



# **Liquidator's Fifth Six Monthly Statutory Report**

**Decmil Construction NZ Limited  
(In Liquidation)**

**Company Number: 5422686**

**For the period:  
15 April 2022 to 14 October 2022**

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- A Receipts and payments
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## 1 Introduction

As you would be aware, I, Dermott Joseph McVeigh of Avior Consulting, was appointed as Liquidator of Decmil Construction NZ Limited (in Liquidation) (**the Company**) on 15 April 2020 at 3:40pm by the sole shareholder pursuant to section 241(2)(a) of the Companies Act 1993 (**Act**).

I set out below my fifth six monthly statutory report of the Company as required by section 255(2)(d) of the Act.

This report should be read in conjunction with my previous reports dated 12 November 2020, 13 May 2021, 12 November 2021 and 12 May 2022, and other correspondence sent to creditors since my appointment as Liquidator, which are available on my firm's website.

## 2 Restrictions

This report has been prepared in accordance with and for the purpose of section 255 of the Act. It has been prepared for the sole purpose of reporting on the state of affairs of the Company and the conduct of the liquidation.

This report is not intended for general circulation, nor is it to be reproduced or used for any purpose other than the above without my written permission. The report is prepared based on the information available to me in the liquidation. I express no opinion on the reliability, accuracy or completeness of the information provided to me and upon which I have relied.

I, my employees, agents and advisors do not assume any responsibility or liability for any losses occasioned to any party for any reason including as a result of the circulation, publication, reproduction or use of this report.

I reserve the right (but will be under no obligation) to review this report and, if considered necessary, to revise the report in light of any further information coming into existence after the date of this report.

Certain values included in tables in this report have been rounded and therefore may not add up exactly. Unless otherwise stated, all amounts are in New Zealand dollars.

## 3 Background

The Company was established in 2014 to provide civil engineering contracting and consulting services, and it had success in completing a number of large construction contracts for customers including the Ministry of Education and the New Zealand Defence Force.

The Company was placed into liquidation following termination of a contract held with the New Zealand Department of Corrections (**DoC**), which resulted in significant losses being incurred by the Company. The directors and shareholder concluded that the Company could not continue trading and proceeded to have the Company wound up. I was appointed on 15 April 2020.

## 4 Conduct of the liquidation during the reporting period

### 4.1 Retention Trust

As explained in my previous reports to creditors, following the appointment of Mr Gareth Hoole and Mr Clive Bish of Ecovis KGA (**Ecovis**) as Receivers and Managers of the Retention Trust Fund by the High Court of New Zealand, the Retention Trust Fund was transferred to Ecovis. While my team and I have liaised with Mr Hoole and assisted with his enquiries, retention creditors should contact Ecovis with their queries in relation to the Retention Trust Fund.

## 4.2 Claim against VAE

As advised in my previous reports to creditors, the Company may have a counterclaim against VAE NZ Limited (**VAE**) exceeding VAE's claim in the liquidation. If the arbitration is successful, the Company may be able to access performance bonds valued at \$360k previously granted by VAE. The arbitration process continues, with the resolution likely some months away.

## 5 Receipts and payments

Attached at **Appendix A** is a statement of the receipts and payments for the six-month period ending 14 October 2022.

## 6 Report on Liquidator's remuneration

The Liquidator's remuneration paid for the period 15 April 2022 to 14 October 2022, charged at hourly rates, totalled \$ 91,975 (GST not applicable). I am satisfied that the remuneration incurred was in respect of necessary work, properly performed, in the conduct of the liquidation.

A detailed breakdown of the remuneration for the six-month period is enclosed at **Appendix B**.

## 7 Remaining matters

As outlined in section 4.2 of this report, the remaining matter is the VAE arbitration.

## 8 Estimated date of completion and dividend

I cannot yet advise whether a dividend will be paid.

Pending unforeseen issues arising, I expect the liquidation to conclude within the next 12 months.

## 9 Contact information

Enquiries regarding the liquidation should be directed to:

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Phone: +61 8 6145 0700  
Email: [eking@aviorconsulting.com.au](mailto:eking@aviorconsulting.com.au)  
Website: <https://www.aviorconsulting.com.au/creditors/decmil-construction-nz-limited-in-liquidation/>

This report and all preceding and subsequent reports will be made available on the above website.

Dated 9 November 2022

Yours faithfully  
**For the Company**



**Dermott McVeigh**  
Liquidator

Encl.

**Appendix A**
**Decmil Construction NZ Limited (in Liquidation)  
 Summary of Receipts and Payments  
 15 April 2022 – 14 October 2022**

<b>Receipts and Payments</b>	<b>Amount (\$)</b>
<i>Cash at bank as at 15 April 2022</i>	389,090
<b>Receipts</b>	
IRD refunds	27,517
Interest received	1,610
<b>Total receipts</b>	<b>29,127</b>
<b>Payments</b>	
Liquidator's fees	91,975
Legal costs	56,629
Accounting and consulting costs	40,413
Receivers IRD refund	20,350
Withholding Tax	752
Bank charges	306
Liquidator's disbursement	208
<b>Total payments</b>	<b>210,634</b>
<i>Cash at bank as at 14 October 2022</i>	207,583

## Appendix B

### Decmil Construction NZ Limited (in Liquidation) Liquidator's Remuneration Report 15 April 2022 – 14 October 2022

Title	Rate (NZD)	Experience
Partner / Appointee	590	The Partner/Appointee has more than 10 years of corporate insolvency and restructuring experience, is accredited as a registered liquidator by the Australian Securities and Investments Commission, is a member of the CAANZ or equivalent body, may be a licenced liquidator in New Zealand, may be a member of the Australian Restructuring, Insolvency and Turnaround Association (ARITA), and brings specialist skills to the administration or insolvency task.
Senior Manager	475	Generally, more than 7 years' experience with at least 2 years as a Manager. University degree; member of the CAANZ or equivalent body, member of the ARITA; very strong knowledge of relevant insolvency legislation and issues.
Manager	400	4-7 years' experience with well-developed technical and commercial skills. University degree; member of CAANZ and, generally, the ARITA; strong knowledge of relevant insolvency legislation and issues.
Senior Analyst	275	Generally, 2-4 years' chartered accounting or insolvency management experience. University degree; completed or completing the CAANZ's program. Good knowledge of basic insolvency legislation and issues.
Analyst	220	Generally, 1-3 years' chartered accounting or insolvency management experience. University degree, CAANZ's program commenced.
Administration	180	Appropriate skills, including books and records management and accounts processing particular to the administration.

#### Notes:

- The hourly rates are exclusive of GST.
- The guide to staff experience is intended only as a general guide to the qualifications and experience of staff engaged in the liquidation. Staff may be engaged under a classification considered appropriate for their experience.
- Time is recorded and charged in six-minute increments.

## Appendix B

### Decmil Construction NZ Limited (in Liquidation) Liquidator's Remuneration Report 15 April 2022 – 14 October 2022

Position	Hourly Rate	Assets		Creditors		Retentions		Investigations		Administration		Total	
		Hours	Cost (\$)	Hours	Cost (\$)	Hours	Cost (\$)	Hours	Cost (\$)	Hours	Cost (\$)	Hours	Cost (\$)
Partner	590	32.2	18,998	18.3	10,797	9.5	5,605	20.9	12,331	9.2	5,436	90.1	53,167
Senior Manager	475	13.8	6,555	10.5	4,988	16.6	7,885	0.6	285	16.9	8,028	58.4	27,740
Manager	400	-	-	5.0	2,000	6.9	2,760	-	-	1.6	640	13.5	5,400
Senior Analyst	275	-	-	12.5	3,438	-	-	0.7	193	5.3	1,458	18.5	5,088
Analyst	220	-	-	-	-	-	-	-	-	0.8	176	0.8	176
Administration	180	-	-	-	-	-	-	-	-	2.3	405	2.3	405
<b>Total</b>		<b>46.0</b>	<b>25,553</b>	<b>46.3</b>	<b>21,222</b>	<b>33.0</b>	<b>16,250</b>	<b>22.2</b>	<b>12,809</b>	<b>36.1</b>	<b>16,142</b>	<b>183.6</b>	<b>91,975</b>