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Date: 31 July 2025

To:

Mr. Roberto Crispino and Mr. Richard Albarran
Joint Liquidators
AWB Contractors Pty Ltd (In Liquidation)
c/o Hall Chadwick
Level 14, 440 Collins Street
Melbourne VIC 3000

By Email: DElward@hallchadwick.com.au

Subject: Formal Request for Immediate Disclosure – AWB Contractors Pty Ltd (ACN 102 299 409) - Request for All Available Information and Insurance Records Pursuant to Insolvency and Corporations Law

Dear Mr. Crispino and Mr. Albarran,

You are in receipt of a signed authority appointing me to act on behalf of members of the Haywood Family. It was signed on 30 July 2025 and sent to your office on the same day.

Mr. Max Haywood, was tragically killed on 27 January 2021 while employed by AWB Contractors Pty Ltd – now in liquidation. More recently, AWB Contractors Pty Ltd was the subject of a successful criminal prosecution by SafeWork under the Work Health and Safety Act 2011 (NSW).

Given the egregious nature of the safety breaches found to have caused Max's death, the subsequent liquidation of the company, and ongoing concerns surrounding corporate misconduct and continuity of operations under successor entities, I write to formally commence disclosure requests of all information, documents, and company records to which the family is lawfully entitled under the *Corporations Act 2001 (Cth)*, *Insolvency Practice Schedule (Corporations)*, and *Insolvency Practice Rules 2016*.

This request is made with proper standing in that it relates to a fatality in the course of employment.

Information Requested

We seek full disclosure of the following:

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.

1. Insurance Policies – including but not limited to (i) Workers' Compensation, (ii) Public Liability, (iii) Employer Liability, (iv) Directors & Officers (D&O), (v) Marine or equipment-specific coverage; (vi) Any umbrella or industrial special risk policies; (viii) Any other Insurance policy in the name of AWB Contractors Pty Ltd.

We seek copies of all insurance policies held by AWB Contractors Pty Ltd that were in effect on 27 January 2021, and/or in effect at any time during the 12 months preceding that date.

2. Employee Entitlements and Financial Records – including but not limited to Statement of wages, superannuation, and other entitlements owed to Mr. Max Haywood at the time of his death.
3. Finalised version of the Director's ROCAP.
4. Full bank account statements from 1 July 2020 to the date of liquidation.
5. Detailed asset register at the time of appointment and asset realisation reports.
6. Summary of PPSR-registered assets and outcomes of inquiries made with registered secured parties.
7. Related Party Dealings and Suspected Phoenix Activity - All findings, correspondence, or working notes regarding Pre-liquidation asset transfers to related parties; including dealings involving:
 - a. Ability Barge Services (ACN 101 989 075)
 - b. Australian Wharf & Bridge Pty Limited (ACN 002 038 048)
 - c. AWB Waterfront Constructions Pty Ltd (ACN 097 667 206)
 - d. PLW Investments Pty Ltd (ACN 086 048 923)
 - e. Ficafa Pty Ltd (ACN 003 355 682)
 - f. The Trustee for PLW Investments Trust (ABN 36 112 130 786)
 - g. Use of the trading name "AWB Group" against ABN 36 112 130 786
 - h. Use of the trading name "AWB Contractors" against ABN 36 112 130 786
 - i. Any potential breaches of s588G, s588FDA, s596AB or s590 of the Corporations Act.
8. Insurance Claims and Regulator Correspondence
 - a. confirmation of whether any insurance claims were made in respect of Max Haywood's death, and their status.
 - b. Disclosure of any correspondence with SafeWork NSW, or ASIC, or the ATO, or NSW DPP regarding any prosecution outcomes; recommendations; or referral(s) for further investigation or examination.
9. Any additional disclosures, records, or information lawfully available to you in your capacity as liquidator which, although not explicitly requested above, may reasonably be considered relevant to the death of Mr. Max Haywood, the administration of AWB Contractors Pty Ltd, or any related party dealings.

Legal Basis for This Request

This request is made pursuant to:

- (i) **Section 70-45 of the Insolvency Practice Schedule (Corporations)** – entitling a person with a financial interest in the external administration to request information, documents or reports relevant to the company's affairs;
- (ii) **Rule 70-30(2) of the Insolvency Practice Rules 2016 (Cth)** – permitting inspection of company books by persons with a proper interest, including family of deceased employees;

- (iii) **Section 474(1) of the Corporations Act 2001 (Cth)** – requiring the liquidator to take possession of all company property, including insurance policies and financial records;
- (iv) **Section 70-40(1)** – obligating the liquidator to report on the estimated assets and liabilities of the company, and the likelihood of dividends and recoveries;
- (v) **Common law principles of natural justice and public interest**, especially in the case of a fatality caused by criminal negligence.

Next Steps if Disclosure Is Not Forthcoming

Should you fail to provide the requested information within fourteen (14) days of this letter – or fail to specify valid legal grounds for refusal – we will:

- (i) Apply to Court under s70-45 of the Insolvency Practice Schedule to compel disclosure;
- (ii) Lodge a formal regulatory complaint with ASIC under s40-5 of the Insolvency Practice Schedule;
- (iii) Refer this matter to the Australian Taxation Office Phoenix Taskforce and the Fair Entitlements Guarantee Unit;
- (iv) Request examination orders under s596A and s596B of the Corporations Act for you and Mr. Whitmarsh;
- (v) Publicly document non-compliance on **MaxAccountability.org**, including the timing and content of this request.

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. This letter falls within that scope. Fourteen (14) days from the date of this letter is **14 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.

Please forward all responses by email:

To: ian.francis@MaxAccountability.org
Copy to: team@MaxAccountability.org

Sincerely,



Ian Francis

On behalf of the Family of Mr. Max Haywood