

SUBMISSION TO SENATE INQUIRY INTO LIQUIDATORS AND ADMINISTRATORS

I am a director and 50% shareholder of Singleton Earthmoving Equipment Hire Pty Ltd (SEEH)(ABN 59 051 953 489). My co directors and shareholders are Bernard Wood and Valda Johnston.

As a result of a marital dispute between Bernard and Valda, an associated company, Singleton Earthmoving Pty Ltd (SE) (ABN 000 515 337) was placed into administration on 28/9/04 and liquidation on 17/12/04. The administrator/liquidator was Stuart Ariff of Stuart Ariff Insolvency Administrators (SAIA).

During the liquidation of SE, three items of plant (2 bulldozers and one excavator) were seized by the agents of SAIA. The items were clearly the property of SEEH and not SE. This was the subject of subsequent court proceedings (1251/05) where Justice Windeyer on 30/9/05 found in favour of SEEH. Costs were awarded against SE and Mr. Ariff but as SE's funds had been dispersed by SAIA and Mr. Ariff was protected by the law, I paid my own legal fees (at that stage ~\$150k).

Subsequently, I became aware that SAIA had received about \$130k from Bernard Wood and Valda Johnston as repayment of directors loans. My legal advisors suggested that I should be entitled to at least some of these funds to cover the legal costs previously incurred.

We pursued SAIA through the courts and eventually obtained agreement from Ariff to pay all we claimed. However, he had already filed for bankruptcy and knew that no payment would result.

My legal fees have now exceeded \$300k.