



McGrathNicol

19 September 2025

ABN 41 945 982 761
Level 19, 2 The Esplanade
Perth WA 6000,
GPO Box 9986
Perth WA 6848,
T +61 8 6363 7600
F +61 8 6363 7699
mcgrathnicol.com

Brite Advisors Pty Ltd (In Liquidation) (Receivers and Managers Appointed)
ACN 135 024 412
(Brite Advisors)

Update – 15 September 2025 hearing and orders

On 15 September 2025, his Honour made two sets of orders:

- The **Distribution Methodology Orders**, which establish the framework for calculating and making distributions of the Trust Assets.
- The **Interim Distribution Application Orders**, which authorise the Receivers to seek approval (via an application to the Court) to commence interim distributions of the Trust Assets.

A copy of the orders have been published to the Receivers' website, which can be accessed here <https://www.mcgrathnicol.com/creditors/brite-advisors-pty-ltd/>.

1 Distribution Methodology Orders

These orders provide formal judicial endorsement of the Receivers' proposed approach to calculating Beneficiaries' distributions from the Trust Assets. **These orders do not authorise an immediate distribution to Beneficiaries.** A distribution will only occur at the earliest once the application for the Interim Distribution Orders has been heard, which is scheduled for 12 November 2025.

In summary the Distribution Methodology Orders provide for the following:

- The Court has approved the pooling of certain assets and cash, predominantly held on the Interactive Brokers platform, into a single fund referred to as the Deficient Mixed Fund. The assets in the Deficient Mixed Fund will ultimately be liquidated and Beneficiaries with an entitlement to this fund will receive a cash payment proportionate to the value of their entitlement. The effect of this is that Beneficiaries will share equally in the shortfall.
- Where Beneficiaries deposited cash into Brite Advisors' bank account on or after 16 October 2023 and those funds were not transferred to the Interactive Brokers platform, that cash and any interest earned will be returned to those Beneficiaries (less a fee representing a proportionate share of fees and expenses relating to the Receivers' work).
- All structured notes held on the Moventum Platform in GBP and USD accounts, as well as cash proceeds of those notes, will be transferred back to Beneficiaries (less a fee representing a proportionate share of fees and expenses relating to the Receivers' work).
- Any Beneficiary who held Minerva Notes as at 13 December 2023 will hold no rights to those notes and will instead have an entitlement to the Deficient Mixed Fund equal to the funds provided by the Beneficiaries.



- Any Beneficiary who held structured notes which were sold down by Brite Advisors between March 2022 and October 2022, and not repurchased, have an entitlement to the Deficient Mixed Fund equal to the value which those structured notes would have held as at 13 December 2023.

2 Interim Distribution Application Orders

In addition to the above, the Court has made orders authorising the Receivers to bring an **Interim Distribution Application** (refer our update of 10 September 2025 available on our webpage which can be accessed here: <https://www.mcgrathnicol.com/creditors/brite-advisors-pty-ltd>), in which the Receivers will seek approval to distribute the maximum amount possible from the Deficient Mixed Fund to Corporate Trustees and Beneficiaries as well as return the other cash and assets held outside the Deficient Mixed Fund.

Key dates and procedural steps include:

- **7 October 2025:** The Receivers will file proposed orders and supporting evidence.
- **14 October 2025:** Deadline for parties seeking leave to be heard as interested parties.
- **28 October 2025:** Deadline for interested parties to file submissions and evidence.
- **12 November 2025 (9am AWST / 11.30am ACDT):** The Interim Distribution Application will be heard by the Court.

The Receivers will provide their Interim Distribution Application to Interested Parties and Corporate Trustees and will seek orders to publish those materials to the website.

2.1 Participation in the Interim Distribution Application

The Court permitted the Receivers to take steps to join the Commissioner of Taxation as an interested party to assist in resolving outstanding Australian tax matters relevant to the distribution process. The Receivers immediately took steps to join the Commissioner of Taxation by filing an application with the Court on **16 September 2025**.

The Court also permitted the existing Interested Parties to participate in the Interim Distribution Application being; the Administrators of Relay Administration Ltd, Alltrust Services Ltd, Bourse Pension Administrators (Malta) Limited and Interactive Brokers Australia Pty Ltd.

2.2 How to participate

If you would like to take steps to be formally heard at this hearing, meaning you will be required to formally file material with the Court and appear in person, or through a lawyer before the Judge, you will need to apply pursuant to the Court Rules (see Order 4 of the Interim Distribution Application Orders).

The Receivers are unable to provide advice on any application made in respect of Order 4 and recommend you obtain Australian legal advice should you wish to appear and be heard as an interested party.

Alternatively, the Court has ordered that:

- **By 28 October 2025:**
Any person who is *not* an interested party may provide the Receivers with submissions or evidence they wish to have considered in relation to the Interim Distribution Application.
- **By 30 October 2025:**
The Receivers are required to file an affidavit with the Court that includes any submissions or evidence received from such persons.



This process allows Beneficiaries to have their views or concerns formally placed before the Court, even if they have not sought or been granted leave to appear as interested parties.

3 Surrender Rebate and Interest Disputes

As part of the Interim Distribution Application Orders made by Justice O'Sullivan on 15 September 2025, the Court endorsed two specific positions advanced by the Receivers in relation to the treatment of Surrender Rebates and Interest:

- The Court confirmed that the Receivers would be acting properly and are justified in treating any balance of a Surrender Rebate as a *deduction* in the calculation of the respective Beneficiary's total entitlement.
- The Court further confirmed that the Receivers would be acting properly and are justified in *not* adding any interest to any cash holding recorded in the 13 December 2023 data.

4 What happens after the Interim Distribution Application

The Interim Distribution Application will be heard by the Court on **12 November 2025**, the Receivers will request that the Federal Court livestream the hearing and will provide a further update in that regard closer to the hearing date.

Subject to the Court making orders permitting the Receivers to proceed with an Interim Distribution, the Receivers will take steps in accordance with the Distribution Methodology Orders to prepare and execute the distribution process.

This will involve:

- **Liquidation of Assets:** The Receivers, with the assistance of the Interim Funds Manager, will commence the orderly sale of assets held in the IB Accounts, with the objective of achieving fair market value.
- **Determination of the Final Total Value:** The value of the Deficient Mixed Fund will be calculated, applying prevailing exchange rates where necessary.
- **Calculation of Distributions:** Each Beneficiary's entitlement will be calculated using the Court-approved methodology.
- **Payment of Interim Distributions:** Cash payments will be made to eligible Corporate Trustees and Beneficiaries in the nominated currency, in accordance with the procedures established by the Receivers.

5 Publication of Materials

The Receivers are currently seeking authorisation from the Court publish the following documents:

- 27th Affidavit of Linda Methven Smith affirmed 8 September 2025 (excluding annexures) with such redactions applied as approved by the Court – the Receivers' application for directions from the Court in relation to the Interim Distribution Application which also provides an update in respect of the Receivers' engagement with the Australian Taxation Office (**ATO**).
- 4th Affidavit of Carmen Anne Leah Boothman sworn 16 September 2025 (including annexures) – relating to the ATO Joinder Application.

These documents will be available shortly on our webpage which can be accessed here:

<https://www.mcgrathnicol.com/creditors/brite-advisors-pty-ltd>.



6 Ongoing updates

The Receivers will continue to keep Corporate Trustees and Beneficiaries apprised of the conduct of the receivership and issue further updates when there are material developments. Correspondence issued to Trustees and Beneficiaries can be downloaded from our website at the following link:

<https://www.mcgrathnicol.com/creditors/brite-advisors-pty-ltd>.

If you have any queries, please refer to the Frequently Asked Questions page on our website, which can be accessed here: <https://www.mcgrathnicol.com/creditors/brite-advisors-pty-ltd>. This page will be continually updated as new information that is relevant to Beneficiaries and Trustees becomes available.

If you have any queries which are not addressed in the Frequently Asked Questions, please contact the Receivers at briteadvisors@mcgrathnicol.com.

Yours faithfully

Brite Advisors Pty Ltd (In Liquidation) (Receivers and Managers Appointed)

A handwritten signature in cursive script that reads "Linda Smith".

Linda Smith

Receiver and Liquidator