



19 November 2025

ABN 41 945 982 761  
Level 38, 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)**

**Further Update – Interim Distribution Application**

I refer to our previous circulars to Corporate Trustees and Beneficiaries and adopt the defined terms contained in those circulars regarding the Interim Distribution Application.

**Key updates**

- The Court has made an order to pay an interim distribution of the Client AuM, withholding Non-Distributable Amounts totalling approximately USD\$152m, increasing to USD\$187m if the Contingency (refer details at section 2) increases to 15%. The value of the Client AuM on the IB Platform as at 31 October 2025 was approximately USD\$782m.
- A portion of the Client AuM will be liquidated by 12 December 2025 to fund this distribution. The Receivers will have until 21 January 2026 to pay the distribution to Corporate Trustees and Beneficiaries.
- The Client AuM that is retained will stay invested.
- The Receivers require information from Corporate Trustees and Direct Beneficiaries in order to pay the distribution. The Receivers will issue separate correspondence in this regard.

**1 Hearing of the Interim Distribution Application**

The Interim Distribution Application was heard by his Honour Justice O'Sullivan of the Federal Court of Australia on 13 November 2025.

You may have watched the hearing via the livestream on the Court's YouTube channel.

During the hearing, his Honour heard oral submissions by counsel for the Receivers, as well as counsel for Interactive Brokers Australia Pty Ltd (**IBAU**), counsel for Ms Wild and Mr Hyde of Begbies Traynor as administrators of the Relay Group Corporate Trustees (**Relay Administrators**). Counsel for the Australian Securities and Investments Commission also appeared at the hearing.

A sealed copy of the orders made at the hearing is **annexed** to this circular (**Orders**).



In summary terms:

- the Court made orders broadly in terms of the revised minute of proposed orders filed by the Receivers on 4 November 2025, which enables the Receivers to commence the steps necessary to make Interim Distribution payments during the course of December 2025 and January 2026;
- the provision for Australian tax liabilities to be withheld from the Interim Distribution was reduced from AUD\$175million to AUD\$100million following consultation with the Australian Taxation Office;
- a Payment Orders hearing was not listed on 23 December 2025 as proposed. Instead, the Court will deal with the Receivers' applications for Payment Orders on a rolling basis and on the papers (that is, without need for a hearing) to streamline the process;
- the Receivers were ordered to prioritise Interim Distribution payments to the three largest Corporate Trustees by value of investment, being the Relay Group Corporate Trustees, Alltrust and STM Malta; and
- the Court declined to make an order requiring IBAU to meet specific timeframes for processing the Receivers' withdrawals from the IB Accounts, following counsel for IBAU confirming that IBAU can process these withdrawals within 5 business days.

## **2 Further conferral regarding increase to contingency component of Non-Distributable Amount**

The Non-Distributable Amount, being the amount of the Client AuM that the Receivers will withhold from the Interim Distribution, is comprised of the following:

- AUD\$100,000,000 on account of potential Australian tax liabilities; plus
- USD\$10,183,928 on account of potential US tax liabilities; plus
- GBP£4,418,636 on account of unresolved claims to Client AuM; plus
- USD\$770,854 on account of unresolved claims to Client AuM; plus
- 10% of the value of the assets invested on the IB Platform once the amounts above have been excluded (**Contingency**).

During the hearing, counsel for IBAU submitted that the Non-Distributable Amount was insufficient to protect IBAU's asserted interest in the Client AuM and that a larger Contingency was necessary.

Counsel for the Relay Administrators submitted that the only practical compromise was to increase the Contingency from 10% to 15% in order to address IBAU's concern that the Interim Distribution would leave no Client AuM against which it may exercise its asserted security interest. His Honour noted during the hearing that if it will address IBAU's concern, his Honour would be prepared to order that the Contingency increase to no more than 15%.

His Honour directed the Receivers, IBAU and the Relay Administrators to confer further on this point following the hearing.

The Receivers consider increasing the Contingency to 15% is appropriate with a view to potentially avoiding any appeal by IBAU of his Honour's decision and/or any application to injunct the Interim Distribution.

The Receivers' lawyers are in the process of conferring with IBAU and the Relay Administrators' lawyers in respect of increasing the Contingency to 15% and will provide Corporate Trustees and Beneficiaries with a further update following the conclusion of that conferral. The amount of the Contingency only impacts what



can be distributed as part of the interim distribution (i.e. what will be distributed *now*). It does not impact what Beneficiaries will ultimately receive by way of further distribution.

### 3 Liquidation Window has now commenced

The Liquidation Window commenced on 13 November 2025. Under the Orders, the Liquidation Window will end on 12 December 2025.

During this period, the Receivers will work together with the Interim Fund Manager to liquidate the assets necessary to pay the Interim Distribution.

As noted above, during the hearing, counsel for IBAU confirmed to the Court that IBAU would be able to action withdrawal requests from the Receivers within 5 business days.

The Receivers have asked IBAU to ensure all necessary access rights and permissions are in place to enable the Interim Fund Manager to implement the liquidation strategy and for the Receivers to withdraw the proceeds of the liquidation in a timely fashion to allow the Interim Distribution payments to be made as planned.

### 4 Planned timelines

The planned timeline for the Interim Distribution is as follows:

<b>13 November 2025 to 12 December 2025</b>	<b>Liquidation Window</b> Assets necessary to pay Interim Distribution will be liquidated by the Interim Fund Manager. The Receivers will request bank account details from Corporate Trustees and Direct Beneficiaries for payment of Interim Distribution. The Receivers will finalise and test the Excel model for calculating the Interim Distribution payments to be made in respect of each Beneficiary.
<b>24 November 2025</b>	<b>Last date for ad-hoc and hardship pension requests</b> Refer to the Receivers' circular dated 19 November 2025.
<b>28 November 2025</b>	<b>Last date for Corporate Trustee substitution</b> Refer to the Receivers' circular dated 19 November 2025.
<b>13 December 2025 to 21 January 2025</b>	<b>Distribution Window</b> The Receivers will seek directions from the Court as to the payments to be made to each Corporate Trustee and Direct Beneficiary ( <b>Payment Orders</b> ). The Court will consider this application and has indicated a willingness to make the Payment Orders without need for a further hearing. As the Court makes the Payment Orders, the Receivers will process Interim Distribution payments, prioritising payments to the Relay Group, Alltrust and STM Malta being the Corporate Trustees representing the largest number of Beneficiaries.



## **5 What we need from Corporate Trustees and Direct Beneficiaries**

It is critical that Corporate Trustees and Direct Beneficiaries respond promptly to the Receivers' request for confirmation of bank account details, when this information is requested.

The Receivers will issue separate correspondence to the Corporate Trustees and Direct Beneficiaries in this regard.

## **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](mailto:briteadvisors@mcgrathnicol.com).

Yours faithfully

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

Linda Smith  
*Receiver and Liquidator*