

ASA:ASM:DK:D11
D Keir

3 December 2008

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**WESTERN KINGFISH LIMITED (Administrators Appointed)
ACN 122 711 880 ("the Company")**

CIRCULAR TO EMPLOYEES

ADELAIDE
BRISBANE
MELBOURNE
NEWCASTLE
SYDNEY
HONG KONG
JAKARTA
KUALA LUMPUR
MANILA
MUMBAI
SINGAPORE
TOKYO

affiliated through
Kroll Worldwide
UNITED STATES
UNITED KINGDOM

I refer to my circular to creditors dated 3 December 2008.

In my circular, I advised that I would write separately to employee creditors regarding the appointment of Garry Trevor, Martin Jones and I as the Company's Administrators.

Enclosed is an information sheet published by the Australian Securities and Investments Commission, which provides general advice to employees whose employer is in voluntary administration.

This circular is to advise you about the status of your employment by the Company.

A. Employment During the Administration

I am examining the Company's trading and financial position with a view to assessing its future viability. Once determined, I will advise you of my intentions regarding ongoing trading.

In the interim, your employment by the Company continues on the same terms and conditions that existed at the time of my appointment. Your wages and other entitlements that accrue after my appointment are an expense of the Administration and payment will be made in the normal course.

As a consequence of the appointment, the administrators assume responsibility for the Company's management and the control of its assets. Without the written authority of the administrators, you must not, nor must you permit anyone else to:

1. Place any orders for goods or services, unless they have been duly authorised by the Administrators or others as notified in my circular to creditors;
2. Accept delivery of any goods or services, unless they are the subject of a duly authorised order;
3. Supply any services to customers or dispatch any goods to customers;
4. Enter into any commitments with suppliers or customers;



5. Make any compromise or arrangement with any debtor or creditor of the Company, including the allowance of any set-offs;
6. Incur any debts or liabilities in the name of the Company or pledge its assets;
7. Return any goods to suppliers;
8. Make any payments; and
9. Remove any of the Company's assets from the Company's custody or control.

All monies received must be forwarded to Ferrier Hodgson or paid into the bank account I have opened named "Western Kingfish Limited (Administrators Appointed)", details of which will be provided shortly.

Every invoice, order for goods, business letter, or similar document must have the words "Administrators Appointed" immediately following the name of the Company.

All Company assets must be secured against theft.

I must be notified in writing immediately of all known or potential breaches of the law or regulations (eg health, safety, hygiene, fire, etc).

B. Representative of the Employees

I request that to avoid business interruption that the employee creditors select one of their number to attend the meetings of creditors, including the meeting to be held on Thursday, 11 December 2008, and if a Committee of Creditors is to be formed, to have that representative nominate for the Committee. The employees can exercise a vote at creditors' meetings by providing their representative with a completed proxy form in favour of the representative. The minutes of the meetings of the creditors and the Committee of Inspection are public documents that can be readily made available to all employees.

C. Your Employee Entitlements at the Date of my Appointment

As an employee, you have a statutory priority of payment for outstanding entitlements such as wages, superannuation contributions payable by the Company, holiday pay and long service leave. Directors and other related persons also have a statutory priority of payment for these entitlements. However, their priority is subject to a statutory 'cap' of \$2,000 for wages and superannuation contributions and \$1,500 for holiday pay and long service leave entitlements. An employee's priority ranks after the administrator's costs and remuneration but ahead of ordinary unsecured creditors.

To assist in determining any employee claim you might have, I ask that you complete the enclosed 'Statement of Claim' form detailing your outstanding entitlements at the date of my appointment and return it to my office as soon as practicable, together with copies of all documentation that will assist with the adjudication of your claim, for



example, any written contract of employment, the first group certificate issued to you by the Company and your last pay advice.

At this early stage of the Administration, I am unable to say definitively whether or not the Company will have sufficient funds to pay employee entitlements outstanding at the date of the appointment of the Administrators. As part of our role, the Administrators will report to the creditors within 25 business days of appointment on a number of matters including the assessment of the financial position of the Company and the assets available to meet the entitlements.

The enclosed ASIC/IPAA information sheet provides information concerning the government's *General Employee Entitlements and Redundancy Scheme* ("GEERS"). Please note that GEERS does not apply in a voluntary administration.

However, if the Company proceeds to liquidation, you might have standing to submit an application and be compensated for unpaid entitlements under GEERS. For further information regarding GEERS, including your eligibility, please contact the Department of Workplace and Employment Relations on 1300 135 040 or GEERS@dewr.com.au or visit its website at www.workplace.gov.au.

For further information concerning the Voluntary Administration process generally and Ferrier Hodgson, you may wish to visit our website at www.ferrierhodgson.com.

Should you have any queries in relation to this matter, please do not hesitate to contact either Derek Keir or Jamie Gunnis of this office.

A handwritten signature in black ink, appearing to read 'A Saker', written in a cursive style.

ANDREW SAKER
Joint and Several Administrator of
Western Kingfish Limited

Encl.

**WESTERN KINGFISH LIMITED
(ADMINISTRATORS APPOINTED)
ACN 122 711 880**

CLAIM OF EMPLOYEE

NAME: _____

ADDRESS: _____

TELEPHONE NUMBER: _____

POSITION: _____

NAME OF AWARD or AWA: _____

PERIOD OF EMPLOYMENT: / / to / /

AMOUNT OF CLAIM/DEBT: Wages and salaries for
the period from / / to / / \$

Superannuation _____

Unused annual leave days _____

Long service leave _____

Other (provide details) _____

Total \$

CURRENT WAGE (GROSS): \$ per week/fortnight/month

FURTHER DETAILS OF CLAIM: _____

Please return to: Either Derek Keir or Jamie Gunnis
Ferrier Hodgson
GPO Box 2537
PERTH WA 6001

OFFICE USE ONLY		
POD No:	Ordinary:	\$
Date Received	Preferential:	\$
Entered IPS:	Rejected:	\$
RATA Amount: \$	Held Over:	\$