
Request for Procurement Records and Suspension of Public Contracts – Paul Whitmarsh and Associated Entities | MA-FED-PROCUREMENT-WHITMARSH-2025-05

From Ian Francis | MaxAccountability <ian.francis@maxaccountability.org>

Date Wed 30-July-2025 3:24 PM

To ProcurementCoordinator@finance.gov.au <ProcurementCoordinator@finance.gov.au>

Cc tracey.haywood5@gmail.com <tracey.haywood5@gmail.com>; rebekah.haywood97@gmail.com <rebekah.haywood97@gmail.com>; senator.katy.gallagher@aph.gov.au <senator.katy.gallagher@aph.gov.au>; senator.ayres@aph.gov.au <senator.ayres@aph.gov.au>; Michelle.Rowland.MP@aph.gov.au <Michelle.Rowland.MP@aph.gov.au>; Tony.Burke.MP@aph.gov.au <Tony.Burke.MP@aph.gov.au>; Julie.Collins.MP@aph.gov.au <Julie.Collins.MP@aph.gov.au>; Julian.Hill.MP@aph.gov.au <Julian.Hill.MP@aph.gov.au>; senator.hume@aph.gov.au <senator.hume@aph.gov.au>

 25 attachments (9 MB)

20250730 - MaxAccountability_Letter to FEDBUY_Ref-MA-FED-PROCUREMENT-WHITMARSH-2025-05.pdf; Attachment 1 - SafeWork NSW v Paul Whitmarsh (No. 4) - NSW Caselaw.pdf; Attachment 2 - SafeWork NSW v Paul Whitmarsh (No.2) - NSW Caselaw.pdf; Attachment 3 - Letter to ASIC from MaxAccountability.org dated 28 July 2025.pdf; Attachment 4 - ASIC Extract - Current and historical company information for AWB WATERFRONT CONSTRUCTIONS PTY LTD - ACN 097 667 206.pdf; Attachment 5 - ASIC Extract - Roles and Relationship Details for AWB WATERFRONT CONSTRUCTIONS PTY LTD - ACN 097 667 206.pdf; Attachment 6 - ASIC Extract - Current & Historical Company Extract for AWB Contractors Pty Ltd ACN 102 299 409.pdf; Attachment 7 - Liquidator's Report to Creditors dated 27 February 2025.pdf; Attachment 8 - End of Administration Return - AWB Contractors Pty Ltd ACN 102 299 409.pdf; Attachment 9 - ASIC Insolvency Notice – Appointment of Liquidator for AWB Contractors Pty Ltd.pdf; Attachment 10 - ASIC Insolvency Notice – Appointment of Liquidator for ACN 101 989 075 Pty Ltd.pdf; Attachment 11 - NSW Parliament - AQON and Attachment A.pdf; Attachment 12 - ASIC Personal Name Extract - Paul Whitmarsh.pdf; Attachment 13 - ABN Current Details - 36 112 130 786 - The Trustee for PLW INVESTMENTS TRUST (AWB CONTRACTORS & AWB GROUP).pdf; Attachment 14 - PPSR Search Certificate - 6873538351650001 - PURSERS PTY LTD - VESSEL HIN AUWWA077410BS0.pdf; Attachment 15 - Current and historical company information - AWB WATERFRONT CONSTRUCTIONS PTY LTD - ACN 097 667 206.pdf; Attachment 16 - Roles and relationship extract - AWB WATERFRONT CONSTRUCTIONS PTY LTD - ACN 097 667 206.pdf; Attachment 17 - Change to company details - AWB WATERFRONT CONSTRUCTIONS PTY LTD - ACN 097 667 206.pdf; Attachment 18 - Notification of resolution - change of company name - AWB WATERFRONT CONSTRUCTIONS PTY LTD - ACN 097 667 206.pdf; Attachment 19 - Details of registration of corporations - AWB WATERFRONT CONSTRUCTIONS PTY LTD - ACN 097 667 206.pdf; Attachment 20 - SafeWork NSW v AWB Contractors Pty Ltd (In Liquidation) - NSW Caselaw.pdf; Attachment 21 - Relational Company Extract - PLW Investments Pty. Limited.pdf; Attachment 22 - Letter to ATO from MaxAccountability.org dated 29 July 2025.pdf; Attachment 23 - Letter to NSW DPP from MaxAccountability.org dated 30 July 2025.pdf; Attachment 24 - Letter to NSW Procurement Authorities from MaxAccountability.org dated 30 July 2025.pdf;

Dear Procurement Coordinator

Please find attached correspondence dated 30 July 2025 outlining a formal request for access to historical and current procurement records relating to Mr. Paul Leonard Whitmarsh and a number of associated entities, as well as a request for the immediate suspension of any current or future awarding of public funds, contracts, or tenders involving those parties.

In support of our submission we include documentation comprising legal judgments, prosecution outcomes, ASIC filings, and liquidation reports that establish a pattern of serious legal breaches, fatal workplace negligence, and post-incident corporate concealment through interconnected entities.

We respectfully request an acknowledgement of receipt and, where possible, an indication of the anticipated timeline for your preliminary review by **August 13, 2025**.

Note: All official responses, submissions, and correspondence are to be sent to team@MaxAccountability.org for prompt and proper handling.

Kind Regards,
MaxAccountability.org

Ian Francis
Founder
 ian.francis@MaxAccountability.org
 www.MaxAccountability.org

Advocating for transparency, accountability, and justice in workplace safety and industrial fatalities.

MaxAccountability.org

Our Mission

We exist to honour Max Haywood by demanding justice, exposing unsafe work practices, and driving real accountability.

Our Vision

Companies and Directors are held accountable for their decisions and the lives they impact. Justice is not delayed, denied, or dodged.

Our Action

We expose unsafe practices, pursue justice through legal and regulatory channels, and give voice to those silenced by fear or loss.

30 July 2025

Commonwealth Procurement Coordinator
Department of Finance
One Canberra Avenue
Forrest ACT 2603
Australia

By Email: ProcurementCoordinator@finance.gov.au

Our Reference: MA-FED-PROCUREMENT-WHITMARSH-2025-05

Subject: Formal Request for Disclosure of All Federal Contracts, or Tender Submissions Involving Paul Leonard Whitmarsh and/or Associated Entities Since 2015

Dear Commonwealth Procurement Coordinator,

On 27 January 2021, Mr. Max Haywood, a 59-year-old husband, father, and highly experienced maritime worker, was tragically killed in a preventable workplace incident while working for AWB Contractors Pty Ltd on a government-awarded salvage contract in Sydney Harbour. A crane lift of a sunken yacht was conducted without engineering oversight, necessary certifications, or appropriate safety protocols, and was in-part performed by untrained and unlicensed personnel.

Subsequent investigations revealed that Mr. Haywood's death was not merely a tragic accident – it was the inevitable and fatal consequence of deliberate disregard for safety, systemic non-compliance with legal obligations, and a complete failure of duty by the person in control. Mr. Haywood was fatally injured during the execution of works funded by public monies.

The NSW District Court has since found both the company and its sole director, Mr. Paul Leonard Whitmarsh, criminally liable for systemic breaches of WHS law. The company was fined \$765,000, and Mr. Whitmarsh personally fined \$300,000. The company has entered liquidation, owing over \$4.7 million to creditors, including unpaid taxes and employee entitlements. Despite this, Mr. Whitmarsh continues to operate materially the same business under new entities and trading names – a pattern strongly resembling phoenix activity, asset concealment, and regulatory evasion.

Please note: A copy of this letter will be made publicly available on MaxAccountability.org, along with any official response(s) received from the primary addressee or a copied party. In the interest of transparency, if no response, preliminary or otherwise, is received within fourteen (14) days from the date of this correspondence, that fact will also be noted and published on the same platform.

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We therefore formally request the disclosure of any contracts awarded to, or tender submissions received from, any of the following entities or trading names, covering the period 1 January 2015 to today:

Associated Entities of Paul Leonard WHITMARSH

- AWB Contractors Pty Ltd (ACN 102 299 409)
- Ability Barge Services (ACN 101 989 075)
- Australian Wharf & Bridge Pty Limited (ACN 002 038 048)
- AWB Waterfront Constructions Pty Ltd (ACN 097 667 206)
- Ficafa Pty Ltd (ACN 003 355 682)
- PLW Investments Pty Limited (ACN 086 048 923)
- The Trustee for PLW Investments Trust (ABN 36 112 130 786)
- Business Names registered under ABN 36 112 130 786:
 - AWB CONTRACTORS
 - AWB GROUP

Purpose of Request

This request is made in the public interest, pursuant to transparency and accountability for how taxpayer funds have been spent, contracted, or allocated to these parties. It is particularly urgent given the criminal convictions, active liquidations, insolvent trading findings, and potential misuse of government contracting pathways.

We request the following:

1. A list of all contracts awarded, including scope, value, and duration.
2. A list of all tender submissions received, successful or not.
3. Copies of any expressions of interest (EOI) or procurement correspondence referencing the above.
4. Identification of any probity issues, contract cancellations, or supplier suspensions associated with these entities.

Immediate Suspension of Public Funding and Contracts

The continuity of operations under different legal wrappers controlled by the same individual, despite criminal convictions for breaches of workplace safety law resulting in the death of a worker, as well as the liquidation of multiple entities under his directorship with over \$4.7 million in unpaid debts, raises serious concerns for public procurement integrity.

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We respectfully urge the Department of Finance and any relevant Commonwealth agencies to act in the public interest by enforcing a suspension and ensuring compliance with the Commonwealth Procurement Rules (CPRs), particularly those relating to ethical behaviour, probity, and risk management.

We submit it is necessary and in the public interest to enforce the following measures without delay:

1. That no further public funds be awarded, contracted, allocated, or otherwise disbursed to:
 - a. AWB Contractors Pty Ltd (ACN 102 299 409), or
 - b. Ability Barge Services (ACN 101 989 075), or
 - c. Australian Wharf & Bridge Pty Limited (ACN 002 038 048), or
 - d. AWB Waterfront Constructions Pty Ltd (ACN 097 667 206), or
 - e. Ficafa Pty Ltd (ACN 003 355 682), or
 - f. PLW Investments Pty Limited (ACN 086 048 923), or
 - g. The Trustee for PLW Investments Trust (ABN 36 112 130 786), or
 - h. any trading name registered to the listed entities at (a) through (g) including AWB CONTRACTORS and/or AWB GROUP.
2. That no public funds be awarded, contracted, allocated, or otherwise disbursed to any future entity in which Mr. Paul Whitmarsh is a director, controlling mind, or material beneficiary, whether directly or through trust, nominee, or related-party structures.
3. A full review of any current or historical Federal Government contracts, tenders, subcontracts or agreements involving the above entities and trading names since 2015.
4. That any public funds currently allocated or yet to be disbursed to these entities be frozen pending audit and cross-agency consultation.

This is not only a matter of due diligence – it is a matter of public trust and proper use of taxpayer funds.

This request applies to all Federal Government agencies, authorities, ports, and statutory bodies, including subcontracted or panel arrangements (i.e. Defence subcontracts including maritime or wharf/barge operations) where public funds have been or could be used as well as federally funded projects delivered through state or local channels.. If your agency is not the appropriate recipient, or if additional agencies or individuals are necessary to be included to fully action this request, we kindly ask that you either forward it accordingly or advise us of the correct contacts to whom it should also be directed.

If this request cannot be fulfilled through informal release, please treat it as a request under the Freedom of Information Act 1982 (Cth), or alternatively advise of the appropriate process and applicable fee for lodging a formal FOI application. While we hope the requested material can be provided without the need for a formal FOI process, we are prepared to submit one if necessary.

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A copy of this correspondence is provided to the family of Mr. Max Haywood as is outlined in the relevant section.

I and the MaxAccountability.org team are available to assist further should additional documentation, evidence, or clarification be required.

Please note our disclosure policy on the first page regarding transparency and public reporting of correspondence with government agencies. This letter falls within that scope. Fourteen (14) days from the date of this letter is **13 August 2025**. We trust that it is possible to provide at minimum an initial acknowledgement of receipt and an indicative timeline for review or update within this period.

Kindly direct replies to team@MaxAccountability.org.

Yours sincerely,



Mr. Ian Francis
Founder, MaxAccountability.org

Attachments:

The following documents are attached and submitted in support of this request:

Attachment 1: SafeWork NSW v Paul Whitmarsh (No. 4) – NSW District Court judgment confirming conviction for breach of WHS Act and \$300,000 fine following a workplace fatality.

Attachment 2: SafeWork NSW v Paul Whitmarsh (No. 2) – Procedural ruling confirming interrelated entities, corporate control and non-compliance with discovery.

Attachment 3: Letter to ASIC from MaxAccountability.org dated 28 July 2025 – summarising evidence of phoenix activity, breaches of s588G and s596AB, and requesting director disqualification.

Attachment 4: ASIC Extract – Current and Historical Company Information for AWB Waterfront Constructions Pty Ltd (ACN 097 667 206) – confirming name change from AWB Racing Pty Ltd and reactivation timeline.

Attachment 5: ASIC Extract – Roles and Relationship Details for AWB Waterfront Constructions Pty Ltd – confirming sole directorship and continuity of control by Mr. Paul Whitmarsh.

Attachment 6: ASIC Extract – Current and Historical Company Information for AWB Contractors Pty Ltd (ACN 102 299 409) – confirming liquidation and prior trading identity.

Attachment 7: Liquidator's Report to Creditors dated 27 February 2025 – details of unpaid liabilities, insolvent trading indicators, and likely breaches of director duties.

Attachment 8: End of Administration Return – AWB Contractors Pty Ltd – confirms cessation of trading and no dividend to creditors.

Attachment 9: ASIC Insolvency Notice – Appointment of Liquidator for AWB Contractors Pty Ltd – confirms the date of winding up commenced.

Attachment 10: ASIC Insolvency Notice – Appointment of Liquidator for ACN 101 989 075 Pty Ltd – further entity linked to Mr. Whitmarsh and broader pattern of winding up related companies.

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Attachment 11: NSW Parliament – AQON and Attachment A – includes records of prior workplace complaints and awareness of safety issues at AWB Contractors prior to fatality.

Attachment 12: ASIC Personal Name Extract – Paul Whitmarsh – confirms directorships, secretary roles, and shareholdings in active and liquidated companies, evidencing interrelated control structures and possible phoenixing behaviour.

Attachment 13: ABN Current Details – The Trustee for PLW INVESTMENTS TRUST (ABN 36 112 130 786) – confirms registration of the trust since 2000 and shows the business names "AWB Contractors" and "AWB GROUP" were registered under the trust on 30 October 2024.

Attachment 14: PPSR Search Certificate – PURSERS PTY LTD – confirms a security interest over a vessel (HIN AUWWA077410BS0) registered under the same trust entity as the re-formed "AWB Contractors", suggesting asset holding and concealment potential.

Attachment 15: ASIC Extract – Current and Historical Company Information for AWB WATERFRONT CONSTRUCTIONS PTY LTD – confirms company name change from AWB Racing Pty Ltd to AWB Waterfront Constructions Pty Ltd on 22 October 2024, after years of inactivity.

Attachment 16: ASIC Extract – Roles and Relationship Details for AWB WATERFRONT CONSTRUCTIONS PTY LTD – confirms that Mr. Paul Whitmarsh is the sole director and ultimate controller, aligning with other entities linked to him.

Attachment 17: ASIC Form 484 – Change to Company Details – confirms change of residential address for Paul Whitmarsh on 30 August 2022, linking him to the company prior to name reactivation and relaunch.

Attachment 18: ASIC Form 205A – Notification of Resolution – confirms formal resolution to change the company name from AWB Racing Pty Ltd to AWB Waterfront Constructions Pty Ltd on 22 October 2024.

Attachment 19: Certificate of Registration – Confirms incorporation of AWB Racing Pty Ltd (ACN 097 667 206) on 31 July 2001 and formal name change to AWB Waterfront Constructions Pty Ltd effective 22 October 2024.

Attachment 20: SafeWork NSW v AWB Contractors Pty Ltd (In Liquidation) – District Court ruling confirming conviction of the company over the death of Mr. Max Haywood and imposition of \$765,000 fine.

Attachment 21: ASIC Relational Company Extract – PLW INVESTMENTS PTY. LIMITED – confirms that PLW Investments holds shares in AWB Contractors Pty Ltd, AWB Waterfront Constructions Pty Ltd, and ACN 101 989 075 Pty Ltd, evidencing corporate linkage and common control structure.

Attachment 22: Letter to ATO from MaxAccountability.org dated 29 July 2025 – detailing evidence of phoenix activity, asset concealment, director misconduct and tax evasion. Requests urgent ATO investigation, prosecution, veil piercing, and potential jurisdictional referrals to law enforcement for criminal breaches.

Attachment 23: Letter to NSW DPP from MaxAccountability.org dated 30 July 2025 – requests urgent consideration of criminal manslaughter charges under s18 of the Crimes Act 1900 (NSW). Requests referral to NSW Police and prosecutorial review, with jurisdictional escalation where warranted.

Attachment 24: Letter to NSW Procurement Authorities from MaxAccountability.org dated 30 July 2025 – formally requests full disclosure of all NSW Government contracts, tenders, and procurement activity involving Paul Whitmarsh and associated entities since 2015. Requests immediate suspension of contracting with Mr. Whitmarsh or any related or successor entity.

Copy to:

Mrs. Tracey Haywood
Ms. Rebekah Haywood

Wife of Max Haywood
Daughter of Max Haywood

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rebekah.haywood97@gmail.com

Senator the Hon. Katy Gallagher
Senator the Hon. Tim Ayres
Hon. Michelle Rowland MP
Hon. Tony Burke MP
Hon. Julie Collins MP
Mr. Julian Hill MP
Senator Jane Hume

Minister for Finance
Assistant Minister for the Public Service
Attorney-General of Australia
Minister for Employment and Workplace Relations
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