



## **Declaration of Independence, Relevant Relationships and Indemnities (DIRRI)**

**Byland Constructions Pty Ltd (In Liquidation)**  
**ACN 080 704 892**  
**(Byland)**

The purpose of this document is to assist creditors with understanding any relationships that the Liquidators have and any indemnities or upfront payments that have been provided to the liquidators. None of the relationships disclosed in this document are such that the independence of the liquidators is affected.

This information is provided to you to enable you to make an informed assessment on any independence concerns, so you have trust and confidence in our independence and, if not, can act to remove and replace us if you wish.

This declaration is made in respect of ourselves, our partners, the firm McGrathNicol, which for the purpose of this declaration includes the McGrathNicol Partnership, the McGrathNicol Advisory Partnership and McGrathNicol Services Pty Ltd.

### **A. Independence**

We, Rob Brauer and Rob Kirman, of the firm McGrathNicol have undertaken an assessment of the risks to our independence prior to accepting the appointment as liquidators of Byland in accordance with the law and applicable professional standards. This assessment identified no real or potential risks to our independence. We are not aware of any reasons that would prevent us from accepting this appointment.

### **B. Declaration of Relationships**

#### **B1. *Circumstances of appointment***

On 15 May 2020, Mr Brauer was introduced via email to Silver Eye Legal who was representing Ms Bianca Bylund, a director of Byland. This introduction was made by Mills Oakley who represented Byland's former secured creditor, Bank of Queensland.

Silver Eye Legal first called Mr Brauer to discuss the matter on 25 May 2020. During this call, Silver Eye Legal provided a general overview of the situation and Mr Brauer provided general advice on the options that might be available. One option was for Byland to seek its winding up on just and equitable grounds. Silver Eye Legal, a predominately family law practice, was unable to act on this type of matter and Mr Brauer therefore referred Silver Eye Legal to HWL Ebsworth on 25 May 2020 if this was the preferred option.

HWL Ebsworth was subsequently retained by Ms Bylund. Mr Brauer had no direct contact with Ms Bylund at any stage and very limited contact with HWL Ebsworth over the following weeks. In mid-June 2020, HWL Ebsworth advised Mr Brauer that an application had been prepared to wind up Byland. Mr Brauer provided a consent to act as liquidator on 22 June 2020.

Subsequent correspondence between Mr Brauer and HWL Ebsworth was limited to brief updates as to the timing of the proceedings in the Supreme Court of Western Australia (COR 92 of 2020).

On 3 December 2020, the Supreme Court of Western Australia ordered that Byland be wound up and that Mr Brauer and Mr Kirman be appointed Joint and Several liquidators.

We believe this referral by Mills Oakley does not result in a conflict of interest or duty because:



- McGrathNicol has an ongoing professional relationship with Mills Oakley that from time to time results in referrals for insolvency engagements. Each referral by Mills Oakley is conducted on an individual basis and is only commenced after full regard for any potential conflicts arising out of accepting an insolvency engagement;
- communication with Mills Oakley was limited to the initial introduction to Silver Eye Legal only and does not impact our independence to act as Liquidators of Byland; and
- we have had no direct contact with Byland or its directors regarding this matter and there is no ongoing relationship with either party.

**B2. *Prior professional services to the Insolvent***

Neither we, nor our firm, have provided any professional services to, or in relation to, Byland in the previous 24 months.

**B3. *No other relevant relationships to disclose***

Neither we, nor our firm, have, or have had, within the preceding 24 months, any relationships with Byland, an associate of Byland, a former insolvency practitioner appointed to Byland or any person or entity that is entitled to enforce a security interest in the whole or substantially the whole of Byland's property

**C. *Indemnities and up-front payments***

We have not been indemnified in relation to this liquidation, other than any indemnities that we may be entitled to under statute, and we have not received any up-front payments in respect of our remuneration or disbursements.

Dated: 23 December 2020

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**Rob Brauer, Liquidator**

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**Rob Kirman, Liquidator**

Note:

If the circumstances change or new information is identified, we are required under the Corporations Act 2001 and the ARITA Code of Professional Practice to update this Declaration and provide a copy to creditors with our next communication, as well as table a copy of any replacement Declaration at the next meeting of the insolvent's creditors. For Creditors' Voluntary Liquidations and Voluntary Administrations, this document and any updated versions of this document are required to be lodged with ASIC.

Please note that the presentation of the above information is in accordance with the standard format suggested by ARITA.