

La Fortuna Pty Ltd (Administrators Appointed)
Employee Frequently Asked Questions
Version 1 of November 2023
(Liquidation/Termination/Transfer of Employment)
In addition to Version 2 of October 2023

Questions	Answers
1. Why doesn't the amount of the accrued annual leave appear on my pay slips?	<p>All annual leave accrued for your employment with our office starting from 13 October 2023 to the date of the termination of your employment (date unknown at this stage), will be calculated and paid out after the trade on period.</p> <p>At that time, a final correspondence will be issued advising the total amount of the annual leave accrued and paid.</p> <p>For any pre-appointment annual leave entitlements, upon the appointment of Administrators, all employees entitlements owed by the Company are frozen as at 13 October 2023.</p>
2. Can I apply for any annual or sick leave during the period of my employment with your office?	We are currently operating on a 'no work, no pay' basis. As such, staff will only be paid for the number of hours worked.
3. Am I able to use my annual leave which was approved prior to your appointment on 13 October 2023?	Upon the appointment of Administrators, all employees entitlements owed by the Company are frozen as at 13 October 2023, including any outstanding annual leave entitlements
4. What is the reason for the upcoming 2nd meeting of creditors on 6 November 2023?	<p>Under the law, there are three (3) options available to a company in Administration, and one of three options must be determined (resolved) at the upcoming meeting of creditors on 6 November 2023. The options are:</p> <ul style="list-style-type: none"> • The Company accept and execute a DOCA; or • The Company be placed in Liquidation; or • The Administration ended and the control returned to the Company. <p>As there is no DOCA proposal, and given that the Company is insolvent, we recommended in our Section 439A report (as required by law to do so) that the creditors should choose to vote in favour of the liquidation of the Company. This is however, up to you on how you wish to vote.</p> <p>The upcoming meeting of creditors will decide the future of the Company in accordance with three (3) options listed above.</p>
5. How do I know how to vote at the upcoming meeting?	As there is no DOCA proposal, and given that the Company is insolvent, we recommended in our Section 439A report (as required by law to do so) that the creditors should choose to vote in favour of the liquidation of the Company. This is however, up to you on how you wish to vote.
6. Will my claim/entitlements be affected in any way should I not attend the meeting or if I vote a particular way at the meeting?	No, your claim will not be affected if you do not attend the meeting or if you vote a particular way at the meeting.
7. If I am not able to attend the meeting, can I appoint someone	Yes, you may appoint the Chairperson or any other party (other employees) as your proxy holder, you can either elect to allow this person to vote generally as they see fit (General Proxy), or alternatively, you will need to specially

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to vote on my behalf at the upcoming meeting?	nominate how you wish to vote on each of the resolutions in the proxy form (Special Proxy) (attached to the end of the report to creditors dated 27 October 2023) and your proxy form must be submitted to our office by 1:00PM (AWST) on 3 November 2023 , for your vote to count.
<p>8. What will happen to my employment after the meeting on 6 November 2023?</p> <p>9. How will my entitlements be affected in each of these scenarios?</p>	<p>We wish to continue to employ you under the circumstance as part of the ongoing trading of the Company's business until one of the following scenarios occur subject to the availability of cashflow of the Company (i.e. there must be sufficient funds to pay for the wages during our trading operations):</p> <ol style="list-style-type: none"> 1. The business of the Company will be sold, and the purchaser/successor may offer employees with an employment and consider taking over some or all of the entitlements as part of the sale (same terms). 2. The business of the Company will be sold, and all employees will be terminated by the Administrators / Liquidators, however, the employees may be approached by the purchaser/successor to offer employment (terms unknown). 3. The business of the Company will be sold without the employees being offered new employment by the purchaser/successor. 4. We cease to trade the Company's operations and terminate all employees without the sale of its business or novation of contract. <p>Your entitlements in each of the above scenarios are listed in the same order as above:</p> <ol style="list-style-type: none"> 1. All your entitlements (except superannuation) will be taken over by the purchaser/successor. You will not be entitled to redundancy or PILN entitlements in this scenario. 2. Eligible employees may be entitled to make a claim (eligibility criteria applies) with the DEWR under the Fair Entitlement Guarantee ("FEG") Scheme for the following entitlements: <ul style="list-style-type: none"> (a) Annual leave; (b) Annual leave loading; (c) Payment in lieu of notice; and (d) Redundancy. 3. Same as point 2 above. 4. Same as point 2 above. <p>In each of the above scenarios, your superannuation entitlement will remain with the Company, for which you may receive a distribution from the Liquidation only if sufficient recoveries (net of administration and liquidation costs) have been made during our appointment.</p>
10. How will I know if the purchaser (if any) of the Company's business has offered me a new employment?	You will receive a notification either from our office or directly from the purchaser/successor of the business, in due course.
11. How will I know if my employment has been	You will receive a termination letter from our office in due course.

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<p>terminated and I am not offered a new employment?</p>	
<p>12. Can I make an application with DEWR under the FEG scheme now?</p>	<p>No, the FEG scheme is only available to the employees of a company that is in liquidation, i.e. this will only be available if the Company is placed into liquidation at the forthcoming meeting.</p>
<p>13. Will your office assist with my application with DEWR under the FEG scheme?</p>	<p>Unfortunately, we are unable to assist as it has substantial personal information, and you will be required to submit your claim directly to DEWR (best way is to submit an online application). Once you have made an application with DEWR, DEWR will contact our office in due course to verify your claim.</p>
<p>14. Who will I receive the payment from the FEG?</p>	<p>Once verified by our office, DEWR will make a decision at their discretion and payment will be made directly to you by DEWR.</p>
<p>15. How long will this process take for me to get paid?</p>	<p>It usually takes up to 12 weeks from when a claim is submitted to DEWR, for DEWR to make the payment directly to you.</p>
<p>16. Who should I contact for any questions that I have relating to this application?</p>	<p>All questions relating to the FEG application must be directed to DEWR via telephone on 1300 135 040.</p>
<p>17. If I have submitted a claim form with your office, do I still need to submit my application with DEWR under the FEG scheme?</p>	<p>Even if you have submitted a claim form with our office, you will still need to submit your application directly to DEWR under the FEG scheme as it is an assistance program available to the Australian Residents.</p>
<p>18. How long do I have to submit my application with DEWR under the FEG scheme?</p>	<p>You must submit your application within 12 months from the date of the liquidation of the Company.</p>
<p>19. Which entitlements can I claim under the FEG scheme?</p>	<p>You will be entitled to claim the following entitlements under the FEG scheme:</p> <ul style="list-style-type: none"> (a) Any annual leave (balance as at 13 October 2023 less any used annual leave during our trade on period); (b) Annual leave loading; or (c) Payment in lieu of notice; or (d) Redundancy, etc. <p>For more information relating to the FEG scheme, please visit https://www.dewr.gov.au/fair-entitlements-guarantee.</p>
<p>20. Will I receive an income statement for the period of my employment during the Administration period with your office?</p>	<p>Yes, you will receive 2 income statements from our office for the following periods of your employment with our office:</p> <ul style="list-style-type: none"> 1. VA Period - 13 October 2023 to the end of the VA period; and 2. Liquidation Period - From the commencement of the Liquidation date to the end of your employment.
<p>21. Will your office submit the required payroll lodgements to enable me to lodge my income tax return for the year ended 30 June 2024?</p>	<p>Yes, our office will submit the following payroll lodgements after the end of your employment with our office:</p> <ul style="list-style-type: none"> 1. Pre-appointment period - 1 July 2023 to 12 October 2023; 2. VA period - 13 October 2023 to the end of the VA period; and 3. Liquidation period - From the commencement of the Liquidation date to the end of your employment.