

110.3.11.11

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From: Sean Butler <sbutler@iinet.net.au>
Sent: Thursday, 3 November 2011 10:05 AM
To: 'Jon.Karolczak@minterellison.com' ← Lawyer for Taylor Woodings
Subject: Concerns over issues raised with Fair Work Australia and the receivership generally
Attachments: Please advise Bank issues resolved ; S W Times Lighthouse Article 11.8.2011.PDF; National Hotel; Unconscionability in the Banking Sector Senate Committee 2010.pdf; Asbestos at lighthouse

Dear Jon.

I refer to the Fair Work Australia Form F3 S. Butler dated 1st November 2011 and signed by Richard Johnson.

I think there may be some misunderstanding or lack of communication on various matters and I would like to clear that up.

Item:

3.7 (b) This is un-true. Could you please provide details of which employees you allege I attempted to solicit and when this happened? ← No response

3.7 (c) Please provide details of how my engaging with the media is of a concern. I responded to false allegations made in the South Western Times with a view to maximising the value of the company and I attach the response article involved dated 11th August 2011 which quotes me as saying that the business is profitable and trading well. ← No response!

3.7 (d) Provide details of the failed "information providing" I have not been informed of any outstanding issues.

3.7 (e) In reference to the letter dated 18th August 2011; I thought all the issues were resolved at our meeting at the offices of Taylor Woodings on the 31st August, which my solicitor Eva Lin also attended. I attach a letter I sent to Mark Englebert asking him to confirm with the Bank that all the matters were discussed and resolved. I have not heard back from anyone on any of the matters raised since and have presumed all issues raised were dismissed. I deny that I have ever acted in a manner adverse to the efficient conduct of the receivership and I have not and will not interfere. For the avoidance of any doubt could you please provide details of any issues that were not resolved at that meeting or any matters of concern or outstanding since. ← No response from the receiver

3.9 Could you provide all details of any conduct which was adverse to the company since the meeting on 31st August 2011. ↑ No response!

I want the receivership to maximise the returns to my Companies so if there are any future concerns I ask you or the receivers to contact me as they happen rather than not mentioning them until several months later as appears to have happened here.

The actions of Mark Englebert & Jeremy Nipps personally have not been in the best interests of the companies involved.

I have raised serious safety concerns regarding asbestos, pool safety, and other matters with Mark Englebert and Jeremy Nipps personally on various occasions. I attach an email sent on 20th October 2011 regarding the Asbestos. As a director of the Companies involved I don't want to be personally liable for the actions or inaction by Mark or Jeremy over any matters to do with the properties or companies involved. If I am at risk could you please advise me as soon as possible so appropriate action may be taken.

I have also raised concerns regarding the fact that the National Hotel in Fremantle (valued last year at over \$7m) is still not on the market after 15 weeks due to their lack of ability to resolve planning, engineering, building and cost issues. I have tried to explain to them both personally what's involved but they have chosen to ignore my advice and deemed my help not needed. My role was needed to resolve these issues and the termination of my employment was not a genuine redundancy as is apparent by these critically important issues being still outstanding. For the avoidance of any doubt you could contact the Architects involved, Gerard McCann on 9336 2856 or Frank lemma on 9489 2271 or the Engineer Robert Rowbottam on 6364 3300 who will all confirm nothing has been done in the last fifteen weeks. The Selling Agents will also confirm the property is not yet listed for sale and will not be until these issues are resolved.

The National Hotel will be a serious fire risk to the City of Fremantle and adjoining buildings over Summer and I have been advised to let the Fire Department and the Local Council know if it's vacated which it may be if I am not re-employed. The cost of addressing security issues will exceed my wages for the period needed to sort out the selling issues. I have also advised Mark Englebert and Jeremy Nipps of this personally and I request you take it up with them again now **I don't want to be held personally liable if it burns down again (as it did when left partially vacant in 2007) and if you have any concerns on this please advise me so appropriate action may be taken.**

I attach a letter I sent to David Gilbert at Bankwest yesterday and an extract from the Senate Enquiry last year. I don't particularly want to go to the media and would prefer to resolve issues raised. However if my concerns continue to be ignored, as they have been regarding the National Hotel to date, I have reached the point where I think I have nothing to lose and a potential to get a better outcome by doing so.

If I don't hear back from yourself, the Receivers or the Bank by the end of the week I plan to take this to a National Newspaper next week. I have had preliminary meetings and discussions with the Journalists already. They want to run the storey but want me to provide copies of correspondence to back it up.

Please contact me today or tomorrow if you have any concerns on the issues raised or if you want to discuss things.

Kind Regards,

Sean Butler

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