082070	43	1/51	102,120.27	13,919.33	88,200.94	Unknown	P.O. Box 5059, Rotorua West
TREVOR NOEL WENZEL	16809102	34	1/51	33,394.27	14,053.17	19,341.10	Unknown	2481-2887 Ipswich- Boonah Rd, Milbong QLD 4310
TREVOR PHILLIP BROWN & ANNE MARGARET FOLDI	50134534	57	1/51	24,820.42	13,576.69	11,243.73	Unknown	N/a
VALERIE BOHNER	18209028	46	1/51	33,040.37	14,427.71	18,612.66	Unknown	1216 Bennett Avenue, California 90804 USA
VICTOR LIE	16809001	32	1/51	42,416.78	14,026.94	28,389.84	Unknown	P.O. Box 836, Maroubra Junction, NSW 2035
VIDEO UNLIMITED (NZ) LTD.	50061235	20	1/17	98,831.20	40,878.52	57,952.68	Unknown	5 Totara Avenue, New Lynn, Auckland 600
WADE ATKINSON & JOANNE TRACY HOWELL	16806027	19	1/51	32,760.42	13,091.81	19,668.61	Friday, 3 July 2015	N/a
WAYNE ROSS HOBBS & MARIE PATRICIA HOBBS	17093240	38	1/51	33,090.46	14,160.53	18,929.93	Unknown	36 Wades Avenue, St Martins, Christchurch New Zealand 8022
WENDY WALSH	16864086	31	2/51	51,463.49	27,035.62	24,427.87	Unknown	19/61 Clow Street, Dandenong VIC 3175
WILLIAM CUTHERS & BERNADETTE CUTHERS	17061072	28	1/51	23,494.29	13,893.35	9,600.94	#####	N/a

WILLIAM RICHARDS & MARGARET JOYCE RICHARDS	16805149	17	1/51	31,213.01	13,651.65	17,561.36	Sunday, 15 August 2010	8/43 Doubleview Drive, Elanora QLD 4221
TOTALS				4,569,317.75	1,820,658.23	2,748,659.52		

**Certificate identifying annexure**  
(rule29.02)

Federal Court of Australia  
District Registry: Queensland  
Division: General

No. QUD13/2025

**IN THE MATTER** of VOYAGER RESORT LIMITED (In Liquidation)  
ACN 010 547 618

**BRADLEY VINCENT HELLEN AND NIGEL MARKEY AS JOINT AND SEVERAL  
LIQUIDATORS OF VOYAGER RESORT LIMITED**

Plaintiff

The following 1 page is the annexure marked "BVH-45" produced and shown to BRADLEY VINCENT HELLEN at the time of affirming his affidavit this 24th day of February 2025.



.....  
Benjamin Leigh Sandford

**Annexure "BVH-45"**

**List of Debt-Free No Claim Distributions**

.....

Filed on behalf of Bradley Vincent Hellen and Nigel Markey as joint and several liquidators of voyager resort limited, Plaintiff

Prepared by Benjamin Leigh Sandford

Law firm Mahoneys

Tel 07 3007 3777

Fax 07 3007 3778

Email info@mahoneys.com.au

Ref 32419

**Address for Service MAHONEYS**

Level 18, 167 Eagle Street, Brisbane Qld 4000  
Email: info@mahoneys.com.au

Lot Owner Name	Title Ref No.	Lot Number	Weeks Held	Last known address
ALBERT JOSEPH ARMSTRONG & SHIRLEY JEAN ARMSTRONG	17251174	29	1	10 Princeville Court, Robina QLD 4226
	16808187	31	1	
ALFRED GILBERT ADDERLEY & SUSAN ANN ADDERLEY	16801097	3	1	Sunnyside, Brighton TAS 7030
ANNE HERDMAN & GRAHAM GIGLIA	16865169	25	2	Unit 4, 19-25 Aurora Place, Bateau NSW 2261
BARBARA ALLEN	16860063	51	2	88 Daniel Solander Drive, Endeavour Hills VIC 3802
BENJAMIN MICHAEL HOWARD	16763209	21	1	44 Petmar Street, The Gap QLD 4061
BEST & WEST LTD	18373064	55	1	PO Box 3329, New Zealand
BILL JELENKOVIC & CHARMAINE MARY BONELLA	18383226	3	1	PO BOX 163, Leppington NSW 2179
BRIAN RICHARD STRINGER	50072214	4	2	13 Elmo Road, Montmorency VIC 3094
BRIAN WYNESS & DAWN INMAN WYNESS	16811216	47	1	PO Box 1010, Croydon VIC 3136
CASTLEBROOK PTY LTD	16862063	39	2	N/a
CATHRINE JESSIE YOUNG	18139184	58	1	10 Jacob Street, Brookfield TAURANGA 3110 NEW ZEALAND
CHARLES FRANCIS DUFF & BETTY CHRISTINA DUFF	16740168	21	2	P.O. Box 4053, Raceview QLD 4305
CHRISTINE MARGARET KIDD	16808138	30	1	219 Manly Road, Manly QLD 4179
COLLEEN GLENDA BLACKMAN	17131084	24	0.25	90 Royal View Road, Te Atatu South Auckland NEW ZEALAND
DAVID IAN TUBMAN	16801146	4	1	5 Kinrara Place, Halswell Christchurch 8025 NEW ZEALAND
DENISE O'HARA	16805148	17	1	160 Marsden St, Parramatta NSW 2150
	50046475	16	1	
	50168765	50	2	
	18384009	7	2	
DOROTHY ANNE BLACKMAN	17131081	24	0.25	90 Royal View Road, Te Atatu South Auckland NEW ZEALAND
EAST ASIA INVESTMENTS PTY LTD	16811111	45	1	6 On Ping Street, Shek Mun, Sha Tin, New Territories Hong Kong
EVAN GEORGE HIGGS & DEBORAH ANNE HIGGS	16804181	11	1	43 Somerset Drive, Carseldine QLD 4034
FEZUMP PTY LTD	18502237	3	1	2 Torrington Road, Strathfield NSW 2135
	18502238	4	1	
GAY LYNETTE MORRISON	50912977	42	1	9 Gruyere Crescent, Ivanhoe East VIC 3079
GAYLEEN FAYE MACKINNON	17131082	24	0.25	90 Royal View Road, Te Atatu South Auckland NEW ZEALAND
GEORGE EDWARD SMITH & JOYCE CHRISTINA SMITH	18384019	4	1	N/a
	16808135	30	1	
	18384052	53	1	
GORDON COUTTS & EDNA MAY COUTTS	50638283	58	1	18 Martens Court, Taylors Lake VIC 3038
HARRY RICHARD MAURICE & THELMA MARY MAURICE	16914195	38	2	21 Leist Street, Weston ACT 2611
JENNIFER JOY ROSE	16865074	12	2	PO Box 7332, Wilberforce NSW 2756
JOHN DESMOND KONDOS & HONOR GERTRUDE KONDOS	16914186	28	2	77 Hinds Road, South Macclean QLD 4280
JOHN KONDOS & HONOR KONDOS	17174070	50	1	77 Hinds Road, South Macclean QLD 4280
JOHN WILLIAM SCHEELE & LORRAINE SCHEELE	16742219	31	3	1/16 Waimarie Drive, Mt Waverley VIC 3149
JOSEPHINE ANNE MATHER	16732049	32	2	6/4 Siesta Court, West Lakes SA 5021
JUDITH LOUNDRAS ROBERTS	16806038	19	1	PO Box 28, Surfers Paradise QLD 4217
	18250102	49	1	
JUSTIN ROSE	16865080	13	2	PO Box 7332, Wilberforce NSW 2756
KEITH KNIGHT & JEAN ELIZABETH KNIGHT	17094067	58	2	2 Silver Street, Cleve SA 5640
KELVIN ROBERT STEELE & JACKIE ASH	16805014	14	1	7 Ocean Court, Caloundra QLD 4551
LEITH EMERSON MEYERS & THOMAS ANTHONY MEYERS	16808166	31	1	PO Box 603, Bulimba QLD 4171
LYLE MACHENZIE WILLIAMS & DOROTHY MAY WILLIAMS	16815205	62	1	10 Mitchell Parade, Orange NSW 2800
MARTIN JAMES WELLS	16807202	27	1	63/2573 Moggill Road, Pinjarra Hills QLD 4069
MIKAYLA JOANNA KEEN	16810173	41	1	2/9 Pembroke Rd, Marsfield NSW 2122
NEVIN ALEXANDER ROSSELL & ELIZABETH ANNE ROSSELL	16742204	49	2	13/58 Ballarat St, Yarraville VIC 3013
NURTURED GOODNESS PTY LTD A.C.N. 006 634 957	17125121	57	1	6 Trooper Court, Wheelers Hill VIC 3150
OLTEN PTY LTD	16860067	8	2	N/a
PATRICIA FRY	16806190	23	1	PO Box 678, Croydon VIC 3136
PATRICIA WEBSTER	17120143	60	2	202 Johnson Street, Maffra VIC 3860
	50864103	45	2	
	18384034	6	1	
	18384035	44	1	
PETER BEROS & JANICE BEROS	16806103	21	1	7 Bassendean Parade, Bassendean WA 6054
PETER JOHN CURRY & ROSEMARY ANNE CURRY	16810199	41	1	23 Lawson Street, Mudgee NSW 2850
PETER MITCHELL HARRIS & YVONNE VALERIE HARRIS	16729133	49	1	Unit 409, 143-142 Linden Street, Sutherland NSW 2232
RICHARD BRUCE JENKINS & IRENA JENKINS	16813191	53	1	P.O. Box 6801, Charnwood ACT 2615
ROBERT BRUCE GRAHAM & ELEANOR FRANCES GRAHAM	17122046	43	1	7 Johnson Street, Tuakau, North Island, New Zealand 2121
RONALD CHARLES WOODGATE	16721024	13	2	Unit 13, 122 Dry Dock Rd, TWEED HEADS SOUTH NSW 2486
RONALD JOHN BAMBER & ROSANNA BAMBER	16863071	38	2	1405/588 Oxford St, Bondi Junction NSW 2022
SHERYN ANN CANNAN	17131083	24	0.25	90 Royal View Road, Te Atatu South Auckland 1008 NEW ZEALAND
SIMON HUGH FINLAY & DENISE JOY FELMINGHAM	16806130	22	1	544B Nelson Road, Mt Nelson TAS 7007
	16865015	44	2	
SNIKRIF PTY LTD A.C.N. 008 065 852	50083596	40	4	27 Mount Osmond Road, Mount Osmond, SA 5064
SUZANNE MAY SPARSHOTT & DONALD WILLIAM CLARK	16805077	15	1	10L Beni Forest Road, Dubbo NSW 2830
SYDNEY GEORGE YATES	16805065	15	1	N/a
TERRY ALLEN	16860063	51	2	88 Daniel Solander Drive, Endeavour Hill VIC 3802
VECHTRANS PROPERTIES PTY LTD A.C.N. 052 882 130	50083595	40	4	121/98 Holman Street, Kangaroo Point QLD 4169
WILLY YEW CHAI LIM	16914182	43	2	2 Parklane Place, Highland Park QLD 4211
	50206632	56	2	

**Certificate identifying annexure**  
(rule29.02)

Federal Court of Australia  
District Registry: Queensland  
Division: General

No. QUD13/2025

**IN THE MATTER** of VOYAGER RESORT LIMITED (In Liquidation)  
ACN 010 547 618

**BRADLEY VINCENT HELLEN AND NIGEL MARKEY AS JOINT AND SEVERAL  
LIQUIDATORS OF VOYAGER RESORT LIMITED**

Plaintiff

The following 5 pages are the annexure marked "BVH-46" produced and shown to BRADLEY VINCENT HELLEN at the time of affirming his affidavit this 24th day of February 2025.

  
.....  
Benjamin Leigh Sandford

**Annexure "BVH-46"**

Summary of Trustee payments made between 15 and 20 March  
2024

.....

Filed on behalf of     Bradley Vincent Hellen and Nigel Markey as joint and several liquidators of voyager  
resort limited, Plaintiff

Prepared by     Benjamin Leigh Sandford

Law firm     Mahoneys

Tel     07 3007 3777

Fax     07 3007 3778

Email     info@mahoneys.com.au

Ref     32419

**Address for Service MAHONEYS**

Level 18, 167 Eagle Street, Brisbane Qld 4000  
Email: [info@mahoneys.com.au](mailto:info@mahoneys.com.au)



VOYAGER TRUSTEES  
2ND DISTRIBUTION

SUMMARY  
(SEE ATTACHED LISTS)

1ST PAYMENT PAID 15 MARCH 24	321,543.07
2ND PAYMENT PAID 18 MARCH 24	252,351.21
3RD PAYMENT PAID 20 MARCH 24	118,717.69
4TH PAYMENT NZ PAID 20 MARCH 24	41,995.64
	-----
OWNERS PAID	734,607.61
OWNERS THAT CANNOT BE PAID	197,058.01
	-----
DISTRIBUTION TOTAL	931,665.62
	-----

**VOYAGER TRUSTEES  
2ND DISTRIBUTION**

**1ST PAYMENT**

<b>Actual Name</b>	<b>Lot No</b>	<b>Net Distribution</b>
Tjeerd Ronald Anderson	62	13,160.49
Tjeerd Ronald Anderson	50	14,485.84
Tjeerd Ronald Anderson	56	13,044.03
Tjeerd Ronald Anderson	56	13,044.03
		-----
T,R. Anderson BSB 082514 Acc 584116225		53,734.39
Emsajane Pty Ltd BSB 124078 Acc 21608225	9	13,289.76
Robert Brian & Bonnie Heather Jean Manley	55	14,352.94
Robert Brian & Bonnie Heather Jean Manley	55	14,352.94
Robert Brian & Bonnie Heather Jean Manley	56	13,044.03
		-----
R. B. Manley BSB 016370 Acc 427708438		41,749.91
L Murray BSB 062578 Acc 10269689	39	13,688.45
Snikrif Pty Ltd	40	14,220.04
Snikrif Pty Ltd	40	14,220.04
Snikrif Pty Ltd	40	14,220.04
Snikrif Pty Ltd	40	14,220.04
		-----
Snikrif Pty Ltd BSB 065005 Acc 10148583		56,880.16
Vechtrans Properties Pty Ltd	40	14,220.04
Vechtrans Properties Pty Ltd	40	14,220.04
Vechtrans Properties Pty Ltd	40	14,220.04
Vechtrans Properties Pty Ltd	40	14,220.04
		-----
Vechtrans Pty Ltd BSB 064139 Acc 1019298		56,880.16
Williwar Pty Ltd	36	14,087.14
Williwar Pty Ltd	36	14,087.14
Williwar Pty Ltd	36	14,087.14
Williwar Pty Ltd	36	14,087.14
Williwar Pty Ltd	33	14,485.84
Williwar Pty Ltd	33	14,485.84
		-----
Williwar Pty Ltd BSB 062347 Acc 10233951		85,320.24
		-----
Paid 15 March 2024 from Savings Acc 23476022		321,543.07
		-----



**VOYAGER TRUSTEES  
2ND DISTRIBUTION**

**2ND PAYMENT**

<b>Actual Name</b>	<b>Lot No</b>	<b>Net Distribution</b>
David Richard & Michelle Anne Eyes	26	12,618.10
David Richard & Michelle Anne Eyes	26	12,618.10
David Richard & Michelle Anne Eyes	32	12,883.90
David Richard & Michelle Anne Eyes	23	12,883.90
David Richard & Michelle Anne Eyes	32	12,883.90
		-----
Paid to Estate of M Eyes BSB 084034 Acc 508419670		63,887.90
Fezump Pty Ltd	3	11,960.78
Fezump Pty Ltd	4	12,492.37
		-----
Fezump Pty Ltd BSB 012245 Acc 352051		24,453.15
Fiona P Kelly & Tara A Searle		
Paid to Fiona Kelly BSB 064179 Acc 10189301	33	14,485.84
Fiona P Kelly & Tara A Searle		
Paid to Tara Searle BSB 484799 Acc 607011920	33	14,485.84
Grant Mathiesen	45	13,044.03
Grant Mathiesen	45	13,044.03
Grant Mathiesen	45	13,044.03
		-----
Grant Mathiesen BSB 313140 Acc 08304932		39,132.09
Nurtured Goodness Pty Ltd BSB 763124 Acc 5011907	57	13,509.89
Olten Pty Ltd	8	12,758.17
Olten Pty Ltd	8	12,758.17
		-----
Olten Pty Ltd BSB 736080 Acc 711145		25,516.34
Brian & Margaret Partridge	42	14,220.04
Brian & Margaret Partridge	42	14,220.04
Brian & Margaret Partridge	42	14,220.04
Brian & Margaret Partridge	42	14,220.04
		-----
M & B Partridge BSB 082811 Acc 178440345		56,880.16
		-----
Paid 18 March 2024 from Savings Acc 23476022		252,351.21
		-----

**VOYAGER TRUSTEES  
2ND DiSTribUTION**
**3RD PAYMENT**

Actual Name	Lot No	Net Distribution
Patricia Ida Carroll BSB 014002 Acc 108110949	9	3,322.44
East Asia Investments Pty tLtd BSB 342016 Acc 130775118	45	13,044.03
CastellBrook Pty Ltd	39	13,688.45
CastellBrook Pty Ltd	39	13,688.45
		-----
Paid to Cemgos Pty Ltd BSB 733095 Acc 521228		27,376.90
Barry James & Colleen Sylvia Schull BSB 084802 Acc 487357676	56	13,044.03
Essie Thompson	32	13,954.25
Essie Thompson	32	13,954.25
Essie Thompson	32	13,954.25
		-----
Essie Thompson BSB 084810 Acc 508849734		41,862.75
LM Walker for David Kevin Conrick Walker Paid to LM Walter BSB 641800 Acc 200718887	13	13,422.66
M&P Carroll for Patricia Margaret Watson Paid to P Watson BSB 633000 Acc 162386080	9	6,644.88
		-----
Paid 20 March 2024 from Savings Acc 23476022		118,717.69
		-----

**VOYAGER TRUSTEES  
2ND DiSTribUTION**
**4TH PAYMENT NZ**

Actual Name	Lot No	Net Distribution
Alexander George Harry Barnes	27	6,644.88
Alexander George Harry Barnes	29	7,176.47
		-----
Paid to MDS Law NZ NCC 123191 Acc 123191003125902		13,821.35
Adam Jeffrey Bryce	27	6,644.88
Adam Jeffrey Bryce	29	7,176.47
		-----
Paid to MA Bryce NZ NCC 031704 Acc 031704000769400		13,821.35
Best & West Ltd	55	
Paid to TJ & SP Best NCC 010677 Acc 010677000376483		14,352.94
		-----
Paid 20 March 2024 from Working Acc 23474833		41,995.64
		-----

**VOYAGER TRUSTEES  
2ND DISTRIBUTION**

**OWNERS THAT CANNOT BE PAID**

<b>Actual Name</b>	<b>Lot No</b>	<b>Net Distribution</b>	
Norman James & Catherine Margaret Campbell	36	1,622.11	
Kerry Garth & Glenda Elizabeth Donnelly	36	5,333.96	
Maureen Foldi	48	844.22	
James Martin Forde	48	7,242.92	
Doris Gorse	58	13,044.03	
Doris Gorse	58	13,044.03	
		-----	
			26,088.06
Emmanuel Antoine & Eileen Winifred Gueho	58	4,560.10	
Greaeme Ralston & Judith Elizabeth Irvine	45	261.95	
Greaeme Ralston & Judith Elizabeth Irvine	45	261.95	
		-----	
			523.90
Greaory James Lay	12	8,335.44	
Greaory James Lay	12	8,335.44	
Greaory James Lay	12	8,335.44	
		-----	
			25,006.32
Tracey Anne Robertson	39	9,125.63	
Ian Grant & Aijrfi Dawn Russell	4	6,358.39	
Michiko Tomimatsu	12	3,986.95	
Anthoney Joseph Vitellaro	20	13,555.55	
Anthoney Joseph Vitellaro	20	13,555.55	
		-----	
			27,111.10
Patrica May Webster	60	13,160.49	
Patrica May Webster	60	13,160.49	
Patrica Webster	6	12,492.37	
Patrica Webster	44	14,352.94	
Patrica May Webster	45	13,044.03	
Patrica May Webster	45	13,044.03	
		-----	
			79,254.35
			-----
			197,058.01
			-----

**Certificate identifying annexure**  
(rule29.02)

Federal Court of Australia  
District Registry: Queensland  
Division: General

No. QUD13/2025

**IN THE MATTER** of VOYAGER RESORT LIMITED (In Liquidation)  
ACN 010 547 618

**BRADLEY VINCENT HELLEN AND NIGEL MARKEY AS JOINT AND SEVERAL  
LIQUIDATORS OF VOYAGER RESORT LIMITED**

Plaintiff

The following 12 pages are the annexure marked "BVH-47" produced and shown to BRADLEY VINCENT HELLEN at the time of affirming his affidavit this 24th day of February 2025.

.....  
Benjamin Leigh Sandford

**Annexure "BVH-47"**

**Bundle of Documents relating to Best & West Pty Ltd**

.....  
Filed on behalf of Bradley Vincent Hellen and Nigel Markey as joint and several liquidators of voyager resort limited, Plaintiff

Prepared by Benjamin Leigh Sandford

Law firm Mahoneys

Tel 07 3007 3777

Fax 07 3007 3778

Email info@mahoneys.com.au

Ref 32419

**Address for Service MAHONEYS**

Level 18, 167 Eagle Street, Brisbane Qld 4000  
Email: info@mahoneys.com.au



## Current Title Search

Queensland Titles Registry Pty Ltd  
ABN 23 648 568 101

Title Reference:	18373064	Search Date:	02/08/2021 11:39
Date Title Created:	11/09/1992	Request No:	38062374
Previous Title:	16977202		

## ESTATE AND LAND

Estate in Fee Simple

LOT 55 BUILDING UNIT PLAN 6459  
Local Government: GOLD COAST  
COMMUNITY MANAGEMENT STATEMENT 8766

## REGISTERED OWNER

## INTEREST

Dealing No: 701534434 05/09/1996  
BEST & WEST LTD

1/51

## EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by  
Deed of Grant No. 13332009 (ALLOT 16 SEC 26)  
Deed of Grant No. 13332010 (ALLOT 15 SEC 26)  
Deed of Grant No. 16426157 (ALLOT 14 SEC 26)
2. LEASE No 601085045 (H479546) 27/12/1984  
TO VOYAGER RESORT LIMITED  
ORIGINAL TERM: FOR 99 YEARS  
COMMENCING 27 DEC 1984  
OR OPTIONS AS MAY BE STATED

## ADMINISTRATIVE ADVICES

NIL

## UNREGISTERED DEALINGS

NIL

Caution - Charges do not necessarily appear in order of priority

\*\* End of Current Title Search \*\*





## Company Extract

### BEST AND WEST LIMITED

### 279447

### NZBN: 9429039823953

<b>Entity Type:</b>	NZ Limited Company
<b>Incorporated:</b>	23 Jul 1985
<b>Current Status:</b>	Removed
<b>Constitution Filed:</b>	Yes

<b>Ultimate holding company:</b>	[Not specified]
----------------------------------	-----------------

#### Company Addresses

##### Registered Office

51 Mcglashen Avenue, Nelson, NZ

##### Address for Service

51 Mcglashen Avenue, Nelson, NZ

#### Directors

BEST, Sharyn Patricia

19 Cropp Place, Richmond, Nelson, 7020, NZ

BEST, Terry James

19 Cropp Place, Richmond, Nelson, 7020, NZ

WEST, Maree Annette

55 Toswill Road, Nelson

WEST, Murray George

55 Tosswill Road, Nelson

#### Shareholdings

<b>Total Number of Shares:</b>	100,000
--------------------------------	---------

<b>Extensive Shareholdings:</b>	No
---------------------------------	----

50,000	BEST, Sharyn Patricia 19 Cropp Place, Richmond, Nelson
--------	---

	BEST, Terry James 19 Cropp Place, Richmond, Nelson
--	---



Company Extract  
**BEST AND WEST LIMITED**  
**279447**  
**NZBN: 9429039823953**

50,000

MALONE, Graeme Peter  
19 Cropp Place, Richmond, Nelson, NZ

HEAL, Warwick John  
55 Tosswill Road, Nelson, NZ

WEST, Maree Annette  
55 Tosswill Road, Nelson

WEST, Murray George  
55 Tosswill Road, Nelson

WILLIAMS, Robert John  
55 Tosswill Road, Nelson, NZ

For further details relating to this company, check <https://app.companiesoffice.govt.nz/co/279447>  
Extract generated 25 October 2024 06:37 PM NZDT



**From:** Geoffrey Heaton  
**Sent:** Thursday, 14 March 2024 5:02:19 PM  
**To:** Bailey Cox  
**Cc:** Geoff Walters;Cameron Woodcroft;Amelia Meek;Bradley Hellen  
**Subject:** Re: 2nd Distribution Group [PILOT-CLIENT.FID1210319]  
**Attachments:** 2nd Distribution & Disputed Groups.pdf

Bailey and All,  
Attached are the lists of both approvals for payment (\$796,186.58) and disputed (\$135,479.04) Totalling \$931,665.62.  
Details of Best & West and Patricia Carroll are also included.  
I will contact the Partridge family in Wagga Wagga NSW and obtain the necessary documents.

**Best regards,**  
**Geoff Heaton**  
*Trustee*

On Thu, Mar 14, 2024 at 4:15 PM Bailey Cox <[bcox@pilotpartners.com.au](mailto:bcox@pilotpartners.com.au)> wrote:

Hi Geoff,

The distribution amounts included in your list are correct. Do you still require a version of the calculation spreadsheet reformatted for printing?

When reviewing your list, we noticed the following:

- Patricia Watson's entitlement is listed for payment but not Patricia Carroll's entitlement. We understand Patricia Watson is deceased and Patricia Carroll, her daughter, is claiming entitlements owed to both her mother and herself personally. Patricia Carroll's personal entitlement is not included to be paid (i.e. still listed as to be withheld).
- You have included Margaret and Brian Partridge's entitlement for payment. We had been advised Brian has dementia and his daughters manage his affairs. Despite correspondence we had been unable to obtain the required documents to enable payment.
- Olten Pty Ltd and Castlebrook Pty Ltd's entitlements have been included for payment despite being deregistered companies.

To assist the Liquidators with their distribution to shareholders, would you kindly provide any identification/authorisation documents the Trustees have received and are relying upon to demonstrate authority to distribute claims to lot owners in the 2<sup>nd</sup> payment group.

Regards,

**Bailey Cox**

Accountant


Level 10, One Eagle, 1 Eagle Street, Brisbane, Qld, Australia, 4000

**T** [+61 7 3023 136](tel:+6173023136) **E** [bcox@pilotpartners.com.au](mailto:bcox@pilotpartners.com.au) **W** [pilotpartners.com.au](http://pilotpartners.com.au)

[5](#)



Chartered Accountants

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[Nexia email disclaimer](#) | [Pilot email disclaimer](#)



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**From:** Geoffrey Heaton <[heatong48@gmail.com](mailto:heatong48@gmail.com)>

**Sent:** Thursday, March 14, 2024 7:00 AM

**To:** Geoff Walters <[geoffw@acctweb.com.au](mailto:geoffw@acctweb.com.au)>; Bailey Cox <[bcox@pilotpartners.com.au](mailto:bcox@pilotpartners.com.au)>; Cameron Woodcroft <[CWoodcroft@pilotpartners.com.au](mailto:CWoodcroft@pilotpartners.com.au)>; Amelia Meek <[AMeek@pilotpartners.com.au](mailto:AMeek@pilotpartners.com.au)>; Bradley Hellen <[BHellen@pilotpartners.com.au](mailto:BHellen@pilotpartners.com.au)>

**Subject:** 2nd Distribution Group

Good morning All,

Attached is the list of Financial, Identified shareholders for payment.

I have carefully checked all details for entitlement and amount.

Kindly review and if found correct please let me know so the payments can be processed.

The total of \$768,809.68 leaves a balance of \$162,855.95 which relates to disputed entitlements.

Castlebrook PL was deregistered and renamed Cemgos PL. I have tried to call and email the one Director David Maddocks (03-59896212. 0429990518, [david.maddocks@bigpond.com](mailto:david.maddocks@bigpond.com)) without success to date. I will try again today.

**Best regards,**

**Geoff Heaton**

*Trustee*

2<sup>nd</sup> Payment Group Disputed – Not Paid

Shareholder	amount	details
Best & West Ltd NZ	\$14352.94 <i>ATTACHED</i>	No Account details <b>LOCATED</b>
Campbell NJ & CM	\$1,622.11	Bulk application- both deceased
Carroll PA	\$3,322.44 <i>ATTACHED</i>	No Account details <b>LOCATED</b>
Donnelly GE	\$5333.96	No Account details
Foldi M	\$844.22	No Account details
Forde JM	\$7,242.92	No Account details
<b>Gorse D (H.Lang)</b>	\$26,088.06	<b>Disputed -deceased</b>
Gueho EW	\$4,560.10	No Account Details
Irvine JE	\$523.90	No Account Details
Lay GJ	\$25,006.32	Deceased – New Guinea
Robertson TA	\$9,125.63	No Account details
Russell IG & LD	\$6,358.39	No Account details
Tomimatsu M.	\$3,986.95	No Account details
<b>Vitellaro AJ</b>	\$27,111.10	<b>Disputed – deceased</b>
<b>TOTAL</b>	<b>\$135,479.04</b>	



## VOYAGER RESORT

167 Old Burleigh Rd, Broadbeach, QLD 4218  
PO Box 71, Broadbeach, QLD 4218

Phone: +61 7 5538 7833

## PAYMENT OF SALE DISTRIBUTION

V#1326

I/we Terry + Shayn Best

(enter names as registered with Voyager Resort, including company or trustee as applicable)

of BEST + WEST LTD - Terry

(enter address details)

PO Box 3329, Richmond,  
19 Cropp Place Richmond, Nelson, New Zealand,  
being (a) financial owner(s) of Voyager Resort, request payment of sale proceeds be made to the following account:

ACCOUNT NAME	<u>TJ # SP BEST</u>	
BSB	<u>01 - 0677</u>	<u>SWIFT CODE ANZBNZ22</u>
ACCOUNT NUMBER	<u>0003764 - 83</u>	

NZ  
account

Signed

SPBEST

Name

Shayn BestTerry Best

Date

24/08/202224/08/2022

Email

best+extra.co.nzbest+extra.co.nzPlease return your completed form via email ([trustees@voyagerresort.com.au](mailto:trustees@voyagerresort.com.au)) or post.

If the above details change prior to finalisation and distribution of sale proceeds, please notify us as a priority and complete an updated form.

ENTERED

Web: [www.voyagerresort.com.au](http://www.voyagerresort.com.au)Email: [info@voyagerresort.com.au](mailto:info@voyagerresort.com.au)

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## VOYAGER RESORT

167 Old Burleigh Rd, Broadbeach, QLD 4218  
PO Box 71, Broadbeach, QLD 4218

Phone: +61 7 5538 7833

V#1240

## PAYMENT OF SALE DISTRIBUTION

(We) Victoria Norbido &  
Patricia Carroll

(enter names as registered with Voyager Resort, including company or trustee as applicable)

of 49/103 Wain Rd, Burpengary Q 4505 (Victoria) ✓  
& 5 Kerstin Court, Rochedale South Q 4123 (Patricia)

(enter address details)

being (a) financial owner(s) of Voyager Resort, request payment of sale proceeds be made to the following account:

ACCOUNT NAME

Victoria E Norbido

BSB

734-073

ACCOUNT NUMBER

583975

APPROVED

Signed

V. Norbido Patricia Carroll

Name

Victoria Norbido PATRICIA CARROLL

Date

18/8/22 ✓ 18/8/22 ✓

Email

v-norbido@live.com.au tearroll1649@gmail.com

Please return your completed form via email ([trustees@voyagerresort.com.au](mailto:trustees@voyagerresort.com.au)) or post.

If the above details change prior to finalisation and distribution of sale proceeds, please notify us as a priority and complete an updated form.

Web: [www.voyagerresort.com.au](http://www.voyagerresort.com.au)Email: [info@voyagerresort.com.au](mailto:info@voyagerresort.com.au)

ENTERED



115



13 March 13, 2024

Distribution of 2<sup>nd</sup> Payment Group

Trustees selected shareholders.

SHAREHOLDERS	AMOUNT	ACCOUNT DETAILS	
		BSB	ACCOUNT
T.R Anderson	\$53,734.39	082 514	584116225
AGH Barnes	\$13,821.35	NZ 123191003125902	
AJ Brice	\$13,821.35	NZ 031704000769400	
East Asia Invest.P/L	\$13,044.03	342 016	130775118
Eyes-Pender Whiteh. Trust	\$63,887.90	084 034	508419670
Emsajane P/L	\$13,289.76	124 078	21608225
Fezump P/L	\$24,453.15	012 245	3527051
F.Kelly	\$14,485.84	064 179	10189301
T.Searle	\$14,485.84	484 799	607011920
R.B.Manley	\$41,749.91	016 370	427708438
G.Mathiesen	\$39,132.09	313 140	08304932
L.Murray	\$13,688.45	062 578	10269689
Nurtured GoodnessP/L	\$13,509.89	763 124	5011907
Olten P/L Dennison J.	\$25,516.34	736 080	711145
Partridge-Kent McRae Trust	\$56,880.16	082 811	178440345
B.& C Schull	\$13,044.03	084 802	487357676
Snikrif P/L	\$56,880.16	065 005	10148583
Thomson E.	\$41,862.75	084 810	508849734
Vechtrans P/L	\$56,880.16	064 139	10129298
Walker LM	\$13,422.66	641 800	200718887
Carroll M&P	\$6,644.88	014 002	108110949
Webster PM	\$79,254.35	733 253	621700
Williwar P/L	\$85,320.24	062 347	10233951
Total	\$768,809.68		
<i>Cemco's P/L</i>	<i>27376.90</i>	<i>733 095</i>	<i>5212.28</i>
	<i>796186.58</i>		

The liquidator then has to wind up Voyager Resort Ltd and distribute company assets to shareholders.

**Best regards,**

**Geoff Heaton**  
*Trustee*

[Quoted text hidden]

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**Geoffrey Heaton** <heatong48@gmail.com>

Thu, Mar 14, 2024 at 8:15 AM

To: Cameron Woodcroft <CWoodcroft@pilotpartners.com.au>, Amelia Meek <ameek@pilotpartners.com.au>, Bailey Cox <bcox@pilotpartners.com.au>, Geoff Walters <geoffw@acctweb.com.au>

Hi All,

Enclose advice from David Maddocks, details of his shareholding transferring from Castlebrook PL to Cemgos PL some years ago.

Please now allow for payment to Cemgos PL, being \$27,376.90 , increasing the payments total to \$796,186.58.

**Best regards,**

**Geoff Heaton**  
*Trustee*

[Quoted text hidden]



Geoffrey Heaton &lt;heatong48@gmail.com&gt;

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**Sale disbursement - Castlebrook pl to Cemgos pl**

4 messages

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**Geoffrey Heaton** <heatong48@gmail.com>

Wed, Mar 13, 2024 at 1:27 PM

To: "david.maddocks@bigpond.com" &lt;david.maddocks@bigpond.com&gt;

David,

The liquidator of Voyager Resort Ltd had placed Castlebrook as a deregistered company, not knowing it is relisted as Cemgos.

The distribution of the sale is almost completed and you have 2 shares to be paid to your nominated bank account.

Kindly advise your bsb and account details - best by calling me on 07-55387833. to avoid the money going to the Govt.

**Best regards,****Geoff Heaton***Resort Manager*

Voyager Resort Broadbeach Pty Ltd

0408 707 457

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**david maddocks** <david.maddocks@bigpond.com>

Thu, Mar 14, 2024 at 7:34 AM

To: Geoffrey Heaton &lt;heatong48@gmail.com&gt;

Hi Geoff,

Thanks for this message.

CEMGOS Pty Ltd has the following details

ABN 84 005 056 940

Registered address: [250 Tucks Rd, Shoreham, Vic 3916](#)

Bank: Westpac

BSB: 733 095

Account: 521228

I'll call to check that you receive this information.

Kind regards

David

Director/Secretary

[Quoted text hidden]

---

**Geoffrey Heaton** <heatong48@gmail.com>

Thu, Mar 14, 2024 at 7:59 AM

To: david maddocks &lt;david.maddocks@bigpond.com&gt;

Thank you David,

I will forward your details together with the final, 2nd Group distributions.

I will be attempting to receive approval from the liquidator to process today via bank transfer from BOQ,

**Certificate identifying annexure**  
(rule29.02)

Federal Court of Australia  
District Registry: Queensland  
Division: General

No. QUD13/2025

**IN THE MATTER** of VOYAGER RESORT LIMITED (In Liquidation)  
ACN 010 547 618

**BRADLEY VINCENT HELLEN AND NIGEL MARKEY AS JOINT AND SEVERAL  
LIQUIDATORS OF VOYAGER RESORT LIMITED**

Plaintiff

The following 12 pages are the annexure marked "BVH-48" produced and shown to BRADLEY VINCENT HELLEN at the time of affirming his affidavit this 24th day of February 2025.

  
.....  
Benjamin Leigh Sandford

**Annexure "BVH-48"**

Bundle of Documents relating to Castlebrook Pty Ltd

.....

Filed on behalf of Bradley Vincent Hellen and Nigel Markey as joint and several liquidators of voyager resort limited, Plaintiff

Prepared by Benjamin Leigh Sandford

Law firm Mahoneys

Tel 07 3007 3777

Fax 07 3007 3778

Email info@mahoneys.com.au

Ref 32419

**Address for Service MAHONEYS**

Level 18, 167 Eagle Street, Brisbane Qld 4000  
Email: info@mahoneys.com.au



## Current Title Search

Queensland Titles Registry Pty Ltd  
ABN 23 648 568 101

<b>Title Reference:</b>	<b>16862063</b>	<b>Search Date:</b>	02/08/2021 10:58
<b>Date Title Created:</b>	24/01/1986	<b>Request No:</b>	38060740
<b>Previous Title:</b>	16810034, 16810035		

## ESTATE AND LAND

Estate in Fee Simple

LOT 39 BUILDING UNIT PLAN 6459  
Local Government: GOLD COAST  
COMMUNITY MANAGEMENT STATEMENT 8766

## REGISTERED OWNER

## INTEREST

CASTLEBROOK PTY LTD

2/51

## EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by  
Deed of Grant No. 13332009 (ALLOT 16 SEC 26)  
Deed of Grant No. 13332010 (ALLOT 15 SEC 26)  
Deed of Grant No. 16426157 (ALLOT 14 SEC 26)
2. LEASE No 601085045 (H479546) 27/12/1984  
TO VOYAGER RESORT LIMITED  
ORIGINAL TERM: FOR 99 YEARS  
COMMENCING 27 DEC 1984  
OR OPTIONS AS MAY BE STATED

## ADMINISTRATIVE ADVICES

NIL

## UNREGISTERED DEALINGS

NIL

Caution - Charges do not necessarily appear in order of priority

\*\* End of Current Title Search \*\*

# Historical Company Extract for CASTLEBROOK PTY. LTD.

Extracted from ASIC database on 21 February 2025 08:11 AM AEST

This extract contains information derived from the Australian Securities and Investment Commission's (ASIC) database under section 1274A of the Corporations Act 2001. Please advise ASIC of any error or omission which you may identify.

## Current Organisation Details

Name:	CASTLEBROOK PTY. LTD.
A.C.N:	005542423
Status:	Deregistered
Date Deregistered:	27/03/1990
Reason Deregistered:	Section 459 Companies Code
Registered In:	VIC
Registration Date:	08/05/1979
Review Date:	
Name Start Date:	08/05/1979
Type:	Australian Proprietary Company
Organisation Number Type:	Australian Company Number
Details Start Date:	08/05/1979
Class:	Limited By Shares
Subclass:	Proprietary Company
Disclosing Entity:	No
Previous State Number:	C0154159H
Registered charity:	No
Document Number:	

## Organisation Address

Status	Address Type	Address	Start Date - End Date	Doc Number
Former	Registered Office	31 BRIDGE ROAD RICHMOND VIC 3121	08/05/1979 - 27/03/1990	

## Organisation Officers

Role	Officer Details	Address	Appointment Date - Cease Date	Court Details	Doc Number
Former Director	PHYLLIS MIGNON MADDOCKS Date of Birth: 07/11/1919 Place of Birth: MELBOURNE VIC	32 KENSINGTON ROAD SOUTH YARRA VIC 3141	- 27/03/1990		
Former Director	DAVID JAMES MADDOCKS Date of Birth: 16/03/1946 Place of Birth: MELBOURNE VIC	5 COMPORT STREET BEAUMARIS VIC 3193	24/05/1985 - 27/03/1990		
Former Director	CLARENCE E MADDOCKS Date of Birth: Place of Birth: UNKNOWN	32 KENSINGTON ROAD SOUTH YARRA VIC 3141	- 23/05/1985		
Former Secretary	PHYLLIS MIGNON MADDOCKS Date of Birth: 07/11/1919 Place of Birth: MELBOURNE VIC	32 KENSINGTON ROAD SOUTH YARRA VIC 3141	- 27/03/1990		
Former Secretary	DAVID JAMES MADDOCKS Date of Birth: 16/03/1946 Place of Birth: MELBOURNE VIC	5 COMPORT STREET BEAUMARIS VIC 3193	- 27/03/1990		

## Pre-ASIC Documents

State	Received Date	Form Code	Status
VIC	03/11/1988	CCF066	
VIC	29/09/1989	CCAP459	

## Annual Returns

Year	Return Due	Extended Due Date	AGM Due Date	Extended AGM Due Date	AGM Held	Outstanding
1986	31/01/1987		31/12/1986		31/12/1986	No
1987	31/01/1988		31/12/1987		31/12/1987	No



Year	Return Due	Extended Due Date	AGM Due Date	Extended AGM Due Date	AGM Held	Outstanding
1988	31/01/1989		31/12/1988			Yes
1989	31/01/1990		31/12/1989			Yes

#### Documents

Form Code	Description	# of pages	Received	Processed	Effective	Doc Number
9205	9205 Pre 1991 Regd Office/place of Business, Agent, Officeholders Shares- Allotment, Prospectus, Report of Affairs, Trust Deed	10	05/08/2010	05/08/2010	05/08/2010	930007368
9206	9206 Pre 1991 Annual Return And Other Documents	11	05/08/2010	05/08/2010	05/08/2010	930007369
9206	9206 Pre 1991 Annual Return And Other Documents	11	05/08/2010	05/08/2010	05/08/2010	930007370
9204	9204 Pre 1991 Memorandum And Articles	53	05/08/2010	05/08/2010	05/08/2010	930007367

# Historical Company Extract for CEMGOS PTY. LIMITED

Extracted from ASIC database on 01 November 2024 02:57 PM AEST

This extract contains information derived from the Australian Securities and Investment Commission's (ASIC) database under section 1274A of the Corporations Act 2001. Please advise ASIC of any error or omission which you may identify.

## Current Organisation Details

Name:	CEMGOS PTY. LIMITED
A.C.N:	005056940
A.B.N:	84005056940
Status:	Registered
Registered In:	VIC
Registration Date:	22/05/1974
Review Date:	22/05/2025
Name Start Date:	22/05/1974
Type:	Australian Proprietary Company
Organisation Number Type:	Australian Company Number
Details Start Date:	22/05/1974
Class:	Limited By Shares
Subclass:	Proprietary Company
Disclosing Entity:	No
Previous State Number:	C0105563T
Registered charity:	No
Document Number:	

## Organisation Address

Status	Address Type	Address	Start Date - End Date	Doc Number
Current	Registered Office	250 TUCKS ROAD SHOREHAM VIC 3916	03/05/2002 -	017983598
Current	Principal Place of Business	250 TUCKS ROAD SHOREHAM VIC 3916	24/04/2002 -	017983598
Former	Registered Office	UNIT 17 343 BEACONSFIELD PARADE ST KILDA VIC 3182	13/01/1997 - 02/05/2002	00505694G (AR 1996)
Former	Registered Office	SUITE 10 2 ST ANDREWS STREET BRIGHTON VIC 3186	30/06/1987 - 12/01/1997	
Former	Registered Office	284 BAY STREET BRIGHTON VIC 3186	19/01/1987 - 29/06/1987	
Former	Registered Office	31 BRIDGE ROAD RICHMOND VIC 3121	22/05/1974 - 18/01/1987	
Former	Principal Place of Business	UNIT 17 343 BEACONSFIELD PARADE ST KILDA VIC 3182	02/01/1997 - 23/04/2002	00505694G (AR 1996)
Former	Principal Place of Business	SUITE 10 2 ST ANDREWS STREET BRIGHTON VIC 3186	23/04/1991 - 01/01/1997	0505694A (AR 1990)

## Organisation Officers

Role	Officer Details	Address	Appointment Date - Cease Date	Court Details	Doc Number
Current Director	DAVID JAMES MADDOCKS Date of Birth: 16/03/1946 Place of Birth: MELBOURNE VIC	250 TUCKS ROAD SHOREHAM VIC 3916	11/11/1975 -		017983599
Current Director	PETER JAMES MADDOCKS Date of Birth: 22/12/1980 Place of Birth: MELBOURNE VIC	46 SHANDON STREET MORNINGTON VIC 3931	03/09/2022 -		7EBW06567
Current Secretary	DAVID JAMES MADDOCKS Date of Birth: 16/03/1946 Place of Birth: MELBOURNE VIC	250 TUCKS ROAD SHOREHAM VIC 3916	26/06/1990 -		017983599

Role	Officer Details	Address	Appointment Date - Cease Date	Court Details	Doc Number
Former Director	SUSAN ELIZABETH MIGNON KENNEDY Date of Birth: 17/08/1944 Place of Birth: MELBOURNE VIC	5 WALLABY DRIVE ROSEBUD VIC 3939	21/10/1991 - 03/09/2022		7E9025363
Former Director	SYLVIA KATHLEEN THOMPSON Date of Birth: 22/10/1947 Place of Birth: MELBOURNE VIC	49 MIDDLE CRESCENT BRIGHTON VIC 3186	26/06/1990 - 21/10/1991		
Former Director	PHYLLIS MIGNON MADDOCKS Date of Birth: 07/11/1919 Place of Birth: MELBOURNE VIC	UNIT 4 5 FORDHOLM ROAD HAWTHORN VIC 3122	- 26/06/1990		
Former Secretary	SYLVIA KATHLEEN THOMPSON Date of Birth: 22/10/1947 Place of Birth: MELBOURNE VIC	49 MIDDLE CRESCENT BRIGHTON VIC 3186	17/11/1986 - 21/10/1991		
Former Secretary	PHYLLIS MIGNON MADDOCKS Date of Birth: 07/11/1919 Place of Birth: MELBOURNE VIC	UNIT 4 5 FORDHOLM ROAD HAWTHORN VIC 3122	- 26/06/1990		
Former Secretary	THOMAS DANE TAYLOR Date of Birth: 31/10/1928 Place of Birth: CAMBERWELL VIC	1026 HEIDELBERG ROAD IVANHOE VIC 3079	- 17/11/1986		

### Share Structure

Status	Share Class	No. Issued	Amount Paid	Amount Unpaid	Doc Number
Current	ORD ORDINARY SHARES	2	\$2.00	\$0.00	0505694A (AR 1990)

Note: For each class of shares issued by a proprietary company, ASIC records the details of the twenty members of the class (based on shareholdings). The details of any other members holding the same number of shares as the twentieth ranked member will also be recorded by ASIC on the database. Where available, historical records show that a member has ceased to be ranked amongst the twenty members. This may, but does not necessarily mean, that they have ceased to be a member of the company.

### Shareholders

Status	Class	No. Held	Beneficially Held	Fully Paid	Shareholder Details	Document Number
Current	ORD	1	Yes	Yes	DAVID JAMES MADDOCKS 250 TUCKS ROAD SHOREHAM VIC 3916	00505694M (AR 2002)
Current	ORD	1	Yes	Yes	PETER JAMES MADDOCKS UNIT 56 72 JETTY ROAD ROSEBUD VIC 3939	7EBX88462

### Pre-ASIC Documents

State	Received Date	Form Code	Status
VIC	03/11/1988	CCF066	
VIC	03/11/1988	CCF055	
VIC	09/05/1989	CCF066	
VIC	31/10/1989	CCF061	
VIC	14/08/1990	CCF066	
VIC	14/08/1990	CCF061	

### Annual Returns

Year	Return Due	Extended Due Date	AGM Due Date	Extended AGM Due Date	AGM Held	Outstanding
1986	31/01/1987		31/12/1986		31/12/1986	No
1987	31/01/1988		31/12/1987		31/12/1987	No
1988	31/01/1989		31/12/1988		30/12/1988	No
1989	31/01/1990		31/12/1989		01/10/1989	No
1990	31/01/1991		31/12/1990		31/12/1990	No
1991	31/01/1992		31/12/1991		31/12/1991	No
1992	31/01/1993		31/12/1992		31/12/1992	No
1993	31/01/1994		31/12/1993		31/12/1993	No
1994	31/01/1995		31/12/1994		31/12/1994	No

Year	Return Due	Extended Due Date	AGM Due Date	Extended AGM Due Date	AGM Held	Outstanding
1995	31/01/1996					No
1996	31/01/1997					No
1997	31/01/1998					No
1998	31/01/1999					No
1999	31/01/2000					No
2000	31/01/2001					No
2001	31/01/2002					No
2002	31/01/2003					No

## Documents

Form Code	Description	# of pages	Received	Processed	Effective	Doc Number
484	484A2 Change to Company Details Change Member Name or Address	2	31/10/2022	31/10/2022	31/10/2022	7EBX88462
370	370 Notification By Officeholder of Resignation or Retirement Updates 7EB W06 567	3	07/09/2022	14/09/2022	07/09/2022	031703032
484	484E Change to Company Details Appointment or Cessation of A Company Officeholder Updated by 031 703 032	2	05/09/2022	05/09/2022	05/09/2022	7EBW06567
484	484A2 Change to Company Details Change Member Name or Address	2	28/04/2020	28/04/2020	28/04/2020	7EAV97704
484	484A1 Change to Company Details Change Officeholder Name Or Address	2	04/05/2017	04/05/2017	04/05/2017	7E9025363
9205	9205 Pre 1991 Regd Office/place of Business, Agent, Officeholders Shares- Allotment, Prospectus, Report of Affairs, Trust Deed	14	07/05/2013	07/05/2013	07/05/2013	930285034
9206	9206 Pre 1991 Annual Return And Other Documents	60	07/05/2013	07/05/2013	07/05/2013	930285035
9206	9206 Pre 1991 Annual Return And Other Documents	60	07/05/2013	07/05/2013	07/05/2013	930285036
9206	9206 Pre 1991 Annual Return And Other Documents	13	07/05/2013	07/05/2013	07/05/2013	930285037
9204	9204 Pre 1991 Memorandum And Articles	35	07/05/2013	07/05/2013	07/05/2013	930285033
484	484A2 Change to Company Details Change Member Name or Address	2	27/06/2007	27/06/2007	27/06/2007	7E1169320
484	484A2 Change to Company Details Change Member Name or Address	2	10/06/2004	10/06/2004	10/06/2004	7E0165578
316	316L Annual Return Annual Return - Proprietary Company	3	29/01/2003	11/02/2003	24/01/2003	00505694M (AR 2002)
304	304C Notification of Change of Name or Address of Officeholder	2	17/01/2003	21/01/2003	05/01/2003	018860926
304	304C Notification of Change of Name or Address of Officeholder	2	26/04/2002	30/04/2002	19/04/2002	017983599
203	203 Notification Of 203A Change of Address 203G Change of Address - Principal Place of Business	1	26/04/2002	30/04/2002	24/04/2002	017983598
316	316L Annual Return Annual Return - Proprietary Company	3	01/02/2002	16/03/2002	28/01/2001	00505694L (AR 2001)
316	316 Annual Return 316P Change of Name or Address of Officeholder 316L Annual Return - Proprietary Company	3	12/01/2001	22/02/2001	08/01/2001	00505694K (AR 2000)
316	316L Annual Return Annual Return - Proprietary Company	3	18/10/1999	15/11/1999	15/10/1999	00505694J (AR 1999)
316	316L Annual Return Annual Return - Proprietary Company	3	27/01/1999	16/02/1999	25/01/1999	00505694I (AR 1998)
316	316L Annual Return Annual Return - Proprietary Company	4	11/02/1998	23/02/1998	09/02/1998	00505694H (AR 1997)
316	316 Annual Return 316A Change of Registered Office Address 316L Annual Return - Proprietary Company	4	06/01/1997	20/01/1997	02/01/1997	00505694G (AR 1996)
316	316L Annual Return Annual Return - Proprietary Company	5	19/01/1996	24/01/1996	31/12/1995	00505694F (AR 1995)

Form Code	Description	# of pages	Received	Processed	Effective	Doc Number
316	316L Annual Return Annual Return - Proprietary Company	5	08/02/1995	07/03/1995	31/12/1994	00505694E (AR 1994)
316	316L Annual Return Annual Return	4	31/01/1994	14/02/1994	31/12/1993	00505694D (AR 1993)
316	316L Annual Return Annual Return	5	31/05/1993	17/06/1993	31/12/1992	00505694C (AR 1992)
316	316 Annual Return 316E Corrections 316L Annual Return	6	30/04/1992	11/05/1992	30/04/1992	00505694B (AR 1991)
304	304A Notification of Change to Officeholders of Australian Company	2	29/04/1992	30/04/1992	21/10/1991	002729760
316	316 Annual Return 316E Corrections 316L Annual Return	5	23/04/1991	03/05/1991	23/04/1991	0505694A (AR 1990)

#### Contact Address for ASIC use only

Note: The Address for ASIC Company Communications is for ASIC use only to correspond with the company. ASIC will forward notices such as the company statement, invoice statements and other correspondence where requested to this address.

Status	Address	Start Date - End Date	Doc Number
Current	250 TUCKS ROAD SHOREHAM VIC 3916	28/06/2003 -	

CEMGOS PTY LTD  
P O Box 2148, North Brighton 3186

*Trust*

January 27, 1997

Voyager Resort Limited  
P O Box 71  
BROADBEACH 4218

Attention: Mr Geoffrey Heaton

Dear Sir,

re: Castlebrook Pty Ltd - 10A - Weeks 52 & 1

We have just received the Rental Pool Disbursement for 1996/97 and the cheque is payable to Castlebrook Pty Ltd.

Further to the correspondence from Castlebrook and Cemgos (which coincided with your communication) regarding the appointment of Cemgos Pty Ltd as Trustee we hereby return the cheque for \$1,216.40 and request that this cheque be cancelled and a replacement cheque be prepared and payable to Cemgos Pty Ltd.

As advised, all notices, correspondences, invoices and payments should be directed to and in favour of Cemgos Pty Ltd.

We thank you again for your attention to this matter.

Yours faithfully



David J Maddocks  
for Cemgos Pty Ltd



**CASTLEBROOK PTY LTD**

P O Box 2148, North Brighton 3186

January 17, 1997

Voyager Resort Limited

P O Box 71

BROADBEACH 4218

Attention: The Secretary  
Mr Geoffrey Graham Heaton

Dear Sir,

re: Castlebrook Pty Ltd - 10A - Weeks 52 & 1  
APPOINTMENT OF TRUSTEE

Cemgos Pty Ltd has been appointed as Trustee for Castlebrook Pty Ltd and we wish to advise that all notices, correspondences, invoices and payments should be directed to and in favour of Cemgos Pty Ltd.

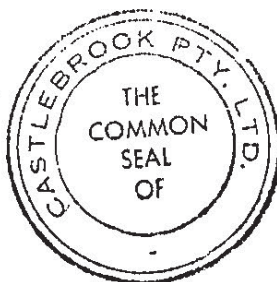
We understand that the rental pool distribution for the above weeks will be made shortly and we request that the payment be made in favour of the trustee Cemgos Pty Ltd.

We thank you for your attention to this matter.

Yours faithfully



David J Maddocks  
for Castlebrook Pty Ltd



**CEMGOS PTY LTD**  
P O Box 2148, North Brighton 3186

January 17, 1997

Voyager Resort Limited  
P O Box 71  
BROADBEACH 4218

Attention: The Secretary  
Mr Geoffrey Graham Heaton

Dear Sir,

re: Castlebrook Pty Ltd - 10A - Weeks 52 & 1

Cemgos Pty Ltd has been appointed as Trustee for Castlebrook Pty Ltd and we wish to advise that all notices, correspondences, invoices and payments should be directed to and in favour of Cemgos Pty Ltd.

We understand that the rental pool distribution for the above weeks will be made shortly and we request that the payment be made in favour of the trustee Cemgos Pty Ltd.

We thank you for your attention to this matter.

Yours faithfully



David J Maddocks  
for Cemgos Pty Ltd



**From:** Geoffrey Heaton  
**Sent:** Thursday, 14 March 2024 8:15:51 AM  
**To:** Cameron Woodcroft;Amelia Meek;Bailey Cox;Geoff Walters  
**Subject:** Fwd: Sale disbursement - Castlebrook pl to Cemgos pl

Hi All,  
Enclose advice from David Maddocks, details of his shareholding transferring from Castlebrook PL to Cemgos PL some years ago.

Please now allow for payment to Cemgos PL, being \$27,376.90 , increasing the payments total to \$796,186.58.

**Best regards,**

**Geoff Heaton**  
*Trustee*

----- Forwarded message -----

**From:** david maddocks <[david.maddocks@bigpond.com](mailto:david.maddocks@bigpond.com)>  
**Date:** Thu, Mar 14, 2024 at 7:34 AM  
**Subject:** RE: Sale disbursement - Castlebrook pl to Cemgos pl  
**To:** Geoffrey Heaton <[heatong48@gmail.com](mailto:heatong48@gmail.com)>

Hi Geoff,

Thanks for this message.

CEMGOS Pty Ltd has the following details

ABN 84 005 056 940

Registered address: 250 Tucks Rd, Shoreham, Vic 3916

Bank: Westpac

BSB: 733 095

Account: 521228

I'll call to check that you receive this information.

Kind regards

David

Director/Secretary

---

**From:** Geoffrey Heaton <[heatong48@gmail.com](mailto:heatong48@gmail.com)>  
**Sent:** Wednesday, March 13, 2024 2:27 PM  
**To:** [david.maddocks@bigpond.com](mailto:david.maddocks@bigpond.com)  
**Subject:** Sale disbursement - Castlebrook pl to Cemgos pl

David,

The liquidator of Voyager Resort Ltd had placed Castlebrook as a deregistered company, not knowing it is relisted as Cemgos.

The distribution of the sale is almost completed and you have 2 shares to be paid to your nominated bank account.

Kindly advise your bsb and account details - best by calling me on 07-55387833. to avoid the money going to the Govt.

**Best regards,**

**Geoff Heaton**

*Resort Manager*

Voyager Resort Broadbeach Pty Ltd

0408 707 457

**Certificate identifying annexure**  
(rule29.02)

Federal Court of Australia  
District Registry: Queensland  
Division: General

No. QUD13/2025

**IN THE MATTER** of VOYAGER RESORT LIMITED (In Liquidation)  
ACN 010 547 618

**BRADLEY VINCENT HELLEN AND NIGEL MARKEY AS JOINT AND SEVERAL  
LIQUIDATORS OF VOYAGER RESORT LIMITED**

Plaintiff

The following 4 pages are the annexure marked "BVH-49" produced and shown to BRADLEY VINCENT HELLEN at the time of affirming his affidavit this 24th day of February 2025.

  
.....  
Benjamin Leigh Sandford

**Annexure "BVH-49"**

**Bundle of Documents relating to East Asia Investments Pty Ltd**

.....

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Filed on behalf of     Bradley Vincent Hellen and Nigel Markey as joint and several liquidators of voyager resort limited, Plaintiff

---

Prepared by     Benjamin Leigh Sandford

---

Law firm     Mahoneys

---

Tel     07 3007 3777

---

Fax     07 3007 3778

---

Email     info@mahoneys.com.au

---

Ref     32419

**Address for Service MAHONEYS**

Level 18, 167 Eagle Street, Brisbane Qld 4000  
Email: [info@mahoneys.com.au](mailto:info@mahoneys.com.au)

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## Current Title Search

Queensland Titles Registry Pty Ltd  
ABN 23 648 568 101

<b>Title Reference:</b>	<b>16811111</b>	<b>Search Date:</b>	02/08/2021 11:23
<b>Date Title Created:</b>	03/10/1985	<b>Request No:</b>	38061595
<b>Previous Title:</b>	16699174		

**ESTATE AND LAND**

Estate in Fee Simple

LOT 45 BUILDING UNIT PLAN 6459  
Local Government: GOLD COAST  
COMMUNITY MANAGEMENT STATEMENT 8766

**REGISTERED OWNER****INTEREST**

EAST ASIA INVESTMENTS PTY LTD

1/51

**EASEMENTS, ENCUMBRANCES AND INTERESTS**

1. Rights and interests reserved to the Crown by  
Deed of Grant No. 13332009 (ALLOT 16 SEC 26)  
Deed of Grant No. 13332010 (ALLOT 15 SEC 26)  
Deed of Grant No. 16426157 (ALLOT 14 SEC 26)
2. LEASE No 601085045 (H479546) 27/12/1984  
TO VOYAGER RESORT LIMITED  
ORIGINAL TERM: FOR 99 YEARS  
COMMENCING 27 DEC 1984  
OR OPTIONS AS MAY BE STATED

**ADMINISTRATIVE ADVICES**

NIL

**UNREGISTERED DEALINGS**

NIL

Caution - Charges do not necessarily appear in order of priority

\*\* End of Current Title Search \*\*



# Historical Company Extract for EAST ASIA INVESTMENTS PTY LTD

Extracted from ASIC database on 20 August 2024 04:16 PM AEST

This extract contains information derived from the Australian Securities and Investment Commission's (ASIC) database under section 1274A of the Corporations Act 2001. Please advise ASIC of any error or omission which you may identify.

Current Organisation Details

Name:	EAST ASIA INVESTMENTS PTY LTD
A.C.N:	002690137
A.B.N:	89002690137
Status:	Registered
Registered In:	NSW
Registration Date:	19/12/1983
Review Date:	19/12/2024
Name Start Date:	
Type:	Australian Proprietary Company
Organisation Number Type:	Australian Company Number
Details Start Date:	31/01/1992
Class:	Limited By Shares
Subclass:	Proprietary Company
Disclosing Entity:	No
Previous State Number:	32788317
Registered charity:	No
Document Number:	002846046 (AR 1990)

Former Organisation Details

Start Date - Name End Date	Status	Name Start Type Date	Class	Subclass	Disclosing Entity	Doc Number
09/10/1991 - EAST ASIA 30/01/1992 INVESTMENTS PTY LTD	Registered	Australian Proprietary Company	Limited By Shares	Exempt Proprietary Company	No	001642623
06/08/1991 - EAST ASIA 08/10/1991 INVESTMENTS PTY LTD	Strike-Off Action In Progress	Australian Proprietary Company	Limited By Shares	Exempt Proprietary Company	No	
19/12/1983 - EAST ASIA 05/08/1991 INVESTMENTS PTY LTD	Registered	Australian Proprietary Company	Limited By Shares	Exempt Proprietary Company	No	

Organisation Address

Status	Address Type	Address	Start Date - End Date	Doc Number
Current	Registered Office	DAVID LI 40 NEWTON ROAD STRATHFIELD NSW 2135	31/08/2015 -	7E7240312
Current	Principal Place of Business	40 NEWTON ROAD STRATHFIELD NSW 2135	23/08/2015 -	7E7240312
Former	Registered Office	SUITE 3 LEVEL 1 12 THOMAS STREET CHATSWOOD NSW 2067	25/05/1992 - 30/08/2015	002987013
Former	Registered Office	159 GREAT NORTH ROAD FIVE DOCK NSW 2046	- 24/05/1992	
Former	Principal Place of Business	SUITE 3 LEVEL 1 12 THOMAS STREET CHATSWOOD NSW 2067	13/08/2001 - 22/08/2015	016979020
Former	Principal Place of Business	46 NORTHCOTE AVENUE KILLARA NSW 2071	12/02/1996 - 12/08/2001	00269013F (AR 1995)
Former	Principal Place of Business	8 MAUNDER AVENUE ST IVES NSW 2075	31/01/1992 - 11/02/1996	002846046 (AR 1990)

Organisation Officers

Role	Officer Details	Address	Appointment Date - Cease Date	Court Details	Doc Number
Current Director	SONNY LI Date of Birth: 19/02/1958 Place of Birth: HONG KONG	UNIT 3 12 THOMAS STREET CHATSWOOD NSW 2067	19/12/1983 -		016979019
Current Secretary	SONNY LI Date of Birth: 19/02/1958 Place of Birth: HONG KONG	UNIT 3 12 THOMAS STREET CHATSWOOD NSW 2067	19/12/1983 -		016979019
Former Director	JOANNA LI Date of Birth: 01/02/1950 Place of Birth: HONG KONG	UNIT 3 12 THOMAS STREET CHATSWOOD NSW 2067	19/12/1983 - 28/11/2022		016979019
Former Secretary	MELINDA LI Date of Birth: 30/09/1955 Place of Birth: HONG KONG	46 NORTHCOTE AVENUE KILLARA NSW 2071	24/05/1986 - 23/07/2001		009665043

### Share Structure

Status	Share Class	No. Issued	Amount Paid	Amount Unpaid	Doc Number
Current	ORD ORDINARY SHARES	2	\$2.00	\$0.00	002846046 (AR 1990)

Note: For each class of shares issued by a proprietary company, ASIC records the details of the twenty members of the class (based on shareholdings). The details of any other members holding the same number of shares as the twentieth ranked member will also be recorded by ASIC on the database. Where available, historical records show that a member has ceased to be ranked amongst the twenty members. This may, but does not necessarily mean, that they have ceased to be a member of the company.

### Shareholders

Status	Class	No. Held	Beneficially Held	Fully Paid	Shareholder Details	Document Number
Current	ORD	1	Yes	Yes	SONNY LI 46 NORTHCOTE AVENUE KILLARA NSW 2071	002846046 (AR 1990)
Current	ORD	1	No	Yes	JOANNA LI 46 NORTHCOTE AVENUE KILLARA NSW 2071	002846046 (AR 1990)

### Pre-ASIC Documents

State	Received Date	Form Code	Status
NSW	31/12/1990	M'FICHE	

### Annual Returns

Year	Return Due	Extended Due Date	AGM Due Date	Extended AGM Due Date	AGM Held	Outstanding
1986					31/12/1986	No
1987	31/01/1988		31/12/1987		31/12/1987	No
1988	31/01/1989		31/12/1988			Yes
1989	31/01/1990		31/12/1989			Yes
1990	31/01/1991		31/12/1990		30/12/1990	No
1991	31/01/1992		31/12/1991		31/12/1991	No
1992	31/01/1993		31/12/1992		31/12/1992	No
1993	31/01/1994		31/12/1993		31/12/1993	No
1994	31/01/1995		31/12/1994		30/12/1994	No
1995	31/01/1996					No
1996	31/01/1997					No
1997	31/01/1998					No
1998	31/01/1999					No
1999	31/01/2000					No
2000	31/01/2001					No
2001	31/01/2002					No
2002	31/01/2003					No

### Documents

Form Code	Description	# of pages	Received	Processed	Effective	Doc Number
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Form Code	Description	# of pages	Received	Processed	Effective	Doc Number
484	484E Change to Company Details Appointment or Cessation of A Company Officeholder	2	29/11/2022	29/11/2022	29/11/2022	7EBY90714
484	484 Change to Company Details 484B Change of Registered Address 484C Change of Principal Place of Business (Address)	2	24/08/2015	24/08/2015	24/08/2015	7E7240312
316	316L Annual Return Annual Return - Proprietary Company	3	24/01/2003	11/02/2003	24/01/2003	00269013M (AR 2002)
316	316L Annual Return Annual Return - Proprietary Company	3	29/01/2002	26/02/2002	20/01/2002	00269013L (AR 2001)
203	203G Notification of Change of Address 1 - Principal Place Of Business	1	16/08/2001	21/08/2001	13/08/2001	016979020
304	304 Notification Of 304A Change to Officeholders of Australian Company 304C Change of Name or Address of Officeholder	2	16/08/2001	06/02/2002	23/07/2001	016979019
370	370 Notification By Officeholder of Resignation or Retirement	2	31/07/2001	06/08/2001	31/07/2001	017268246
316	316L Annual Return Annual Return - Proprietary Company	3	05/03/2001	30/03/2001	31/01/2001	00269013K (AR 2000)
316	316L Annual Return Annual Return - Proprietary Company	3	31/01/2000	23/02/2000	10/01/2000	00269013J (AR 1999)
316	316L Annual Return Annual Return - Proprietary Company	3	31/12/1998	14/01/1999	31/12/1998	00269013I (AR 1998)
316	316L Annual Return Annual Return - Proprietary Company	4	19/01/1998	30/01/1998	13/01/1998	00269013H (AR 1997)
316	316L Annual Return Annual Return - Proprietary Company	4	23/01/1997	30/01/1997	14/01/1997	00269013G (AR 1996)
316	316L Annual Return Annual Return - Proprietary Company	4	28/02/1996	15/03/1996	12/02/1996	00269013F (AR 1995)
304	304C Notification of Change of Name or Address of Officeholder	4	24/02/1995	02/03/1995	02/02/1995	009665043
316	316L Annual Return Annual Return	4	24/02/1995	22/03/1995	30/12/1994	00269013E (AR 1994)
316	316L Annual Return Annual Return	4	28/04/1994	18/05/1994	31/12/1993	00269013D (AR 1993)
316	316L Annual Return Annual Return	4	26/02/1993	01/03/1993	31/12/1992	00269013C (AR 1992)
203	203A Notification of Change of Address 1	1	18/05/1992	03/06/1992	14/05/1992	002987013
316	316 Annual Return 316E Corrections 316L Annual Return	3	27/02/1992	16/03/1992	27/02/1992	002841545 (AR 1991)
316	316 Annual Return 316E Corrections 316L Annual Return	3	31/01/1992	12/02/1992	31/01/1992	002846046 (AR 1990)

#### Contact Address for ASIC use only

Note: The Address for ASIC Company Communications is for ASIC use only to correspond with the company. ASIC will forward notices such as the company statement, invoice statements and other correspondence where requested to this address.

Status	Address	Start Date - End Date	Doc Number
Current	PO BOX 316 STRATHFIELD NSW 2135	28/06/2003 -	

**Certificate identifying annexure**  
(rule29.02)

Federal Court of Australia  
District Registry: Queensland  
Division: General

No. QUD13/2025

**IN THE MATTER** of VOYAGER RESORT LIMITED (In Liquidation)  
ACN 010 547 618

**BRADLEY VINCENT HELLEN AND NIGEL MARKEY AS JOINT AND SEVERAL  
LIQUIDATORS OF VOYAGER RESORT LIMITED**

Plaintiff

The following 5 pages are the annexure marked "BVH-50" produced and shown to BRADLEY VINCENT HELLEN at the time of affirming his affidavit this 24th day of February 2025.

  
.....  
Benjamin Leigh Sandford

**Annexure "BVH-50"**

Bundle of Documents relating to Fezump Pty Ltd

.....

Filed on behalf of     Bradley Vincent Hellen and Nigel Markey as joint and several liquidators of voyager  
   resort limited, Plaintiff

Prepared by     Benjamin Leigh Sandford

Law firm     Mahoneys

Tel     07 3007 3777

Fax     07 3007 3778

Email     info@mahoneys.com.au

Ref     32419

**Address for Service MAHONEYS**

Level 18, 167 Eagle Street, Brisbane Qld 4000  
Email: info@mahoneys.com.au



## Current Title Search

Queensland Titles Registry Pty Ltd  
ABN 23 648 568 101

<b>Title Reference:</b>	<b>18502237</b>	<b>Search Date:</b>	30/07/2021 13:57
<b>Date Title Created:</b>	31/03/1993	<b>Request No:</b>	38047890
<b>Previous Title:</b>	18494159		

## ESTATE AND LAND

Estate in Fee Simple

LOT 3 BUILDING UNIT PLAN 6459  
Local Government: GOLD COAST  
COMMUNITY MANAGEMENT STATEMENT 8766

## REGISTERED OWNER

## INTEREST

FEZUMP PTY LTD

1/51

## EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by  
Deed of Grant No. 13332009 (ALLOT 16 SEC 26)  
Deed of Grant No. 13332010 (ALLOT 15 SEC 26)  
Deed of Grant No. 16426157 (ALLOT 14 SEC 26)
2. LEASE No 601085045 (H479546) 27/12/1984  
TO VOYAGER RESORT LIMITED  
FOR 99 YEARS  
ORIGINAL TERM: COMMENCING 27 DEC 1984  
OR OPTIONS AS MAY BE STATED

## ADMINISTRATIVE ADVICES

NIL

## UNREGISTERED DEALINGS

NIL

Caution - Charges do not necessarily appear in order of priority

\*\* End of Current Title Search \*\*



## Current Title Search

Queensland Titles Registry Pty Ltd  
ABN 23 648 568 101

Title Reference:	18502238	Search Date:	30/07/2021 16:30
Date Title Created:	31/03/1993	Request No:	38051517
Previous Title:	18383225		

## ESTATE AND LAND

Estate in Fee Simple

LOT 4 BUILDING UNIT PLAN 6459  
Local Government: GOLD COAST  
COMMUNITY MANAGEMENT STATEMENT 8766

## REGISTERED OWNER

## INTEREST

FEZUMP PTY LTD

1/51

## EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by  
Deed of Grant No. 13332009 (ALLOT 16 SEC 26)  
Deed of Grant No. 13332010 (ALLOT 15 SEC 26)  
Deed of Grant No. 16426157 (ALLOT 14 SEC 26)
2. LEASE No 601085045 (H479546) 27/12/1984  
TO VOYAGER RESORT LIMITED  
FOR 99 YEARS  
ORIGINAL TERM: COMMENCING 27 DEC 1984  
OR OPTIONS AS MAY BE STATED

## ADMINISTRATIVE ADVICES

NIL

## UNREGISTERED DEALINGS

NIL

Caution - Charges do not necessarily appear in order of priority

\*\* End of Current Title Search \*\*



Historical Company Extract for FEZUMP PTY LTD

Extracted from ASIC database on 01 November 2024 02:57 PM AEST

This extract contains information derived from the Australian Securities and Investment Commission's (ASIC) database under section 1274A of the Corporations Act 2001. Please advise ASIC of any error or omission which you may identify.

Current Organisation Details

Name:	FEZUMP PTY LTD
A.C.N:	001368896
Status:	Registered
Registered In:	NSW
Registration Date:	08/06/1976
Review Date:	08/06/2025
Name Start Date:	
Type:	Australian Proprietary Company
Organisation Number Type:	Australian Company Number
Details Start Date:	20/08/1992
Class:	Limited By Shares
Subclass:	Proprietary Company
Disclosing Entity:	No
Previous State Number:	18691807
Registered charity:	No
Document Number:	002536524 (AR 1991)

Former Organisation Details

Start Date - Name End Date	Status	Name Start Date	Type	Class	Subclass	Disclosing Entity	Doc Number
08/06/1976 - FEZUMP 19/08/1992 PTY LTD	Registered		Australian Proprietary Company	Limited By Shares	Exempt Proprietary Company	No	

Organisation Address

Status	Address Type	Address	Start Date - End Date	Doc Number
Current	Registered Office	2 TORRINGTON ROAD STRATHFIELD NSW 2135	22/01/1990 -	
Current	Principal Place of Business	2 TORRINGTON ROAD STRATHFIELD NSW 2135	04/02/1991 -	000983726 (AR 1990)
Former	Registered Office	LEVEL 2 720 GEORGE STREET SYDNEY NSW 2000	- 21/01/1990	

Organisation Officers

Role	Officer Details	Address	Appointment Date - Cease Date	Court Details	Doc Number
Current Director	ERWIN RONALD HOR Date of Birth: 31/01/1949 Place of Birth: SYDNEY NSW	2 TORRINGTON ROAD STRATHFIELD NSW 2135	08/06/1976 -		
Current Director	ANNETTA DORIS HOR Date of Birth: 15/12/1953 Place of Birth: SYDNEY NSW	2 TORRINGTON ROAD STRATHFIELD NSW 2135	27/06/1997 -		012239893
Current Secretary	ERWIN RONALD HOR Date of Birth: 31/01/1949 Place of Birth: SYDNEY NSW	2 TORRINGTON ROAD STRATHFIELD NSW 2135	08/06/1976 -		
Former Director	MIRIAM CHEUNG Date of Birth: 01/11/1946 Place of Birth: SYDNEY NSW	9 ETHEL STREET BURWOOD NSW 2134	08/06/1976 - 27/06/1997		

Share Structure

Status	Share Class	No. Issued	Amount Paid	Amount Unpaid	Doc Number
Current	ORD ORDINARY SHARES	2	\$2.00	\$0.00	002536524 (AR 1991)

Note: For each class of shares issued by a proprietary company, ASIC records the details of the twenty members of the class (based on shareholdings). The details of any other members holding the same number of shares as the twentieth ranked member will also be recorded by ASIC on the database. Where available, historical records show that a member has ceased to be ranked amongst the twenty members. This may, but does not necessarily mean, that they have ceased to be a member of the company.

### Shareholders

Status	Class	No. Held	Beneficially Held	Fully Paid	Shareholder Details	Document Number
Current	ORD	1	Yes	Yes	ERWIN RONALD HOR 2 TORRINGTON ROAD STRATHFIELD NSW 2135	002536524 (AR 1991)
Current	ORD	1	Yes	Yes	ANNETTA DORIS HOR 2 TORRINGTON ROAD STRATHFIELD NSW 2135	6E7385128
Former	ORD	1	No	Yes	MIRIAM CHEUNG 9 ETHEL STREET BURWOOD NSW 2134	5E0905368 (AR 2002)

### Pre-ASIC Documents

State	Received Date	Form Code	Status
NSW	22/01/1990	55C	RCVD
NSW	05/06/1990	66	RCVD
NSW	31/12/1990	M'FICHE	

### Annual Returns

Year	Return Due	Extended Due Date	AGM Due Date	Extended AGM Due Date	AGM Held	Outstanding
1987					31/12/1987	No
1988	31/01/1989		31/12/1988		30/12/1988	No
1989	31/01/1990		31/12/1989		30/12/1989	No
1990	31/01/1991		31/12/1990		31/12/1990	No
1991	31/01/1992		31/12/1991		31/12/1991	No
1992	31/01/1993		31/12/1992		31/12/1992	No
1993	31/01/1994		31/12/1993		31/12/1993	No
1994	31/01/1995		31/12/1994		31/12/1994	No
1995	31/01/1996					No
1996	31/01/1997					No
1997	31/01/1998					No
1998	31/01/1999					No
1999	31/01/2000					No
2000	31/01/2001					No
2001	31/01/2002					No
2002	31/01/2003					No

### Documents

Form Code	Description	# of pages	Received	Processed	Effective	Doc Number
484	484N Change to Company Details Changes to (Members) Share Holdings	2	11/05/2018	11/05/2018	10/05/2018	6E7385128
316	316L Annual Return Annual Return - Proprietary Company	3	04/10/2002	04/10/2002	30/09/2002	5E0905368 (AR 2002)
316	316L Annual Return Annual Return - Proprietary Company	3	14/11/2001	14/11/2001	01/09/2001	5E0711429 (AR 2001)
316	316L Annual Return Annual Return - Proprietary Company	3	12/10/2000	12/10/2000	12/10/2000	0E4931821 (AR 2000)
316	316L Annual Return Annual Return - Proprietary Company	3	01/10/1999	01/10/1999	22/09/1999	0E3526101 (AR 1999)
316	316L Annual Return Annual Return - Proprietary Company	4	14/01/1999	14/01/1999	03/12/1998	0E2740388 (AR 1998)
316	316L Annual Return Annual Return - Proprietary Company	4	05/02/1998	05/02/1998	05/01/1998	5E0300270 (AR 1997)
304	304A Notification of Change to Officeholders of Australian Company	2	07/07/1997	09/07/1997	27/06/1997	012239893
316	316L Annual Return Annual Return - Proprietary Company	4	05/02/1997	06/02/1997	31/12/1996	5E0168263 (AR 1996)

Form Code	Description	# of pages	Received	Processed	Effective	Doc Number
316	316L Annual Return Annual Return - Proprietary Company	5	09/04/1996	17/04/1996	02/04/1996	009017333 (AR 1995)
316	316L Annual Return Annual Return - Proprietary Company	4	28/02/1995	05/04/1995	31/12/1994	008503803 (AR 1994)
316	316L Annual Return Annual Return	4	16/03/1994	29/03/1994	31/12/1993	00136889D (AR 1993)
316	316L Annual Return Annual Return	5	01/03/1993	18/03/1993	31/12/1992	003593948 (AR 1992)
316	316 Annual Return 316E Corrections 316L Annual Return	5	20/08/1992	25/08/1992	20/08/1992	002536524 (AR 1991)
316	316 Annual Return 316E Corrections 316L Annual Return	3	04/02/1991	05/04/1991	04/02/1991	000983726 (AR 1990)

#### Contact Address for ASIC use only

Note: The Address for ASIC Company Communications is for ASIC use only to correspond with the company. ASIC will forward notices such as the company statement, invoice statements and other correspondence where requested to this address.

Status	Address	Start Date - End Date	Doc Number
Current	PO BOX 20247 WORLD SQUARE NSW 2002	10/05/2018 -	
Former	LEVEL 24 1 O'CONNELL STREET SYDNEY NSW 2000	26/02/2008 - 22/01/2014	
Former	LEVEL 11 1 MARGARET STREET SYDNEY NSW 2000	28/06/2003 - 26/02/2008	

**Certificate identifying annexure**  
(rule29.02)

Federal Court of Australia  
District Registry: Queensland  
Division: General

No. QUD13/2025

**IN THE MATTER** of VOYAGER RESORT LIMITED (In Liquidation)  
ACN 010 547 618

**BRADLEY VINCENT HELLEN AND NIGEL MARKEY AS JOINT AND SEVERAL  
LIQUIDATORS OF VOYAGER RESORT LIMITED**

Plaintiff

The following 5 pages are the annexure marked "BVH-51" produced and shown to BRADLEY VINCENT HELLEN at the time of affirming his affidavit this 24th day of February 2025.

  
.....  
Benjamin Leigh Sandford

**Annexure "BVH-51"**

Bundle of Documents relating to Nurtured Goodness Pty Ltd

.....

Filed on behalf of     Bradley Vincent Hellen and Nigel Markey as joint and several liquidators of voyager resort limited, Plaintiff

Prepared by     Benjamin Leigh Sandford

Law firm     Mahoneys

Tel     07 3007 3777

Fax     07 3007 3778

Email     info@mahoneys.com.au

Ref     32419

**Address for Service MAHONEYS**

Level 18, 167 Eagle Street, Brisbane Qld 4000  
Email: [info@mahoneys.com.au](mailto:info@mahoneys.com.au)



## Current Title Search

Queensland Titles Registry Pty Ltd  
ABN 23 648 568 101

<b>Title Reference:</b>	<b>17125121</b>	<b>Search Date:</b>	02/08/2021 11:43
<b>Date Title Created:</b>	17/03/1988	<b>Request No:</b>	38062548
<b>Previous Title:</b>	16864169		

## ESTATE AND LAND

Estate in Fee Simple

LOT 57 BUILDING UNIT PLAN 6459  
Local Government: GOLD COAST  
COMMUNITY MANAGEMENT STATEMENT 8766

## REGISTERED OWNER

## INTEREST

Dealing No: 700659387 19/05/1995  
NURTURED GOODNESS PTY LTD A.C.N. 006 634 957 1/51

## EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by  
Deed of Grant No. 13332009 (ALLOT 16 SEC 26)  
Deed of Grant No. 13332010 (ALLOT 15 SEC 26)  
Deed of Grant No. 16426157 (ALLOT 14 SEC 26)
2. LEASE No 601085045 (H479546) 27/12/1984  
TO VOYAGER RESORT LIMITED  
ORIGINAL TERM: FOR 99 YEARS  
COMMENCING 27 DEC 1984  
OR OPTIONS AS MAY BE STATED

## ADMINISTRATIVE ADVICES

NIL

## UNREGISTERED DEALINGS

NIL

Caution - Charges do not necessarily appear in order of priority

\*\* End of Current Title Search \*\*

# Historical Company Extract for NURTURED GOODNESS PTY. LTD.

Extracted from ASIC database on 01 November 2024 02:57 PM AEST

This extract contains information derived from the Australian Securities and Investment Commission's (ASIC) database under section 1274A of the Corporations Act 2001. Please advise ASIC of any error or omission which you may identify.

## Current Organisation Details

Name:	NURTURED GOODNESS PTY. LTD.
A.C.N:	006634957
Status:	Registered
Registered In:	VIC
Registration Date:	12/09/1986
Review Date:	12/09/2025
Name Start Date:	12/09/1986
Type:	Australian Proprietary Company
Organisation Number Type:	Australian Company Number
Details Start Date:	12/09/1986
Class:	Limited By Shares
Subclass:	Proprietary Company
Disclosing Entity:	No
Previous State Number:	C0263427D
Registered charity:	No
Document Number:	

## Organisation Address

Status	Address Type	Address	Start Date - End Date	Doc Number
Current	Registered Office	SUITE 23 40-42 MONTCLAIR AVENUE GLEN WAVERLEY VIC 3150	29/11/2005 -	7E0546562
Current	Principal Place of Business	6 TROOPER COURT WHEELERS HILL VIC 3150	09/08/1991 -	001665821 (AR 1990)
Former	Registered Office	C/- G D BRAYBROOK PTY LTD LEVEL 1 19 LACEY STREET CROYDON VIC 3136	31/01/1994 - 28/11/2005	00663495D (AR 1993)
Former	Registered Office	LEVEL 1 19 LACEY STREET CROYDON VIC 3136	31/01/1994 - 05/06/1994	004318880
Former	Registered Office	C/- TYLER PHILIPS BRAYBROOK SUITE 1 19 LACEY STREET CROYDON VIC 3136	29/11/1993 - 30/01/1994	005747678
Former	Registered Office	649 CANTERBURY ROAD SURREY HILLS VIC 3127	09/01/1989 - 28/11/1993	
Former	Registered Office	SUITE 2 LEVEL 3 282-290 COLLINS STREET MELBOURNE VIC 3000	12/09/1986 - 08/01/1989	

## Organisation Officers

Role	Officer Details	Address	Appointment Date - Cease Date	Court Details	Doc Number
Current Director	GITA DEVI BRAYBROOK Date of Birth: 14/08/1951 Place of Birth: COLOMBO SRI LANKA	6 TROOPER COURT WHEELERS HILL VIC 3150	12/09/1986 -		00663495C(AR 1992)
Current Secretary	GITA DEVI BRAYBROOK Date of Birth: 14/08/1951 Place of Birth: COLOMBO SRI LANKA	6 TROOPER COURT WHEELERS HILL VIC 3150	12/09/1986 -		00663495C(AR 1992)
Former Principal Executive Officer	GITA DEVI BRAYBROOK Date of Birth: 14/08/1951 Place of Birth: COLOMBO SRI LANKA	6 TROOPER COURT WHEELERS HILL VIC 3150	12/09/1986 - 08/12/1995		00663495C(AR 1992)



Role	Officer Details	Address	Appointment Date - Cease Date	Court Details	Doc Number
Former Director	RONALD BRAYBROOK Date of Birth: 27/10/1935 Place of Birth: BALLARAT VIC	6 TROOPER COURT WHEELERS HILL VIC 3150	01/06/1992 - 31/12/1999		00663495B(AR 1991)
Former Director	FLORENCE THELMA WIJEYWARDENE Date of Birth: 15/02/1930 Place of Birth: COLOMBO SRI LANKA	6 TROOPER COURT WHEELERS HILL VIC 3150	12/09/1986 - 01/06/1994		00663495B(AR 1991)
Former Director	NELUM DEVI SOYSA Date of Birth: 16/09/1948 Place of Birth: COLOMBO SRI LANKA	129 PORTLAND PL REMUERA AUCKLAND NEW ZEALAND	01/07/1991 - 01/06/1992		001686054
Former Director	RONALD BRAYBROOK Date of Birth: 27/10/1935 Place of Birth: BALLARAT VIC	6 TROOPER COURT WHEELERS HILL VIC 3150	01/06/1990 - 01/07/1991		
Former Director	NELUM DEVI SOYSA Date of Birth: 16/09/1948 Place of Birth: COLOMBO SRI LANKA	129 PORTLAND PL REMUERA AUCKLAND NEW ZEALAND	12/06/1989 - 01/06/1990		

### Share Structure

Status	Share Class	No. Issued	Amount Paid	Amount Unpaid	Doc Number
Current	ORD ORDINARY SHARES	100	\$100.00	\$0.00	00663495E (AR 1994)

Note: For each class of shares issued by a proprietary company, ASIC records the details of the twenty members of the class (based on shareholdings). The details of any other members holding the same number of shares as the twentieth ranked member will also be recorded by ASIC on the database. Where available, historical records show that a member has ceased to be ranked amongst the twenty members. This may, but does not necessarily mean, that they have ceased to be a member of the company.

### Shareholders

Status	Class	No. Held	Beneficially Held	Fully Paid	Shareholder Details	Document Number
Current	ORD	100	No	Yes	GITA DEVI BRAYBROOK 6 TROOPER COURT WHEELERS HILL VIC 3150	7E0320078
Former	ORD	2	Yes	Yes	DEVINDA JAYATILAKE 6 TROOPER COURT WHEELERS HILL VIC 3150	00663495E (AR 1994)
Former	ORD	200	Yes	Yes	GITA DEVI BRAYBROOK 6 TROOPER COURT WHEELERS HILL VIC 3150	00663495D (AR 1993)
Former	ORD	1	Yes	Yes	FLORENCE THELMA WIJEYAWARDENA 6 TROOPER COURT WHEELERS HILL VIC 3150	001665821 (AR 1990)

### Pre-ASIC Documents

State	Received Date	Form Code	Status
VIC	24/03/1988	CCF066	
VIC	09/01/1989	CCF055	
VIC	16/06/1989	CCF061	
VIC	16/06/1989	CCF066	
VIC	06/06/1990	CCF061	
VIC	06/06/1990	CCF066	

### Annual Returns

Year	Return Due	Extended Due Date	AGM Due Date	Extended AGM Due Date	AGM Held	Outstanding
1987	12/04/1988		12/03/1988		01/03/1988	No
1988	31/01/1990		31/12/1989		12/06/1989	No
1989	31/07/1990		01/06/1990		01/06/1990	No
1990	31/07/1991		30/06/1991		30/06/1991	No
1991	31/07/1992		30/06/1992		01/06/1992	No
1992	31/07/1993		30/06/1993		30/06/1993	No
1993	31/07/1994		30/06/1994		31/05/1994	No

Year	Return Due	Extended Due Date	AGM Due Date	Extended AGM Due Date	AGM Held	Outstanding
1994	31/07/1995		30/06/1995		30/06/1995	No
1995	31/01/1996					No
1996	31/01/1997					No
1997	31/01/1998					No
1998	31/01/1999					No
1999	31/01/2000					No
2000	31/01/2001					No
2001	31/01/2002					No
2002	31/01/2003					No

## Documents

Form Code	Description	# of pages	Received	Processed	Effective	Doc Number
9204	9204 Pre 1991 Memorandum And Articles	31	20/09/2011	20/09/2011	20/09/2011	940010191
9206	9206 Pre 1991 Annual Return And Other Documents	6	08/08/2011	08/08/2011	08/08/2011	910163478
9205	9205 Pre 1991 Regd Office/place of Business, Agent, Officeholders Shares- Allotment, Prospectus, Report of Affairs, Trust Deed	10	08/08/2011	08/08/2011	08/08/2011	910163477
484	484B Change to Company Details Change of Registered Address	2	22/11/2005	22/11/2005	22/11/2005	7E0546562
484	484N Change to Company Details Changes to (Members) Share Holdings	2	11/02/2005	11/02/2005	11/02/2005	7E0320078
484	484N Change to Company Details Changes to (Members) Share Holdings	2	16/10/2003	16/10/2003	16/10/2003	7E0039563
316	316L Annual Return Annual Return - Proprietary Company	3	07/01/2003	15/01/2003	31/12/2002	00663495M (AR 2002)
316	316L Annual Return Annual Return - Proprietary Company	3	21/01/2002	14/02/2002	14/11/2001	00663495L (AR 2001)
316	316L Annual Return Annual Return - Proprietary Company	3	03/01/2001	14/02/2001	31/12/2000	00663495K (AR 2000)
370	370 Notice of Retirement or Resignation By Director or Secretary Updates 015 398 634	2	12/01/2000	13/01/2000	12/01/2000	015398635
304	304A Notification of Change to Officeholders of Australian Company Updated by 015 398 635	2	12/01/2000	13/01/2000	31/12/1999	015398634
316	316L Annual Return Annual Return - Proprietary Company	3	12/01/2000	21/01/2000	31/12/1999	00663495J (AR 1999)
316	316L Annual Return Annual Return - Proprietary Company	3	14/01/1999	20/01/1999	30/10/1998	00663495I (AR 1998)
316	316L Annual Return Annual Return - Proprietary Company	4	07/01/1998	07/01/1998	30/12/1997	00663495H (AR 1997)
316	316L Annual Return Annual Return - Proprietary Company	4	08/01/1997	09/01/1997	30/12/1996	00663495G (AR 1996)
316	316L Annual Return Annual Return - Proprietary Company	4	27/08/1996	11/09/1996	15/07/1996	009024748 (AR 1995)
316	316L Annual Return Annual Return - Proprietary Company	4	26/07/1995	10/08/1995	30/06/1995	00663495E (AR 1994)
902	902 Supplementary Document Alters 004 200 396	1	26/07/1995	03/08/1995	26/07/1995	010394149
902	902 Supplementary Document Alters 006 634 95D	1	26/07/1995	15/08/1995	26/07/1995	010394148
902	902 Supplementary Document Alters 002 503 779	1	26/07/1995	03/08/1995	26/07/1995	010394147
902	902 Supplementary Document Alters 006 634 95C	1	26/07/1995	03/08/1995	26/07/1995	010394146
316	316 Annual Return 316C Change to Officeholders 316L Annual Return Altered by 010 394 148	4	06/06/1994	30/06/1994	31/05/1994	00663495D (AR 1993)
203	203A Notification of Change of Address 1		24/01/1994	25/01/1994	20/01/1994	004318880
203	203A Notification of Change of Address 1		22/11/1993	02/12/1993	19/11/1993	005747678
207	207 Notification of Allotment of Shares Altered by 010 394 149	3	22/06/1993	21/07/1993	20/06/1993	004200396

Form Code	Description	# of pages	Received	Processed	Effective	Doc Number
316	316 Annual Return 316P Change of Name or Address of Officeholder 316L Annual Return Altered by 010 394 146	4	22/06/1993	21/07/1993	22/06/1993	00663495C (AR 1992)
316	316 Annual Return 316E Corrections 316L Annual Return	4	09/06/1992	13/07/1992	09/06/1992	00663495B (AR 1991)
207	207B Notification of Allotment of Shares3 Regarding Subsequent Allotment Altered by 010 394 147	3	09/06/1992	12/06/1992	01/06/1992	002503779
316	316 Annual Return 316E Corrections 316L Annual Return	4	09/08/1991	14/08/1991	09/08/1991	001665821 (AR 1990)
304	304A Notification of Change to Officeholders of Australian Company	2	30/07/1991	31/07/1991	01/07/1991	001686054

#### Contact Address for ASIC use only

Note: The Address for ASIC Company Communications is for ASIC use only to correspond with the company. ASIC will forward notices such as the company statement, invoice statements and other correspondence where requested to this address.

Status	Address	Start Date - End Date	Doc Number
Current	PO BOX 1127 GLEN WAVERLEY VIC 3150	28/06/2003 -	

**Certificate identifying annexure**  
(rule29.02)

Federal Court of Australia  
District Registry: Queensland  
Division: General

No. QUD13/2025

**IN THE MATTER** of VOYAGER RESORT LIMITED (In Liquidation)  
ACN 010 547 618

**BRADLEY VINCENT HELLEN AND NIGEL MARKEY AS JOINT AND SEVERAL  
LIQUIDATORS OF VOYAGER RESORT LIMITED**

Plaintiff

The following 13 pages are the annexure marked "BVH-52" produced and shown to BRADLEY VINCENT HELLEN at the time of affirming his affidavit this 24th day of February 2025.

  
.....  
Benjamin Leigh Sandford

**Annexure "BVH-52"**

Bundle of Documents relating to Olten Pty Ltd

.....

Filed on behalf of     Bradley Vincent Hellen and Nigel Markey as joint and several liquidators of voyager  
   resort limited, Plaintiff

Prepared by     Benjamin Leigh Sandford

Law firm     Mahoneys

Tel     07 3007 3777

Fax     07 3007 3778

Email     info@mahoneys.com.au

Ref     32419

**Address for Service MAHONEYS**

Level 18, 167 Eagle Street, Brisbane Qld 4000  
Email: info@mahoneys.com.au



## Current Title Search

Queensland Titles Registry Pty Ltd  
ABN 23 648 568 101

<b>Title Reference:</b>	<b>16860067</b>	<b>Search Date:</b>	02/08/2021 09:05
<b>Date Title Created:</b>	17/01/1986	<b>Request No:</b>	38057396
<b>Previous Title:</b>	16803076, 16803077		

## ESTATE AND LAND

Estate in Fee Simple

LOT 8 BUILDING UNIT PLAN 6459  
Local Government: GOLD COAST  
COMMUNITY MANAGEMENT STATEMENT 8766

## REGISTERED OWNER

## INTEREST

Dealing No: 703002686 11/11/1998  
OLTEN PTY LTD

2/51

## EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by  
Deed of Grant No. 13332009 (ALLOT 16 SEC 26)  
Deed of Grant No. 13332010 (ALLOT 15 SEC 26)  
Deed of Grant No. 16426157 (ALLOT 14 SEC 26)
2. LEASE No 601085045 (H479546) 27/12/1984  
TO VOYAGER RESORT LIMITED  
ORIGINAL TERM: FOR 99 YEARS  
COMMENCING 27 DEC 1984  
OR OPTIONS AS MAY BE STATED

## ADMINISTRATIVE ADVICES

NIL

## UNREGISTERED DEALINGS

NIL

Caution - Charges do not necessarily appear in order of priority

\*\* End of Current Title Search \*\*

FORM 1 Version 3

Land Title Act 1994 and Land Act 1994

TRANSFER

QUEENSLAND LAND REGISTRY  
82/15/94/4008

Dealing No. 703002686

Stamp Duty Imprint  
QLD STAMP DUTY - BNE  
1100142776-3  
11/11/98 11:45:44  
\$0.00CONV

BE 200

\$87.00  
11/11/1998 12:07

1. Interest being transferred  
2/51 share in fee simple

Lodger Name, address & phone number Lodger Code  
GKM + ASSOC 336

Note: A Form 24 (Property Transfer Information) must be attached to this Form where interest being transferred is "fee simple" (Land Title Act) or "State leasehold" (Land Act)

2. Description of Lot	County	Parish	Title Reference
Lot 8 in BUP6459	WARD	GILSTON	16860067

3. Transferor  
KEITH ATKINS AND CAROL ATKINS

4. Consideration  
\$4,000.00

5. Transferee Given names Surname/Company name and number (include tenancy if more than one)  
OLTEN PTY LTD

6. Transfer/Execution

The transferor transfers to the transferee the estate and interest in the lot for the consideration and in the case of monetary consideration acknowledges receipt of the consideration. The transferor declares that the information contained in items 1 to 3 on the attached Form 24 is true and correct. The transferee states that the information contained in items 3 and 4 on the attached Form 24 is true and correct. Where a solicitor signs on behalf of the transferee the information in items 3 and 4 on Form 24 is based on information supplied by the transferee.

Witnessing Officer Execution Date Transferor's Signature

JP  
SD  
X signature  
X GARY CHARLES BOROWA full name  
X JUSTICE OF THE PEACE qualification  
as per Schedule 1 of Land Title Act 1994 (eg Legal Practitioner, JP, C.Dec)

12/10/98

KA x H. Atkins  
CA x C. D. Atkins

Witnessing Officer Execution Date Transferee's or Solicitor's Signature

to Transferee's Signature

signature 9/11/98

full name FIONA LOUISE WOOD

qualification SOLICITOR

as per Schedule 1 of Land Title Act 1994 (eg Legal Practitioner, JP, C.Dec)

Note: A Solicitor is required to print full name if signing on behalf of the Transferee and no witness is required in this instance





Australian Company

OLTEN PTY. LTD.  
ACN 061 549 086

Extracted from ASIC's database at AEST 10:35:30 on 07/11/2024

Company Summary	
Name:	OLTEN PTY. LTD.
ACN:	061 549 086
Registration Date:	14/09/1993
Next Review Date:	
Status:	Deregistered
Date Deregistered:	18/09/1996
Type:	Australian Proprietary Company, Limited By Shares
Locality of Registered Office:	
Regulator:	Australian Securities & Investments Commission

Further information relating to this organisation may be purchased from ASIC.

Historical Company Extract for OLTEN PTY LIMITED

Extracted from ASIC database on 01 November 2024 02:57 PM AEST

This extract contains information derived from the Australian Securities and Investment Commission's (ASIC) database under section 1274A of the Corporations Act 2001. Please advise ASIC of any error or omission which you may identify.

Current Organisation Details

Name:	OLTEN PTY LIMITED
A.C.N:	139338186
Status:	Registered
Registered In:	NSW
Registration Date:	08/09/2009
Review Date:	08/09/2025
Name Start Date:	08/09/2009
Type:	Australian Proprietary Company
Organisation Number Type:	Australian Company Number
Details Start Date:	08/09/2009
Class:	Limited By Shares
Subclass:	Proprietary Company
Disclosing Entity:	No
Registered charity:	No
Document Number:	5E2193949

Organisation Address

Status	Address Type	Address	Start Date - End Date	Doc Number
Current	Registered Office	'BEDFORD CA' LEVEL 16 101 MILLER STREET NORTH SYDNEY NSW 2060	24/10/2017 -	3E8860101
Current	Principal Place of Business	UNIT 6 27-29 MORUBEN ROAD MOSMAN NSW 2088	03/06/2019 -	0EOA21567
Former	Registered Office	BEDFORD CA LEVEL 6 141 WALKER STREET NORTH SYDNEY NSW 2060	28/06/2014 - 23/10/2017	2E0662450
Former	Registered Office	C/- BEDFORD TITLEY LEVEL 6 141 WALKER STREET NORTH SYDNEY NSW 2060	25/07/2012 - 27/06/2014	1E8551678
Former	Registered Office	LEVEL 8 15 BLUE STREET NORTH SYDNEY NSW 2060	08/09/2009 - 24/07/2012	5E2193949
Former	Principal Place of Business	'BEDFORD CA' LEVEL 16 101 MILLER STREET NORTH SYDNEY NSW 2060	03/10/2017 - 02/06/2019	3E8860101
Former	Principal Place of Business	BEDFORD CA LEVEL 6 141 WALKER STREET NORTH SYDNEY NSW 2060	02/06/2014 - 02/10/2017	2E0662450
Former	Principal Place of Business	C/- BEDFORD TITLEY LEVEL 6 141 WALKER STREET NORTH SYDNEY NSW 2060	29/06/2012 - 01/06/2014	1E8551678
Former	Principal Place of Business	LEVEL 8 15 BLUE STREET NORTH SYDNEY NSW 2060	08/09/2009 - 28/06/2012	5E2193949

Organisation Officers

Role	Officer Details	Address	Appointment Date - Cease Date	Court Details	Doc Number
------	-----------------	---------	-------------------------------	---------------	------------

Role	Officer Details	Address	Appointment Date - Cease Date	Court Details	Doc Number
Current Director	ELISABETH BERTHA GUBLER Date of Birth: 19/04/1950 Place of Birth: ST GALLEN SWITZERLAND	UNIT 6 27-29 MORUBEN ROAD MOSMAN NSW 2088	08/09/2009 -		5E2193949
Current Director	FRITZ EMIL GUBLER Date of Birth: 17/02/1948 Place of Birth: OLTEN SWITZERLAND	UNIT 6 27-29 MORUBEN ROAD MOSMAN NSW 2088	08/09/2009 -		5E2193949
Current Director	MURRAY DICKSON ROSE Date of Birth: 25/04/1967 Place of Birth: MONA VALE NSW	62 COOYONG ROAD TERREY HILLS NSW 2084	08/09/2009 -		1E9005288
Current Secretary	FRITZ EMIL GUBLER Date of Birth: 17/02/1948 Place of Birth: OLTEN SWITZERLAND	UNIT 6 27-29 MORUBEN ROAD MOSMAN NSW 2088	08/09/2009 -		5E2193949
Current Secretary	MURRAY DICKSON ROSE Date of Birth: 25/04/1967 Place of Birth: MONA VALE NSW	62 COOYONG ROAD TERREY HILLS NSW 2084	08/09/2009 -		1E9005288

### Share Structure

Status	Share Class	No. Issued	Amount Paid	Amount Unpaid	Doc Number
Current	ORD ORDINARY	20	\$20.00	\$0.00	2E7237447

Note: For each class of shares issued by a proprietary company, ASIC records the details of the twenty members of the class (based on shareholdings). The details of any other members holding the same number of shares as the twentieth ranked member will also be recorded by ASIC on the database. Where available, historical records show that a member has ceased to be ranked amongst the twenty members. This may, but does not necessarily mean, that they have ceased to be a member of the company.

### Shareholders

Status	Class	No. Held	Beneficially Held	Fully Paid	Shareholder Details	Document Number
Current	ORD	10	Yes	Yes	FRITZ EMIL GUBLER UNIT 6 27-29 MORUBEN ROAD MOSMAN NSW 2088	2E7237213
Current	ORD	10	Yes	Yes	ELISABETH BERTHA GUBLER UNIT 6 27-29 MORUBEN ROAD MOSMAN NSW 2088	2E7237447
Former	ORD	5	Yes	Yes	MURRAY DICKSON ROSE 62 COOYONG ROAD TERREY HILLS NSW 2084	1E9005288

### Documents

Form Code	Description	# of pages	Received	Processed	Effective	Doc Number
484	484C Change to Company Details Change of Principal Place Of Business (Address)	2	17/06/2019	17/06/2019	03/06/2019	0EOA21567
484	484 Change to Company Details 484B Change of Registered Address 484C Change of Principal Place of Business (Address)	2	17/10/2017	17/10/2017	03/10/2017	3E8860101
484	484 Change to Company Details 484O Changes to Share Structure 484G Notification of Share Issue 484N Changes to (Members) Share Holdings	2	22/12/2016	22/12/2016	19/12/2016	2E7237447
484	484N Change to Company Details Changes to (Members) Share Holdings	2	22/12/2016	22/12/2016	19/12/2016	2E7237213
484	484 Change to Company Details 484B Change of Registered Address 484C Change of Principal Place of Business (Address)	2	21/06/2014	21/06/2014	02/06/2014	2E0662450
484	484 Change to Company Details 484A1 Change Officeholder Name or Address 484A2 Change Member Name or Address	2	21/12/2012	21/12/2012	01/12/2012	1E9005288

Form Code	Description	# of pages	Received	Processed	Effective	Doc Number
484	484 Change to Company Details 484B Change of Registered Address 484C Change of Principal Place of Business (Address)	2	18/07/2012	18/07/2012	29/06/2012	1E8551678
484	484 Change to Company Details 484A1 Change Officeholder Name or Address 484A2 Change Member Name or Address	2	08/10/2010	08/10/2010	27/09/2010	1E6899861
201	201C Application For Registration as a Proprietary Company	3	08/09/2009	08/09/2009	08/09/2009	5E2193949

**Contact Address for ASIC use only**

Note: The Address for ASIC Company Communications is for ASIC use only to correspond with the company. ASIC will forward notices such as the company statement, invoice statements and other correspondence where requested to this address.

Status	Address	Start Date - End Date	Doc Number
Current	PO BOX 1811 NORTH SYDNEY NSW 2059	20/11/2023 -	
Former	PO BOX 1811 NORTH SYDNEY NSW 2059	02/11/2009 - 20/11/2023	

# Historical Company Extract for OPL PTY LTD

Extracted from ASIC database on 07 November 2024 09:14 AM AEST

This extract contains information derived from the Australian Securities and Investment Commission's (ASIC) database under section 1274A of the Corporations Act 2001. Please advise ASIC of any error or omission which you may identify.

## Current Organisation Details

Name:	OPL PTY LTD
A.C.N:	076543130
A.B.N:	95076543130
Status:	Deregistered
Date Deregistered:	08/08/2007
Reason Deregistered:	Section 509
Registered In:	SA
Registration Date:	26/11/1996
Review Date:	26/11/2007
Name Start Date:	20/12/2004
Type:	Australian Proprietary Company
Organisation Number Type:	Australian Company Number
Details Start Date:	08/08/2007
Class:	Limited By Shares
Subclass:	Proprietary Company
Disclosing Entity:	No
Registered charity:	No
Document Number:	

## Former Organisation Details

Start Date - Name End Date	Status	Name Start Date	Type	Class	Subclass	Disclosing Entity	Doc Number
16/09/2005 - OPL PTY 07/08/2007 LTD	Externally Administered	20/12/2004	Australian Proprietary Company	Limited By Shares	Proprietary Company	No	022237638
20/12/2004 - OPL PTY 15/09/2005 LTD	Registered	20/12/2004	Australian Proprietary Company	Limited By Shares	Proprietary Company	No	020270178
26/11/1996 - OLTEN PTY 19/12/2004 LTD	Registered	26/11/1996	Australian Proprietary Company	Limited By Shares	Proprietary Company	No	011277964

## Organisation Address

Status	Address Type	Address	Start Date - End Date	Doc Number
Current	Principal Place of Business	SUITE 7 567 NEWCASTLE STREET WEST PERTH WA 6005	09/04/1999 - 15/01/2004	0E3074665
Former	Registered Office	11 LOMBARD STREET NORTH ADELAIDE SA 5006	21/07/2006 - 08/08/2007	1E2314094
Former	Registered Office	SUITE 8 567 NEWCASTLE STREET WEST PERTH WA 6005	23/01/2004 - 20/07/2006	0E9518946
Former	Registered Office	SUITE 7 567 NEWCASTLE STREET WEST PERTH WA 6005	16/04/1999 - 22/01/2004	0E3074665
Former	Registered Office	28 THOROGOOD STREET BURSWOOD WA 6100	29/01/1997 - 15/04/1999	0E1848424 (AR 1997)
Former	Registered Office	C/- BARRETT & PARTNERS - DFK 28 THOROGOOD STREET BURSWOOD WA 6100	29/01/1997 - 29/01/1998	0E0944714
Former	Registered Office	28 THOROGOOD STREET BURSWOOD WA 6100	29/01/1997 - 29/01/1997	0E0944714
Former	Registered Office	142 GRANGE ROAD FLINDERS PARK SA 5025	29/01/1997 - 29/01/1997	0E0894084 (AR 1996)
Former	Registered Office	142 GRANGE ROAD FLINDERS PARK SA 5025	06/12/1996 - 28/01/1997	0E0894084 (AR 1996)
Former	Registered Office	C/- FORD MCCARTHY & ASS 142 GRANGE ROAD FLINDERS PARK SA 5025	06/12/1996 - 12/01/1997	010816004

Status	Address Type	Address	Start Date - End Date	Doc Number
Former	Registered Office	INCORPORATION SPECILIASTS P/L LEVEL 3 97 PIRIE STREET ADELAIDE SA 5000	26/11/1996 - 05/12/1996	011277964
Former	Principal Place of Business	SUITE 8 567 NEWCASTLE STREET WEST PERTH WA 6005	16/01/2004 - 08/08/2007	0E9518946
Former	Principal Place of Business	26 LAKEVALLEY DRIVE EDGEWATER WA 6027	31/12/1996 - 08/04/1999	0E0894084 (AR 1996)
Former	Principal Place of Business	INCORPORATION SPECILIASTS P/L LEVEL 3 97 PIRIE STREET ADELAIDE SA 5000	26/11/1996 - 30/12/1996	011277964

### Organisation Officers

Role	Officer Details	Address	Appointment Date - Cease Date	Court Details	Doc Number
Former Director	JOHN BLAIZE DENNISON Date of Birth: 29/09/1943 Place of Birth: DONCASTER UNITED KINGDOM	26 LAKEVALLEY DRIVE EDGEWATER WA 6027	26/11/1996 - 08/08/2007		0E2861054(AR 1998)
Former Director	JESSIE LYNETTE SCALLY Date of Birth: 03/09/1942 Place of Birth: PERTH WA	15 REEVES ENTRANCE SUCCESS WA 6164	26/11/1996 - 08/08/2007		0E9518945
Former Director	MARY HAARSMA Date of Birth: 24/03/1958 Place of Birth: BRISBANE QLD	10 GURR STREET GOODWOOD SA 5034	26/11/1996 - 26/11/1996		010816003
Former Director	SHIRLEY HAARSMA Date of Birth: 31/07/1960 Place of Birth: CARLISLE UNITED KINGDOM	52 CAMBRIDGE TERRACE MALVERN SA 5061	26/11/1996 - 26/11/1996		010816003
Former Secretary	JOHN BLAIZE DENNISON Date of Birth: 29/09/1943 Place of Birth: DONCASTER UNITED KINGDOM	26 LAKEVALLEY DRIVE EDGEWATER WA 6027	26/11/1996 - 08/08/2007		0E2861054(AR 1998)
Former Secretary	SHIRLEY HAARSMA Date of Birth: 31/07/1960 Place of Birth: CARLISLE UNITED KINGDOM	52 CAMBRIDGE TERRACE MALVERN SA 5061	26/11/1996 - 26/11/1996		010816003
Former Appointed Liquidator (Creditors Voluntary Winding Up)	ANDREW JOHN BIRCH Place of Birth:	PPB CHARTERED ACCOUNTANTS LEVEL 1 5 MILL STREET PERTH WA 6000	16/09/2005 - 03/05/2007		022237642
Former Appointed Liquidator (Creditors Voluntary Winding Up)	CLIFFORD STUART ROCKE Place of Birth:	PPB CHARTERED ACCOUNTANTS LEVEL 1 5 MILL STREET PERTH WA 6000	16/09/2005 - 03/05/2007		022237642

### Share Structure

Status	Share Class	No. Issued	Amount Paid	Amount Unpaid	Doc Number
Former	A A CLASS ORDINARY SHARES	29	\$29.00	\$0.00	021599681
Former	B B CLASS ORDINARY SHARES	2	\$2.00	\$0.00	1E1148739
Former	C CLASS C SHARES	69	\$69.00	\$0.00	021599681

Note: For each class of shares issued by a proprietary company, ASIC records the details of the twenty members of the class (based on shareholdings). The details of any other members holding the same number of shares as the twentieth ranked member will also be recorded by ASIC on the database. Where available, historical records show that a member has ceased to be ranked amongst the twenty members. This may, but does not necessarily mean, that they have ceased to be a member of the company.

### Shareholders

Status	Class	No. Held	Beneficially Fully Paid Held	Shareholder Details	Document Number
--------	-------	----------	------------------------------	---------------------	-----------------



Status	Class	No. Held	Beneficially Held	Fully Paid	Shareholder Details	Document Number
Former	A	7	Yes	Yes	MICROCLASS PTY. LTD. 14 KENT STREET HAWTHORN SA 5062 ACN: 008192792 ABN: 58008192792	021599681
Former	A	21	Yes	Yes	OPL (AUST) PTY LTD SUITE 7 567 NEWCASTLE STREET WEST PERTH WA 6005 ACN: 099849251	021599681
Former	A	1	Yes	Yes	EDMUND ROBINS 8 LYDDEN STREET MADDINGTON WA 6109	021599681
Former	B	2	Yes	Yes	HILLABY PTY LTD 14 KENT STREET HAWTHORN SA 5062 ACN: 076543112 ABN: 91076543112	1E1148739
Former	C	69	Yes	Yes	HILLABY PTY LTD 14 KENT STREET HAWTHORN SA 5062 ACN: 076543112 ABN: 91076543112	021599681
Former	B	1	Yes	Yes	JOHN BLAIZE DENNISON 26 LAKEVALLEY DRIVE EDGEWATER WA 6027	0E0894084 (AR 1996)
Former	B	1	Yes	Yes	JESSIE LYNETTE SCALLY 15 REEVES ENTRANCE SUCCESS WA 6164	0E9518945
Former	A	2571	Yes	Yes	JAMES LAWRENCE HOURIGAN 28 HERON PLACE TOORMINA NSW 2452	07654313M (AR 2002)
Former	A	2571	Yes	Yes	ABLEY PTY LTD 4 AINSLIE PARK AVENUE CROYDON VIC 3136 ACN: 099770591 ABN: 49099770591	07654313M (AR 2002)
Former	A	2684	Yes	Yes	GRAHAM DRURY 49 PARSONS AVENUE MANNING WA 6152	0E9728032
Former	A	16600	No	Yes	PAUL EDWARD PATRICK BROWN 1 KOOKABURRA CRESCENT HAWTHORNDENE SA 5051	07654313L (AR 2001)
Former	A	7421	Yes	Yes	SEAN SMITH SUITE 7 567 NEWCASTLE STREET LEEDERVILLE WA 6007	0E5282464 (AR 2000)
Former	A	16600	Yes	Yes	PAUL EDWARD PATRICK BROWN 1 KOOKABURRA CRESCENT HAWTHORNDENE SA 5051	0E5282464 (AR 2000)
Former	A	16600	Yes	Yes	BYFIELD MANAGEMENT TRUST 28 THOROGOOD STREET BURSWOOD WA 6100	0E0894084 (AR 1996)

### Charges & Related Documents

#### Charges

ASIC Charge #	Pre-ASIC Charge #	Status	Type	Chargee Name	Created Date - Expiry Date	Registered
575357		Satisfied	Both Fixed & Floating	BANBRIDGE HOLDINGS PTY LTD Number: 009366483	15/01/1997 -	17/01/1997
577181		Satisfied	Both Fixed & Floating	COMMONWEALTH BANK OF AUSTRALIA Number: 123123124	23/12/1996 -	03/02/1997
577183		Satisfied	Both Fixed & Floating	BANBRIDGE HOLDINGS PTY LTD Number: 009366483	15/01/1997 -	03/02/1997

ASIC Charge #	Pre-ASIC Charge #	Status	Type	Chargee Name	Created Date - Expiry Date	Registered
579943		Satisfied	Both Fixed & Floating	SCOTTISH PACIFIC BUSINESS FINANCE PTY. LIMITED Number: 008636388	24/01/1997 -	24/02/1997
631798		Satisfied	Both Fixed & Floating	NATIONAL AUSTRALIA BANK LIMITED Number: 004044937	29/01/1998 -	20/02/1998
631800		Satisfied	Both Fixed & Floating	NATIONAL AUSTRALIA BANK LIMITED Number: 004044937	29/01/1998 -	20/02/1998

## Related Documents

ASIC Charge #	Form Code	Description	# of Pages	Date Lodged	Date Processed	Under Requisition	Doc Number
575357	312	312 NOTIFICATION OF 312A DISCHARGE	2	21/05/1997	22/05/1997	No	012097237
577181	312	312 NOTIFICATION OF 312A DISCHARGE	1	10/03/1998	10/03/1998	No	013159392
577183	312	312 NOTIFICATION OF 312A DISCHARGE	2	11/03/1998	12/03/1998	No	013159394
579943	312	312 NOTIFICATION OF 312A DISCHARGE	1	10/03/1998	10/03/1998	No	013159388
631798	312	312 NOTIFICATION OF 312A DISCHARGE	1	05/01/2005	14/01/2005	No	020910453
631800	312	312 NOTIFICATION OF 312A DISCHARGE	1	05/01/2005	14/01/2005	No	020910448

## Annual Returns

Year	Return Due	Extended Due Date	AGM Due Date	Extended AGM Due Date	AGM Held	Outstanding
1996	31/01/1997					No
1997	31/01/1998					No
1998	31/01/1999					No
1999	31/01/2000					No
2000	31/01/2001					No
2001	31/01/2002					No
2002	31/01/2003					No

## Documents

Form Code	Description	# of pages	Received	Processed	Effective	Doc Number
524	524K Presentation of Accounts & Statement Presentation of Final Accounts of Creditors' Voluntary Winding Up	8	17/05/2007	01/06/2007	03/05/2007	023820530
505	505R Notification of Resignation or Removal Of Liquidator/provisional Liquidator	3	08/05/2007	15/05/2007	03/05/2007	023624156
523	523 Notification of Final Meeting Convened By Liquidator	8	08/05/2007	15/05/2007	03/05/2007	023624158
524	524J Presentation of Accounts & Statement Accounts of Creditors' Voluntary Winding Up	8	03/04/2007	16/05/2007	15/03/2007	019497807
524	524J Presentation of Accounts & Statement Accounts of Creditors' Voluntary Winding Up	8	21/09/2006	27/09/2006	15/09/2006	023252673
484	484B Change to Company Details Change of Registered Address	2	14/07/2006	14/07/2006	14/07/2006	1E2314094
524	524J Presentation of Accounts & Statement Accounts of Creditors' Voluntary Winding Up	8	20/03/2006	27/04/2006	15/03/2006	022699334

Form Code	Description	# of pages	Received	Processed	Effective	Doc Number
5011	5011A Copy of Minutes of Meeting of Members, Creditors, 5011A COPY OF MINUTES OF MEETING OF MEMBERS, CREDITORS, CONTRIBUTORIES OR COMMITTEE OF INSPECTION OTHER THAN UNDER S.436E OR S.439A	7	23/09/2005	26/09/2005	16/09/2005	022252292
507	507D REPORT AS TO AFFAIRS BY DIRECTORS	9	22/09/2005	26/09/2005	16/09/2005	022237649
505	505J NOTIFICATION OF APPOINTMENT OF LIQUIDATOR (CREDITORS' VOLUNTARY WINDING UP)	3	22/09/2005	26/09/2005	16/09/2005	022237642
205	205M NOTIFICATION OF RESOLUTION WINDING UP THE COMPANY	2	22/09/2005	26/09/2005	16/09/2005	022237638
529	529A NOTICE OF CREDITORS' MEETING TO CONSIDER VOLUNTARY WINDING UP	10	08/09/2005	03/10/2005	08/09/2005	022303032
2205	2205E NOTIFICATION OF RESOLUTION RELATING TO SHARES REDUCTION OF SHARE CAPITAL - SCHEDULE 5	11	19/07/2005	08/08/2005	04/07/2005	021599680
484	484 CHANGE TO COMPANY DETAILS 484J NOTIFICATION OF SHARE CANCELLATION - COMPANY BUY-BACK 484O CHANGES TO SHARE STRUCTURE 484N CHANGES TO (MEMBERS) SHARE HOLDINGS	7	19/07/2005	08/08/2005	08/08/2005	021599681
484	484 CHANGE TO COMPANY DETAILS 484O CHANGES TO SHARE STRUCTURE 484N CHANGES TO (MEMBERS) SHARE HOLDINGS	3	18/07/2005	18/07/2005	30/06/2005	1E1148739
280	280 NOTICE OF MEETING AND DOCUMENTS RE BUY-BACK	3	20/06/2005	27/06/2005	20/06/2005	021294985
205	205A NOTIFICATION OF RESOLUTION CHANGING COMPANY NAME	5	20/12/2004	20/12/2004	20/12/2004	020270178
484	484 CHANGE TO COMPANY DETAILS 484O CHANGES TO SHARE STRUCTURE 484N CHANGES TO (MEMBERS) SHARE HOLDINGS	3	05/07/2004	05/07/2004	15/06/2004	1E0040750
484	484 CHANGE TO COMPANY DETAILS 484O CHANGES TO SHARE STRUCTURE 484N CHANGES TO (MEMBERS) SHARE HOLDINGS 484A CHANGE OF OFFICEHOLDER/MEMBER NAME OR ADDRESS	2	31/03/2004	31/03/2004		0E9728032
484	484 CHANGE TO COMPANY DETAILS 484O CHANGES TO SHARE STRUCTURE 484G NOTIFICATION OF SHARE ISSUE 484N CHANGES TO (MEMBERS) SHARE HOLDINGS	2	05/03/2004	05/03/2004	24/02/2004	0E9651122
484	484 CHANGE TO COMPANY DETAILS 484B CHANGE OF REGISTERED ADDRESS 484C CHANGE OF PRINCIPAL PLACE OF BUSINESS (ADDRESS)	2	16/01/2004	16/01/2004	16/01/2004	0E9518946
484	484 CHANGE TO COMPANY DETAILS 484A CHANGE OF OFFICEHOLDER/MEMBER NAME OR ADDRESS 484O CHANGES TO SHARE STRUCTURE 484N CHANGES TO (MEMBERS) SHARE HOLDINGS	2	16/01/2004	16/01/2004	16/01/2004	0E9518945

Form Code	Description	# of pages	Received	Processed	Effective	Doc Number
484	484A CHANGE TO COMPANY DETAILS CHANGE OF OFFICEHOLDER/MEMBER NAME OR ADDRESS	4	28/10/2003	03/11/2003	08/09/2003	019807218
316	316L ANNUAL RETURN - PROPRIETARY COMPANY	4	28/01/2003	14/02/2003	17/01/2003	07654313M (AR 2002)
316	316 ANNUAL RETURN 316P CHANGE OF NAME OR ADDRESS OF OFFICEHOLDER 316L ANNUAL RETURN - PROPRIETARY COMPANY	4	01/02/2002	30/04/2002	26/01/2002	07654313L (AR 2001)
207	207 NOTIFICATION OF SHARE ISSUE	1	08/11/2001	06/12/2001	31/10/2001	017672661
902	902 SUPPLEMENTARY DOCUMENT Alters 0E5 282 464	1	30/04/2001	24/05/2001	30/11/2000	017183917
902	902 SUPPLEMENTARY DOCUMENT Alters 0E3 918 080	1	30/04/2001	24/05/2001	23/11/1999	017216697
309	309A NOTIFICATION OF DETAILS OF A CHARGE	4	31/01/2001	31/01/2001	19/12/2000	012939618
316	316L ANNUAL RETURN - PROPRIETARY COMPANY Altered by 017 183 917	3	21/12/2000	24/05/2001	30/11/2000	0E5282464 (AR 2000)
316	316L ANNUAL RETURN - PROPRIETARY COMPANY Altered by 017 216 697	3	23/12/1999	14/05/2001	23/11/1999	0E3918080 (AR 1999)
207	207 NOTIFICATION OF SHARE ISSUE	1	12/05/1999	12/05/1999	31/12/1998	014909579
203	203 NOTIFICATION OF 203A CHANGE OF ADDRESS 203G CHANGE OF ADDRESS - PRINCIPAL PLACE OF BUSINESS	1	09/04/1999	09/04/1999	09/04/1999	0E3074665
902	902 SUPPLEMENTARY DOCUMENT Alters 0E2 861 054	1	03/03/1999	03/03/1999	03/03/1999	0E3022822
316	316L ANNUAL RETURN - PROPRIETARY COMPANY Altered by 0E3 022 822	3	28/01/1999	03/03/1999	28/11/1998	0E2861054 (AR 1998)
312	312C NOTIFICATION OF RELEASE OF PROPERTY	1	12/11/1998	12/11/1998	12/11/1998	013228362
312	312C NOTIFICATION OF RELEASE OF PROPERTY	1	12/11/1998	12/11/1998	12/11/1998	013228361
902	902 SUPPLEMENTARY DOCUMENT Alters 0E1 848 424	1	23/03/1998	27/03/1998	31/12/1997	0E1968945
902	902 SUPPLEMENTARY DOCUMENT Alters 0E1 848 424	1	09/03/1998	27/03/1998	09/03/1998	0E1955047
309	309A NOTIFICATION OF DETAILS OF A CHARGE	41	20/02/1998	20/02/1998	29/01/1998	013159275
309	309A NOTIFICATION OF DETAILS OF A CHARGE	41	20/02/1998	20/02/1998	29/01/1998	013159274
316	316L ANNUAL RETURN - PROPRIETARY COMPANY Altered by 0E1 955 047 Altered by 0E1 968 945	4	30/01/1998	27/03/1998	31/12/1997	0E1848424 (AR 1997)
309	309A NOTIFICATION OF DETAILS OF A CHARGE	49	24/02/1997	25/02/1997	24/01/1997	012072492
312	312C NOTIFICATION OF RELEASE OF PROPERTY	2	24/02/1997	22/05/1997	24/02/1997	012072491
312	312C NOTIFICATION OF RELEASE OF PROPERTY	2	24/02/1997	24/02/1997	24/02/1997	012072490
309	309A NOTIFICATION OF DETAILS OF A CHARGE	20	03/02/1997	03/02/1997	23/12/1996	011424495
309	309A NOTIFICATION OF DETAILS OF A CHARGE	35	03/02/1997	03/02/1997	15/01/1997	011424496
312	312C NOTIFICATION OF RELEASE OF PROPERTY	0	03/02/1997		03/02/1997	011424494
304	304A NOTIFICATION OF CHANGE TO OFFICEHOLDERS OF AUSTRALIAN COMPANY	2	30/01/1997	30/01/1997	26/11/1996	008774488
203	203A NOTIFICATION OF CHANGE OF ADDRESS	1	22/01/1997	24/01/1997	20/01/1997	0E0944714
309	309A NOTIFICATION OF DETAILS OF A CHARGE	35	17/01/1997	17/01/1997	15/01/1997	011459790

Form Code	Description	# of pages	Received	Processed	Effective	Doc Number
316	316L ANNUAL RETURN - PROPRIETARY COMPANY	4	13/01/1997	30/01/1997	31/12/1996	0E0894084 (AR 1996)
215	215 NOTIFICATION OF INITIAL APPOINTMENT OF OFFICEHOLDERS	1	29/11/1996	03/12/1996	26/11/1996	010816003
203	203A NOTIFICATION OF CHANGE OF 1 ADDRESS	1	29/11/1996	04/12/1996	26/11/1996	010816004
209	209 NOTICE OF REDEMPTION OF REDEEMABLE PREFERENCE SHARES	1	29/11/1996	02/12/1996	26/11/1996	010816005
204	204 CERTIFICATE OF REGISTRATION DIVISION 1 PT 2.2	1	26/11/1996	26/11/1996	26/11/1996	010824037
201	201C APPLICATION FOR REGISTRATION AS A PROPRIETARY COMPANY	3	26/11/1996	26/11/1996	26/11/1996	011277964

#### Contact Address for ASIC use only

Note: The Address for ASIC Company Communications is for ASIC use only to correspond with the company. ASIC will forward notices such as the company statement, invoice statements and other correspondence where requested to this address.

Status	Address	Start Date - End Date	Doc Number
Former	62 THE PARADE NORWOOD SA 5067	16/01/2004 - 08/08/2007	

**Certificate identifying annexure**  
(rule29.02)

Federal Court of Australia  
District Registry: Queensland  
Division: General

No. QUD13/2025

**IN THE MATTER** of VOYAGER RESORT LIMITED (In Liquidation)  
ACN 010 547 618

**BRADLEY VINCENT HELLEN AND NIGEL MARKEY AS JOINT AND SEVERAL  
LIQUIDATORS OF VOYAGER RESORT LIMITED**

Plaintiff

The following 15 pages are the annexure marked "BVH-53" produced and shown to BRADLEY VINCENT HELLEN at the time of affirming his affidavit this 24th day of February 2025.

  
.....  
Benjamin Leigh Sandford

**Annexure "BVH-53"**

Bundle of Documents relating to Snikrif Pty Ltd & Vechtrans Pty  
Ltd

.....

Filed on behalf of Bradley Vincent Hellen and Nigel Markey as joint and several liquidators of voyager resort limited, Plaintiff

Prepared by Benjamin Leigh Sandford

Law firm Mahoneys

Tel 07 3007 3777

Fax 07 3007 3778

Email info@mahoneys.com.au

Ref 32419

**Address for Service MAHONEYS**

Level 18, 167 Eagle Street, Brisbane Qld 4000  
Email: info@mahoneys.com.au



## Current Title Search

Queensland Titles Registry Pty Ltd  
ABN 23 648 568 101

<b>Title Reference:</b>	<b>50083596</b>	<b>Search Date:</b>	02/08/2021 10:59
<b>Date Title Created:</b>	04/08/1995	<b>Request No:</b>	38060808
<b>Previous Title:</b>	50068685		

## ESTATE AND LAND

Estate in Fee Simple

LOT 40 BUILDING UNIT PLAN 6459  
Local Government: GOLD COAST  
COMMUNITY MANAGEMENT STATEMENT 8766

## REGISTERED OWNER

## INTEREST

Dealing No: 701068705 18/12/1995  
SNIKRI PTY LTD A.C.N. 008 065 852

4/51

## EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by  
Deed of Grant No. 13332009 (ALLOT 16 SEC 26)  
Deed of Grant No. 13332010 (ALLOT 15 SEC 26)  
Deed of Grant No. 16426157 (ALLOT 14 SEC 26)
2. LEASE No 601085045 (H479546) 27/12/1984  
TO VOYAGER RESORT LIMITED  
FOR 99 YEARS  
COMMENCING 27 DEC 1984

## ADMINISTRATIVE ADVICES

NIL

## UNREGISTERED DEALINGS

NIL

Caution - Charges do not necessarily appear in order of priority

\*\* End of Current Title Search \*\*





## Current Title Search

Queensland Titles Registry Pty Ltd  
ABN 23 648 568 101

<b>Title Reference:</b>	<b>50083595</b>	<b>Search Date:</b>	02/08/2021 10:58
<b>Date Title Created:</b>	04/08/1995	<b>Request No:</b>	38060807
<b>Previous Title:</b>	50068685		

## ESTATE AND LAND

Estate in Fee Simple

LOT 40 BUILDING UNIT PLAN 6459  
Local Government: GOLD COAST  
COMMUNITY MANAGEMENT STATEMENT 8766

## REGISTERED OWNER

## INTEREST

Dealing No: 700682255 02/06/1995

VECHTRANS PROPERTIES PTY LTD A.C.N. 052 882 130

4/51

## EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by  
Deed of Grant No. 13332009 (ALLOT 16 SEC 26)  
Deed of Grant No. 13332010 (ALLOT 15 SEC 26)  
Deed of Grant No. 16426157 (ALLOT 14 SEC 26)
2. LEASE No 601085045 (H479546) 27/12/1984  
TO VOYAGER RESORT LIMITED  
FOR 99 YEARS  
COMMENCING 27 DEC 1984

## ADMINISTRATIVE ADVICES

NIL

## UNREGISTERED DEALINGS

NIL

Caution - Charges do not necessarily appear in order of priority

\*\* End of Current Title Search \*\*

Historical Company Extract for SNIKRIF PTY. LTD.

Extracted from ASIC database on 01 November 2024 02:57 PM AEST

This extract contains information derived from the Australian Securities and Investment Commission's (ASIC) database under section 1274A of the Corporations Act 2001. Please advise ASIC of any error or omission which you may identify.

Current Organisation Details

Name:	SNIKRIF PTY. LTD.
A.C.N:	008065852
Status:	Registered
Registered In:	SA
Registration Date:	15/03/1985
Review Date:	15/03/2025
Name Start Date:	15/03/1985
Type:	Australian Proprietary Company
Organisation Number Type:	Australian Company Number
Details Start Date:	15/03/1985
Class:	Limited By Shares
Subclass:	Proprietary Company
Disclosing Entity:	No
Previous State Number:	C0065788W
Registered charity:	No
Document Number:	0806585A (AR 1990)

Organisation Address

Status	Address Type	Address	Start Date - End Date	Doc Number
Current	Registered Office	LEVEL 17 11 WAYMOUTH STREET ADELAIDE SA 5000	18/05/2022 -	5EGC73264
Current	Principal Place of Business	27 MT OSMOND ROAD MOUNT OSMOND SA 5064	22/01/2007 -	1E2920618
Former	Registered Office	C/- DELOITTE PRIVATE LEVEL 1 170 FULLARTON ROAD DULWICH SA 5065	28/01/2015 - 17/05/2022	2E1401661
Former	Registered Office	121 GREENHILL ROAD UNLEY SA 5061	12/06/2013 - 27/01/2015	1E9441983
Former	Registered Office	'BLAXLAND HOUSE' SUITE 6 5-7 ROSS STREET PARRAMATTA NSW 2150	28/04/2008 - 11/06/2013	1E4301820
Former	Registered Office	SUITE 6 5-7 ROSS STREET NORTH PARRAMATTA NSW 2151	14/11/2005 - 27/04/2008	1E1522887
Former	Registered Office	88 HERALD STREET CHELTENHAM VIC 3192	19/12/1996 - 13/11/2005	00806585G (AR 1996)
Former	Registered Office	149 CARPENTER STREET BRIGHTON VIC 3186	11/01/1995 - 18/12/1996	00806585E (AR 1994)
Former	Registered Office	72 FOURTH AVENUE ST PETERS SA 5069	- 10/01/1995	0806585A (AR 1990)
Former	Principal Place of Business	UNIT 1 4 HUDSON AVENUE CASTLE HILL NSW 2154	18/10/2005 - 21/01/2007	1E1522887
Former	Principal Place of Business	88 HERALD STREET CHELTENHAM VIC 3192	10/12/1996 - 17/10/2005	00806585G (AR 1996)
Former	Principal Place of Business	149 CARPENTER STREET BRIGHTON VIC 3186	30/06/1994 - 09/12/1996	00806585E (AR 1994)
Former	Principal Place of Business	72 FOURTH AVENUE ST PETERS SA 5069	10/12/1990 - 29/06/1994	0806585A (AR 1990)

Organisation Officers

Role	Officer Details	Address	Appointment Date - Cease Date	Court Details	Doc Number
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Role	Officer Details	Address	Appointment Date - Cease Date	Court Details	Doc Number
Current Director	JOAN MARY FIRKINS Date of Birth: 20/09/1957 Place of Birth: TUMBY BAY SA	27 MT OSMOND ROAD MOUNT OSMOND SA 5064	13/12/1985 -		00806585F(AR 1995)
Current Secretary	JOAN MARY FIRKINS Date of Birth: 20/09/1957 Place of Birth: TUMBY BAY SA	27 MOUNT OSMOND ROAD MOUNT OSMOND SA 5064	01/01/2024 -		5E1Y21325
Former Director	MICHAEL ANDREW FIRKINS Date of Birth: 05/09/1955 Place of Birth: WANGARATTA VIC	27 MT OSMOND ROAD MOUNT OSMOND SA 5064	15/03/1985 - 01/01/2024		00806585M(AR 2002)
Former Secretary	MICHAEL ANDREW FIRKINS Date of Birth: 05/09/1955 Place of Birth: WANGARATTA VIC	27 MT OSMOND ROAD MOUNT OSMOND SA 5064	15/03/1985 - 01/01/2024		00806585M(AR 2002)

### Share Structure

Status	Share Class	No. Issued	Amount Paid	Amount Unpaid	Doc Number
Current	ORD ORDINARY SHARES	3	\$3.00	\$0.00	00806585B (AR 1991)
Former	NOCS	3	\$3.00	\$0.00	

Note: For each class of shares issued by a proprietary company, ASIC records the details of the twenty members of the class (based on shareholdings). The details of any other members holding the same number of shares as the twentieth ranked member will also be recorded by ASIC on the database. Where available, historical records show that a member has ceased to be ranked amongst the twenty members. This may, but does not necessarily mean, that they have ceased to be a member of the company.

### Shareholders

Status	Class	No. Held	Beneficially Held	Fully Paid	Shareholder Details	Document Number
Current	ORD	1	Yes	Yes	JOAN MARY FIRKINS 27 MT OSMOND ROAD MOUNT OSMOND SA 5064	0806585A (AR 1990)
Current	ORD	2	Yes	Yes	MICHAEL ANDREW FIRKINS 27 MT OSMOND ROAD MOUNT OSMOND SA 5064	0806585A (AR 1990)
Former	NOCS	1	No	No	JOAN MARY FIRKINS 27 MT OSMOND ROAD MOUNT OSMOND SA 5064	
Former	NOCS	2	No	No	MICHAEL ANDREW FIRKINS 27 MT OSMOND ROAD MOUNT OSMOND SA 5064	

### Pre-ASIC Documents

State	Received Date	Form Code	Status
SA	10/01/1990	CCF066	
SA	10/12/1990	CCF066	

### Annual Returns

Year	Return Due	Extended Due Date	AGM Due Date	Extended AGM Due Date	AGM Held	Outstanding
1988	31/01/1989		31/12/1988		19/12/1988	No
1989	31/01/1990		31/12/1989		22/12/1989	No
1990	31/01/1991		31/12/1990		27/10/1990	No
1991	31/01/1992		31/12/1991		18/12/1991	No
1992	31/01/1993		31/12/1992		15/12/1992	No
1993	31/01/1994		31/12/1993		11/12/1993	No
1994	31/01/1995		31/12/1994		19/12/1994	No
1995	31/01/1996					No
1996	31/01/1997					No
1997	31/01/1998					No
1998	31/01/1999					No
1999	31/01/2000					No
2000	31/01/2001					No
2001	31/01/2002					No

Year	Return Due	Extended Due Date	AGM Due Date	Extended AGM Due Date	AGM Held	Outstanding
2002	31/01/2003					No

## Documents

Form Code	Description	# of pages	Received	Processed	Effective	Doc Number
484	484E Change to Company Details Appointment or Cessation of A Company Officeholder	2	24/01/2024	24/01/2024	23/01/2024	5EIY21502
484	484E Change to Company Details Appointment or Cessation of A Company Officeholder	2	24/01/2024	24/01/2024	23/01/2024	5EIY21325
484	484B Change to Company Details Change of Registered Address	2	11/05/2022	11/05/2022	11/05/2022	5EGC73264
902	902 Supplementary Document Alters 008 065 85M	2	31/07/2017	01/08/2017	28/10/2002	030056949
484	484B Change to Company Details Change of Registered Address	2	21/01/2015	21/01/2015	21/01/2015	2E1401661
484	484B Change to Company Details Change of Registered Address	2	05/06/2013	05/06/2013	05/06/2013	1E9441983
484	484B Change to Company Details Change of Registered Address	2	21/04/2008	21/04/2008	21/04/2008	1E4301820
484	484C Change to Company Details Change of Principal Place Of Business (Address)	2	14/02/2007	14/02/2007	22/01/2007	1E2920618
484	484 Change to Company Details 484B Change of Registered Address 484C Change of Principal Place of Business (Address)	2	07/11/2005	07/11/2005	18/10/2005	1E1522887
316	316L Annual Return Annual Return - Proprietary Company Altered by 030 056 949	3	31/10/2002	11/12/2002	28/10/2002	00806585M (AR 2002)
316	316L Annual Return Annual Return - Proprietary Company	3	26/11/2001	07/12/2001	26/11/2001	00806585L (AR 2001)
316	316L Annual Return Annual Return - Proprietary Company	3	09/11/2000	21/11/2000	31/10/2000	00806585K (AR 2000)
316	316L Annual Return Annual Return - Proprietary Company	3	30/11/1999	14/12/1999	29/11/1999	00806585J (AR 1999)
316	316L Annual Return Annual Return - Proprietary Company	3	11/12/1998	21/12/1998	09/12/1998	00806585I (AR 1998)
316	316L Annual Return Annual Return - Proprietary Company	4	14/11/1997	21/11/1997	31/10/1997	00806585H (AR 1997)
316	316 Annual Return 316A Change of Registered Office Address 316L Annual Return - Proprietary Company	4	12/12/1996	07/01/1997	10/12/1996	00806585G (AR 1996)
316	316 Annual Return 316P Change of Name or Address of Officeholder 316L Annual Return - Proprietary Company	4	13/12/1995	19/12/1995	12/12/1995	00806585F (AR 1995)
316	316 Annual Return 316A Change of Registered Office Address 316L Annual Return	4	04/01/1995	12/01/1995	19/12/1994	00806585E (AR 1994)
304	304C Notification of Change of Name or Address of Officeholder	2	29/12/1994	29/12/1994	23/12/1994	001330511
316	316L Annual Return Annual Return	4	13/12/1993	16/12/1993	11/12/1993	00806585D (AR 1993)
316	316L Annual Return Annual Return	4	21/12/1992	05/01/1993	15/12/1992	00806585C (AR 1992)
316	316 Annual Return 316E Corrections 316L Annual Return	4	16/01/1992	14/02/1992	16/01/1992	00806585B (AR 1991)
316	316 Annual Return 316A Change of Address 316B Changes Form Notifying Change of Office Hours 316C Change to Office Holders 316E Corrections	4	10/12/1990	01/02/1991	10/12/1990	0806585A (AR 1990)

## Contact Address for ASIC use only

Note: The Address for ASIC Company Communications is for ASIC use only to correspond with the company. ASIC will forward notices such as the company statement, invoice statements and other correspondence where requested to this address.

Status	Address	Start Date - End Date	Doc Number
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Status	Address	Start Date - End Date	Doc Number
Current	PO BOX 1969 ADELAIDE SA 5000	04/06/2013 -	
Former	PO BOX 2492 NORTH PARRAMATTA NSW 1750	14/10/2005 - 04/06/2013	
Former	PO BOX 2492 NORTH PARRAMATTA NSW 1750	14/10/2005 - 14/10/2005	
Former	GPO BOX 2488V MELBOURNE VIC 3001	28/06/2003 - 17/06/2004	

# Historical Company Extract for VECHTRANS PROPERTIES PTY. LTD.

Extracted from ASIC database on 01 November 2024 02:57 PM AEST

This extract contains information derived from the Australian Securities and Investment Commission's (ASIC) database under section 1274A of the Corporations Act 2001. Please advise ASIC of any error or omission which you may identify.

## Current Organisation Details

Name:	VECHTRANS PROPERTIES PTY. LTD.
A.C.N:	052882130
Status:	Registered
Registered In:	VIC
Registration Date:	11/07/1991
Review Date:	11/07/2025
Name Start Date:	11/07/1991
Type:	Australian Proprietary Company
Organisation Number Type:	Australian Company Number
Details Start Date:	21/12/1992
Class:	Limited By Shares
Subclass:	Proprietary Company
Disclosing Entity:	No
Registered charity:	No
Document Number:	003749125 (AR 1992)

## Former Organisation Details

Start Date - Name End Date	Status	Name Start Date	Type	Class	Subclass	Disclosing Entity	Doc Number
11/07/1991 - VECHTRANS 21/12/1992 PROPERTIES PTY. LTD.	Registered	11/07/1991	Australian Proprietary Company	Limited By Shares	Exempt Proprietary Company	No	001409843

## Organisation Address

Status	Address Type	Address	Start Date - End Date	Doc Number
Current	Registered Office	'BLAXLAND HOUSE' SUITE 6 5-7 ROSS STREET PARRAMATTA NSW 2150	31/10/2005 -	1E1480906
Current	Principal Place of Business	UNIT 121 98 HOLMAN STREET KANGAROO POINT QLD 4169	25/09/2006 -	1E2545788
Former	Registered Office	88 HERALD STREET CHELTENHAM VIC 3192	19/12/1996 - 30/10/2005	05288213G (AR 1996)
Former	Registered Office	149 CARPENTER STREET BRIGHTON VIC 3186	17/02/1992 - 18/12/1996	001318821
Former	Registered Office	LYPPARD HOLDINGS PTY LTD 149 CARPENTER STREET BRIGHTON VIC 3186	24/10/1991 - 16/02/1992	001746247
Former	Registered Office	LEVEL 1 56 JACKSON COURT DONCASTER VIC 3108	11/07/1991 - 23/10/1991	001409843
Former	Principal Place of Business	UNIT 1 4 HUDSON AVENUE CASTLE HILL NSW 2154	18/10/2005 - 24/09/2006	1E1480906
Former	Principal Place of Business	88 HERALD STREET CHELTENHAM VIC 3192	10/12/1996 - 17/10/2005	05288213G (AR 1996)
Former	Principal Place of Business	149 CARPENTER STREET BRIGHTON VIC 3186	30/06/1993 - 09/12/1996	05288213D (AR 1993)
Former	Principal Place of Business	LEVEL 1 56 JACKSON COURT DONCASTER VIC 3108	09/07/1991 - 29/06/1993	001409843

## Organisation Officers

Role	Officer Details	Address	Appointment Date - Cease Date	Court Details	Doc Number
Current Director	JOHN FRANCIS FIRKINS Date of Birth: 04/05/1960 Place of Birth: WANGARATTA VIC	UNIT 121 98 HOLMAN STREET KANGAROO POINT QLD 4169	16/07/1991 -		017303848
Current Director	PETER HUMPHREY FIRKINS Date of Birth: 23/12/1951 Place of Birth: MELBOURNE VIC	12 DEBORAH ROAD ANNANGROVE NSW 2156	29/10/2015 -		2E2784852
Current Secretary	JOHN FRANCIS FIRKINS Date of Birth: 04/05/1960 Place of Birth: WANGARATTA VIC	UNIT 121 98 HOLMAN STREET KANGAROO POINT QLD 4169	27/06/2001 -		017303848
Former Principal Executive Officer	JOHN FRANCIS FIRKINS Date of Birth: 04/05/1960 Place of Birth: WANGARATTA VIC	1 CARLTON COURT BIRKDALE QLD 4159	16/07/1991 - 08/12/1995		001330505
Former Director	MICHAEL ANDREW FIRKINS Date of Birth: 05/09/1955 Place of Birth: BALLARAT VIC	27 MT OSMOND ROAD MOUNT OSMOND SA 5064	27/06/2001 - 25/02/2008		017303848
Former Director	JULIE ANNE FIRKINS Date of Birth: 13/11/1957 Place of Birth: MELBOURNE VIC	1 CARLTON COURT BIRKDALE QLD 4159	16/07/1991 - 27/06/2001		05288213F(AR 1995)
Former Director	SANDRA MARY DONALD Date of Birth: 05/10/1946 Place of Birth: MELBOURNE VIC	11 STANTON STREET DONCASTER VIC 3108	11/07/1991 - 16/07/1991		000653970
Former Director	KATHLEEN MARY RUSSELL Date of Birth: 12/11/1949 Place of Birth: LONDON UNITED KINGDOM	63 TRISTANIA STREET DONCASTER EAST VIC 3109	11/07/1991 - 16/07/1991		000653970
Former Secretary	JULIE ANNE FIRKINS Date of Birth: 13/11/1957 Place of Birth: MELBOURNE VIC	1 CARLTON COURT BIRKDALE QLD 4159	16/07/1991 - 27/06/2001		05288213F(AR 1995)
Former Secretary	SANDRA MARY DONALD Date of Birth: 05/10/1946 Place of Birth: MELBOURNE VIC	11 STANTON STREET DONCASTER VIC 3108	11/07/1991 - 16/07/1991		000653970

### Share Structure

Status	Share Class	No. Issued	Amount Paid	Amount Unpaid	Doc Number
Current	ORD ORDINARY SHARES	12	\$12.00	\$0.00	1E4176267

Note: For each class of shares issued by a proprietary company, ASIC records the details of the twenty members of the class (based on shareholdings). The details of any other members holding the same number of shares as the twentieth ranked member will also be recorded by ASIC on the database. Where available, historical records show that a member has ceased to be ranked amongst the twenty members. This may, but does not necessarily mean, that they have ceased to be a member of the company.

### Shareholders

Status	Class	No. Held	Beneficially Held	Fully Paid	Shareholder Details	Document Number
Current	ORD	12	Yes	Yes	JOHN FRANCIS FIRKINS UNIT 121 98 HOLMAN STREET KANGAROO POINT QLD 4169	1E4176267
Former	ORD	6	Yes	Yes	MICHAEL ANDREW FIRKINS 27 MT OSMOND ROAD MOUNT OSMOND SA 5064	05288213L (AR 2001)
Former	ORD	6	Yes	Yes	JULIE ANNE FIRKINS 1 CARLTON COURT BIRKDALE QLD 4159	003749125 (AR 1992)

### Annual Returns

Year	Return Due	Extended Due Date	AGM Due Date	Extended AGM Due Date	AGM Held	Outstanding
1992	31/01/1993		31/12/1992		15/12/1992	No
1993	31/01/1994		31/12/1993		11/12/1993	No
1994	31/01/1995		31/12/1994		19/12/1994	No



Year	Return Due	Extended Due Date	AGM Due Date	Extended AGM Due Date	AGM Held	Outstanding
1995	31/01/1996					No
1996	31/01/1997					No
1997	31/01/1998					No
1998	31/01/1999					No
1999	31/01/2000					No
2000	31/01/2001					No
2001	31/01/2002					No
2002	31/01/2003					No

## Documents

Form Code	Description	# of pages	Received	Processed	Effective	Doc Number
484	484E Change to Company Details Appointment or Cessation of A Company Officeholder	2	26/11/2015	26/11/2015	29/10/2015	2E2784852
484	484 Change to Company Details 484O Changes to Share Structure 484N Changes to (Members) Share Holdings	2	12/03/2008	12/03/2008	25/02/2008	1E4176267
484	484E Change to Company Details Appointment or Cessation of A Company Officeholder	2	12/03/2008	12/03/2008	27/02/2008	1E4176268
484	484C Change to Company Details Change of Principal Place Of Business (Address)	2	25/09/2006	25/09/2006	25/09/2006	1E2545788
484	484 Change to Company Details 484B Change of Registered Address 484C Change of Principal Place of Business (Address)	2	24/10/2005	24/10/2005	18/10/2005	1E1480906
316	316L Annual Return Annual Return - Proprietary Company	3	31/10/2002	11/12/2002	30/10/2002	05288213M (AR 2002)
316	316L Annual Return Annual Return - Proprietary Company	3	26/11/2001	07/12/2001	26/11/2001	05288213L (AR 2001)
304	304 Notification Of 304A Change to Officeholders of Australian Company 304C Change of Name or Address of Officeholder	2	28/06/2001	03/07/2001	27/06/2001	017303848
316	316L Annual Return Annual Return - Proprietary Company	3	01/11/2000	18/11/2000	01/11/2000	05288213K (AR 2000)
316	316L Annual Return Annual Return - Proprietary Company	3	30/11/1999	14/12/1999	29/11/1999	05288213J (AR 1999)
316	316L Annual Return Annual Return - Proprietary Company	3	11/12/1998	21/12/1998	09/12/1998	05288213I (AR 1998)
316	316L Annual Return Annual Return - Proprietary Company	4	15/10/1997	23/10/1997	14/10/1997	05288213H (AR 1997)
316	316 Annual Return 316A Change of Registered Office Address 316L Annual Return - Proprietary Company	4	12/12/1996	07/01/1997	10/12/1996	05288213G (AR 1996)
316	316 Annual Return 316P Change of Name or Address of Officeholder 316L Annual Return - Proprietary Company	4	13/12/1995	19/12/1995	12/12/1995	05288213F (AR 1995)
316	316L Annual Return Annual Return	4	04/01/1995	12/01/1995	19/12/1994	05288213E (AR 1994)
304	304C Notification of Change of Name or Address of Officeholder	2	29/12/1994	29/12/1994	23/12/1994	001330505
316	316L Annual Return Annual Return	4	13/12/1993	16/12/1993	11/12/1993	05288213D (AR 1993)
316	316L Annual Return Annual Return	4	21/12/1992	05/01/1993	15/12/1992	003749125 (AR 1992)
203	203A Notification of Change of Address	1	10/02/1992	10/02/1992	03/02/1992	001318821
203	203A Notification of Change of Address	1	17/10/1991	17/10/1991	16/07/1991	001746247
304	304A Notification of Change to Officeholders of Australian Company	2	15/10/1991	18/10/1991	16/07/1991	001807617
215	215 Notification of Initial Appointment of 1 Officeholders	1	12/07/1991	18/07/1991	11/07/1991	000653970
204	204 Certificate of Registration Division 1 Pt 2.2	1	12/07/1991	12/07/1991	12/07/1991	001410605
201	201C Application For Registration as a Proprietary Company	2	09/07/1991	09/07/1991	09/07/1991	001409843
410	410A Application For Reservation of a Name of a New Australian Company	1	05/07/1991	08/07/1991	05/07/1991	001409141

Form Code	Description	# of pages	Received	Processed	Effective	Doc Number
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Status	Address	Start Date - End Date	Doc Number
Current	PO BOX 2492 NORTH PARRAMATTA NSW 1750	14/10/2005 -	
Former	GPO BOX 2488V MELBOURNE VIC 3001	28/06/2003 - 17/06/2004	

**From:** Geoffrey Heaton  
**Sent:** Monday, 12 February 2024 5:14:09 AM  
**To:** Cameron Woodcroft;Amelia Meek;Bailey Cox;Geoff Walters  
**Subject:** Williwar Pty Ltd, Snikrif Pty Ltd, Vechtrans Pty Ltd

Cameron,

These companies are part of the family of Voyager Director Peter Firkins.

Peter has provided bank details by Bitwarden and I will call this morning with the details for payment of the 14 shares concerned.

**Best regards,**

**Geoff Heaton**  
*Trustee*  
0408 707 457

**From:** Geoffrey Heaton  
**Sent:** Monday, 4 March 2024 2:44:43 PM  
**To:** Cameron Woodcroft  
**Cc:** geoffw@acctweb.com.au;Bradley Hellen;Amelia Meek;Bailey Cox;Angela julian-Armitage  
**Subject:** Re: Distribution of Sale Proceeds - Fully identified owners. [PILOT-CLIENT.FID1210283]

Cameron,

The interest for February is a mere \$1,658.99. Not sure of expenses these shareholders have to account for?

Certainly Hazel Lang has a big bill!

Can you verify if the amounts listed for the 4 distributions are correct please.

**Best regards,**

**Geoff Heaton**

*Resort Manager*

Voyager Resort Broadbeach Pty Ltd

0408 707 457

On Mon, Mar 4, 2024 at 2:23 PM Cameron Woodcroft <[CWoodcroft@pilotpartners.com.au](mailto:CWoodcroft@pilotpartners.com.au)> wrote:

Hi All,

Please note the amounts proposed below only compromise the owner's entitlement as at the first distribution. They do not include any interest earned(or expenses incurred) relevant for the second tranche of owners.

Regards,

**Cameron Woodcroft CA**  
**t**

Director

r


Level 10, One Eagle, 1 Eagle Street, Brisbane, Qld, Australia, 4000

**T** +61 7 3023 130 **E** [CWoodcroft@pilotpartners.com.au](mailto:CWoodcroft@pilotpartners.com.au) **W** [pilotpartners.com.au](http://pilotpartners.com.au)

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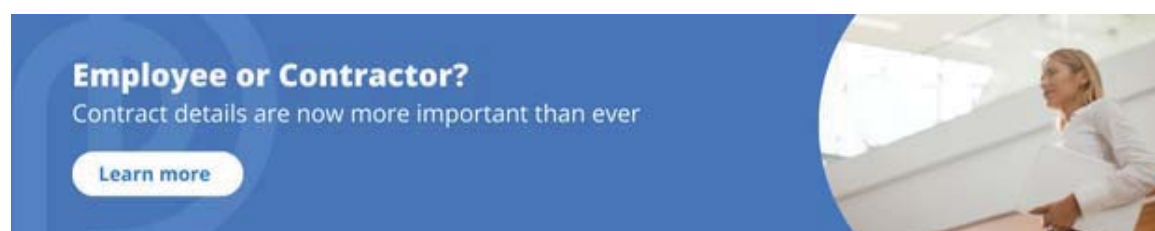


Chartered Accountant  
s

Member of  Nexia

Nexia is a worldwide network of independent accounting and consulting firms

[Nexia email disclaimer](#) | [Pilot email disclaimer](#)



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**From:** [geoffw@acctweb.com.au](mailto:geoffw@acctweb.com.au) <[geoffw@acctweb.com.au](mailto:geoffw@acctweb.com.au)>

**Sent:** Monday, March 4, 2024 2:01 PM

**To:** 'Geoffrey Heaton' <[heatong48@gmail.com](mailto:heatong48@gmail.com)>

**Cc:** Bradley Hellen <[BHellen@pilotpartners.com.au](mailto:BHellen@pilotpartners.com.au)>; Cameron Woodcroft <[CWoodcroft@pilotpartners.com.au](mailto:CWoodcroft@pilotpartners.com.au)>; Amelia Meek <[AMeek@pilotpartners.com.au](mailto:AMeek@pilotpartners.com.au)>; Bailey Cox <[bcox@pilotpartners.com.au](mailto:bcox@pilotpartners.com.au)>; 'Angela julian-Armitage' <[armitage@qldbar.asn.au](mailto:armitage@qldbar.asn.au)>

**Subject:** RE: Distribution of Sale Proceeds - Fully identified owners.

Hi Geoff

I am OK with Making these payments.

They should be entered as individual payments not a multi payment.

We will need to transfer \$214,000.00 from the savings account.

Have been able to obtain the bank name branch street address for Betty Duff?

Regards

Geoff W

Mobile 0412 267 469

[geoffw@acctweb.com.au](mailto:geoffw@acctweb.com.au)

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**From:** Geoffrey Heaton <[heatong48@gmail.com](mailto:heatong48@gmail.com)>  
**Sent:** Monday, 4 March 2024 12:32 PM  
**To:** Geoff Walters <[geoffw@acctweb.com.au](mailto:geoffw@acctweb.com.au)>  
**Cc:** Bradley Hellen <[bhellen@pilotpartners.com.au](mailto:bhellen@pilotpartners.com.au)>; Cameron Woodcroft <[CWoodcroft@pilotpartners.com.au](mailto:CWoodcroft@pilotpartners.com.au)>; Amelia Meek <[ameek@pilotpartners.com.au](mailto:ameek@pilotpartners.com.au)>; Bailey Cox <[bcox@pilotpartners.com.au](mailto:bcox@pilotpartners.com.au)>  
**Subject:** Distribution of Sale Proceeds - Fully identified owners.

Hi Geoff,

There is continued contact from well identified owners as listed below and no reason known to me that they should be distributed:

Peter Firkins (Director VRL) Acc Williwar Pty Ltd bsb [REDACTED] acct [REDACTED] \$85,925.10

John Firkins (brother) Acc Vechtrans Pty Ltd bsb [REDACTED] act [REDACTED] \$57,283.40

Michael Firkins(brother) Acc Snikrif Pty Ltd bsb [REDACTED] act [REDACTED] \$57,283.40

Neal McCulloch (directVRL) Acc Emsajane PtyLtd bsb [REDACTED] act [REDACTED] \$13,383.97.

Neal was a director until 2017 and is the CFO of Supercheap (Reg Rowe Family)

Kindly confirm that we should go ahead and pay these owners and continue to review the final group that are cleared to pay.

**Best regards,**

**Geoff Heaton**

*Resort Manager*

Voyager Resort Broadbeach Pty Ltd

0408 707 457