

s 22(1)

From: s 22(1)
Sent: Tuesday, 30 April 2024 5:50 PM
To: Richard Albarran
Cc: CARR, Henry
Subject: Bonza Aviation (Administrators Appointed)
Attachments: 30042024 -Active Creditor Letter.pdf

Dear Mr Albarran,

Please refer to the attached letter.

Kind regards

s 22(1)

Senior Forensic Investigator

Active Creditor | Recovery and Litigation Branch
Entitlements Safeguards Division
Australian Government Department of Employment and Workplace Relations
T: s 22(1) (ext. s 22(1)) | s 22(1) [@dewr.gov.au](mailto: @dewr.gov.au)

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Australian Government
**Department of Employment
 and Workplace Relations**

30 April 2024

Richard Albarran
 Hall Chadwick
 Level 40, 2-26 Park Street
 SYDNEY NSW 2000

By email: s 47F(1) [@hallchadwick.com.au](mailto:s47f1@hallchadwick.com.au);

Dear Mr Albarran,

Bonza Aviation ACN 653 309 909 (Administrators Appointed) (the Company)

We refer to your appointment, together with Kathleen Vouris, Brent Kijurina and Cameron Shaw as joint and several Voluntary Administrator of the Company earlier today.

The Department wishes to determine whether there is likely to be a FEG exposure as a result of the appointment to the Company.

Whilst we note that you have only just been appointed, we would appreciate it if you would provide the following information, to the extent that it is currently available to you:

- Was your appointment made by the Company under section 436A of the Corporations Act or by a secured creditor under section 436C of the Corporations Act?
- We understand a number of the Company's leased aircraft may have been repossessed. Are there any unencumbered assets or leased assets remaining in the possession of the Company to enable it to continue its business operations and do you intend to continue to trade the business in any capacity?
- How many staff are employed/were employed by the Company and has the workforce been maintained or reduced?
- Are/were the employees employed on a full time, part time or casual basis?
- Are there any outstanding employee entitlements, other than superannuation?
- Is there superannuation outstanding? If so, please provide details.
- Is there an ALLPAAP/GSA secured creditor?
- Are you expecting to receive a DOCA proposal for the sale or restructure of the Company's business?
- Is there likely to be any FEG exposure if a DOCA proposal is not submitted or is not accepted by creditors and, if so, are you in a position to estimate the likely dollar value of the exposure?
- Is it likely you will seek to extend the convening period for the second meeting of creditors?

If convenient we are available for a call to discuss the above questions.

Should you have any queries, please contact s 22(1) of this office on s 22(1) or
s 22(1) [@dewr.gov.au](mailto:).

Yours faithfully
s 47F(1)

Henry Carr
Branch Manager / Senior Executive Lawyer

s 22(1)

From: s 22(1)
Sent: Thursday, 2 May 2024 2:33 PM
To: CARR, Henry; Zaheed, Mohita; s 22(1) marisa.purvissmith@infrastructure.gov.au; Christina.Garbin@pmc.gov.au; stephanie.werner@infrastructure.gov.au; Kai.Everist@infrastructure.gov.au; Jose, Cameron; s 22(1) Mullaly, Damian; s 22(1) s 22(1) s 22(1)
Cc: s 22(1)
Subject: RE: Bonza - wrap up [SEC=OFFICIAL]

Hi Mohita,

Just to clarify further, there is no secured creditor with a charge over all of the Company assets but, there are 2 All PAAPs, with exception registered by aircraft lessors who have an interest over most of the current and future property of the company, but with some exceptions.

1. JWARP II LLC has a charge over All present and after acquired property except personal property which is not leased in connection with, or related to, or to the lease of, The Boeing Company 737-8MAX airframe with MSN 43975 or CFM International, Inc. CFM LEAP-1B27 engine with manufacturer's numbers 603058 or 603059 or which is not subject to a security agreement between secured party and grantor.
2. AIP Aircraft 2 LLC, has a charge over All present and after acquired property except personal property which is not leased in connection with, or related to, or to the lease of, The Boeing Company 737-8MAX airframe with MSN 61864 or CFM International, Inc. CFM LEAP-1B27 engines with manufacturer's numbers 603611 or 603717 or which is not subject to a security agreement between secured party and grantor.

There are also 17 PMSIs (fixed security interests over specific assets) registered over aircraft.

Kind regards

s 22(1)

Senior Forensic Investigator

Active Creditor | Recovery and Litigation Branch
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 Australian Government Department of Employment and Workplace Relations
 T: s 22(1) | s 22(1) [@dewr.gov.au](mailto:s 22(1)@dewr.gov.au)

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From: CARR, Henry <Henry.Carr@dewr.gov.au>
Sent: Thursday, May 2, 2024 2:06 PM
To: Zaheed, Mohita <Mohita.Zaheed@treasury.gov.au>; s 22(1) @TREASURY.GOV.AU>; marisa.purvissmith@infrastructure.gov.au; Christina.Garbin@pmc.gov.au; stephanie.werner@infrastructure.gov.au; Kai.Everist@infrastructure.gov.au; Jose, Cameron <Cameron.Jose@finance.gov.au>; s 22(1) @finance.gov.au>; Mullaly, Damian <Damian.Mullaly@TREASURY.GOV.AU>; s 22(1) @treasury.gov.au>; s 22(1) @finance.gov.au>; s 22(1) @infrastructure.gov.au>; s 22(1) @dewr.gov.au>
Cc: s 22(1) @pmc.gov.au>
Subject: RE: Bonza - wrap up [SEC=OFFICIAL]

Hi Mohita

It is where a secured party takes a security that encompasses all of the company's assets including future assets of the company.

AKA a great big net that scoops up everything of value, for the benefit of the secured party.

Regards

Henry

All present and after acquired property (All-PAAP) with and without exceptions - this generally describes all of the current and future personal property^[1]-definition of a grantor. It is similar to the pre-PPSR security known as a fixed and floating charge. An All-PAAP is often granted by businesses to their main financier under a general security deed.

From: Zaheed, Mohita <Mohita.Zaheed@treasury.gov.au>

Sent: Thursday, May 2, 2024 1:50 PM

To: CARR, Henry <Henry.Carr@dewr.gov.au>; s 22(1) @TREASURY.GOV.AU;
marisa.purvissmith@infrastructure.gov.au; Christina.Garbin@pmc.gov.au; stephanie.werner@infrastructure.gov.au;
Kai.Everist@infrastructure.gov.au; Jose, Cameron <Cameron.Jose@finance.gov.au>; s 22(1)
@finance.gov.au; Mullaly, Damian <Damian.Mullaly@TREASURY.GOV.AU>; s 22(1)
@treasury.gov.au; s 22(1) @finance.gov.au; s 22(1)
@infrastructure.gov.au; s 22(1) @dewr.gov.au

Cc: s 22(1) @pmc.gov.au

Subject: RE: Bonza - wrap up [SEC=OFFICIAL]

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OFFICIAL

Hi all

1. Apologies if this is obvious to others but Henry what does "The lessor of the aircraft has an All PAAP but it is with exception." mean

Mohita

Mohita Zaheed

First Assistant Secretary – Labour Market, Environment, Industry and Infrastructure Division
 P s 47F(1) M s 47F(1)

EA Contact: s 22(1) ps 22(1) Es 22(1) @treasury.gov.au

treasury.gov.au

Langton Crescent, Parkes ACT 2600

[Twitter](#) | [LinkedIn](#) | [Facebook](#)

The Treasury acknowledges the traditional owners of country throughout Australia, and their continuing connection to land, water and community. We pay our respects to them and their cultures and to elders both past and present.

OFFICIAL

From: CARR, Henry <Henry.Carr@dewr.gov.au>

Sent: Thursday, May 2, 2024 1:42 PM

To: Zaheed, Mohita <Mohita.Zaheed@treasury.gov.au>; s 22(1) @TREASURY.GOV.AU;
marisa.purvis-smith@infrastructure.gov.au; Christina.Garbin@pmc.gov.au; stephanie.werner@infrastructure.gov.au;
Kai.Everist@infrastructure.gov.au; Jose, Cameron <Cameron.Jose@finance.gov.au>; s 22(1)
@finance.gov.au; Mullaly, Damian <Damian.Mullaly@TREASURY.GOV.AU>; s 22(1)
@TREASURY.GOV.AU; s 22(1) @finance.gov.au; s 22(1)
@infrastructure.gov.au; s 22(1) @dewr.gov.au

Cc: s 22(1) @pmc.gov.au

Subject: RE: Bonza - wrap up [SEC=OFFICIAL]

Dear All

FYI

In email below Michelle reports on a conversation with the VA today that responds to the issues raised in our Day 1 letter.

Best regards

Henry
s 47F(1)

From: s 22(1) @dewr.gov.au

Sent: Thursday, May 2, 2024 12:59 PM

To: CARR, Henry <Henry.Carr@dewr.gov.au>

Subject: FW: Bonza Aviation (Administrators Appointed) [SEC=OFFICIAL]

I just received a call from Kathleen Vouris, one of J&S VAs.

Kathleen responded to each of our questions:

1. Appt was made by the Directors under s436A of the Act.
2. Repossession notices were issued on all aircraft operated by the Company prior to the VAs' appointment. There is no unencumbered aircraft. The VAs are trying to negotiate with the aircraft lessor and are meeting with external parties to try to obtain funding to allow continued operation of the business.
3. There are 323 employees. The VAs met with the employees on the night the appointment was taken (30th) and have called another meeting for tonight. They are trying to determine whether they can continue and if, so how many staff they can retain or if they need to stand staff down.
4. Kathleen believes most employees are full-time.
5. The VAs are working through the employee entitlements calculations now and Kathleen will have one of her team email the details to me. She stressed the total entitlements number is unverified at this stage. Noted there are wages outstanding.

6. Superannuation debt tbc
7. The lessor of the aircraft has an All PAAP but it is with exception.
8. Unlikely to receive a DOCA proposal from the current board but may be one from another party for the sale of the business/restructure of the Company.
9. There will be a FEG exposure if a DOCA proposal is not submitted or accepted.
10. The VAs were initially contemplating an application to extend the convening period but this will now depend on what they can do about the repossession notices issued prior to their appointment.

Kathleen noted she understands that the FEG Scheme is only available once a company is in liquidation but asked if there is any support the department can provide to employees now. I noted this is really a request for FEG not our department and asked her to put her request in writing.

Kind regards

s 22(1)

Senior Forensic Investigator

Active Creditor | Recovery and Litigation Branch
Entitlements Safeguards Division
Australian Government Department of Employment and Workplace Relations
T: s 22(1) s 22(1) [@dewr.gov.au](mailto: @dewr.gov.au)

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s 22(1)

From: CARR, Henry
Sent: Thursday, 2 May 2024 6:25 PM
To: WALLBANK, Angela; MCCORMACK, Helen; WEARNE, Jodie
Cc: s 22(1)
Subject: RE: Bonza Aviation [SEC=OFFICIAL]
Attachments: Bonza Talking Points 2 May 2024.docx

Hi all

Earlier today I received updated talking point **attached**.

But of more consequence, moments ago I received advice through the interagency group that;

- the VA is intending to meet with the employees tonight.
- there is a likelihood that the VA will stand down the vast majority of Bonza employees, until 7 May.

This information is provided by the VA in the strictest of confidence/ under embargo. Still, I understand the agencies are letting their MO know tonight.

Ange/ Jodie if I don't hear from you that you intend to pass this on to the office tonight, I intend to do so.

Helen you might want to develop the usual "FEG is ready/ willing/ able to assist when and if Bonza enters into winding up" now that the employees are being stood down- not sure that is necessarily a tonight issue though?

Best regards
 Henry

From: CARR, Henry
Sent: Wednesday, May 1, 2024 7:37 PM
To: WALLBANK, Angela <Angela.Wallbank@dewr.gov.au>; MCCORMACK, Helen <Helen.McCormack@dewr.gov.au>; WEARNE, Jodie <Jodie.Wearne@dewr.gov.au>
Cc: s 22(1) @dewr.gov.au; s 22(1) @dewr.gov.au;
 s 22(1) @dewr.gov.au
Subject: FW: Bonza Aviation [SEC=OFFICIAL]

Hi Ange and colleagues, another Bonza update below, FYI

From: s 22(1) @dewr.gov.au>
Sent: Wednesday, May 1, 2024 5:45 PM
To: CARR, Henry <Henry.Carr@dewr.gov.au>
Cc: s 22(1) @dewr.gov.au>
Subject: Bonza Aviation [SEC=OFFICIAL]

Hi Henry,

Following is an update from the Teams call this afternoon with Infrastructure, Tsy and others re Bonza:

Infrastructure provided an update following their further meeting with the VA today, in summary:

- The main issue which will determine whether the VAs can resurrect the business is access to the aircraft. They need to have further discussions with the owners of the aircraft as this issue is currently unresolved.
- Some airports are owed money and have locked up, and are claiming liens over, aircraft.
- An employee meeting has been scheduled for around midday tomorrow, although the VAs probably will not have all the answers employees are seeking by then.
- Wages are due on Friday and the VAs will have to decide whether they can pay or to stand down employees.
- The VAs will make another announcement tomorrow regarding further flight cancellations and also intend to issue another media release tonight (details of that content of that release are unknown).
- Infrastructure is still operating its hotline and received c.900 calls today and just under 1,500 calls yesterday. They provided some feedback/suggestions to the VAs re issues raised by hotline callers:
 - Callers to the VAs' hotline have been either been unable to get through or are unsure if they have the correct number. Infrastructure suggested a voicemail message be set up.
 - Callers have advised they have sent emails to the VAs at the email address provided in their media release but have received no reply. Infrastructure suggested an auto response.
- As a result of the issues with the VAs' hotline, Infrastructure will need to keep theirs going until the end of the week. Their Minister and the PM are very supportive of the hotline.
- A update will be provided tomorrow following a further discussion with the VAs.

There may be another call tomorrow afternoon.

Kind regards

s 22(1)

Senior Forensic Investigator

Active Creditor | Recovery and Litigation Branch

Entitlements Safeguards Division

Australian Government Department of Employment and Workplace Relations

T: s 22(1)

| s 22(1)

@dewr.gov.au

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BONZA voluntary administration

Statement

Bonza Aviation has now entered voluntary administration.

This is disappointing news, particularly for customers with booked travel and staff who will be impacted.

The Government's focus right now is on assisting Bonza staff and Australian travellers who have been impacted.

At this stage, Bonza has cancelled all flights between Tuesday 30 April 2024 and **Tuesday 7 May 2024**, inclusive.

Beyond that, Bonza flights have not been cancelled, and it is now a matter for the administrator to determine whether Bonza can continue to operate flights beyond those dates.

The Department of Infrastructure has set up a dedicated hotline number, **1800 069 244**, to assist affected passengers. The hotline is open from 7am to 10pm until 2 May 2024.

The Hotline is available for Bonza passengers requiring advice, including on the options available to help get them home.

Qantas, Virgin Australia and Jetstar are willing to assist affected Bonza passengers, including re-booking passengers who need to return to their home port. Passengers can contact the airlines directly:

- Qantas on 13 13 13
- Virgin Australia on 13 67 89
- Jetstar on 13 15 38 or Jetstar live chat

The administrator of Bonza, Hall Chadwick, has set up a separate hotline for Bonza customers who want to enquire about their entitlements – **03 8678 1600**.

Customers who have been affected can also:

- check with your travel insurer what support is available to you
- contact your bank or financial institution to see if payments to Bonza can be reversed through a 'charge-back'
- register as a creditor with the administrator.

Key facts and figures

As at 3:00pm on 2 May 2024, I understand that:

- The Government hotline has received over 2,800 calls from Bonza passengers.
 - 1,449 calls on 30 April
 - 967 calls on 1 May
 - Over 400 calls so far on 2 May.

- Qantas, Jetstar and Virgin Australia have rebooked over 3,500 Bonza passengers
 - Virgin Australia has re-booked over 1,250 passengers
 - Jetstar has made around 1,780 re-bookings
 - Qantas has made around 560 re-bookings

** Qantas and Jetstar figures are for the number of 'bookings', which can include more than one passenger. The number of passengers rebooked will be higher.*

Q&A

- **Why won't the Government bail out Bonza?**

The Government is not considering providing any financial assistance to Bonza or the administrator.

Now that Bonza is under the control of an administrator, it is up to the administrator to determine the best possible way forward.

The Government's primary concern is the safety of Australian consumers who may be stranded away from their home destination.

- **How long will the Government hotline operate?**

At this stage, the hotline will operate until 10pm, Thursday 2 May 2024.

Operations beyond that date will be considered once more information is available about Bonza operations.

- **Did Bonza ask the Government for help?**

Officials from the Department of Infrastructure have been engaging with Bonza and the administrator, Hall Chadwick.

It would not be appropriate to go into the detail of the Government's engagement with Bonza at this time.

- **What will the Government do about stranded passengers?**

The Department of Infrastructure has set up a dedicated hotline number, **1800 069 244**, to assist affected passengers. The hotline will be available between 7am and 10pm, until 2 May 2024 for Bonza passengers requiring advice, including on the options available to help get them home.

Qantas, Virgin Australia and Jetstar are all willing to assist passengers impacted by the situation, including re-booking passengers who need to return to their home airport.

Passengers may contact these airlines directly:

- Qantas on 13 13 13
- Virgin Australia on 13 67 89
- Jetstar on 13 15 38 or Jetstar live chat.

- **Will consumers be compensated?**

The administrator of Bonza, Hall Chadwick, issued a media release on 1 May 2024, stating “the Administrators and/or the Company are not in a position to process or issue refunds at this time.”

Bonza customers who are out of pocket should register as a creditor with the administrator.

The administrator has set up a hotline for Bonza customers who want to enquire about their entitlements – **03 8678 1600**.

Consumer rights for airline passengers are critical and are being considered as part of the Aviation White Paper.

- **How are consumers protected under the law?**

The ACCC has published advice on consumer rights in the case of voluntary administration: [<https://www.accc.gov.au/consumers/protecting-yourself/when-a-business-goes-bust>]

- **What will happen to Bonza employees?**

I understand that about **320** people work for Bonza, and this would be an incredibly difficult time for all of them.

The Government will liaise with the administrators to understand the plight of the Bonza employees, whether there is capacity for the company to meet its obligation to pay the employee entitlements, or whether the Fair Entitlements Guarantee Scheme might be called upon in a subsequent liquidation.

The Government's Fair Entitlements Guarantee is a safety net scheme of last resort that funds certain outstanding employee entitlements of eligible employees whose former employer has entered liquidation or bankruptcy.

The Government provides assistance for retrenched workers and their partners to access training and employment support that will help them into new jobs. In the case of large closures, an on-the-ground Transition Support Network provides employers and their workers with information about the support available in their region. This Network is made up of the Government's Employment Facilitators, departmental staff, Services Australia, and other community stakeholders.

- **Won't this make regional air-travel more concentrated? What is the Government doing about domestic airline competition?**

The Government wants an aviation sector that supports our nation's way of life and is reliable, competitive and affordable – backed by robust consumer rights.

In recent years it is clear the sector has not met the expectations of Australian travellers, which is why we have been working on the Aviation White Paper to set the scene for the next generation of growth and development across the aviation sector and consider how we can better protect the interests of consumers.

Recent reforms to Sydney Airport will also give more airlines better access to slots at our most significant airport, helping further grow competition by increasing transparency of slot allocation and use, strengthening compliance and enforcement arrangements for slot misuse, and rebalancing slot allocation towards new entrants.

Background

In December 2023, Bonza made up 1.7% of the Australian domestic market.

Bonza had operated a fleet of six aircraft, all of which were leased. Bonza operated four Boeing 737 MAX 8 aircraft under lease from AIP Capital LLC (an aviation asset management firm based in the UK). Bonza also had a 'wet lease' arrangement (aircraft and crew are both supplied) for a further two Boeing 737 aircraft with Flair Airlines, a Canadian airline.

On 30 April 2024, Bonza cancelled all scheduled flights without notice. In the afternoon of 30 April, Bonza entered voluntary administration and appointed Hall Chadwick as the administrator.

Bonza

T/att Interagency Committee @ 5.30pm.

Finance.

PM&C

DEWR

Treasury

Call in VA this afternoon.

People flying in from interstate tomorrow to discuss.
In discussions with other providers.
re forward looking

Lessors agent letter re removal of aircraft
Expect 2 aircraft to leave Aus on Sunday pending
Court order.

Meeting with employees last night. Longer this goes on -
Creates chance they leave & find other jobs.

Dispute with lessor whether F-16 lease - is it terminated
Δ of registration in CASA re planned - VA is not sure
VA considering injunction.

Haven't spoken to Union.

Is that something FEARP does?

HC - FEAR, is preparing to pay ee - don't usually
talk to Union.

IF FEAPP does its rare and usually vic
cred. meeting

Don't expect to through

VA wrote to FEH today.

Q is 300 employees stood down

FEH doesn't respond to these sit's.

but next Q is

while stood down, if empl. seeks alt. empl. would this impact PILN/ind. claim on FEH if goes into liq.

DEWR has their i game in a couple of ways.

- stand down is FWA concept.

& controversial.

- impact on employees right to FEH.

Dept replied but didn't really engage w this issues. - just said stand down is not term.

& get your own legal advice.

so not yet
FEH eligible

But can see this issue coming up in next few days

Think we need to get into the substantive issue.

- will depend on EA, circumstances etc.

Q whether we give opinion to VA, but should know for our own purposes.

Happened before?

- yes, but rare.

- trying to remember what matter it was.

- there were questions during covid where employers used (not a FEH context).

FEH eligibility -

contingent on employment law Q

Centralink says if temp stood down may be eligible for Job seekers.

Talking points being drafted
but we want them to deal in stand down issue.

Would be helpful for other ministers.

VA should get advice & share it in DEWR & say 'tell us if you think we're wrong'.

Decision on winding up needs to be quick?
Next wk is crunch time. -

300 calls today, on hotline
- many getting through that they need to contact other suppliers.

DEWR trying to get on COI.

Then would like to put them on notice that will share in this interagency committee
May be a confidentiality regime.

s 22(1)

From: CARR, Henry
Sent: Tuesday, 7 May 2024 9:03 PM
To: WALLBANK, Angela; GODDEN, Sarah; WEARNE, Jodie
Cc: MCCORMACK, Helen; s 22(1)
Subject: Bonza [SEC=OFFICIAL]

Good evening colleagues.

FYI I just took a call from Christina Garbin from PMC.

Christina told me that the PMO are concerned to better understand the plight of the Bonza employees.

Apparently, the PM was asked a question today in a doorstep- I will try to gather that transcript.

I answered that it is likely we will have helpful material tomorrow evening, assuming that our decision tree for the MO is finalised by then.

I hope that sharing our material in some form or another with PMC is an acceptable proposition, please let me know either way.

Best regards

Henry

s 22(1)

From: CARR, Henry
Sent: Wednesday, 8 May 2024 5:27 PM
To: Everist, Kai
Cc: s 22(1)
Subject: FW: Urgent email [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]
Attachments: RE: Bonza Aviation Pty Limited (Administrators Appointed)

OFFICIAL: Sensitive//Legal Privilege

Hello Kai

Corro with the VA today attached.

A matter for you if you would propose to share with the group.

Best regards
Henry

OFFICIAL: Sensitive//Legal Privilege

From: "CARR, Henry"
Sent: 8/05/2024 5:20:59 PM
To: s 47F(1) hallchadwick.com.au>; "MCCORMACK, Helen"
 <Helen.McCormack@dewr.gov.au>; s 22(1) @dewr.gov.au>
Cc: s 47F(1) @hallchadwick.com.au>; s 47F(1)
 @hallchadwick.com.au>
Subject: RE: Bonza Aviation Pty Limited (Administrators Appointed)

Hi Kathleen

Thank you for the below.

We understand that the administrators are proposing to make a payment to the Bonza employees for certain pre appointment entitlements.

Any payment that is appropriate and available to be paid to Bonza employees for their outstanding entitlements is of course most welcome.

FEG eligibility and recovery

In order for employees to be eligible for FEG assistance, their employment must have ended due to the insolvency of their employer (s 10 of the FEG Act), which is not understood to have occurred.

If and when a FEG claim is made an assessment is undertaken, on the facts of each particular FEG claim, and it may be that the proposed payment by the administrators factors into the quantum of a potential FEG advance.

In particular, a FEG advance to a claimant is liable to be reduced by any amount that has been paid by anyone in respect of a particular entitlement, for the person's benefit (section 19(2) of the FEG Act).

To be eligible for FEG, the person needs to be an Australian citizen, permanent resident, or special category visa holder (NZ citizen). The visa categories as provided by you, listed below, are all temporary visas and the holders would be ineligible for FEG:

Section 560

It isn't clear from your email what precisely is the source of funds for the proposed payment to Bonza employees - either the Bonza estate, Hall Chadwick, or other source. For the avoidance of doubt, please note that it is not possible at law, given the statutory construction of the FEG scheme, for a party who volunteers moneys for the payment of employee entitlements, to be subrogated into the shoes of the employees for the purposes of FEG eligibility/ repayment.

Whether the proposed advance for the payment of employee entitlements can result in the party making the advance benefiting from a subrogation into the shoes of the employees for the purposes of recovering that advance from the Bonza estate, pursuant to section 560 of the Corporations Act, is a matter for the Voluntary Administrators and your legal advisers.

Happy to discuss, if necessary, best regards

Henry

Henry Carr

Branch Manager / Senior Executive Lawyer
Recovery and Litigation Branch
Entitlements Safeguards Division
Australian Government Department of Employment and Workplace Relations
Mobile S 47F(1)
dewr.gov.au

The Department of Employment and Workplace Relations acknowledges the traditional owners and custodians of country throughout Australia and their continuing connection to land, waters and community. We pay our respects to them and their cultures, and Elders past, present and emerging.

From: s 47F(1) @hallchadwick.com.au>
Sent: Wednesday, May 8, 2024 3:17 PM
To: MCCORMACK,Helen <Helen.McCormack@dewr.gov.au>; CARR,Henry <Henry.Carr@dewr.gov.au>; s 22(1) @dewr.gov.au>
Cc: s 47F(1) @hallchadwick.com.au>; s 47F(1) @hallchadwick.com.au>
Subject: Bonza Aviation Pty Limited (Administrators Appointed)

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Helen/Henry,

My firm, Hall Chadwick are considering making a payment to those employees (200) who were due to receive their April 2024 pay on 5 May 2024. This is from Hall Chadwick and not from Company funds.

It will be a payment of \$60,000 against pre appointment wage entitlements split across this employees.

This would give rise to a priority under Section 560 of the Corporations Act 2001.

Please let me know if there are any issues from FEG in this regard.

We are looking to make this payment tomorrow and I want to announce this to the staff today at a 4.30pm meeting.

I will also be allowing staff to elect whether they wish to receive it or have their portion allocated to the others in the group. I.e the fund is the same the distribution may be different amongst the staff but shared equally amongst those that want it.

Separately, can you please advise whether the following VISA's would be eligible for the FEG scheme if a claim was made in the event the Company was placed into Liquidation.

1. Partner Visa subclass 820 (only 1 month away from applying for permanent residency)
2. 461 visa
3. Bridging Visa A which is attached

Regards

Kathleen Vouris

Partner

Level 40 | 2 Park Street | Sydney | NSW 2000 | Australia

T s 47F(1) | **Main** s 47F(1) | **F** s 47F(1)

E s 47F(1) hallchadwick.com.au | **W** www.hallchadwick.com.au

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s 22(1)

From: Everist, Kai <Kai.Everist@infrastructure.gov.au>
Sent: Wednesday, 8 May 2024 8:32 PM
To: CARR, Henry
Cc: s 22(1)
Subject: Re: Urgent email [SEC=OFFICIAL]

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OFFICIAL

Thanks Henry

Suggest we hold back the next level of detail from the broader and providing an update at the appropriate time, unless other agencies show a strong interest.

Cheers
Kai

OFFICIAL

From: "CARR, Henry" <Henry.Carr@dewr.gov.au>
Date: Wednesday 8 May 2024 at 5:27:36 PM
To: "Everist, Kai" <Kai.Everist@infrastructure.gov.au>
Cc: "s 22(1) @dewr.gov.au", s 22(1) @dewr.gov.au>
Subject: FW: Urgent email [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

OFFICIAL: Sensitive//Legal Privilege

Hello Kai

Corro with the VA today attached.

A matter for you if you would propose to share with the group.

Best regards
Henry

OFFICIAL: Sensitive//Legal Privilege

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s 22(1)

From: s 47F(1) @hallchadwick.com.au>
Sent: Thursday, 9 May 2024 12:33 PM
To: s 22(1)
Cc: s 47F(1)
Subject: RE: Bonza Aviation (Administrators Appointed); 777 Oz Holdco Pty Ltd (Administrators Appointed); Ops in a Box Pty Ltd (Administrators Appointed) [SEC=OFFICIAL]

Follow Up Flag: Follow up
Flag Status: Flagged

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Hi s 22(1)

We are not aware of any employees that would be eligible for FEG assistance at this time.

Regards

Leon D'Souza
 Director

HALL CHADWICK 

Level 14 | 440 Collins Street | Melbourne | VIC 3000 | Australia

D s 47F(1) | **T** s 47F(1) |

E s [@hallchadwick.com.au](mailto:s 22(1)@hallchadwick.com.au) | **W** www.hallchadwick.com.au

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From: s 22(1) @dewr.gov.au>
Sent: Thursday, May 9, 2024 12:31 PM
To: s 47F(1) @hallchadwick.com.au>
Cc: s 47F(1) @hallchadwick.com.au>
Subject: RE: Bonza Aviation (Administrators Appointed); 777 Oz Holdco Pty Ltd (Administrators Appointed); Ops in a Box Pty Ltd (Administrators Appointed) [SEC=OFFICIAL]
Importance: High

You don't often get email from s 22(1) @dewr.gov.au. [Learn why this is important](#)

Hi Leon,

I note that the meeting link for Bonza Aviation Pty Ltd is now available on your website.

Would you please advise whether the related entities, 777 Oz Holdco Pty Ltd and Ops in a Box Pty Ltd have employees?

If they do, would you please email me the meeting links for those entities too?

If you have any questions, please contact me.

Kind regards

s 22(1)

Senior Forensic Investigator

Active Creditor | Recovery and Litigation Branch
Entitlements Safeguards Division
Australian Government Department of Employment and Workplace Relations
T: s 22(1) | s 22(1) | @dewr.gov.au

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From: s 47F(1) | @hallchadwick.com.au
Sent: Monday, May 6, 2024 8:55 PM
To: s 22(1) | @dewr.gov.au
Cc: s 47F(1) | @hallchadwick.com.au; s 47F(1) | @hallchadwick.com.au; s 47F(1) | @hallchadwick.com.au; CARR, Henry <Henry.Carr@dewr.gov.au>; s 22(1) | @dewr.gov.au
Subject: RE: Bonza Aviation (Administrators Appointed); 777 Oz Holdco Pty Ltd (Administrators Appointed); Ops in a Box Pty Ltd (Administrators Appointed) [SEC=OFFICIAL]

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Hi s 22(1)

The meeting link will be made available shortly on the website:- <https://www.hallchadwick.com.au/bonza-aviation-pty-ltd-administrators-appointed/> and the administrators agree to allow Mr Carr to attend any COI meetings (if formed) as an observer.

Regards

Leon D'Souza
Director



Level 14 | 440 Collins Street | Melbourne | VIC 3000 | Australia
D s 47F(1) | T s 47F(1) |
E s 47F(1) | @hallchadwick.com.au | W www.hallchadwick.com.au

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Please consider the environment before printing this e-mail

From: s 22(1) [@dewr.gov.au](mailto:s22(1)@dewr.gov.au)
Sent: Monday, May 6, 2024 10:58 AM
To: s 47F(1) [@hallchadwick.com.au](mailto:s47f(1)@hallchadwick.com.au)
Cc: CARR, Henry <Henry.Carr@dewr.gov.au>; s 22(1) [@dewr.gov.au](mailto:s22(1)@dewr.gov.au)
Subject: Bonza Aviation (Administrators Appointed); 777 Oz Holdco Pty Ltd (Administrators Appointed); Ops in a Box Pty Ltd (Administrators Appointed) [SEC=OFFICIAL]
Importance: High

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Bonza Aviation Pty Ltd
(Administrators Appointed)
ACN 653 309 909

777 Oz Holdco Pty Ltd
(Administrators Appointed)
ACN 653 307 496

Ops in a Box Pty Ltd
(Administrators Appointed)
ACN 656 464 498
(together, the Companies)

Dear Jack,

I refer to the appointment of Richard Albarran, Kathleen Vouris, Brent Kijurina and Cameron Shaw as Voluntary Administrators of the Companies on 30 April 2024, to the department's letter to the Administrators dated 30 April 2024 and to my telephone discussion with Kathleen Vouris on 2 May 2024.

I note that the first meeting of creditors of each of the Companies will be held on 10 May 2024.

The department wishes to attend each of these meetings, as an Observer. Would you please provide meeting access details?

This appointment has generated Government-wide interest and could potentially result in a significant FEG exposure in the event that Companies are ultimately wound up.

Accordingly, as discussed with Ms Vouris on 2 May 2024, in the event that a Committee of Inspection is formed for any or all of the above Companies, the department wishes to nominate Henry Carr or, in his absence, his nominated representative, to represent the department at

Committee of Inspection meetings. The department appreciates that, as it is not a creditor of the Companies, Mr Carr will attend the meetings as an Observer only.

Would you please confirm that this is acceptable to the Administrators and that the department will receive notice of all committee meetings?

If you have any questions or concerns, please contact me.

Kind regards

s 22(1)

Senior Forensic Investigator

Active Creditor | Recovery and Litigation Branch
Entitlements Safeguards Division

Australian Government Department of Employment and Workplace Relations

T: s 22(1) | s 22(1) [@dewr.gov.au](mailto: @dewr.gov.au)

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s 22(1)

From: CARR, Henry
Sent: Thursday, 9 May 2024 3:38 PM
To: Everist, Kai; Zaheed, Mohita; Jose, Cameron (Department of Finance - Protected);
Christina.Garbin@pmc.gov.au; s 22(1) @finance.gov.au; s 22(1)
Mullaly, Damian; s 22(1) s 22(1)
s 22(1)
Cc: Werner, Stephanie
Subject: s 42(1) [SEC=OFFICIAL:Sensitive,
ACCESS=Legal-Privilege]
Attachments: Bonza Aviation - s 42(1)

OFFICIAL: Sensitive//Legal Privilege

Dear All

s 42(1)

Happy to discuss any aspect, best regards
Henry

Henry Carr
Branch Manager / Senior Executive Lawyer
Recovery and Litigation Branch
Australian Government Department of Employment and Workplace Relations
Mobile s 47F(1)
dewr.gov.au

The Department of Employment and Workplace Relations acknowledges the traditional owners and custodians of country throughout Australia and their continuing connection to their community. We pay our respects to them and their cultures, and Elders past, present and emerging.

OFFICIAL: Sensitive//Legal Privilege

s 42(1)

s 42(1)

s 22(1)

From: s 22(1)
Sent: Friday, 10 May 2024 2:49 PM
To: WALLBANK,Angela; MCCORMACK,Helen; WEARNE,Jodie; CARR,Henry
Cc: s 22(1) Everist, Kai;
s 22(1) Christina.Garbin@pmc.gov.au; Jose, Cameron; s 22(1) s 22(1)
s 22(1) s 22(1) PURVIS-SMITH, Marisa; Werner, Stephanie; BUCKLEY,
Brendon; s 22(1) s 22(1)
Subject: Bonza Aviation Pty Ltd (Administrators Appointed) [SEC=OFFICIAL]

Good afternoon everyone,

Henry and I attended the first meeting of creditors of Bonza Aviation today.

The purpose of the first meeting in a voluntary administration is for creditors to decide two questions:

- whether they want to form a committee of inspection (**committee**), and, if so, who will be on the committee
- whether they want the existing administrator to be removed and replaced by an administrator of their choice.

Some key points from the meeting are as follows:

- To date, no nominations have been received for the Administrators' replacement.
- The Administrators have received a number of nominations to the committee. They cited and supported our nomination to the committee as an observer. The nominees represent a good variety of creditor groups, including employees, DEWR (HC), unions, trade creditors, airports and the ATO.
- Pursuant to the Order made by the Federal Court to vary the meeting procedure, creditors are still able to nominate replacement Administrators and are able to nominate for the committee. Nominations will close at COB on Monday 13 May 2024. Following close of nominations, creditors will be asked to vote for the resolutions and the outcome will be published on Hall Chadwick's website.
- The Administrators are running an Expressions of Interest campaign and have been in discussions/negotiations with c.20 interested parties, including investors and other companies in travel industry – both Australian and international.
- One employee mentioned there is a non-compete clause in employee contracts. The Administrators noted they have not sought any legal advice regarding this clause. Stuart Lewin, Mills Oakley for the Administrators noted as a matter of law, if the company is not in a position to honour its obligations under the employment contract, then employees won't be bound by them.
- All of the leased aircraft (except the plane called "Bruce" which left the country last night) are still in Australia but the Administrators advise they are likely to leave soon.
- It is unlikely they will resume flying on 15 May 2024.
- The Administrators do not wish to keep employees and other creditors in limbo for any longer than necessary. They are endeavouring to move quickly so that a decision can be made. They intend to work over the weekend to agree a deadline for interested parties to submit offers/DOCA proposals and will convey that deadline to all parties. They indicated the position and the fate of employees will likely be known within the next one to two weeks.
- Known creditors include:
 - 5 secured creditors
 - Employees - \$5,301,235 – Wages and Annual leave only
 - Lessors - \$4.626M
 - Landlords - \$10.4M owed to 22 parties
 - Loans \$76.8M – owed to 2 parties
 - Customers (57,933 claims) \$TBD

- Trade creditors \$15.9M

If you have any questions, please contact me.

Kind regards

s 22(1)

Senior Forensic Investigator

Active Creditor | Recovery and Litigation Branch

Entitlements Safeguards Division

Australian Government Department of Employment and Workplace Relations

T: s 22(1)

|s 22(1)

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s 22(1)

From: MCCORMACK,Helen
Sent: Friday, 3 May 2024 4:09 PM
To: Kathleen Vouris; CARR,Henry; Duke Wolfgramm; s 22(1)
Cc: Richard Albarran; Brent Kijurina; Cameron Shaw; Jovan Singh; Ricky Cheng; WEARNE,Jodie; s 22(1)
Subject: RE: Bonza Aviation (Administrators Appointed) [SEC=OFFICIAL]

Dear Kathleen

The Fair Entitlements Guarantee (FEG) is a payment scheme of last resort providing financial assistance to employees whose employment has ended due to the liquidation or bankruptcy of their employer and who are owed employee entitlements which are not able to be paid by their employer or from another source.

FEG can pay certain entitlements owed to eligible employees including wages, annual leave, long service leave, payment in lieu of notice and redundancy pay. The amounts paid to eligible employees is in accordance with their relevant terms and conditions of employment and subject to maximum thresholds.

The amount of a FEG advance for annual leave, long service leave, payment in lieu of notice and redundancy pay is calculated based on the entitlement that accrues up to the end of employment (the termination date), less any portion regarded as a cost of winding up. For the purposes of FEG, a cost of winding up is regarded as any proportion of accrued entitlements that an administrator or liquidator is obliged to pay in respect of employment that continued after the administration or liquidation date. In circumstances where an employee's service is continued beyond the date of administration or liquidation, costs of winding up will be calculated based on the pro-rated amount of entitlement that is payable for the period of service after the date of administration or liquidation.

One of the requirements for eligibility for an advance under the *Fair Entitlements Guarantee Act 2012* (FEG Act) is that a person's employment has ended. Therefore, any claim for an advance under the FEG Act made by an employee, prior to their employment being terminated, would not satisfy the eligibility requirements under the Act. Further information on the FEG scheme can be found at [Fair Entitlements Guarantee - Department of Employment and Workplace Relations, Australian Government \(dewr.gov.au\)](https://www.dewr.gov.au/fair-entitlements-guarantee)

The department is unable to provide specific advice regarding the application of the FEG scheme to particular employees or circumstances arising from the Bonza administration. We suggest the administrators seek their own legal advice in relation to these particular matters.

Please keep us updated as the Department of Employment and Workplace Relations stands ready to assist any workers who lose their jobs.

Regards

Helen

Helen McCormack, PSM
Assistant Secretary

Fair Entitlements Guarantee Branch
Department of Employment and Workplace Relations
Phone S 47F(1) | Mobile S 47F(1)
Helen.McCormack@dewr.gov.au

From: s 47F(1) @hallchadwick.com.au>
 Sent: Friday, May 3, 2024 9:34 AM
 To: MCCORMACK,Helen <Helen.McCormack@dewr.gov.au>; CARR,Henry <Henry.Carr@dewr.gov.au>; s 47F(1)
 s 47F(1) @hallchadwick.com.au>; s 22(1) @dewr.gov.au>
 Cc: s 47F(1) @hallchadwick.com.au>; s 47F(1) @hallchadwick.com.au>; s 47F(1)
 @hallchadwick.com.au>; s 47F(1) @hallchadwick.com.au>; s 47F(1)
 @hallchadwick.com.au>; WEARNE,Jodie <Jodie.Wearne@dewr.gov.au>; s 22(1)
 @dewr.gov.au>; s 22(1) @dewr.gov.au>
 Subject: RE: Bonza Aviation (Administrators Appointed) [SEC=OFFICIAL]

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Helen,

We seem to be playing a bit of phone tag.

Thank you for the information you provided below.

My immediate queries are as follows :-

1. Late yesterday evening I stood down approximately 301 employees, the information below is in relation to termination. Are there any resources/support in and stand down situation that be offered at this time to employees?
2. Whilst an employee is stood down and assuming they are full time and during the stand down period they seek alternative employment either, contract,casual, part time or fulltime, would this impact on their ability to claim PILN and redundancy with FEG should the company be placed into Liquidation?

As you would appreciate these are very hot issues at the moment and any assistance/clarity you can provide is appreciated.

Regards

Kathleen Vouris

Partner

HALL CHADWICK 

Level 40 | 2 Park Street | Sydney | NSW 2000 | Australia

T s 47F(1) | Main s 47F(1) | F s 47F(1)

E s 47F(1) [hallchadwick.com.au](mailto:s 47F(1)@hallchadwick.com.au) | W www.hallchadwick.com.au

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From: MCCORMACK,Helen <Helen.McCormack@dewr.gov.au>
Sent: Thursday, May 2, 2024 4:19 PM
To: s 47F(1) @hallchadwick.com.au; CARR,Henry <Henry.Carr@dewr.gov.au>; s 47F(1) @hallchadwick.com.au; s 22(1) @dewr.gov.au
Cc: s 47F(1) @hallchadwick.com.au; s 47F(1) @hallchadwick.com.au; s 47F(1) @hallchadwick.com.au; s 47F(1) @hallchadwick.com.au; s 47F(1) @hallchadwick.com.au; s 47F(1) @hallchadwick.com.au; WEARNE,Jodie <Jodie.Wearne@dewr.gov.au>; s 22(1) @dewr.gov.au; s 22(1) @dewr.gov.au
Subject: RE: Bonza Aviation (Administrators Appointed) [SEC=OFFICIAL]

Hi Kathleen

Thanks for returning my call just now.

I'm following up on your question regarding any support the department can provide to employees now. As discussed, in the event that staff lose their jobs, the Department offers a range of support for people who have recently become retrenched. The following links provide more information as to what support is available: [Home | What's Next \(dewr.gov.au\)](#) [Help for workers who have recently lost their job - Department of Employment and Workplace Relations, Australian Government \(dewr.gov.au\)](#) and that you will be able to provide employees.

If you have any questions regarding help for workers who have recently lost their jobs, as outlined in the above links, please reach out to Ruth Hunt, copied into this email.

Regards

Helen

Helen McCormack, PSM
Assistant Secretary

Fair Entitlements Guarantee Branch
 Department of Employment and Workplace Relations
 Phone (02) 6121 3633 | Mobile 0478 970 243
Helen.McCormack@dewr.gov.au

From: s 47F(1) @hallchadwick.com.au>
Sent: Thursday, May 2, 2024 1:11 PM
To: CARR,Henry <Henry.Carr@dewr.gov.au>; s 47F(1) @hallchadwick.com.au;
 s 22(1) @dewr.gov.au>
Cc: s 47F(1) @hallchadwick.com.au; s 47F(1) @hallchadwick.com.au; s 47F(1) @hallchadwick.com.au; s 47F(1) @hallchadwick.com.au; s 47F(1) @hallchadwick.com.au; s 47F(1) @hallchadwick.com.au; MCCORMACK,Helen <Helen.McCormack@dewr.gov.au>
Subject: RE: Bonza Aviation (Administrators Appointed) [SEC=OFFICIAL]

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Henry,

I spoke with s 22(1) earlier and answered those questions as best as possible at this time.

Please let me know if you need anything else.

Regards

Kathleen Vouris

Partner

HALL CHADWICK 

Level 40 | 2 Park Street | Sydney | NSW 2000 | Australia

T s 47F(1) | Main s 47F(1) | F s 47F(1)

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From: CARR, Henry <Henry.Carr@dewr.gov.au>

Sent: Thursday, May 2, 2024 12:56 PM

To: s 47F(1) [@hallchadwick.com.au](mailto:hallchadwick.com.au); s 22(1)

[@dewr.gov.au](mailto:dewr.gov.au)

Cc: s 47F(1) [@hallchadwick.com.au](mailto:hallchadwick.com.au); s 47F(1)

[@hallchadwick.com.au](mailto:hallchadwick.com.au); s

[@hallchadwick.com.au](mailto:hallchadwick.com.au); s 47F(1)

[@hallchadwick.com.au](mailto:hallchadwick.com.au); s 47F(1)

47F(1)

[@hallchadwick.com.au](mailto:hallchadwick.com.au); s 47F(1)

[@hallchadwick.com.au](mailto:hallchadwick.com.au); MCCORMACK, Helen

<Helen.McCormack@dewr.gov.au>

Subject: RE: Bonza Aviation (Administrators Appointed) [SEC=OFFICIAL]

Hi Duke, we appreciate your response below, we realise of course that you and your team will have a lot on your plates, but is there a convenient time to discuss the other matters that we raised in our 30 April correspondence? We would also invite the manager responsible for FEG, Helen McCormack (cc'd).

Best regards

Henry
s 47F(1)

From: s 47F(1) [@hallchadwick.com.au](mailto:hallchadwick.com.au)

Sent: Thursday, May 2, 2024 12:38 PM

To: s 22(1) [@dewr.gov.au](mailto:dewr.gov.au)

Cc: CARR, Henry <Henry.Carr@dewr.gov.au>; s 47F(1)

[@hallchadwick.com.au](mailto:hallchadwick.com.au); s 47F(1)

[@hallchadwick.com.au](mailto:hallchadwick.com.au); s 47F(1)

[@hallchadwick.com.au](mailto:hallchadwick.com.au); c s 47F(1)

[@hallchadwick.com.au](mailto:hallchadwick.com.au); s 47F(1)

[@hallchadwick.com.au](mailto:hallchadwick.com.au); s 47F(1)

[@hallchadwick.com.au](mailto:hallchadwick.com.au)

Subject: RE: Bonza Aviation (Administrators Appointed) [SEC=OFFICIAL]

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi s 22(1)

I refer to your earlier telephone discussion with Kathleen Vouris, please find attached internally generated annual leave balances for the staff as at 31 March 2024 (prepared by the Company). The Administrators have not yet had a chance to verify the balances at this stage of the appointment, however the attached spreadsheet should provide you with an idea of the o/s entitlements. Please note that this information is being provided by the Administrators to your office on a confidential basis and not to be disclosed to any third party without their permission.

Would you please advise if DEWR or any other government agency are in a position to provide financial assistance or otherwise to the employees in the interim period.

Regards

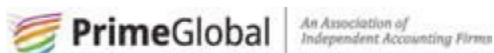
Duke

Duke Wolfgramm
Senior Associate

HALL CHADWICK 

Suite 2 | 282 High Street | Penrith | NSW 2750 | Australia
T s 47F(1) | F s 47F(1)
E s 47F(1) | @hallchadwick.com.au | W www.hallchadwick.com.au

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Please consider the environment before printing this e-mail

Begin forwarded message:

From: s 22(1) @dewr.gov.au
Date: 30 April 2024 at 5:51:03 PM AEST
To: s 47F(1) @hallchadwick.com.au
Cc: "CARR, Henry" <Henry.Carr@dewr.gov.au>
Subject: Bonza Aviation (Administrators Appointed) [SEC=OFFICIAL]

You don't often get email from s 22(1) @dewr.gov.au. [Learn why this is important](#)

Dear Mr Albarran,

Please refer to the attached letter.

Kind regards

s 22(1)

Senior Forensic Investigator

Active Creditor | Recovery and Litigation Branch

Entitlements Safeguards Division

Australian Government Department of Employment and Workplace Relations

T: s 22(1) | s 22(1) [@dewr.gov.au](mailto: @dewr.gov.au)

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Notice:

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s 22(1)

s 22(1)

From: RISHNIW, Tania <Tania.Rishniw@dewr.gov.au>

Sent: Monday, May 6, 2024 1:46 PM

To: s 47F(1) @mo.dewr.gov.au; s 47F(1) @mo.dewr.gov.au

Cc: s 22(1) @mo.dewr.gov.au; s 22(1) @dewr.gov.au; WEARNE, Jodie

<Jodie.Wearne@dewr.gov.au>; LAUMAN, Miranda <Miranda.Lauman@dewr.gov.au>; CAINS, David

<David.Cains@dewr.gov.au>; WALLBANK, Angela <Angela.Wallbank@dewr.gov.au>; CARR, Henry

<Henry.Carr@dewr.gov.au>; GODDEN, Sarah <Sarah.Godden@dewr.gov.au>; MANNING, Gregory

<Gregory.Manning@dewr.gov.au>; s 22(1)

@dewr.gov.au; s 22(1)

@dewr.gov.au

Subject: Bonza airlines - request for urgent info [SEC=OFFICIAL:Sensitive]

Importance: High

Hi s 47F(1)

Ahead of this afternoon's meeting attached:

- Summary of current supports available for Bonza workers
- Overview of the Labour Market Support Stream – noting the budget decisions will impact from 1 July 2024
- Fact sheet and info from Services Australia

Will discuss options at 4pm.

Thanks to the team for pulling all together.

T

Information for employees



We can provide you with an income support payment, if eligible. We can also refer you to other support such as employment services.

If you get a redundancy payment

There may be a waiting period before you can get an income support payment. This period is usually the length of time your termination or redundancy payment covers. Make sure you check the terms of your termination package, including the payment period.

If you pay or receive child support

If you pay or receive child support, it's important to tell us about changes to your income or circumstances when they happen. This includes if you stop or start getting an income support payment from Centrelink. We can't backdate some income changes, so tell us as soon as possible.

Your current income may be lower than the income we are using in your child support assessment. If this applies to you, you may be able to tell us an estimate of your current income.

You can update your circumstances using your Child Support online account at my.gov.au or by calling 131 272. For more information, go to servicesaustralia.gov.au/childsupportchanges

Support while you look for work

You may be eligible to get income support payments while you look for work. There are also payments to help with the cost of living while you study or train. You can use our Payment and Service Finder tool to help you find payments and services you may be eligible for.

For more information, go to servicesaustralia.gov.au/paymentfinder

Additional support

The Financial Information Service is a free, confidential service that can inform and educate you about financial matters. The service helps you make informed decisions based on your current and future financial needs.

For more information, go to servicesaustralia.gov.au/fis

Our social workers can help you by providing confidential short-term counselling, support and information.

For more information, go to servicesaustralia.gov.au/socialwork

Help looking for work

An employment services provider can help you look for work and get a job. If you're eligible, we'll refer you to an employment services provider in your area.

For more information, go to servicessaustralia.gov.au/lookingforwork

Self service

You can do most of your Centrelink, Medicare and Child Support business using online services. There are options using Express Plus mobile apps, online accounts or phone self-service. If you've had a payment or concession card from us in the past, we consider you a Centrelink customer. You can create an online account if you don't have one.

If you've never had a payment from us, you'll need to prove your identity to create an account. You may be able to prove your identity online before you claim a payment.

For more information about proving your identity, go to servicessaustralia.gov.au/identity

You can also prove your identity at a service centre. Bring photo proof of identity documents with you when you visit us. We'll help you create an online account.

For more information about self service, go to servicessaustralia.gov.au/selfservice

myGov

myGov is a simple and secure way to access government services online. A secure myGov account also lets you link a range of Australian Government services.

For more information or to create an account, go to my.gov.au



How to find out more

Go to servicessaustralia.gov.au/jobseekerpayment or call us on one of the following numbers.

Child Support	131 272
Employment services	
Looking for work if you're 22 or older	132 850
Looking for work if you're under 22	132 490
Families and parents	136 150
Disability and carers	132 717
Financial Information Service	132 300
Indigenous Call Centre Freecall™	1800 136 380
For information in your language	131 202
TTY* enquiries Freecall™	1800 810 586

Note: calls from your phone to '13' numbers from anywhere in Australia are charged at a fixed rate. That rate may vary from the price of a local call and may also vary between telephone service providers. Calls to '1800' numbers from your home phone are free. Calls from public and mobile phones may be timed and charged at a higher rate.

TTY* is only for people who are deaf or have a hearing or speech impairment. A TTY phone is required to use this service.

Disclaimer: The information in this publication is intended as a guide to payments and services. It is your responsibility to decide if you wish to apply for a payment. This information is accurate as at June 2022.

The Labour Market Support Stream (LMSS)

The LMSS was established in 2015, as an ongoing quarantined fund. It can be deployed to fund tailored Structural Adjustment Packages where the closure of large employer will have a large regional impact and where available programs are not adequate to address the circumstances or the needs of workers and the region.

The LMSS has an annual funding allocation of \$13.5 million (Administered funding) and can be used for Structural Adjustment Packages over \$500,000. To access the LMSS, Structural Adjust Package costs must be agreed both the Minister for Employment, and Workplace Relations and the Minister for Finance.

Objective

The Labour Market Support Stream (LMSS) is designed to augment existing support in regions experiencing, or at risk of, prolonged disadvantaged labour markets including large scale structural adjustment.

It recognises that while existing supports are often adequate to support workers facing redundancy, in the event of **large-scale industry closures or major disruptions to a regional labour market**, Government requires additional flexibility to deliver timely and comprehensive structural adjustment support.

Existing supports

Employment support services are largely targeted at providing individual support for people who are unemployed. The *Early Access Initiative* extends eligibility for employment service provider support to workers who are facing redundancy in the next three months, and their partners.

The *Local Jobs Program* (terminating June 2025) has the capacity to support community members to access existing and emerging vacancies, including projects that support access to information and low level skilling opportunities.

The *Transition Support Network* is mobilised where redundancies are notified to connect employers and affected workers with existing supports.

Case Study - ASC Shipbuilding Pty Ltd Structural Adjustment Package

In April 2018, ASC Shipbuilding announced up to 223 redundancies in South Australia, ahead of the Air Warfare Destroyer project winding down. Funding of \$3.9 million was allocated for pre-retrenchment support and employment assistance for up to 500 ASC Shipbuilding workers, supply chain businesses and workers' partners.

Pre-retrenchment support was made available to better prepare workers for future employment opportunities. Career / vocational assessment, a broad career plan and CV development and well as a Skills and Training Credit of up to \$1800 were made available.

The Package leveraged the *Early Access Initiative* and provided additional Employment Fund credits (to a total of \$2000) for retraining and obtaining licences and tickets and relocation assistance.

Process

How are structural adjustments identified?

There are a number of ways DEWR may become aware of the potential need for a structural adjustment activity, this includes but is not limited to:

- early notification of risk of large industry/large local employer closure through Industry Transition Framework
- direct outreach from state or federal government,
- Advice from Employment Facilitators
- Media coverage
- Retrenchment notifications
- Government decisions affecting workforce, for example the recent ban on Silica Stone

Consistent with the Hot Situation Reports process, the department would update the Minister's Office on an 'as needed' basis as the situation progresses

Assessing the need for a structural adjustment plan

DEWR works across its networks and with other agencies to determine whether a structural adjustment response is required. Factors assessed during this process will vary depending on the nature of the problem but will likely include:

- Specifics of the event
- Size of the closure
- State of the labour market – unemployment rate, participation rate, payroll jobs, proportion of people on income support, recent changes in unemployment beneficiaries, etc
- Population characteristics – adult population numbers, proportion of the adult population by age, educational attainment, et
- Industry concentration/level of diversification in the region
- Geography of the region
- Existing programs and funding – what can be leveraged and what gaps need to be filled, state government initiatives and employer initiatives.

Developing a structural adjustment plan

LMSS projects need the endorsement of both the Minister for Employment, and Workplace Relations and the Minister for Finance. Where the department determines intervention is required it will undertake the following actions to achieve this:

1. Develop package of support to address the issues identified through the department's assessment
 - a. A number of departments have active interests in structural adjustment events (for example based on industry, regional profile, etc), consistent with current management of structural adjustments, the department would reach out to other relevant agencies to share information and seek input in the development of the package and management of the situation.
2. Engage with the Department of Finance on costings for the package of support
3. Brief the Minister for Employment, and Workplace Relations outlining the case for intervention and seeking the Minister's agreement to the proposed package of supports and the cost of supports.
 - a. The brief would also include a letter for the Minister for Employment and Workplace Relations to send to the Minister for Finance seeking the Minister for Finance's approval to the cost of the package and assistance in making the funds in the Labour Market Support Stream available.
4. Roll out package of supports.

Support options for Bonza workers

- There are limited options for Commonwealth support for workers who are stood down as opposed to retrenched. Subject to eligibility workers who are stood down could access income support payments.
- Now that Bonza is under the control of an administrator, it is up to the administrator to determine the best possible way forward.
- The department is making enquiries with the Administrator on options for these workers.
- Once further advice has been received, DEWR's Employment Facilitators are ready to assist workers and the Employer Liaison Officer will also reach out to airlines in relation to vacancies mentioned in the media.

Income support

- Income support payments such as **JobSeeker, Youth Allowance or other payment type** are available to individuals who find themselves without sufficient employment, including those who have been stood down (dependent on eligibility criteria: income and asset tests and meeting mutual obligation requirements).
- Services Australia can provide a range of supports for those eligible for payment, including help to manage money, such as the Financial Information Service and Centrepay to manage bills, as well as social work support and advice for seeking work and connection to employment services providers.
- The income support system is designed to treat people in similar circumstances in a similar manner with **few waivers or exemptions due to special circumstances**.
- Examples of the support available for employees is further detailed in the attached Services Australia factsheet refer **Attachment A**.

Fair Entitlement Guarantee Data (FEG)

- FEG is a legislative safety net scheme of last resort that funds certain outstanding employee entitlements of eligible employees whose former employer has entered liquidation or bankruptcy and where these entitlements cannot be funded from other sources. Australian citizens, permanent visa holders, and holders of a special category visas who have lost their job due to insolvency and are owed entitlements are eligible for assistance under the FEG scheme. The FEG scheme covers five entitlements: wages, annual leave, long service leave, payment in lieu of notice and redundancy payments (subject to caps).
- For people to be eligible for FEG assistance their employment must have ended and also a liquidator must generally have been appointed. If employees are stood down their employment has not necessarily been terminated and in that circumstance where the employment status is continuing they will not be eligible for FEG assistance.

General Labour Market Support

- The Department of Employment and Workplace Relations (DEWR) offers support for businesses going through transition through its concierge services. The Employer Liaison Officers and Employment Facilitators networks can help employers understand and effectively navigate the range of services available.

- All Australians with a myGov account, including those not on income support, can access Workforce Australia Online.
- This service can be accessed at any time from a smart phone, tablet, or computer.
- Workforce Australia Online allows people to search and apply for jobs, create a profile and set up job alerts, and access resources and training to help them get job ready or prepare for a new career.
- Further information about the service and how to register is available at www.workforceaustralia.gov.au/individuals.

s 22(1)

Support for retrenched workers

- An on-the-ground transition support network (TSN) made up of representatives from DEWR national, state and territory offices together with Employment Facilitators, can assist retrenched workers to find a new job as soon as possible.
- The TSN offers direct support to the employers and employees which can include direct engagement with tailored information, as well as promotion and facilitation of access to relevant programs and services, including career advice, skilling and training and job search.
- The network works closely with Services Australia as well as State and Territory Governments to help identify what programs and support is available.
- Retrenched workers and their partners are eligible for Early Access by registering directly with a provider. Early access can provide workers with support for their job search through providing help with résumé and job applications, interview skills and presentation techniques.
- They can provide advice on searching for a job, various career options and employment programs; and provide access to job search facilities.
- In exceptional circumstances, a Structural Adjustment Program may be put in place to assist workers impacted by a large-scale retrenchment activity in a particular industry. This is in

addition to support that all other retrenched workers (and their partners) can receive through Early Access).

Structural Adjustment

- Structural Adjustment Programs and the Early Access Initiative are only available to workers and their partners who have been retrenched. If employees are stood down they will be able to access general labour market supports, including through Workforce Australia, but not specific services for retrenched workers.

s 22(1)

From: MCCORMACK,Helen
Sent: Monday, 6 May 2024 3:13 PM
To: s 47F(1) CARR,Henry; MANNING,Gregory
Cc: s 47F(1) GODDEN,Sarah; WALLBANK,Angela;
 BREEN,Adrian
Subject: RE: Bonza Contact - Services Australia [SEC=OFFICIAL]

s 47F(1)
 Hi

Apologies for the delay in responding.

The relevant governing instrument is used in calculating an eligible former employees entitlements under the FEG (FEG payments are capped). The department is unable, at this stage, to determine which entitlements could be affected if alternate employment was to be obtained during any stand down prior to final termination of employment without reviewing the relevant governing instrument for that employee (and there could be a number of governing instruments for Bonza employees).

Typically unpaid wages, and generally annual leave and long service leave (subject to some additional criteria) entitlements under FEG are unaffected by new employment.

Happy to discuss

Helen

From: s 47F(1) @mo.dewr.gov.au>
Sent: Monday, May 6, 2024 12:22 PM
To: CARR,Henry <Henry.Carr@dewr.gov.au>; MANNING,Gregory <Gregory.Manning@dewr.gov.au>
Cc: s 47F(1) @mo.dewr.gov.au>; s 47F(1) @mo.dewr.gov.au>; MCCORMACK,Helen <Helen.McCormack@dewr.gov.au>; GODDEN,Sarah <Sarah.Godden@dewr.gov.au>; WALLBANK,Angela <Angela.Wallbank@dewr.gov.au>; BREEN,Adrian <Adrian.Breen@dewr.gov.au>
Subject: RE: Bonza Contact - Services Australia [SEC=OFFICIAL]

Perfect, thanks Henry and team.

Cheers,
 s 47F(1)

From: CARR,Henry <Henry.Carr@dewr.gov.au>
Sent: Monday, May 6, 2024 12:18 PM
To: s 47F(1) @mo.dewr.gov.au>; MANNING,Gregory <Gregory.Manning@dewr.gov.au>
Cc: s 47F(1) @mo.dewr.gov.au>; s 47F(1) @mo.dewr.gov.au>; MCCORMACK,Helen <Helen.McCormack@dewr.gov.au>; GODDEN,Sarah <Sarah.Godden@dewr.gov.au>; WALLBANK,Angela <Angela.Wallbank@dewr.gov.au>; BREEN,Adrian <Adrian.Breen@dewr.gov.au>
Subject: RE: Bonza Contact - Services Australia [SEC=OFFICIAL]

Hi s 47F(1)

FYI Helen/ FEG and the Workplace Relations lawyers have been giving these issues a lot of thought. I understand that they are finalising guidance for Alison urgently/ now.

Best regards
Henry

From: s 47F(1) <[@mo.dewr.gov.au](mailto:mo.dewr.gov.au)>
Sent: Monday, May 6, 2024 12:14 PM
To: CARR, Henry <Henry.Carr@dewr.gov.au>; MANNING, Gregory <Gregory.Manning@dewr.gov.au>
Cc: s 47F(1) <[@mo.dewr.gov.au](mailto:mo.dewr.gov.au)>; s 47F(1) <[@mo.dewr.gov.au](mailto:mo.dewr.gov.au)>
Subject: RE: Bonza Contact - Services Australia [SEC=OFFICIAL]

Hi Henry,

Are we able to get a quick summary of how the FEG eligibility rules relate to employees seeking alternative employment during an administration period? To assist^s 47F(1) from our office and the employment side of the department in working through the best way to provide cement or other forms of assistance.

Thanks and give me a call if you need more background.

Cheers,
s 47F(1)

From: s 47F(1) <mo.dewr.gov.au>
Sent: Saturday, May 4, 2024 11:38 AM
To: CARR, Henry <Henry.Carr@dewr.gov.au>; MANNING, Gregory <Gregory.Manning@dewr.gov.au>
Cc: s 47F(1) <[@mo.dewr.gov.au](mailto:mo.dewr.gov.au)>; s 47F(1) <[@mo.dewr.gov.au](mailto:mo.dewr.gov.au)>
Subject: Re: Bonza Contact - Services Australia [SEC=OFFICIAL]

Great, thanks very much Henry - I have passed this on to their MO too.

Cheers,
s 47F(1)

s 47F(1)
s 47F(1) <[@mo.dewr.gov.au](mailto:mo.dewr.gov.au)>
Office of the Hon Tony Burke MP
Minister for Employment and Workplace Relations
Minister for the Arts, Leader of the House

From: CARR, Henry <Henry.Carr@dewr.gov.au>
Sent: Friday, May 3, 2024 9:28:24 PM
To: s 47F(1) <[@mo.dewr.gov.au](mailto:mo.dewr.gov.au)>; MANNING, Gregory <Gregory.Manning@dewr.gov.au>
Cc: s 47F(1) <[@mo.dewr.gov.au](mailto:mo.dewr.gov.au)>; s 47F(1) <[@mo.dewr.gov.au](mailto:mo.dewr.gov.au)>
Subject: RE: Bonza Contact - Services Australia [SEC=OFFICIAL]

Hi s 47F(1)
I have the contact details,
I will ensure the details are with Jarrod in the next few moments, and offer any other assistance too.
It's no trouble
Best regards
Henry

From: s 47F(1) <s47f1@mo.dewr.gov.au>
Sent: Friday, May 3, 2024 8:43 PM
To: CARR, Henry <Henry.Carr@dewr.gov.au>; MANNING, Gregory <Gregory.Manning@dewr.gov.au>
Cc: s 47F(1) <s47f1@mo.dewr.gov.au>; s 47F(1) <s47f1@mo.dewr.gov.au>
Subject: Bonza Contact - Services Australia [SEC=OFFICIAL]

Hi Greg and Henry,

Sorry for the late email. Just passing on a request from Minister Shorten's office enquiring if we could pass on the contact details for the administrators of Bonza to counterparts at Services Australia so they can reach out to them.

The relevant contact I have been given at Services Australia is Jarrod Howard (Dep Sec), s 47F(1) . If we are able to touch base with him it would be appreciated - any issues please let me know.

Thanks,
s 47F(1)

From: "CARR, Henry"
Sent: 1/05/2024 9:36:53 AM
To: "WALLBANK, Angela" <Angela.Wallbank@dewr.gov.au>; "MCCORMACK, Helen" <Helen.McCormack@dewr.gov.au>
Cc: s 22(1) @dewr.gov.au; s 22(1) @dewr.gov.au; s 22(1) @dewr.gov.au; s 22(1) @dewr.gov.au; s 22(1) @dewr.gov.au; s 22(1) @dewr.gov.au; "WEARNE, Jodie" <Jodie.Wearne@dewr.gov.au>
Subject: RE: Bonza [SEC=OFFICIAL]

Hi All

FYI I just participated in a Teams call with Infrastructure and others re Bonza

Infrastructure provided an update from their meeting with the VA last night, in summary;

- There is very little cash in the Bonza estate
- The VA is striving to get the planes back in the air and the business running
- Approximately 300 employees.
- 200,000 forward bookings
- Infrastructure explained their focus remained on stranded passengers
- The VA asked- "is there any potential for govt support for Bonza?" Infrastructure's answer "officials are not working on a govt package of support for govt consideration"
- The VA is no longer seeking a meeting with Ministers, after the discussion last night
- Lawyers for the VA are Norton Rose, Noel McCoy.

We are likely to do a further call tonight or tomorrow morning- **Jodie** are you content with me updating you, or do you want in?

Best regards
Henry

From: CARR, Henry
Sent: Tuesday, April 30, 2024 5:26 PM
To: WALLBANK, Angela <Angela.Wallbank@dewr.gov.au>; MCCORMACK, Helen <Helen.McCormack@dewr.gov.au>
Cc: s 22(1) @dewr.gov.au; s 22(1) @dewr.gov.au; s 22(1) @dewr.gov.au; s 22(1) @dewr.gov.au; s 22(1) @dewr.gov.au; s 22(1) @dewr.gov.au
Subject: RE: Bonza [SEC=OFFICIAL]

Hi Ange and Colleagues

I participated in a teams meeting with the other agencies just now, including senior reps from **Infrastructure, PMC, Treasury and Finance.**

Key points;

- Infrastructure is playing a lead role, in collaboration with Treasury.
s 47C(1)

- Infrastructure have set up a hotline- they have had 600 calls in an hour!
- Questions from the public are all about “ I am flying tomorrow- what do I do”
- But the focus of Transport is on customers who are stranded
- Qantas and Virgin are offering a solution for stranded customers for the next few days
- Whatever happens Transport will continue their hotlines for a couple of days.
- Announcement from Bonza expected soon – cancelling two more days of flights- further announcement could cancel more/ evermore.
- The agencies understand FEG Recovery Program’s usual/ limited BAU role and support the sending of our Day 1 letter, which I will send to the VAs tonight.

Happy to discuss, best regards.

Henry

s 22(1)

s 22(1)

s 22(1)

From: CARR, Henry
Sent: Tuesday, April 30, 2024 1:58 PM
To: MCCORMACK, Helen <Helen.McCormack@dewr.gov.au>; WALLBANK, Angela <Angela.Wallbank@dewr.gov.au>
Cc: s 22(1) <[s22\(1\)@dewr.gov.au](mailto:s22(1)@dewr.gov.au)>; s 22(1) <[s22\(1\)@dewr.gov.au](mailto:s22(1)@dewr.gov.au)>; s 22(1) <[s22\(1\)@dewr.gov.au](mailto:s22(1)@dewr.gov.au)>
Subject: RE: Bonza [SEC=OFFICIAL]

Hi H

I spoke to Kai just now too, essentially insolvency 101. I am happy to help/ it's the usual role we play where there is multi agency interest in a file.

There is some intrigue around whether Korda Mentha could take the appointment- the rules around what is a conflict are ever evolving and the modern take is that providing advice

immediately pre appointment is not necessarily a conflict. KordaMentha have Ansett experience that launched their business plus they have excellent relationships with the unions.

We have a good working relationship with Korda Mentha too.

Best regards
Henry

From: MCCORMACK,Helen <Helen.McCormack@dewr.gov.au>
Sent: Tuesday, April 30, 2024 1:10 PM
To: CARR,Henry <Henry.Carr@dewr.gov.au>; WALLBANK,Angela <Angela.Wallbank@dewr.gov.au>
Cc: s 22(1) <[s 22\(1\)@dewr.gov.au](mailto:s22(1)@dewr.gov.au)>; s 22(1) <[s 22\(1\)@dewr.gov.au](mailto:s22(1)@dewr.gov.au)>;
s 22(1) <[s 22\(1\)@dewr.gov.au](mailto:s22(1)@dewr.gov.au)>
Subject: RE: Bonza [SEC=OFFICIAL]

Thanks, Henry

I just received a call from Kai Everist from DITRDCA who let me know the Bonza Board is meeting right now to determine if they will go into Voluntary Administration. Announcement expected this afternoon. Kai will keep us in the loop.

I've let Jodie Wearne know.

h

s 22(1)

s 22(1)

From: s 22(1) @dewr.gov.au>
Sent: Tuesday, April 30, 2024 11:54 AM
To: s 47F(1) @mo.dewr.gov.au>
Cc: WEARNE, Jodie <Jodie.Wearne@dewr.gov.au>; LAUMAN, Miranda <Miranda.Lauman@dewr.gov.au>;
s 22(1) @dewr.gov.au>; MCCORMACK, Helen <Helen.McCormack@dewr.gov.au>;
s 22(1) @dewr.gov.au>; WISOWATY, Eve <Eve.Wisowaty@dewr.gov.au>;
s 47F(1) @mo.dewr.gov.au>; s 22(1) @mo.dewr.gov.au>
Subject: Bonza [SEC=OFFICIAL]

s
Hi 47F(1)

As discussed with Jodie, the department working across pulling together a Situation Report on Bonza

- Bonza is a start up regional airline that has been in operation for about 4-6 months primarily servicing regional Queensland.
- Services have been temporarily suspended and discussions on business viability are ongoing. The number of potential impacted workers is unknown, and **no redundancies** have been made at this stage.

- If redundancies occur, all retrenched workers and their partners can access support by registering directly with a Workforce Australia Employment Services Provider, under the Early Access initiative.
- As the airline operates in multiple locations DEWR's EFs will work together to ensure workers are supported. Bonza's head office is located at Sunshine Coast.
- DEWR's is working closing with Department of Infrastructure Transport, Regional Development, Communications and the Arts and will provide further information once detail is known about the future of the airline

The situation is fluid and further updates will be provided as soon as possible

Thanks
s 22(1)

s 22(1)

Director

Structural Adjustment | Workforce Strategies Branch

Workforce Australia for Business

Australian Government Department of Employment and Workplace Relations

Phone s 22(1)

www.dese.gov.au

From: "CARR, Henry"
Sent: 30/04/2024 4:29:22 PM
To: s 22(1) @TREASURY.GOV.AU>;
 "marisa.purvissmith@infrastructure.gov.au" <marisa.purvissmith@infrastructure.gov.au>;
 "Christina.Garbin@pmc.gov.au" <Christina.Garbin@pmc.gov.au>;
 "stephanie.werner@infrastructure.gov.au" <stephanie.werner@infrastructure.gov.au>;
 "Kai.Everist@infrastructure.gov.au" <Kai.Everist@infrastructure.gov.au>; "Jose, Cameron"
 <Cameron.Jose@finance.gov.au>; "Zaheed, Mohita" <Mohita.Zaheed@treasury.gov.au>; s 22(1)
 @finance.gov.au>; "Mullaly, Damian" <Damian.Mullaly@TREASURY.GOV.AU>; s
 @treasury.gov.au> 22(1)
Subject: RE: Bonza [SEC=OFFICIAL]

Hi all, FYI below is typical day 1 letter content to administrators.

Henry Carr

Branch Manager / Senior Executive Lawyer
 Recovery and Litigation Branch
 Entitlements Safeguards Division
 Australian Government Department of Employment and Workplace Relations
 Mobile S 47F(1)
dewr.gov.au

The Department of Employment and Workplace Relations acknowledges the traditional owners and custodians of country throughout Australia and their continuing connection to land, waters and community. We pay our respects to them and their cultures, and Elders past, present and emerging.

Bonza Aviation
ACN 653 309 909
(Administrators Appointed) (Company)

Good afternoon,

We refer to the appointment of s 47F(1) as joint and several Voluntary Administrators of the Company earlier today.

The Department wishes to determine whether there is likely to be a FEG exposure as a result of the appointment to the Company.

Whilst we note that the Administrators have only just been appointed, we would appreciate it if you would provide the following information, to the extent that it is currently available to you:

- Are the Administrators continuing to trade the Company's business in any capacity?
- How many staff are employed/were employed by the Company and has the workforce been maintained or reduced?
- Are/were the employees employed on a full time, part time or casual basis?
- Are there any outstanding employee entitlements, other than superannuation?
- Is there superannuation outstanding? If so, please provide details.
- Is there an ALLPAAP/GSA secured creditor?
- Are the Administrators expecting to receive a DOCA proposal for the sale or restructure of the Company's business?
- Is there likely to be any FEG exposure if a DOCA proposal is not submitted or is not accepted by creditors and, if so, are you in a position to estimate the likely dollar value of the exposure?
- Is it likely the Administrators will seek to extend the convening period for the second meeting of creditors?

If convenient I am available for a call to discuss the above questions.

Kind regards

s 22(1)

Senior Forensic Investigator

Active Creditor | Recovery and Litigation Branch

Entitlements Safeguards Division

Australian Government Department of Employment and Workplace Relations

T: s 22(1) | s 22(1) [@dewr.gov.au](mailto:s22(1)@dewr.gov.au)

-----Original Appointment-----

From: s 22(1) @TREASURY.GOV.AU>

Sent: Tuesday, April 30, 2024 3:35 PM

To: s 22(1) CARR, Henry; marisa.purvissmith@infrastructure.gov.au; Christina.Garbin@pmc.gov.au; stephanie.werner@infrastructure.gov.au; Kai.Everist@infrastructure.gov.au; Jose, Cameron; Zaheed, Mohita; s 22(1) Mullaly, Damian; s 22(1)

Subject: Bonza [SEC=OFFICIAL]

When: Tuesday, 30 April 2024 4:30 PM-5:00 PM (UTC+10:00) Canberra, Melbourne, Sydney.

Where: Microsoft Teams Meeting

You don't often get email from s 22(1) @treasury.gov.au. [Learn why this is important](#)

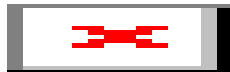
CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi all,

Setting up a teams link for the proposed 4:30 catch-up. I will adjust the time as required. Please forward to others as needed.

Thanks,
s 22(1)

s 22(1)



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Australian Government
**Department of Employment
 and Workplace Relations**

30 April 2024

Richard Albarran
 Hall Chadwick
 Level 40, 2-26 Park Street
 SYDNEY NSW 2000

By email: ^{s 47F(1)} hallchadwick.com.au;

Dear Mr Albarran,

Bonza Aviation ACN 653 309 909 (Administrators Appointed) (the Company)

We refer to your appointment, together with Kathleen Vouris, Brent Kijurina and Cameron Shaw as joint and several Voluntary Administrator of the Company earlier today.

The Department wishes to determine whether there is likely to be a FEG exposure as a result of the appointment to the Company.

Whilst we note that you have only just been appointed, we would appreciate it if you would provide the following information, to the extent that it is currently available to you:

- Was your appointment made by the Company under section 436A of the Corporations Act or by a secured creditor under section 436C of the Corporations Act?
- We understand a number of the Company's leased aircraft may have been repossessed. Are there any unencumbered assets or leased assets remaining in the possession of the Company to enable it to continue its business operations and do you intend to continue to trade the business in any capacity?
- How many staff are employed/were employed by the Company and has the workforce been maintained or reduced?
- Are/were the employees employed on a full time, part time or casual basis?
- Are there any outstanding employee entitlements, other than superannuation?
- Is there superannuation outstanding? If so, please provide details.
- Is there an ALLPAAP/GSA secured creditor?
- Are you expecting to receive a DOCA proposal for the sale or restructure of the Company's business?
- Is there likely to be any FEG exposure if a DOCA proposal is not submitted or is not accepted by creditors and, if so, are you in a position to estimate the likely dollar value of the exposure?
- Is it likely you will seek to extend the convening period for the second meeting of creditors?

If convenient we are available for a call to discuss the above questions.

Should you have any queries, please contact s 22(1) of this office on s 22(1) or
s 22(1) [@dewr.gov.au](mailto:).

Yours faithfully
s 47F(1)

Henry Carr
Branch Manager / Senior Executive Lawyer

s 22(1)

From: s 22(1) @dewr.gov.au>
Sent: Tuesday, April 30, 2024 11:54 AM
To: s 47F(1) @mo.dewr.gov.au>
Cc: WEARNE,Jodie <Jodie.Wearne@dewr.gov.au>; LAUMAN,Miranda <Miranda.Lauman@dewr.gov.au>; s 22(1) @dewr.gov.au>; MCCORMACK,Helen <Helen.McCormack@dewr.gov.au>; s 22(1) @dewr.gov.au>; WISOWATY,Eve <Eve.Wisowaty@dewr.gov.au>; s 47F(1) @mo.dewr.gov.au>; s 22(1) @mo.dewr.gov.au>
Subject: Bonza [SEC=OFFICIAL]

Hi s 47F(1)

As discussed with Jodie, the department working across pulling together a Situation Report on Bonza

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 - If redundancies occur, all retrenched workers and their partners can access support by registering directly with a Workforce Australia Employment Services Provider, under the Early Access initiative.

- As the airline operates in multiple locations DEWR's EFs will work together to ensure workers are supported. Bonza's head office is located at Sunshine Coast.
- DEWR's is working closing with Department of Infrastructure Transport, Regional Development, Communications and the Arts and will provide further information once detail is known about the future of the airline

The situation is fluid and further updates will be provided as soon as possible

Thanks
s 22(1)

s 22(1)

Director

Structural Adjustment | Workforce Strategies Branch

Workforce Australia for Business

Australian Government Department of Employment and Workplace Relations

Phone s 22(1)

www.dese.gov.au

s 22(1)

s 22(1)

From: s 22(1) @dewr.gov.au
Sent: Tuesday, April 30, 2024 11:54 AM
To: s 47F(1) @mo.dewr.gov.au
Cc: WEARNE,Jodie <Jodie.Wearne@dewr.gov.au>; LAUMAN,Miranda <Miranda.Lauman@dewr.gov.au>;
s 22(1) @dewr.gov.au; MCCORMACK,Helen <Helen.McCormack@dewr.gov.au>;
s 22(1) @dewr.gov.au; WISOWATY,Eve <Eve.Wisowaty@dewr.gov.au>;
s 47F(1) @mo.dewr.gov.au; s 22(1) @mo.dewr.gov.au
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s 22(1)

Director

Structural Adjustment | Workforce Strategies Branch

Workforce Australia for Business

Australian Government Department of Employment and Workplace Relations

Phone s 22(1)

www.dese.gov.au

s 22(1)

From: WEARNE,Jodie <Jodie.Wearne@dewr.gov.au>
Sent: Tuesday, April 30, 2024 7:49 PM
To: s 22(1) <[s22\(1\)@mo.dewr.gov.au](mailto:s22(1)@mo.dewr.gov.au)>; s 47F(1) <[s47F\(1\)@mo.dewr.gov.au](mailto:s47F(1)@mo.dewr.gov.au)>;
 WALLBANK,Angela <Angela.Wallbank@dewr.gov.au>; LAUMAN,Miranda <Miranda.Lauman@dewr.gov.au>
Cc: MCCORMACK,Helen <Helen.McCormack@dewr.gov.au>; JONES,Henry <Henry.Jones@dewr.gov.au>;
 s 22(1) <[s22\(1\)@dewr.gov.au](mailto:s22(1)@dewr.gov.au)>; s 22(1) <[s22\(1\)@dewr.gov.au](mailto:s22(1)@dewr.gov.au)>
Subject: FW: Bonza [SEC=OFFICIAL]

Hi s 47F(1)

A quick update from our FEG colleagues this evening.

- Bonza has held a board meeting and entered voluntary administration.
- The FEG Recovery Branch has written to the Administrator to seek information on the arrangements for workers.
- The Department of Infrastructure, Transport, Regional Development and the Arts, with Treasury, are playing a lead role so we will coordinate with them on the supports outlined below.

We will send further updates as things progress,

Kind regards,
 Jodie

From: s 22(1) <[s22\(1\)@dewr.gov.au](mailto:s22(1)@dewr.gov.au)>
Sent: Tuesday, April 30, 2024 12:16 PM
To: s 47F(1) <[s47F\(1\)@mo.dewr.gov.au](mailto:s47F(1)@mo.dewr.gov.au)>
Cc: WEARNE,Jodie <Jodie.Wearne@dewr.gov.au>; LAUMAN,Miranda <Miranda.Lauman@dewr.gov.au>;
 s 22(1) <[s22\(1\)@dewr.gov.au](mailto:s22(1)@dewr.gov.au)>; MCCORMACK,Helen <Helen.McCormack@dewr.gov.au>;

s 22(1) @dewr.gov.au; WISOWATY,Eve <Eve.Wisowaty@dewr.gov.au>;
 s 47F(1) @mo.dewr.gov.au; s 22(1) @mo.dewr.gov.au>

Subject: RE: Bonza [SEC=OFFICIAL]

Hi s 47F(1)

Standard lines on supports DEWR provides, and how they are provided, i.e. through coordination with states and territories, are as follows:

- An on-the-ground transition support network (TSN) made up of representatives from DEWR national, state and territory offices together with Employment Facilitators, can assist retrenched workers to find a new job as soon as possible.
- The TSN offers direct support to the employers and employees which can include direct engagement with tailored information, as well as promotion and facilitation of access to relevant programs and services, including career advice, skilling and training and job search.
- The TSN works closely with Services Australia as well as State and Territory Governments to help identify what programs and support is available.
- Retrenched workers and their partners are eligible for Early Access by registering directly with a Workforce Australia Services Provider. Registration is open to retrenched workers and their partners up to three months prior retrenchment until six months after their retrenchment date.
- The Early Access initiative provides retrenched workers with support to search for and apply for jobs, write a resume and prepare for interviews, find training for the skills that local businesses need and access to printers, the internet, newspapers and other resources.
- Providers can also deliver advice on searching for a job, various career options and employment programs; and provide access to job search facilities.
- In exceptional circumstances, a Structural Adjustment Program may be put in place to assist workers impacted by a large-scale retrenchment activity in a particular industry. This is in addition to support that all other retrenched workers (and their partners) can receive through Early Access).

Thanks
 s 22(1)

From: s 47F(1) @mo.dewr.gov.au
Sent: Tuesday, April 30, 2024 11:59 AM
To: s 22(1) @dewr.gov.au
Cc: WEARNE,Jodie <Jodie.Wearne@dewr.gov.au>; LAUMAN,Miranda <Miranda.Lauman@dewr.gov.au>;
 s 22(1) @dewr.gov.au; MCCORMACK,Helen <Helen.McCormack@dewr.gov.au>;
 s 22(1) @dewr.gov.au; WISOWATY,Eve <Eve.Wisowaty@dewr.gov.au>;
 s 47F(1) @mo.dewr.gov.au; s 22(1) @mo.dewr.gov.au
Subject: RE: Bonza [SEC=OFFICIAL]

Thanks^{s 22(1)} much appreciated. Do you have any standard lines on what other supports exist through DEWR in event of large biz closure? For e.g. the Transition Network links with the employer, state and local gov'ts to coordinate supports.

From: HUNT,Ruth <Ruth.Hunt@dewr.gov.au>
Sent: Tuesday, April 30, 2024 11:54 AM

To: s 47F(1) @mo.dewr.gov.au
Cc: WEARNE,Jodie <Jodie.Wearne@dewr.gov.au>; LAUMAN,Miranda <Miranda.Lauman@dewr.gov.au>;
s 22(1) @dewr.gov.au; MCCORMACK,Helen <Helen.McCormack@dewr.gov.au>;
s 22(1) @dewr.gov.au; WISOWATY,Eve <Eve.Wisowaty@dewr.gov.au>;
s 47F(1) @mo.dewr.gov.au; s 22(1) @mo.dewr.gov.au
Subject: Bonza [SEC=OFFICIAL]

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- DEWR's is working closing with Department of Infrastructure Transport, Regional Development, Communications and the Arts and will provide further information once detail is known about the future of the airline

The situation is fluid and further updates will be provided as soon as possible

Thanks
s 22(1)

s 22(1)
Director
Structural Adjustment | Workforce Strategies Branch
Workforce Australia for Business
Australian Government Department of Employment and Workplace Relations
Phone s 22(1)
www.dese.gov.au

From: s 22(1)
Sent: 1/05/2024 5:45:28 PM
To: "CARR, Henry" <Henry.Carr@dewr.gov.au>
Cc: s 22(1) @dewr.gov.au
Subject: Bonza Aviation [SEC=OFFICIAL]

Hi Henry,

Following is an update from the Teams call this afternoon with Infrastructure, Tsy and others re Bonza:

Infrastructure provided an update following their further meeting with the VA today, in summary:

- The main issue which will determine whether the VAs can resurrect the business is access to the aircraft. They need to have further discussions with the owners of the aircraft as this issue is currently unresolved.
- Some airports are owed money and have locked up, and are claiming liens over, aircraft.
- An employee meeting has been scheduled for around midday tomorrow, although the VAs probably will not have all the answers employees are seeking by then.
- Wages are due on Friday and the VAs will have to decide whether they can pay or to stand down employees.
- The VAs will make another announcement tomorrow regarding further flight cancellations and also intend to issue another media release tonight (details of that content of that release are unknown).
- Infrastructure is still operating its hotline and received c.900 calls today and just under 1,500 calls yesterday. They provided some feedback/suggestions to the VAs re issues raised by hotline callers:
 - Callers to the VAs' hotline have been either been unable to get through or are unsure if they have the correct number. Infrastructure suggested a voicemail message be set up.
 - Callers have advised they have sent emails to the VAs at the email address provided in their media release but have received no reply. Infrastructure suggested an auto response.
- As a result of the issues with the VAs' hotline, Infrastructure will need to keep theirs going until the end of the week. Their Minister and the PM are very supportive of the hotline.
- A update will be provided tomorrow following a further discussion with the VAs.

There may be another call tomorrow afternoon.

Kind regards

s 22(1)

Senior Forensic Investigator

Active Creditor | Recovery and Litigation Branch

Entitlements Safeguards Division

Australian Government Department of Employment and Workplace Relations

T: s 22(1)

|s 22(1)

[@dewr.gov.au](mailto:s22(1)@dewr.gov.au)

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From: "Everist, Kai" <Kai.Everist@infrastructure.gov.au>
Sent: 1/05/2024 6:05:40 PM
To: "Zaheed, Mohita" <Mohita.Zaheed@treasury.gov.au>; "Mullaly, Damian" <Damian.Mullaly@TREASURY.GOV.AU>; s 22(1) @treasury.gov.au;
"Christina.Garbin@pmc.gov.au" <Christina.Garbin@pmc.gov.au>; "Jose, Cameron (Department of Finance - Protected)" <Cameron.Jose@finance.gov.au>; s 22(1) @finance.gov.au
s 22(1) @finance.gov.au; "CARR, Henry" <Henry.Carr@dewr.gov.au>
Cc: "PURVIS-SMITH, Marisa" <Marisa.PurvisSmith@infrastructure.gov.au>;
"Werner, Stephanie" <Stephanie.Werner@infrastructure.gov.au>; "BURKE, Chris" <chris.burke@infrastructure.gov.au>; "BOWD, Reuben" <Reuben.BOWD@infrastructure.gov.au>;
"BUCKLEY, Brendon" <Brendon.BUCKLEY@infrastructure.gov.au>; s 22(1) @infrastructure.gov.au
Subject: FW: Bonza Aviation (Administrators Appointed) - Media Statement - 1 May 2024 [SEC=OFFICIAL]
Attachments: Bonza Press Release 1 May 2024 - Hall Chadwick.pdf

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OFFICIAL

Hi all

FYI - we have received the attached media release from the administrator.

Thanks
Kai

OFFICIAL

From: s 47F(1)
Sent: Wednesday, 1 May 2024 6:01 PM
To: s 47F(1)
Subject: Bonza Aviation (Administrators Appointed) - Media Statement - 1 May 2024

Hi all,

Please find attached a media statement relating to Bonza Aviation Pty Ltd, from the Voluntary Administrators.

Kind regards

Kathleen Vouris

Partner

Level 40 | 2 Park Street | Sydney | NSW 2000 | Australia

T s 47F(1) | **Main** s 47F(1) | **F** s 47F(1)

E s 47F(1) hallchadwick.com.au | **W** www.hallchadwick.com.au

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Issued on behalf of Bonza Aviation Pty Ltd (Administrators Appointed)

Kind regards,

s 47F(1)

Peter Harris & Associates

M: s 47F(1)

E: s 47F(1)

Disclaimer

This message has been issued by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts. The information transmitted is for the use of the intended recipient only and may contain confidential and/or legally privileged material. Any review, re-transmission, disclosure, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited and may result in severe penalties.

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**Bonza Aviation Pty Ltd
(Administrators Appointed)
A.C.N. 653 309 909
("the Company")**

1 May 2024

Appointment Activity

The Administrators appreciate that this is a difficult time for all involved and that all stakeholders are keen for further information and updates as the matter progresses.

To this end the Administrators have had meetings overnight and this morning with key industry participants located within Australia and overseas. These meetings are ongoing and will continue tonight and tomorrow.

There has also been open dialogue with the Lessor of the Company's fleet.

We have also today met with the Company's CFO to go through the financial position of the Company with a view to updating creditors of that position in due course.

Ongoing Trade of the Business

It was previously advised that the Company's fleet was grounded and this would continue up to and including 2 May 2024. Please do not travel to the airport during this time.

The Administrators have also issued a notice to customers who were scheduled to travel between the above dates.

Customers

As advised in our previous statement the Administrators have established a hotline for customers for any queries they may have, customers may call **03 8678 1600**. The Administrators have personnel available to discuss the Administration, continued operations and assist with queries and this is operational from **7am to 10pm**.

Refunds

Unfortunately, the Administrators and/or the Company are not in a position to process or issue refunds at this time.

We understand how frustrating this is and we appreciate customers patience at this time.

Email contacts for each class of stakeholder

We will continue to provide these email addresses so all stakeholders can contact the Administrators office.

- bonzaemployees@hallchadwick.com.au
- bonzacreeditors@hallchadwick.com.au
- bonzasuppliers@hallchadwick.com.au
- bonzalessors@hallchadwick.com.au
- bonzacustomers@hallchadwick.com.au

From: "CARR, Henry"
Sent: 1/05/2024 8:37:39 PM
To: "Everist, Kai" <Kai.Everist@infrastructure.gov.au>
Subject: RE: Bonza Aviation (Administrators Appointed) - Media Statement - 1 May 2024
[SEC=OFFICIAL]

Thanks Kai

From: Everist, Kai <Kai.Everist@infrastructure.gov.au>
Sent: Wednesday, May 1, 2024 6:06 PM
To: Zaheed, Mohita <Mohita.Zaheed@treasury.gov.au>; Mullaly, Damian <Damian.Mullaly@TREASURY.GOV.AU>; s 22(1) @treasury.gov.au; Christina.Garbin@pmc.gov.au; Jose, Cameron (Department of Finance - Protected) <Cameron.Jose@finance.gov.au>; s 22(1) @finance.gov.au; CARR, Henry <Henry.Carr@dewr.gov.au>
Cc: PURVIS-SMITH, Marisa <Marisa.PurvisSmith@infrastructure.gov.au>; Werner, Stephanie <Stephanie.Werner@infrastructure.gov.au>; BURKE, Chris <chris.burke@infrastructure.gov.au>; BOWD, Reuben <Reuben.BOWD@infrastructure.gov.au>; BUCKLEY, Brendon <Brendon.BUCKLEY@infrastructure.gov.au>; s 22(1) @infrastructure.gov.au
Subject: FW: Bonza Aviation (Administrators Appointed) - Media Statement - 1 May 2024
[SEC=OFFICIAL]

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OFFICIAL

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Kai

OFFICIAL

From: s 47F(1)
Sent: Wednesday, 1 May 2024 6:01 PM
To: s 47F(1)
Subject: Bonza Aviation (Administrators Appointed) - Media Statement - 1 May 2024

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Kind regards

Kathleen Vouris

Partner

Level 40 | 2 Park Street | Sydney | NSW 2000 | Australia

T s 47F(1) | **Main** s 47F(1) | **F** s 47F(1)

E s 47F(1) hallchadwick.com.au | **W** www.hallchadwick.com.au

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Issued on behalf of Bonza Aviation Pty Ltd (Administrators Appointed)

Kind regards,

s 47F(1)

Peter Harris & Associates

M: s 47F(1)

E: s 47F(1) [@gmail.com](mailto:hallchadwick.com.au)

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From: s 47F(1)
Sent: 2/05/2024 11:28:18 PM
To: "CARR, Henry" <Henry.Carr@dewr.gov.au>; "WEARNE, Jodie" <Jodie.Wearne@dewr.gov.au>; s 47F(1) @mo.dewr.gov.au>; s 22(1) @mo.dewr.gov.au>; "WALLBANK, Angela" <Angela.Wallbank@dewr.gov.au>; "LAUMAN, Miranda" <Miranda.Lauman@dewr.gov.au>
Cc: "MCCORMACK, Helen" <Helen.McCormack@dewr.gov.au>; s 22(1) @dewr.gov.au>; s 22(1) @dewr.gov.au>; "RISHNIW, Tania" <Tania.Rishniw@dewr.gov.au>; "MANNING, Gregory" <Gregory.Manning@dewr.gov.au>
Subject: RE: Bonza [SEC=OFFICIAL]

Hi Henry – thanks for this update.

Cheers,
s 47F(1)

From: CARR, Henry <Henry.Carr@dewr.gov.au>
Sent: Thursday, May 2, 2024 8:07 PM
To: WEARNE, Jodie <Jodie.Wearne@dewr.gov.au>; s 47F(1) @mo.dewr.gov.au>; s 47F(1) @mo.dewr.gov.au>; s 22(1) @mo.dewr.gov.au>; WALLBANK, Angela <Angela.Wallbank@dewr.gov.au>; LAUMAN, Miranda <Miranda.Lauman@dewr.gov.au>
Cc: MCCORMACK, Helen <Helen.McCormack@dewr.gov.au>; s 22(1) @dewr.gov.au>; s 22(1) @dewr.gov.au>; RISHNIW, Tania <Tania.Rishniw@dewr.gov.au>; MANNING, Gregory <Gregory.Manning@dewr.gov.au>
Subject: RE: Bonza [SEC=OFFICIAL]

s 47F(1)
Hi

By way of update, the Bonza voluntary administrators have informed officials from the Dept of Infrastructure that they are intending to meet with the Bonza employees tonight, where it is likely that the administrators will "stand down" the vast majority of employees, at this stage until 7 May.

This sensitive information is provided by the administrators in confidence, but I understand that the central agencies are letting their MO know tonight too.

Happy to discuss, best regards

Henry
s 47F(1)

From: WEARNE, Jodie <Jodie.Wearne@dewr.gov.au>
Sent: Wednesday, May 1, 2024 6:43 PM
To: s 47F(1) @mo.dewr.gov.au>; s 47F(1)

s 47F(1) @mo.dewr.gov.au; s 22(1) @mo.dewr.gov.au;
 WALLBANK,Angela <Angela.Wallbank@dewr.gov.au>; LAUMAN,Miranda
 <Miranda.Lauman@dewr.gov.au>
Cc: MCCORMACK,Helen <Helen.McCormack@dewr.gov.au>; CARR,Henry <Henry.Carr@dewr.gov.au>;
 s 22(1) @dewr.gov.au; s 22(1) @dewr.gov.au; RISHNIW,Tania
 <Tania.Rishniw@dewr.gov.au>; MANNING,Gregory <Gregory.Manning@dewr.gov.au>
Subject: RE: Bonza [SEC=OFFICIAL]

Hi s 47F(1)

A quick update on Bonza is below

- There are approximately 300 employees impacted, however no redundancies have occurred.
- At this stage, the Administrator (Hall Chadwick) is still looking at ways in which the business could resume operations.
- Our FEG colleagues are maintaining close connections with the Administrator as things progress to understand the likelihood of the businesses continuing to trade, how many of the employees are direct employees and details on full time/part time/casual as well as other details about worker entitlements.
- We don't have details on the location of workers or on impacted suppliers at this stage, so we keep monitoring this.
- Another meeting with Infrastructure, Bonza and the Administrator was scheduled for this evening or tomorrow morning, so we will send another update once we have it.

Cheers
 Jodie

From: s 47F(1) @mo.dewr.gov.au
Sent: Wednesday, May 1, 2024 9:57 AM
To: WEARNE,Jodie <Jodie.Wearne@dewr.gov.au>; s 47F(1) @mo.dewr.gov.au;
 s 22(1) @mo.dewr.gov.au; WALLBANK,Angela
 <Angela.Wallbank@dewr.gov.au>; LAUMAN,Miranda <Miranda.Lauman@dewr.gov.au>
Cc: MCCORMACK,Helen <Helen.McCormack@dewr.gov.au>; JONES,Henry <Henry.Jones@dewr.gov.au>;
 s 22(1) @dewr.gov.au; s 22(1) @dewr.gov.au
Subject: Re: Bonza [SEC=OFFICIAL]

Thanks Jodie

From: WEARNE,Jodie <Jodie.Wearne@dewr.gov.au>
Sent: Tuesday, April 30, 2024 7:49:29 PM
To: s 47F(1) @mo.dewr.gov.au; s 47F(1)
@mo.dewr.gov.au; s 22(1) @mo.dewr.gov.au;
 WALLBANK,Angela <Angela.Wallbank@dewr.gov.au>; LAUMAN,Miranda
 <Miranda.Lauman@dewr.gov.au>
Cc: MCCORMACK,Helen <Helen.McCormack@dewr.gov.au>; JONES,Henry <Henry.Jones@dewr.gov.au>;
 s 22(1) @dewr.gov.au; s 22(1) @dewr.gov.au
Subject: FW: Bonza [SEC=OFFICIAL]

Hi s 47F(1)

A quick update from our FEG colleagues this evening.

- Bonza has held a board meeting and entered voluntary administration.
- The FEG Recovery Branch has written to the Administrator to seek information on the arrangements for workers.
- The Department of Infrastructure, Transport, Regional Development and the Arts, with Treasury, are playing a lead role so we will coordinate with them on the supports outlined below.

We will send further updates as things progress,

Kind regards,
Jodie

From: s 22(1) @dewr.gov.au
Sent: Tuesday, April 30, 2024 12:16 PM
To: s 47F(1) @mo.dewr.gov.au
Cc: WEARNE,Jodie <Jodie.Wearne@dewr.gov.au>; LAUMAN,Miranda <Miranda.Lauman@dewr.gov.au>; s 22(1) [@dewr.gov.auHelen.McCormack@dewr.gov.au](mailto:@dewr.gov.au)>; s 22(1) @dewr.gov.au>; WISOWATY,Eve <Eve.Wisowaty@dewr.gov.au>; s 47F(1) @mo.dewr.gov.au>; s 22(1) @mo.dewr.gov.au>
Subject: RE: Bonza [SEC=OFFICIAL]

Hi s 47F(1)

Standard lines on supports DEWR provides, and how they are provided, i.e. through coordination with states and territories, are as follows:

- An on-the-ground transition support network (TSN) made up of representatives from DEWR national, state and territory offices together with Employment Facilitators, can assist retrenched workers to find a new job as soon as possible.
- The TSN offers direct support to the employers and employees which can include direct engagement with tailored information, as well as promotion and facilitation of access to relevant programs and services, including career advice, skilling and training and job search.
- The TSN works closely with Services Australia as well as State and Territory Governments to help identify what programs and support is available.
- Retrenched workers and their partners are eligible for Early Access by registering directly with a Workforce Australia Services Provider. Registration is open to retrenched workers and their partners up to three months prior retrenchment until six months after their retrenchment date.
- The Early Access initiative provides retrenched workers with support to search for and apply for jobs, write a resume and prepare for interviews, find training for the skills that local businesses need and access to printers, the internet, newspapers and other resources.

- Providers can also deliver advice on searching for a job, various career options and employment programs; and provide access to job search facilities.
- In exceptional circumstances, a Structural Adjustment Program may be put in place to assist workers impacted by a large-scale retrenchment activity in a particular industry. This is in addition to support that all other retrenched workers (and their partners) can receive through Early Access).

Thanks
s 22(1)

From: s 47F(1) @mo.dewr.gov.au
Sent: Tuesday, April 30, 2024 11:59 AM
To: s 22(1) @dewr.gov.au
Cc: WEARNE,Jodie <Jodie.Wearne@dewr.gov.au>; LAUMAN,Miranda <Miranda.Lauman@dewr.gov.au>; s 22(1) @dewr.gov.au; MCCORMACK,Helen <Helen.McCormack@dewr.gov.au>; s 22(1) @dewr.gov.au; WISOWATY,Eve <Eve.Wisowaty@dewr.gov.au>; s 47F(1) @mo.dewr.gov.au; s 22(1) @mo.dewr.gov.au
Subject: RE: Bonza [SEC=OFFICIAL]

s 22(1), much appreciated. Do you have any standard lines on what other supports exist through DEWR in event of large biz closure? For e.g. the Transition Network links with the employer, state and local govt's to coordinate supports.

From: s 22(1) @dewr.gov.au
Sent: Tuesday, April 30, 2024 11:54 AM
To: s 47F(1) @mo.dewr.gov.au
Cc: WEARNE,Jodie <Jodie.Wearne@dewr.gov.au>; LAUMAN,Miranda <Miranda.Lauman@dewr.gov.au>; s 22(1) @dewr.gov.au; MCCORMACK,Helen <Helen.McCormack@dewr.gov.au>; s 22(1) @dewr.gov.au; WISOWATY,Eve <Eve.Wisowaty@dewr.gov.au>; s 47F(1) @mo.dewr.gov.au; s 22(1) @mo.dewr.gov.au
Subject: Bonza [SEC=OFFICIAL]

Hi s 47F(1)

As discussed with Jodie, the department working across pulling together a Situation Report on Bonza

- Bonza is a start up regional airline that has been in operation for about 4-6 months primarily servicing regional Queensland.
- Services have been temporarily suspended and discussions on business viability are ongoing. The number of potential impacted workers is unknown, and **no redundancies** have been made at this stage.
 - If redundancies occur, all retrenched workers and their partners can access support by registering directly with a Workforce Australia Employment Services Provider, under the Early Access initiative.
- As the airline operates in multiple locations DEWR's EFs will work together to ensure workers are supported. Bonza's head office is located at Sunshine Coast.

- DEWR's is working closing with Department of Infrastructure Transport, Regional Development, Communications and the Arts and will provide further information once detail is known about the future of the airline

The situation is fluid and further updates will be provided as soon as possible

Thanks
s 22(1)

s 22(1)

Director

Structural Adjustment | Workforce Strategies Branch

Workforce Australia for Business

Australian Government Department of Employment and Workplace Relations

Phone s 22(1)

www.dese.gov.au

From: s 22(1)
Sent: 2/05/2024 12:59:25 PM
To: "CARR, Henry" <Henry.Carr@dewr.gov.au>
Subject: FW: Bonza Aviation (Administrators Appointed) [SEC=OFFICIAL]
Attachments: 30042024 -Active Creditor Letter.pdf

I just received a call from Kathleen Vouris, one of J&S VAs.

Kathleen responded to each of our questions:

1. Appt was made by the Directors under s436A of the Act.
2. Repossession notices were issued on all aircraft operated by the Company prior to the VAs' appointment. There is no unencumbered aircraft. The VAs are trying to negotiate with the aircraft lessor and are meeting with external parties to try to obtain funding to allow continued operation of the business.
3. There are 323 employees. The VAs met with the employees on the night the appointment was taken (30th) and have called another meeting for tonight. They are trying to determine whether they can continue and if, so how many staff they can retain or if they need to stand staff down.
4. Kathleen believes most employees are full-time.
5. The VAs are working through the employee entitlements calculations now and Kathleen will have one of her team email the details to me. She stressed the total entitlements number is unverified at this stage. Noted there are wages outstanding.
6. Superannuation debt tbc
7. The lessor of the aircraft has an All PAAP but it is with exception.
8. Unlikely to receive a DOCA proposal from the current board but may be one from another party for the sale of the business/restructure of the Company.
9. There will be a FEG exposure is a DOCA proposal is not submitted or accepted.
10. The VAs were initially contemplating an application to extend the convening period but this will now depend on what they can do about the repossession notices issued prior to their appointment.

Kathleen noted she understands that the FEG Scheme is only available once a company is in liquidation but asked if there is any support the department can provide to employees now. I noted this is really a request for FEG not our department and asked her to put her request in writing.

Kind regards

s 22(1)

Senior Forensic Investigator

Active Creditor | Recovery and Litigation Branch

Entitlements Safeguards Division

Australian Government Department of Employment and Workplace Relations

T: s 22(1) | s 22(1) [@dewr.gov.au](mailto:Henry.Carr@dewr.gov.au)

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From: s 22(1)
Sent: Tuesday, April 30, 2024 5:50 PM
To: s 47F(1) @hallchadwick.com.au>
Cc: CARR, Henry <Henry.Carr@dewr.gov.au>
Subject: Bonza Aviation (Administrators Appointed)

Dear Mr Albarran,

Please refer to the attached letter.

Kind regards

s 22(1)

Senior Forensic Investigator

Active Creditor | Recovery and Litigation Branch
Entitlements Safeguards Division
Australian Government Department of Employment and Workplace Relations
T: s 22(1) | s 22(1) [@dewr.gov.au](mailto:s22(1)@dewr.gov.au)

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From: "CARR, Henry"
Sent: 3/05/2024 9:42:29 AM
To: "WALLBANK, Angela" <Angela.Wallbank@dewr.gov.au>; "WEARNE, Jodie" <Jodie.Wearne@dewr.gov.au>; "MCCORMACK, Helen" <Helen.McCormack@dewr.gov.au>
Cc: s 22(1) @dewr.gov.au; s 22(1) @dewr.gov.au; s 22(1) @dewr.gov.au
Subject: Bonza

Hi Helen

FYI I took a call just now from Kathleen Vouris, one of Bonza VAs. Kathleen said she was playing phone tag with you, so she tried me!

She was asking about support for stood down Bonza employees.

I explained that FEG does not respond to the current Bonza circumstance, but that I didn't know about broader govt programs. Is this something that Jodie knows more about?

Kathleen also asked a tricky question- whether, if stood down Bonza employees took alternate employment, would this disqualify them from FEG.

I didn't want to offer advice on the fly to this complex issue, so I invited Kathleen to put the question to you in writing.

I think that the answer to Kathleen's question includes an analysis of an employment law question; That is what is the effect of an alternate employment on the existing Bonza employment relationship. If alternate employment is seen as incompatible with Bonza employment, and as such amounts to a repudiation, then a question will arise as to whether the employee is entitled to PILN and Redundancy? WRL could give a better encapsulation of the issues.

Moreover, I am not sure these are questions for FEG- but I can understand why the VA (and likely the employees are not far behind) are asking you.

Anyway, you can anticipate the query based upon my report above, happy to jam with you to consider a response.

Best regards

Henry



Australian Government
**Department of Employment
 and Workplace Relations**

30 April 2024

Richard Albarran
 Hall Chadwick
 Level 40, 2-26 Park Street
 SYDNEY NSW 2000

By email: s 47F(1) hallchadwick.com.au;

Dear Mr Albarran,

Bonza Aviation ACN 653 309 909 (Administrators Appointed) (the Company)

We refer to your appointment, together with Kathleen Vouris, Brent Kijurina and Cameron Shaw as joint and several Voluntary Administrator of the Company earlier today.

The Department wishes to determine whether there is likely to be a FEG exposure as a result of the appointment to the Company.

Whilst we note that you have only just been appointed, we would appreciate it if you would provide the following information, to the extent that it is currently available to you:

- Was your appointment made by the Company under section 436A of the Corporations Act or by a secured creditor under section 436C of the Corporations Act?
- We understand a number of the Company's leased aircraft may have been repossessed. Are there any unencumbered assets or leased assets remaining in the possession of the Company to enable it to continue its business operations and do you intend to continue to trade the business in any capacity?
- How many staff are employed/were employed by the Company and has the workforce been maintained or reduced?
- Are/were the employees employed on a full time, part time or casual basis?
- Are there any outstanding employee entitlements, other than superannuation?
- Is there superannuation outstanding? If so, please provide details.
- Is there an ALLPAAP/GSA secured creditor?
- Are you expecting to receive a DOCA proposal for the sale or restructure of the Company's business?
- Is there likely to be any FEG exposure if a DOCA proposal is not submitted or is not accepted by creditors and, if so, are you in a position to estimate the likely dollar value of the exposure?
- Is it likely you will seek to extend the convening period for the second meeting of creditors?

If convenient we are available for a call to discuss the above questions.

Should you have any queries, please contact s 22(1) of this office on s 22(1) or
s 22(1) [@dewr.gov.au](mailto:).

Yours faithfully

s 47F(1)

Henry Carr
Branch Manager / Senior Executive Lawyer

From: "Everist, Kai" <Kai.Everist@infrastructure.gov.au>
Sent: 3/05/2024 6:51:06 AM
To: s 22(1) @TREASURY.GOV.AU>; "Christina.Garbin@pmc.gov.au" <Christina.Garbin@pmc.gov.au>; "Jose, Cameron" <Cameron.Jose@finance.gov.au>; s 22(1) @finance.gov.au>; s 22(1) @treasury.gov.au>; "CARR, Henry" <Henry.Carr@dewr.gov.au>; s 22(1) @finance.gov.au>; s 22(1) @dewr.gov.au>
Cc: "PURVIS-SMITH, Marisa" <Marisa.PurvisSmith@infrastructure.gov.au>; "Werner, Stephanie" <Stephanie.Werner@infrastructure.gov.au>; "BUCKLEY, Brendon" <Brendon.BUCKLEY@infrastructure.gov.au>; s 22(1) @infrastructure.gov.au>
Subject: Further media release from Hall Chadwick [SEC=OFFICIAL]
Attachments: Bonza Press Release 2 May 2 - Hall Chadwick.pdf

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OFFICIAL

Hi all

The administrator sent through a further media release at 11pm last night – see attached. It confirms that the majority of Bonza staff have been stood down.

Thanks
 Kai

OFFICIAL

From: Everist, Kai
Sent: Thursday, 2 May 2024 2:54 PM
To: s 22(1) @TREASURY.GOV.AU>; Christina.Garbin@pmc.gov.au; Jose, Cameron <Cameron.Jose@finance.gov.au>; s 22(1) @finance.gov.au>; s 22(1) @TREASURY.GOV.AU>; henry.carr@dewr.gov.au; s 22(1) @finance.gov.au>; s 22(1) @dewr.gov.au>
Cc: PURVIS-SMITH, Marisa <Marisa.PurvisSmith@infrastructure.gov.au>; Werner, Stephanie <Stephanie.Werner@infrastructure.gov.au>; BUCKLEY, Brendon <Brendon.BUCKLEY@infrastructure.gov.au>; s 22(1) @infrastructure.gov.au>
Subject: FW: Important Press Release [SEC=OFFICIAL]

OFFICIAL

Hi all

See attached media release from the Bonza administrator, which will confirm that flights are cancelled up until the end of Tuesday next week (7 May).

Thanks
Kai

OFFICIAL

From: s 47F(1) @hallchadwick.com.au
Sent: Thursday, 2 May 2024 2:49 PM
To: PURVIS-SMITH, Marisa <Marisa.PurvisSmith@infrastructure.gov.au>; Everist, Kai <Kai.Everist@infrastructure.gov.au>
Cc: s 47F(1) @hallchadwick.com.au; s 47F(1) @hallchadwick.com.au
Subject: Important Press Release

Hi Marisa and Kai - please see attached about to be released.

Talk at 4pm.

Regards

s 47F(1)

s 47F(1)

Partner

Hall Chadwick



Level 40 | 2 Park Street | Sydney | NSW 2000 | Australia

M s 47F(1) | T s 47F(1) | D s 47F(1)

E s 47F(1) hallchadwick.com.au | W www.hallchadwick.com.au



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**Bonza Aviation Pty Ltd
(Administrators Appointed)
A.C.N. 653 309 909
("the Company")**

2 May 2024

Events Leading to Appointment of Administrators

On 29 April 2024, at 11.51pm AEST, the Lessors of the Aircraft leased to the Company issued notices to the Company terminating their leases in place for the aircraft.

Amongst various other requirements, these notices required the Company to immediately cease to operate the Aircraft and keep the Aircraft grounded and safely secured.

Whilst these notices were preceded by Event of Default Notices issued on 17 April 2024, the Directors of the Company have advised the action taken by the Lessors was not foreshadowed or expected.

As a result, the Company's board met on the morning of Tuesday 30 April 2024 and resolved to appoint Richard Albarran, Kathleen Vouris, Brent Kijurina, and Cameron Shaw as Administrators of the Company.

Ongoing Trade of the Business

Following the appointment, the Administrators have been in constant discussions and meetings with the Company's management team and key employees to understand the trading operation and cashflow requirements of various scenarios.

The Administrators have also been in meetings and discussions with key industry participants within Australia and overseas with regard to the current status, and a way forward for the Company and its operations.

The largest consideration for these parties is the current status of the Aircraft, which currently remains grounded.

The Administrators have had a number of discussions with the Lessors.

As a result the grounding of the fleet will continue at least from Friday 3 May 2024 to Tuesday 7 May 2024. Customers with bookings during this period are advised not to travel to the airport unless they have alternative travel arrangements.

Meetings between the Administrators, the interested parties and the Lessors are continuing daily.

During this time, whilst the Aircraft remain grounded, and there is insufficient cashflow and funding, the Administrators are unable to recommence full operations.

The Administrators also have no alternative but to stand down the majority of the employees of the Company, pending the outcome of these above ongoing discussions.

Some employees will continue to assist the Administrators with their efforts.



**Bonza Aviation Pty Ltd
(Administrators Appointed)
A.C.N. 653 309 909
("the Company")**

The Administrators appreciate this is not the news that the employees, customers, and other key stakeholders would like to hear however there is no alternative course of action available to the Administrators at this point in time.

The Administrators will continue to work on the above meetings and endeavour to find the best possible solution for all stakeholders.

The Administrators have and will continue to liaise with government bodies in respect to the above.

Financial Position of the Company

There have been a number of requests for details regarding the financial position of the Company.

This information remains commercially sensitive, and subject to ongoing investigation, and cannot be made public at this point.

Support for Customers

As previously advised the Administrators have established a dedicated phone line for all customer enquiries.

That number is **03 8678 1600** and is available **7am to 10pm AEST**.

Refunds

The Administrators confirm that the processing or issuing of refunds from the Company cannot occur at this time.

Customers who have had their flights cancelled should contact their financial institution to discuss available options.

Customers may also wish to liaise with any insurance providers, in the event they have travel insurance for the bookings.

Email contacts for each class of stakeholder

We will continue to provide these email addresses so all stakeholders can contact the Administrators office.

- bonzaemployees@hallchadwick.com.au
- bonzacreeditors@hallchadwick.com.au
- bonzasuppliers@hallchadwick.com.au
- bonzalessors@hallchadwick.com.au
- bonzacustomers@hallchadwick.com.au

From: "CARR, Henry"
Sent: 2/05/2024 12:56:26 PM
To: s 47F(1) @hallchadwick.com.au;<
s 22(1) @dewr.gov.au>
Cc: s 47F(1) @hallchadwick.com.au;<s 47F(1)
@hallchadwick.com.au>; s 47F(1) @hallchadwick.com.au;<s 47F(1)
@hallchadwick.com.au>; s 47F(1) @hallchadwick.com.au;<s 47F(1)
@hallchadwick.com.au>; "MCCORMACK, Helen" <Helen.McCormack@dewr.gov.au>
Subject: RE: Bonza Aviation (Administrators Appointed) [SEC=OFFICIAL]

Hi Duke, we appreciate your response below, we realise of course that you and your team will have a lot on your plates, but is there a convenient time to discuss the other matters that we raised in our 30 April correspondence ? We would also invite the manager responsible for FEG, Helen McCormack (cc'd).

Best regards

Henry
s 47F(1)

From: s 47F(1) @hallchadwick.com.au>
Sent: Thursday, May 2, 2024 12:38 PM
To: s 22(1) @dewr.gov.au>
Cc: CARR, Henry <Henry.Carr@dewr.gov.au>; s 47F(1) @hallchadwick.com.au;<s 47F(1)
@hallchadwick.com.au>; s 47F(1) @hallchadwick.com.au;<s 47F(1)
@hallchadwick.com.au>; s 47F(1) @hallchadwick.com.au;<s 47F(1)
@hallchadwick.com.au>
Subject: RE: Bonza Aviation (Administrators Appointed) [SEC=OFFICIAL]

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Hi s 22(1)

I refer to your earlier telephone discussion with Kathleen Vouris, please find attached internally generated annual leave balances for the staff as at 31 March 2024 (prepared by the Company). The Administrators have not yet had a chance to verify the balances at this stage of the appointment, however the attached spreadsheet should provide you with an idea of the o/s entitlements. Please note that this information is being provided by the Administrators to your office on a confidential basis and not to be disclosed to any third party without their permission.

Would you please advise if DEWR or any other government agency are in a position to provide financial assistance or otherwise to the employees in the interim period.

Regards

Duke

Duke Wolfgramm
Senior Associate



Suite 2 | 282 High Street | Penrith | NSW 2750 | Australia
T s 47F(1) | **F** s 47F(1)
E s 47F(1) | @hallchadwick.com.au | **W** www.hallchadwick.com.au

Sydney Office
Level 40 | 2 Park Street | Sydney | NSW 2000 | Australia
T s 47F(1) | **F** s 47F(1)



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Please consider the environment before printing this e-mail

Begin forwarded message:

From: s 22(1) @dewr.gov.au>
Date: 30 April 2024 at 5:51:03 PM AEST
To: s 47F(1) @hallchadwick.com.au>
Cc: "CARR, Henry" <Henry.Carr@dewr.gov.au>
Subject: Bonza Aviation (Administrators Appointed) [SEC=OFFICIAL]

You don't often get email from s 22(1) @dewr.gov.au. [Learn why this is important](#)

Dear Mr Albarran,

Please refer to the attached letter.

Kind regards

s 22(1)
Senior Forensic Investigator

Active Creditor | Recovery and Litigation Branch
Entitlements Safeguards Division
Australian Government Department of Employment and Workplace Relations
T: s 22(1) | s 22(1) [@dewr.gov.au](mailto: @dewr.gov.au)

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From: "CARR, Henry"
Sent: 3/05/2024 9:59:58 PM
To: "jarrod.howard@s47F(1)"
Subject: FW: Bonza TPs for ministers [SEC=OFFICIAL]
Attachments: Bonza Talking Points 3 May 2024.docx

As discussed
Cheers

Henry Carr
Branch Manager / Senior Executive Lawyer
Recovery and Litigation Branch
Entitlements Safeguards Division
Australian Government Department of Employment and Workplace Relations
Mobile S 47F(1)
dewr.gov.au

The Department of Employment and Workplace Relations acknowledges the traditional owners and custodians of country throughout Australia and their continuing connection to land, waters and community. We pay our respects to them and their cultures, and Elders past, present and emerging.

BONZA voluntary administration

Statement

Bonza Aviation has gone into voluntary administration, and I understand the majority of Bonza's 320 staff have been stood down.

This is disappointing news, particularly for Bonza staff and customers with booked travel.

The Government's focus right now is on assisting Bonza staff and Australian travellers who have been affected.

At this stage, Bonza has cancelled all flights between Tuesday 30 April 2024 and Tuesday 7 May 2024, inclusive.

Beyond that, Bonza flights have not been cancelled, and it is now a matter for the administrator to determine whether Bonza can continue to operate flights beyond those dates.

Qantas, Virgin Australia and Jetstar have agreed to re-book Bonza passengers whose flight were cancelled and need to return to their home airport, at no charge.

The Australian Government Department of Infrastructure has set up a temporary hotline number, **1800 069 244**, to assist affected passengers. The hotline will operate until 5pm Friday 3 May 2024.

After 5pm Friday, affected Bonza passengers can continue to contact Qantas, Virgin Australia and Jetstar, for assistance to make alternate bookings:

- Qantas on **13 13 13**
- Virgin Australia on **13 67 89**
- Jetstar on **13 15 38** or Jetstar live chat.

Callers to the Government hotline after 5pm Friday will hear a recorded message, advising them to contact the airlines directly to make alternate bookings.

The administrator of Bonza, Hall Chadwick, has set up a separate hotline for Bonza customers who want to enquire about their entitlements – **03 8678 1600**.

Customers who have been affected can also:

- check with your travel insurer what support is available to you
- contact your bank or financial institution to see if payments to Bonza can be reversed through a 'charge-back'
- register as a creditor with the administrator.

Key facts and figures

As at 1:00pm on 3 May 2024, I understand that:

- The Government hotline has received over 3,000 calls from Bonza passengers.
 - 1,449 calls on 30 April
 - 967 calls on 1 May
 - 531 calls on 2 May
 - 130 calls so far on 3 May.
- Qantas, Virgin Australia and Jetstar have rebooked over 6,000 Bonza passengers
 - Qantas has made over 2,280 re-bookings *
 - Virgin Australia has re-booked over 1,370 passengers
 - Jetstar has made over 2,530 re-bookings *

** Qantas and Jetstar figures are for the number of 'bookings', which can include more than one passenger. The number of passengers rebooked will be higher.*

Q&A

- **Why won't the Government bail out Bonza?**

The Government is not considering providing any financial assistance to Bonza or the administrator.

Now that Bonza is under the control of an administrator, it is up to the administrator to determine the best possible way forward.

The Government's primary concern is the safety of Australian consumers who may be stranded away from their home destination.

- **How long will the Government hotline operate?**

The hotline will operate until 5pm Friday 3 May 2024.

After 5pm Friday, affected Bonza passengers can continue to contact Qantas, Virgin Australia and Jetstar, for assistance to make alternate bookings:

- Qantas on 13 13 13
- Virgin Australia on 13 67 89
- Jetstar on 13 15 38 or Jetstar live chat.

Callers to the Government hotline after 5pm Friday will hear a recorded message, advising them to contact the airlines directly to make alternate bookings.

- **Did Bonza ask the Government for help?**

Officials from the Department of Infrastructure have been engaging with Bonza and the administrator, Hall Chadwick.

It would not be appropriate to go into the detail of the Government's engagement with Bonza at this time.

- **What will the Government do about stranded passengers?**

The Department of Infrastructure has been providing advice to affected Bonza passengers through a temporary dedicated hotline, including on options available to help get them home. The hotline will operate until 5pm Friday 3 May 2024.

Qantas, Virgin Australia and Jetstar are all willing to assist passengers impacted by the situation, including re-booking passengers who need to return to their home airport, at no charge.

Passengers may contact these airlines directly:

- Qantas on 13 13 13
- Virgin Australia on 13 67 89
- Jetstar on 13 15 38 or Jetstar live chat.

- **Will consumers be compensated?**

The administrator of Bonza, Hall Chadwick, issued a media release on 1 May 2024, stating "the Administrators and/or the Company are not in a position to process or issue refunds at this time."

Bonza customers who are out of pocket should register as a creditor with the administrator.

The administrator has set up a hotline for Bonza customers who want to enquire about their entitlements – **03 8678 1600**. Customers can also email the administrator at bonzacustomers@hallchadwick.com.au

Consumer rights for airline passengers are critical and are being considered as part of the Aviation White Paper.

- **How are consumers protected under the law?**

The ACCC has published advice on consumer rights in the case of voluntary administration: [<https://www.accc.gov.au/consumers/protecting-yourself/when-a-business-goes-bust>]

- **What will happen to Bonza employees?**

I understand that about 320 people work for Bonza, and this would be an incredibly difficult time for all of them.

The administrator of Bonza, Hall Chadwick, announced late on Thursday 2 May that the majority of Bonza staff have been stood down.

The Government will liaise with the administrators to understand the plight of the Bonza employees, whether there is capacity for the company to meet its obligation to pay the employee entitlements, or whether the Fair Entitlements Guarantee Scheme might be called upon in a subsequent liquidation.

The Government's Fair Entitlements Guarantee is a safety net scheme of last resort that funds certain outstanding employee entitlements of eligible employees whose former employer has entered liquidation or bankruptcy.

The Government provides assistance for retrenched workers and their partners to access training and employment support that will help them into new jobs. In the case of large closures, an on-the-ground Transition Support Network provides employers and their workers with information about the support available in their region. This Network is made up of the Government's Employment Facilitators, departmental staff, Services Australia, and other community stakeholders.

- **Won't this make regional air-travel more concentrated? What is the Government doing about domestic airline competition?**

The Government wants an aviation sector that supports our nation's way of life and is reliable, competitive and affordable – backed by robust consumer rights.

In recent years it is clear the sector has not met the expectations of Australian travellers, which is why we have been working on the Aviation White Paper to set the scene for the next generation of growth and development across the aviation sector and consider how we can better protect the interests of consumers.

Recent reforms to Sydney Airport will also give more airlines better access to slots at our most significant airport, helping further grow competition by increasing transparency of slot allocation and use, strengthening compliance and enforcement arrangements for slot misuse, and rebalancing slot allocation towards new entrants.

Background

In December 2023, Bonza made up 1.7% of the Australian domestic market.

Bonza had operated a fleet of six aircraft, all of which were leased. Bonza operated four Boeing 737 MAX 8 aircraft under lease from AIP Capital LLC (an aviation asset management firm based in the UK). Bonza also had a 'wet lease' arrangement (aircraft and crew are both supplied) for a further two Boeing 737 aircraft with Flair Airlines, a Canadian airline.

On 30 April 2024, Bonza cancelled all scheduled flights without notice. In the afternoon of 30 April, Bonza entered voluntary administration and appointed Hall Chadwick as the administrator.

From: "Werner, Stephanie" <Stephanie.Werner@infrastructure.gov.au>
Sent: 3/05/2024 11:05:36 AM
To: "CARR, Henry" <Henry.Carr@dewr.gov.au>
Subject: RE: Bonza VA query to DEWR re stood down employees [SEC=OFFICIAL]

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OFFICIAL

Thank you Henry, this update is appreciated. Regards Stephanie

OFFICIAL

From: CARR, Henry <Henry.Carr@dewr.gov.au>
Sent: Friday, 3 May 2024 9:48 AM
To: Everist, Kai <Kai.Everist@infrastructure.gov.au>; § 22(1) @TREASURY.GOV.AU>;
Christina.Garbin@pmc.gov.au; Jose, Cameron <Cameron.Jose@finance.gov.au>; § 22(1)
@finance.gov.au>; § 22(1) @treasury.gov.au>; § 22(1)
@finance.gov.au>; § 22(1) @dewr.gov.au>
Cc: PURVIS-SMITH, Marisa <Marisa.PurvisSmith@infrastructure.gov.au>; Werner, Stephanie
<Stephanie.Werner@infrastructure.gov.au>; BUCKLEY, Brendon
<Brendon.BUCKLEY@infrastructure.gov.au>; § 22(1) @infrastructure.gov.au>
Subject: Bonza VA query to DEWR re stood down employees [SEC=OFFICIAL]

Hi All

FYI DEWR received the following queries from the Bonza VA this morning;

1. Late yesterday evening I stood down approximately 301 employees, the information below is in relation to termination. Are there any resources/support in and stand down situation that be offered at this time to employees?
2. Whilst an employee is stood down and assuming they are full time and during the stand down period they seek alternative employment either, contract, casual, part time or fulltime, would this impact on their ability to claim PILN and redundancy with FEG should the company be placed into Liquidation?

We will loop you in to any response.

Best regards
Henry
s 47F(1)

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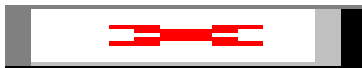
From: "Howard, Jarrod" s 47F(1)
Sent: 3/05/2024 10:03:28 PM
To: "CARR, Henry" <Henry.Carr@dewr.gov.au>
Subject: Re: Bonza TPs for ministers [SEC=OFFICIAL]

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Thanks Henry - really appreciate your help with this!

JH

Jarrold Howard, Deputy CEO
Phone s 47F(1) | s 47F(1)
Customer Service Delivery



s 47F(1)

Services Australia acknowledges the Traditional Custodians of the lands we live on. We pay our respects to all Elders, past and present, of all Aboriginal and Torres Strait Islander nations.

From: CARR, Henry <Henry.Carr@dewr.gov.au>
Sent: Friday, May 3, 2024 9:59:58 PM
To: Howard, Jarrod s 47F(1)
Subject: FW: Bonza TPs for ministers [SEC=OFFICIAL]

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As discussed

Cheers

Henry Carr

Branch Manager / Senior Executive Lawyer

Recovery and Litigation Branch

Entitlements Safeguards Division

Australian Government Department of Employment and Workplace Relations

Mobile s 47F(1)

dewr.gov.au



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s 22(1)

s 22(1)

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s 22(1)

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From: s 22(1) @dewr.gov.au
Sent: Tuesday, May 7, 2024 2:02 PM
To: s 47F(1) @mo.dewr.gov.au; GODDEN, Sarah
<Sarah.Godden@dewr.gov.au>; s 47F(1) @mo.dewr.gov.au
Cc: MANNING, Gregory <Gregory.Manning@dewr.gov.au>; RISHNIW, Tania
<Tania.Rishniw@dewr.gov.au>; s 22(1) @dewr.gov.au; YANCHENKO, Danica
<Danica.Yanchenko@dewr.gov.au>; WALLBANK, Angela <Angela.Wallbank@dewr.gov.au>; CAINS, David
<David.Cains@dewr.gov.au>; s 22(1) @dewr.gov.au; LAUMAN, Miranda <Miranda.Lauman@dewr.gov.au>; s 22(1)
@dewr.gov.au; WEARNE, Jodie <Jodie.Wearne@dewr.gov.au>; s 22(1)
@mo.dewr.gov.au; s 22(1) @mo.dewr.gov.au
Subject: RE: s 42(1) [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

OFFICIAL: Sensitive//Legal Privilege

Hi All

FYI *attached* release from the VA/ Hall Chadwick confirming that Bonza flights will be grounded until 14 May, inclusive, and that staff will be stood down for the same period.

Best regards
Henry

OFFICIAL: Sensitive//Legal Privilege

From: s 47F(1) [@mo.dewr.gov.au](mailto:)
Sent: Tuesday, May 7, 2024 1:44 PM
To: GODDEN,Sarah <Sarah.Godden@dewr.gov.au>; s 47F(1) [@mo.dewr.gov.au](mailto:)
Cc: MANNING, Gregory <Gregory.Manning@dewr.gov.au>; RISHNIW, Tania <Tania.Rishniw@dewr.gov.au>; s 22(1) [@dewr.gov.au](mailto:); YANCHENKO, Danica <Danica.Yanchenko@dewr.gov.au>; WALLBANK, Angela <Angela.Wallbank@dewr.gov.au>; CAINS, David <David.Cains@dewr.gov.au>; s 22(1) [@dewr.gov.au](mailto:); CARR, Henry <Henry.Carr@dewr.gov.au>; LAUMAN, Miranda <Miranda.Lauman@dewr.gov.au>; s 22(1) [@dewr.gov.au](mailto:); WEARNE, Jodie <Jodie.Wearne@dewr.gov.au>; s 22(1) [@mo.dewr.gov.au](mailto:); s 22(1) [@mo.dewr.gov.au](mailto:)
Subject: RE: s 42(1) [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

OFFICIAL: Sensitive//Legal Privilege

Thank-you Sarah for your advice. Can the Department please proceed with a meeting with the FAAA on the terms you've laid out?

FAAA's contact is s 47F(1) faaa.com.au

Thanks,
s 22(1)

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From: GODDEN,Sarah <Sarah.Godden@dewr.gov.au>
Sent: Tuesday, May 7, 2024 1:12 PM
To: s 47F(1) [@mo.dewr.gov.au](mailto:); s 47F(1) [@mo.dewr.gov.au](mailto:)
Cc: MANNING, Gregory <Gregory.Manning@dewr.gov.au>; RISHNIW, Tania

<Tania.Rishniw@dewr.gov.au>; s 22(1)
 @dewr.gov.au>; YANCHENKO,Danica
 <Danica.Yanchenko@dewr.gov.au>; WALLBANK,Angela <Angela.Wallbank@dewr.gov.au>; CAINS,David
 <David.Cains@dewr.gov.au>; s 22(1)
 @dewr.gov.au>; CARR,Henry <Henry.Carr@dewr.gov.au>; LAUMAN,Miranda
 <Miranda.Lauman@dewr.gov.au>; s 22(1) @dewr.gov.au>; WEARNE,Jodie
 <Jodie.Wearne@dewr.gov.au>; s 22(1) @mo.dewr.gov.au>; s 22(1)
 @mo.dewr.gov.au>
Subject: RE: s 42(1) [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

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s 47F(1)
 Hi

Confirming our discussion just now that the department is comfortable with the prospect of having a discussion with relevant stakeholders (such as the FAAA) to go through the relevant parts of the Fair Work Act framework and FEG program. As you know, we can't provide legal advice but very happy to run through the background if that would be useful – noting industry may be fairly familiar with relevant provisions after Virgin Australia went into voluntary administration during the pandemic.

Kind regards,

Sarah

Sarah Godden

Chief Counsel / First Assistant Secretary

Workplace Relations Legal Division
 Australian Government Department of Employment and Workplace Relations
 Phone s 47F(1) | Mobile s 47F(1)
dewr.gov.au

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From: GODDEN,Sarah
Sent: Tuesday, May 7, 2024 11:31 AM
To: s 47F(1) @mo.dewr.gov.au>; s 47F(1)
 @mo.dewr.gov.au>
Cc: MANNING,Gregory <Gregory.Manning@dewr.gov.au>; RISHNIW,Tania
 <Tania.Rishniw@dewr.gov.au>; s 22(1)
 @dewr.gov.au>; YANCHENKO,Danica

<Danica.Yanchenko@dewr.gov.au>; WALLBANK,Angela <Angela.Wallbank@dewr.gov.au>; CAINS,David <David.Cains@dewr.gov.au>; s 22(1)

[@dewr.gov.au](mailto:)>; CARR,Henry <Henry.Carr@dewr.gov.au>; LAUMAN,Miranda <Miranda.Lauman@dewr.gov.au>; HUNT,Ruth <Ruth.Hunt@dewr.gov.au>; WEARNE,Jodie <Jodie.Wearne@dewr.gov.au>

Subject: s 42(1)
Privilege]

[SEC=OFFICIAL:Sensitive, ACCESS=Legal-

Dear s 47F(1)

s 42(1)

Kind regards,

Sarah (on behalf of the team)

Sarah Godden

Chief Counsel / First Assistant Secretary

Workplace Relations Legal Division

Australian Government Department of Employment and Workplace Relations

Phone S 47F(1) | Mobile S 47F(1)

dewr.gov.au

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**Bonza Aviation Pty Ltd
(Administrators Appointed)
A.C.N. 653 309 909
("the Company")**

7 May 2024

Update on the Administrators Activities

The Administrators refer to earlier releases wherein it was advised that the Lessors of the aircraft issued termination notices on 29 April 2024 at 11.51pm AEST which immediately grounded the Company's fleet of aircraft.

The Administrators have been in discussions with the Lessors of the aircraft in order to determine whether the grounded aircraft could become operational in the short term.

The Administrators have regrettably been advised that the Lessors will continue to enforce their rights under the termination notices and, subject to their own requirements and arrangements, seek to reposition the fleet elsewhere.

This is a difficult situation, and the Administrators recognise the significant impact on all stakeholders including the Company's employees and customers.

Notwithstanding this, the Administrators are reviewing all available options to allow the resumption of the Company's operations. They will continue in their efforts through various discussions with interested parties, potential investors, and other airlines.

The Administrators expect that a additional time will be required in order facilitate and finalise, if possible, these arrangements.

As such, flights from 8 May 2024 up to and including 14 May 2024 will be cancelled. Customers with bookings during this period are advised not to travel to the airport unless they have alternative travel arrangements.

The Administrators must also extend the stand down of the Company's staff during this period.

Creditors Meeting

The Administrators have convened the initial meeting of creditors for 10 May 2024 in accordance with section 436E the *Corporations Act 2001* (Cth).

Given the large number of creditors, approximately 58,000 in number (including passenger bookings), the Administrators have filed an application in the Federal Court of Australia in relation to the conduct of the creditors meeting. The Administrators have brought this application to, amongst other things, minimise costs incurred in convening the meeting.

Creditors will be advised of the outcome of the Administrators' application and any further information required pertaining to the meeting.



**Bonza Aviation Pty Ltd
(Administrators Appointed)
A.C.N. 653 309 909
("the Company")**

Administrators' prior involvement

The Administrators have made a Declaration of Independence, Relevant Relationships and Indemnities (**DIRRI**), which was lodged with the Australian Securities and Investments Commission and was circulated to creditors on 3 May 2024.

The Administrators disclosed prior involvement with the Company in the DIRRI. They were introduced to an advisor of the Company on 9 November 2023. This introduction was in relation to a potential engagement involving a review of the Company's financial position and an investment and/or acquisition for the Company – not an insolvency and restructuring engagement.

The engagement was never entered into.

The Administrators were contacted on 30 April 2024 in relation to the appointment of the Administrators to the Company. The Administrators met the directors of the Company for the first time at a meeting on 30 April 2024.

Support for Customers

As previously advised the Administrators have established a dedicated phone line for all customer enquiries.

That number is **03 8678 1600** and is available **7am to 10pm AEST**.

Refunds

The Administrators confirm that they are not in a position to process or issue refunds on behalf of the Company at this time.

Customers who have had their flights cancelled should contact their financial institution to discuss available options.

Customers may also wish to liaise with any insurance providers, in the event they have travel insurance for the bookings.

Email contacts for each class of stakeholder

We will continue to provide these email addresses so all stakeholders can contact the Administrators office.

- bonzaemployees@hallchadwick.com.au
- bonzacreeditors@hallchadwick.com.au
- bonzasuppliers@hallchadwick.com.au
- bonzalessors@hallchadwick.com.au
- bonzacustomers@hallchadwick.com.au

From: "Everist, Kai" <Kai.Everist@infrastructure.gov.au>
Sent: 7/05/2024 1:50:12 PM
To: "Zaheed, Mohita" <Mohita.Zaheed@treasury.gov.au>; § 22(1)
@treasury.gov.au; "Mullaly, Damian" <Damian.Mullaly@TREASURY.GOV.AU>;
"Christina.Garbin@pmc.gov.au" <Christina.Garbin@pmc.gov.au>; § 22(1)
@pmc.gov.au; "Jose, Cameron (Department of Finance - Protected)"
<Cameron.Jose@finance.gov.au>; § 22(1) @finance.gov.au;
"CARR, Henry" <Henry.Carr@dewr.gov.au>
Cc: "Werner, Stephanie" <Stephanie.Werner@infrastructure.gov.au>
Subject: FW: Bonza Aviation (Administrators Appointed) - Media Statement - 3 May 2024
[SEC=OFFICIAL]
Attachments: Bonza Press Release - 7 May 2024 - Hall Chadwick.pdf

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

OFFICIAL

Hi all

See attached release from Hall Chadwick confirming that Bonza flights will be grounded until 14 May, inclusive, and that staff will be stood down for the same period.

I will send around updated TPs this afternoon.

Thanks
Kai

OFFICIAL

From: s 47F(1)
Sent: Tuesday, 7 May 2024 1:45 PM
To: s 47F(1)
Subject: Bonza Aviation (Administrators Appointed) - Media Statement - 3 May 2024

Hi all,

Please find attached a media statement relating to Bonza Aviation Pty Ltd, from the Voluntary Administrators.

Kind regards

Kathleen Vouris

Partner

Level 40 | 2 Park Street | Sydney | NSW 2000 | Australia

T s 47F(1) | **Main** s 47F(1) | **F** s 47F(1)

E s 47F(1) hallchadwick.com.au | **W** www.hallchadwick.com.au

Issued on behalf of Bonza Aviation Pty Ltd (Administrators Appointed)

Kind regards,

s 47F(1)

Peter Harris & Associates

M: s 47F(1)

E: s 47F(1)

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**Bonza Aviation Pty Ltd
(Administrators Appointed)
A.C.N. 653 309 909
("the Company")**

7 May 2024

Update on the Administrators Activities

The Administrators refer to earlier releases wherein it was advised that the Lessors of the aircraft issued termination notices on 29 April 2024 at 11.51pm AEST which immediately grounded the Company's fleet of aircraft.

The Administrators have been in discussions with the Lessors of the aircraft in order to determine whether the grounded aircraft could become operational in the short term.

The Administrators have regrettably been advised that the Lessors will continue to enforce their rights under the termination notices and, subject to their own requirements and arrangements, seek to reposition the fleet elsewhere.

This is a difficult situation, and the Administrators recognise the significant impact on all stakeholders including the Company's employees and customers.

Notwithstanding this, the Administrators are reviewing all available options to allow the resumption of the Company's operations. They will continue in their efforts through various discussions with interested parties, potential investors, and other airlines.

The Administrators expect that a additional time will be required in order facilitate and finalise, if possible, these arrangements.

As such, flights from 8 May 2024 up to and including 14 May 2024 will be cancelled. Customers with bookings during this period are advised not to travel to the airport unless they have alternative travel arrangements.

The Administrators must also extend the stand down of the Company's staff during this period.

Creditors Meeting

The Administrators have convened the initial meeting of creditors for 10 May 2024 in accordance with section 436E the *Corporations Act 2001* (Cth).

Given the large number of creditors, approximately 58,000 in number (including passenger bookings), the Administrators have filed an application in the Federal Court of Australia in relation to the conduct of the creditors meeting. The Administrators have brought this application to, amongst other things, minimise costs incurred in convening the meeting.

Creditors will be advised of the outcome of the Administrators' application and any further information required pertaining to the meeting.



**Bonza Aviation Pty Ltd
(Administrators Appointed)
A.C.N. 653 309 909
("the Company")**

Administrators' prior involvement

The Administrators have made a Declaration of Independence, Relevant Relationships and Indemnities (**DIRRI**), which was lodged with the Australian Securities and Investments Commission and was circulated to creditors on 3 May 2024.

The Administrators disclosed prior involvement with the Company in the DIRRI. They were introduced to an advisor of the Company on 9 November 2023. This introduction was in relation to a potential engagement involving a review of the Company's financial position and an investment and/or acquisition for the Company – not an insolvency and restructuring engagement.

The engagement was never entered into.

The Administrators were contacted on 30 April 2024 in relation to the appointment of the Administrators to the Company. The Administrators met the directors of the Company for the first time at a meeting on 30 April 2024.

Support for Customers

As previously advised the Administrators have established a dedicated phone line for all customer enquiries.

That number is **03 8678 1600** and is available **7am to 10pm AEST**.

Refunds

The Administrators confirm that they are not in a position to process or issue refunds on behalf of the Company at this time.

Customers who have had their flights cancelled should contact their financial institution to discuss available options.

Customers may also wish to liaise with any insurance providers, in the event they have travel insurance for the bookings.

Email contacts for each class of stakeholder

We will continue to provide these email addresses so all stakeholders can contact the Administrators office.

- bonzaemployees@hallchadwick.com.au
- bonzacreeditors@hallchadwick.com.au
- bonzasuppliers@hallchadwick.com.au
- bonzalessors@hallchadwick.com.au
- bonzacustomers@hallchadwick.com.au

From: "CARR, Henry"
Sent: 7/05/2024 2:50:32 PM
To: "Everist, Kai" <Kai.Everist@infrastructure.gov.au>; "Zaheed, Mohita" <Mohita.Zaheed@treasury.gov.au>; s 22(1) @treasury.gov.au; "Mullaly, Damian" <Damian.Mullaly@TREASURY.GOV.AU>; "Christina.Garbin@pmc.gov.au" <Christina.Garbin@pmc.gov.au>; s 22(1) @pmc.gov.au; "Jose, Cameron (Department of Finance - Protected)" <Cameron.Jose@finance.gov.au>; s 22(1) @finance.gov.au" s 22(1) @finance.gov.au; s 22(1) @dewr.gov.au
Cc: "Werner, Stephanie" <Stephanie.Werner@infrastructure.gov.au>
Subject: RE: Bonza Aviation (Administrators Appointed) - Media Statement - 3 May 2024
 [SEC=OFFICIAL]

Thaks Kai

Relatedly/ FYI

- s 22(1) and I will attend the first meeting of Creditors this Friday.
- The VAs have agreed to allow s 22(1) and or me to attend Bonza Committee of Inspection meetings as observers.

Best regards
 Henry

From: Everist, Kai <Kai.Everist@infrastructure.gov.au>
Sent: Tuesday, May 7, 2024 1:50 PM
To: Zaheed, Mohita <Mohita.Zaheed@treasury.gov.au>; s 22(1) @treasury.gov.au; Mullaly, Damian <Damian.Mullaly@TREASURY.GOV.AU>; Christina.Garbin@pmc.gov.au; s 22(1) @pmc.gov.au; Jose, Cameron (Department of Finance - Protected) <Cameron.Jose@finance.gov.au>; s 22(1) @finance.gov.au; CARR, Henry <Henry.Carr@dewr.gov.au>
Cc: Werner, Stephanie <Stephanie.Werner@infrastructure.gov.au>
Subject: FW: Bonza Aviation (Administrators Appointed) - Media Statement - 3 May 2024
 [SEC=OFFICIAL]

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

OFFICIAL

Hi all

See attached release from Hall Chadwick confirming that Bonza flights will be grounded until 14 May, inclusive, and that staff will be stood down for the same period.

I will send around updated TPs this afternoon.

Thanks
Kai

OFFICIAL

From: s 47F(1)
Sent: Tuesday, 7 May 2024 1:45 PM
To: s 47F(1)
Subject: Bonza Aviation (Administrators Appointed) - Media Statement - 3 May 2024

Hi all,

Please find attached a media statement relating to Bonza Aviation Pty Ltd, from the Voluntary Administrators.

Kind regards

Kathleen Vouris
Partner

Level 40 | 2 Park Street | Sydney | NSW 2000 | Australia

T s 47F(1) | **Main** s 47F(1) | **F** s 47F(1)

Es 47F(1) | [hallchadwick.com.au](mailto:s 47F(1)@hallchadwick.com.au) | **W** www.hallchadwick.com.au

Issued on behalf of Bonza Aviation Pty Ltd (Administrators Appointed)

Kind regards,

Peter Harris

Peter Harris & Associates
M: s 47F(1)
E: s 47F(1)

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From: "CARR, Henry"
Sent: 8/05/2024 12:20:38 PM
To: s 47F(1) @hallchadwick.com.au
Subject: RE: Bonza Aviation (Administrators Appointed); 777 Oz Holdco Pty Ltd (Administrators Appointed); Ops in a Box Pty Ltd (Administrators Appointed) [SEC=OFFICIAL]

Hi Kathleen
In ten minutes/ 1230 OK?

From: s 47F(1) @hallchadwick.com.au
Sent: Wednesday, May 8, 2024 12:19 PM
To: CARR, Henry <Henry.Carr@dewr.gov.au>
Subject: RE: Bonza Aviation (Administrators Appointed); 777 Oz Holdco Pty Ltd (Administrators Appointed); Ops in a Box Pty Ltd (Administrators Appointed) [SEC=OFFICIAL]

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Henry,

I left you a message earlier today.

Can you please call me on s 47F(1)

Thanks

Kathleen Vouris
Partner



Level 40 | 2 Park Street | Sydney | NSW 2000 | Australia
T s 47F(1) | **Main** s 47F(1) | **F** s 47F(1)
E s 47F(1) [hallchadwick.com.au](mailto:s 47F(1)@hallchadwick.com.au) | **W** www.hallchadwick.com.au

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From: CARR, Henry <Henry.Carr@dewr.gov.au>
Sent: Tuesday, May 7, 2024 4:13 PM
To: s 47F(1) <@hallchadwick.com.au>; s 22(1) <@dewr.gov.au>
Cc: s 47F(1) <@hallchadwick.com.au>; s 47F(1) <@hallchadwick.com.au>; s 47F(1) <@hallchadwick.com.au>; s 22(1) <@dewr.gov.au>
Subject: RE: Bonza Aviation (Administrators Appointed); 777 Oz Holdco Pty Ltd (Administrators Appointed); Ops in a Box Pty Ltd (Administrators Appointed) [SEC=OFFICIAL]

Hi Kathleen

We are well aware that you and your team will have your hands full in these first days of the VA. In due course, depending of course on how things transpire, the FEG team are anticipating reaching out to you to learn more about the Bonza employees and outstanding entitlements.

In the meanwhile, I wonder if you can provide basic information about the location of Bonza employees including **Job Titles by Location - either residential postcode or town or by Bonza Office location, or home base for the impacted workers?**

Grateful to receive this and other information readily to hand.

Best regard
 Henry
 s 47F(1)

From: s 47F(1) <@hallchadwick.com.au>
Sent: Tuesday, May 7, 2024 10:56 AM
To: s 22(1) <@dewr.gov.au>
Cc: s 47F(1) <@hallchadwick.com.au>; s 47F(1) <@hallchadwick.com.au>; s 22(1) <@hallchadwick.com.au>; CARR, Henry <Henry.Carr@dewr.gov.au>; s 22(1) <@dewr.gov.au>
Subject: Re: Bonza Aviation (Administrators Appointed); 777 Oz Holdco Pty Ltd (Administrators Appointed); Ops in a Box Pty Ltd (Administrators Appointed) [SEC=OFFICIAL]

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

No objection
 Kathleen Vouris
 Partner
 Hall Chadwick
 Level 40, Park Street
 SYDNEY NSW 2000

On 7 May 2024, at 10:46 am, s 22(1)
 wrote:

@dewr.gov.au>

Some people who received this message don't often get email from s 22(1) @dewr.gov.au. [Learn why this is important](#)

Hi Leon,

Both Henry and I would like to attend the first meeting of creditors, as Observers, on behalf of the department.

Would you please confirm that the Administrators have no objection to both of us attending?

Kind regards

s 22(1)

Senior Forensic Investigator

Active Creditor | Recovery and Litigation Branch
 Entitlements Safeguards Division
 Australian Government Department of Employment and Workplace Relations
 T: s 22(1) | s 22(1) @dewr.gov.au

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From: s 47F(1) @hallchadwick.com.au>
 Sent: Monday, May 6, 2024 8:55 PM
 To: s 22(1) @dewr.gov.au>
 Cc: s 47F(1) @hallchadwick.com.au>; s 47F(1) @hallchadwick.com.au>; s 47F(1) @hallchadwick.com.au>;
 CARR, Henry <Henry.Carr@dewr.gov.au>; s 22(1) @dewr.gov.au>
 Subject: RE: Bonza Aviation (Administrators Appointed); 777 Oz Holdco Pty Ltd

(Administrators Appointed); Ops in a Box Pty Ltd (Administrators Appointed)
[SEC=OFFICIAL]

You don't often get email from s 47F(1) hallchadwick.com.au. [Learn why this is important](#)

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Hi s 22(1)

The meeting link will be made available shortly on the website:-
<https://www.hallchadwick.com.au/bonza-aviation-pty-ltd-administrators-appointed/> and the administrators agree to allow Mr Carr to attend any COI meetings (if formed) as an observer.

Regards

Leon D'Souza
Director

<image001.jpg>

Level 14 | 440 Collins Street | Melbourne | VIC 3000 | Australia

D s 47F(1) | T s 47F(1) |
E s 47F(1) hallchadwick.com.au | W www.hallchadwick.com.au

<image002.png>

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Please consider the environment before printing this e-mail

From: s 22(1) [@dewr.gov.au](mailto:s22(1)@dewr.gov.au)
Sent: Monday, May 6, 2024 10:58 AM
To: s 47F(1) [@hallchadwick.com.au](mailto:s47f(1)@hallchadwick.com.au)

Cc: CARR, Henry <Henry.Carr@dewr.gov.au>; s 22(1)
 @dewr.gov.au>

Subject: Bonza Aviation (Administrators Appointed); 777 Oz Holdco Pty Ltd (Administrators Appointed); Ops in a Box Pty Ltd (Administrators Appointed)
 [SEC=OFFICIAL]
Importance: High

You don't often get email from s 22(1) @dewr.gov.au. [Learn why this is important](#)

Bonza Aviation Pty Ltd
(Administrators Appointed)
 ACN 653 309 909

777 Oz Holdco Pty Ltd
(Administrators Appointed)
 ACN 653 307 496

Ops in a Box Pty Ltd
(Administrators Appointed)
 ACN 656 464 498
(together, the Companies)

Dear Jack,

I refer to the appointment of Richard Albarran, Kathleen Vouris, Brent Kijurina and Cameron Shaw as Voluntary Administrators of the Companies on 30 April 2024, to the department's letter to the Administrators dated 30 April 2024 and to my telephone discussion with Kathleen Vouris on 2 May 2024.

I note that the first meeting of creditors of each of the Companies will be held on 10 May 2024.

The department wishes to attend each of these meetings, as an Observer. Would you please provide meeting access details?

This appointment has generated Government-wide interest and could potentially result in a significant FEG exposure in the event that Companies are ultimately wound up.

Accordingly, as discussed with Ms Vouris on 2 May 2024, in the event that a Committee of Inspection is formed for any or all of the above Companies, the department wishes to nominate Henry Carr or, in his absence, his nominated representative, to represent the department at Committee of Inspection meetings. The department appreciates that, as it is not a creditor of the Companies, Mr Carr will attend the meetings as an Observer only.

Would you please confirm that this is acceptable to the Administrators and that the department will receive notice of all committee meetings?

If you have any questions or concerns, please contact me.

Kind regards

s 22(1)

Senior Forensic Investigator

Active Creditor | Recovery and Litigation Branch

Entitlements Safeguards Division

Australian Government Department of Employment and Workplace
Relations

T: s 22(1)

| s 22(1)

[@dewr.gov.au](mailto: @dewr.gov.au)

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From: "CARR, Henry"
Sent: 8/05/2024 10:12:40 AM
To: "Everist, Kai" <Kai.Everist@infrastructure.gov.au>
Subject: FW: Bonza meetings [SEC=OFFICIAL]
Attachments: Bonza-Press-Release-7-May-Hall-Chadwick.pdf, Important-Information-regarding-First-Meeting-of-Creditors-of-the-Company.pdf

FYI- you are welcome to share/ your call, I just don't want to bombard the working group

From: s 22(1) @dewr.gov.au>
Sent: Wednesday, May 8, 2024 8:27 AM
To: CARR, Henry <Henry.Carr@dewr.gov.au>; s 22(1) @dewr.gov.au>
Cc: s 22(1) @dewr.gov.au>
Subject: Bonza meetings [SEC=OFFICIAL]

Good morning Henry and s 22(1)

Please see below links to meeting notices for Bonza. I will attend all 3 meetings for completeness, but Henry you may only need to attend the Bonza meeting at 11am. The meeting access link is not yet on the IP portal. I will send to through once it's on there.

[Ops in a Box Pty Ltd 656 464 498 | Voluntary Administration | Meeting | Select One | Published : 03/05/2024 | ASIC Notice Details](#) – 10AM AEST

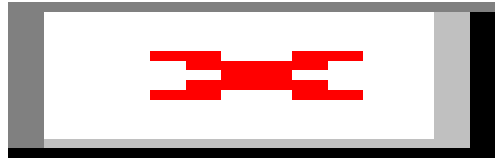
[777 Oz Holdco Pty Ltd 653 307 496 | Voluntary Administration | Meeting | Select One | Published : 03/05/2024 | ASIC Notice Details](#) – 10:30AM AEST

[Bonza Aviation Pty Ltd 653 309 909 | Voluntary Administration | Meeting | Select One | Published : 07/05/2024 | ASIC Notice Details](#) – 11AM AEST

See **attached** also Important Information for the Meeting which was posted on the IP's creditor portal last night, including an Order made by the federal court which allows the VAs to modify the conduct of the first meeting.

The order allows them to conduct a virtual meeting by way of a live stream format, were participants can observe the meeting, but cannot address the meeting.

In particular, see paragraph about questions, copy below:



As we are attending as Observers only, we are not always permitted to ask questions at the meeting anyway but if we have a list of questions that we want addressed at the meeting, we can send it through to the VA **today**.

Please see **attached** also latest VA press release made yesterday.

Kind regards

s 22(1)

Senior Forensic Investigator

Active Creditor | Recovery and Litigation Branch

Entitlements Safeguards Division

Australian Government Department of Employment and Workplace Relations

T: s 22(1)

| s 22(1)

[@dewr.gov.au](mailto:dewr@gov.au)

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(Administrators Appointed)
A.C.N. 653 309 909
("the Company")**

7 May 2024

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The Administrators have convened the initial meeting of creditors for 10 May 2024 in accordance with section 436E the *Corporations Act 2001* (Cth).

Given the large number of creditors, approximately 58,000 in number (including passenger bookings), the Administrators have filed an application in the Federal Court of Australia in relation to the conduct of the creditors meeting. The Administrators have brought this application to, amongst other things, minimise costs incurred in convening the meeting.

Creditors will be advised of the outcome of the Administrators' application and any further information required pertaining to the meeting.



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(Administrators Appointed)
A.C.N. 653 309 909
("the Company")**

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Customers who have had their flights cancelled should contact their financial institution to discuss available options.

Customers may also wish to liaise with any insurance providers, in the event they have travel insurance for the bookings.

Email contacts for each class of stakeholder

We will continue to provide these email addresses so all stakeholders can contact the Administrators office.

- bonzaemployees@hallchadwick.com.au
- bonzacreeditors@hallchadwick.com.au
- bonzasuppliers@hallchadwick.com.au
- bonzalessors@hallchadwick.com.au
- bonzacustomers@hallchadwick.com.au



To the creditor,

We refer to the Initial Information to Creditors dated 3 May 2024 and the Combined Notice of Appointment and First Meeting of Creditors.

This notice sets out **important deadlines** that you will need to consider if you wish to participate in the first meeting of creditors to be held at 11:00am on Friday, 10 May 2024 (**First Meeting of Creditors**).

It also gives notice of the orders made by the Federal Court of Australia today. A copy of these orders is attached.

Time for submission of proofs of debt and proxies for participation in First Meeting of Creditors

The Administrators have previously notified Creditors that the time by which proofs of debt and proxies for the purpose of the First Meeting of Creditors must be submitted to the Administrators is 11:00am on Wednesday, 8 May 2024. That time has now been extended to **11:59pm on Wednesday, 8 May 2024**.

If you wish to submit a proof of debt or proxy and participate in the First Meeting of Creditors you need to do so by completing the forms attached to the Initial Information to Creditors dated 3 May 2024 by **11:59pm on Wednesday, 8 May 2024**.

Please submit any proofs of debt and proxies to bonzacreditors@hallchadwick.com.au

General proxies for First Meeting of Creditors

If you wish to appoint a proxy to attend the First Meeting of Creditors on your behalf, you must either:

- a. appoint any person as a special proxy by indicating on the proxy form that you vote in favour, against or abstain from voting on each resolution; or
- b. appoint one of the Administrators or the chairperson of the meeting (**Chairperson**) as your general proxy by not indicating how you wish to vote on the proxy form.

If you appoint a general proxy who is not one of the Administrators or the Chairperson, your proxy will be disregarded and you will not have the opportunity to vote at the First Meeting of Creditors by proxy.

If you have already submitted a general proxy which appoints a person other than an Administrator or the Chairperson, you have until **11:59pm on Wednesday, 8 May 2024** to submit another proxy form that complies with the requirements above.

Questions at First Meeting of Creditors

Because of the large number of persons who may participate in the First Meeting of Creditors, the Administrators may not be able to provide Creditors with an opportunity to ask questions at the First Meeting of Creditors.

If you wish to submit a question to the Administrators for them to consider and respond to at the First Meeting of Creditors, you need to do so by submitting questions in writing by **11:59pm on Wednesday, 8 May 2024**.

Please submit any questions to bonzacreditors@hallchadwick.com.au

Depending upon the number of questions received, it may not be possible for the Administrators to answer all questions submitted to them. In that circumstance, the Administrators will provide a written answer to questions that have not been addressed in a "Frequently Asked Questions" format after the First Meeting of Creditors.



Federal Court of Australia

District Registry: New South Wales Registry

Division: General

No: NSD553/2024

RICHARD ALBARRAN, KATHLEEN VOURIS, BRENT KIJURINA AND CAMERON SHAW IN THEIR CAPACITY AS JOINT AND SEVERAL ADMINISTRATORS OF BONZA AVIATION PTY LTD (ACN 653 309 909) (ADMINISTRATORS APPOINTED) and another named in the schedule
Plaintiff

ORDER

JUDGE: Justice Cheeseman

DATE OF ORDER: 7 May 2024

WHERE MADE: Sydney

THE COURT ORDERS THAT:

Return of Originating Process

1. The Originating Process filed by the Plaintiffs on 6 May 2024 be made returnable at 9:45am on 7 May 2024.

Notices to Creditors

2. Subject to Order 4 below, pursuant to s 447A of the *Corporations Act 2001* (Cth) (**Corporations Act**), and s 90-15 of the Insolvency Practice Schedule (Corporations) that is Schedule 2 to the Corporations Act (**IPSC**), Pt 5.3A of the Corporations Act is to operate, *nunc pro tunc*, in relation to the Second Plaintiff (**Bonza**) as if any notice (**Notice**) required to be given pursuant to ss 436E(3)(a) and 439A of the Corporations Act and rr 75-15 and 75-225(1) of the Insolvency Practice Rules (Corporations) 2016 (Cth) (**IPR**) has been or will be validly given to creditors of Bonza by reason of the following steps having been taken at least five business days prior to the date of the proposed meeting:
 - (a) where the Administrators have an email address for a creditor, by sending the Notice by email to each such creditor, irrespective of whether the creditor has nominated to receive electronic notifications of documents;



- (b) where the Administrators do not have an email address for a creditor, but have a postal address for the creditor (or have received notification of non-delivery of a Notice sent by email in accordance with order 1(a) above), by sending the notice by posting a copy of it to the postal address for each such creditor by express post;
 - (c) by publishing the Notice on ASIC's published notices website appearing at <https://publishednotices.asic.gov.au>; and
 - (d) publishing the Notice in a prominent position on the landing site on the website maintained by the Administrators at <https://www.hallchadwick.com.au/bonza-aviation-pty-ltd-administrators-appointed>.
3. Pursuant to s 447A(1) of the Corporations Act and s 90-15 of the IPSC, if, pursuant to any provision in any of Pt 5.3A of the Corporations Act, Pt 5.3A of the *Corporations Regulations 2001* (Cth), the IPSC, or the IPR, the Administrators are required to provide any other notification to creditors during the administration of Bonza, the applicable notice requirements will be satisfied if the Administrators give such notice by taking the following steps:
- (a) where the Administrators have an email address for a creditor, by sending the notice by email to each such creditor, irrespective of whether the creditor has nominated to receive electronic notifications of documents;
 - (b) where the Administrators do not have an email address for a creditor, but have a postal address for the creditor (or have received notification of non-delivery of a notice sent by email in accordance with order 3(a) above), by sending the notice by posting a copy of it to the postal address for each such creditor by express post;
 - (c) to the extent the matter relates to a meeting that is the subject of r 75-40(4) of the IPR, by causing notice of the meeting to be published on the ASIC published notices website at <https://insolvencynotices.asic.gov.au>; and
 - (d) publishing the notice in a prominent position on the landing site on the website maintained by the Administrators at <https://www.hallchadwick.com.au/bonza-aviation-pty-ltd-administrators-appointed>.



4. Pursuant to s 447A(1) of the Corporations Act and s 90-15 of the IPSC, the periods specified in section 436E(3)(a) of the Corporations Act, and rule 70-30(3)(b) of the IPR, be abridged to 3 business days in relation to the customer creditors of Bonza referred to in paragraph 59 of the affidavit of Richard Albarran made 6 May 2024.

Conduct of First Meeting of Creditors

5. Pursuant to s 447A of the Corporations Act, and s 90-15 of the IPSC, Pt 5.3A of the Corporations Act is to operate, in relation to the meeting required to be held under s 436E of the Corporations Act for Bonza (**First Meeting**), so that the requirement to provide persons attending a virtual meeting with a reasonable opportunity to participate under r 75-75(1) of the IPR, and the requirement to conduct a meeting of the company's creditors under s 436E of the Corporations Act, will be satisfied where:
- (a) the Administrators conduct a virtual meeting by way of a live stream format, where participants can observe the meeting, but cannot address the meeting;
 - (b) the Administrators have given a notice to creditors of Bonza (in accordance with Order 2 of these Orders) that specifies that:
 - (i) questions, requests for information, or comments that they wish to raise at the meeting must be submitted to the Administrators by 11:00AM on the day that is 2 business day prior to the commencement of the meeting; and
 - (ii) general proxies or special proxies appointing a person on behalf of a creditor must be submitted to the Administrators by 11:00AM on the day that is 2 business days prior to the commencement of the meeting;
 - (c) the Administrators:
 - (i) must answer or address, as far as practicable, questions, requests for information, or comments submitted by creditors of Bonza prior to 11:59pm on 8 May 2024, for a period of not less than 2 hours or until all questions, requests for information and comments have been responded to, whichever occurs earlier;



- (ii) may, but are not required at the First Meeting to, answer or address any questions, requests for information, or comments submitted by creditors of Bonza after 11:59pm on 8 May 2024.
6. The Administrators take steps within 5 business days of the First Meeting to publish on the website: <https://www.hallchadwick.com.au/bonza-aviation-pty-ltd-administrators-appointed> information responding to the topics raised in any questions, requests for information and comments received prior to the First Meeting which are not in substance addressed at the First Meeting.

Proofs of debt

7. Pursuant to s 447A of the Corporations Act, and s 90-15 of the IPSC, Pt 5.3A of the Corporations Act (and r 75-85 of the IPR) is to operate, in relation to the First Meeting, so that a person will not be entitled to vote at the meeting unless a formal proof of debt or claim in respect of or by that person has been received by the Administrators prior to 11:59pm on 8 May 2024.

Proxies

8. Pursuant to s 447A of the Corporations Act, and s 90-15 of the IPSC, Pt 5.3A of the Corporations Act (and r 75-150 of the IPR) is to operate, in relation to the First Meeting, so that a person appointed as a proxy, by a person entitled to vote at the meeting, will not be entitled to vote, unless:
- (a) in the case of a person appointed by special proxy, that special proxy has been received by the Administrators prior to 11:59pm on 8 May 2024;
- (b) in the case of a person appointed by general proxy, that general proxy names either an Administrator or the chairperson of the meeting as the person appointed as proxy and has been received by the Administrators prior to 11:59pm on 8 May 2024; or
- (c) where a person entitled to vote at the meeting has submitted a general proxy which does not name either an Administrator or the chairperson of the meeting as the person appointed as proxy, that person:
- (i) subsequently submits a special proxy; or



- (ii) subsequently submits a further general proxy which names either an Administrator or the chairperson of the meeting as the person appointed as proxy,

in each case which has been received by the Administrators prior to 11:59pm on 8 May 2024.

- 9. Pursuant to s 447A of the Corporations Act, and s 90-15 of the IPSC, Pt 5.3A of the Corporations Act is to operate, in relation to the First Meeting, so that where a person has appointed an Administrator as general proxy, and that Administrator is not present at a meeting and/or is not chairing the meeting, the chairperson is treated as that Administrator's deputy in accordance with rule 75-152(2) of the IPR.

Notice of Orders Made

- 10. The Administrators must take all reasonable steps to cause notice of these Orders to be given, within three hours of the making of these Orders, to:
 - (a) the Australian Securities and Investments Commission; and
 - (b) creditors in the manner specified in Order 2 of these Orders.

Other

- 11. Any person who can demonstrate a sufficient interest has liberty to apply to vary or discharge any orders made above, on 2 hours' written notice being given to the Administrators and Court.
- 12. The Administrators have liberty to apply on 2 hours' written notice to the Court in relation to any variation of these orders or any other matter generally arising in the administrations of Bonza.
- 13. The Administrators' costs of the application are to be treated as costs in the administration of Bonza.
- 14. Any party seeking to understand the basis on which the above orders have been made be granted access to the plaintiffs' written submissions dated 6 May 2024, the evidence relied on by the plaintiffs in support of this application and the transcript of the hearing on 7 May 2024. Access to the aforementioned documents should be sought through the



usual processes (and to VIQ Solutions in respect of the transcript) and may require payment of applicable fees.

15. These orders be entered forthwith.

THE COURT NOTES THAT:

The Administrators undertake to the Court, through their counsel, that following receipt of proofs of debt in accordance with Order 7 above, the Administrators will give further consideration to whether it is appropriate and technologically feasible to provide a moderated question and answer session at the First Meeting of Creditors and, by 12pm, noon, on Thursday 9 May 2024, either:

- a. seek orders facilitating the provision of a moderated question and answer session at the First Meeting of Creditors (in addition to responding to advance questions as provided for in order 5 above); or
- b. file an affidavit in the proceedings explaining in the Administrator's opinion why a moderated question and answer session is not considered to be appropriate and technologically feasible be provided at the First Meeting of Creditors.

Date that entry is stamped: 7 May 2024

Sia Lagos
Registrar



Schedule

No: NSD553/2024

Federal Court of Australia

District Registry: New South Wales Registry

Division: General

Second Plaintiff

BONZA AVIATION PTY LTD (ACN 653 309 909)
(ADMINISTRATORS APPOINTED)

From: "TRACEY, Daniel"
Sent: 8/05/2024 9:14:39 PM
To: s 47F(1) @mo.dewr.gov.au;
 "GODDEN, Sarah" <Sarah.Godden@dewr.gov.au>; s 47F(1) @mo.dewr.gov.au
Cc: "MANNING, Gregory" <Gregory.Manning@dewr.gov.au>; "RISHNIW, Tania" <Tania.Rishniw@dewr.gov.au>; s 22(1) @dewr.gov.au; "YANCHENKO, Danica" <Danica.Yanchenko@dewr.gov.au>; "WALLBANK, Angela" <Angela.Wallbank@dewr.gov.au>; "CAINS, David" <David.Cains@dewr.gov.au>; s 22(1) @dewr.gov.au; "CARR, Henry" <Henry.Carr@dewr.gov.au>; "LAUMAN, Miranda" <Miranda.Lauman@dewr.gov.au>; s 22(1) @dewr.gov.au; "WEARNE, Jodie" <Jodie.Wearne@dewr.gov.au>; s 47F(1) @mo.dewr.gov.au; s 47F(1) @mo.dewr.gov.au
Subject: RE: Bonza - update [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

OFFICIAL: Sensitive//Legal Privilege

Thanks, Alison – confirming receipt. We will work to getting you the documents by 10am to review ahead of adding to the Minister's Perth pack.

Daniel Tracey
 M: s 47F(1)

OFFICIAL: Sensitive//Legal Privilege

From: s 47F(1) @mo.dewr.gov.au
Sent: Wednesday, May 8, 2024 9:07 PM
To: GODDEN, Sarah <Sarah.Godden@dewr.gov.au>; s 47F(1) @mo.dewr.gov.au
Cc: MANNING, Gregory <Gregory.Manning@dewr.gov.au>; RISHNIW, Tania <Tania.Rishniw@dewr.gov.au>; s 22(1) dewr.gov.au; YANCHENKO, Danica <Danica.Yanchenko@dewr.gov.au>; WALLBANK, Angela <Angela.Wallbank@dewr.gov.au>; CAINS, David <David.Cains@dewr.gov.au>; s 22(1) @dewr.gov.au; CARR, Henry <Henry.Carr@dewr.gov.au>; LAUMAN, Miranda <Miranda.Lauman@dewr.gov.au>; s 22(1) @dewr.gov.au; WEARNE, Jodie <Jodie.Wearne@dewr.gov.au>; s 47F(1) @mo.dewr.gov.au; s 47F(1) @mo.dewr.gov.au
Subject: Re: Bonza - update [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

OFFICIAL: Sensitive//Legal Privilege

Thanks Sarah. Yes please is 10am possible? We will review ahead of adding to his Perth pack.

OFFICIAL: Sensitive//Legal Privilege

From: GODDEN,Sarah <Sarah.Godden@dewr.gov.au>
Sent: Wednesday, May 8, 2024 6:19 PM
To: s 47F(1) <s47f1@mo.dewr.gov.au>; s 47F(1) <s47f1@mo.dewr.gov.au>
Cc: MANNING, Gregory <Gregory.Manning@dewr.gov.au>; RISHNIW, Tania <Tania.Rishniw@dewr.gov.au>; s 22(1) <s221@dewr.gov.au>; YANCHENKO, Danica <Danica.Yanchenko@dewr.gov.au>; WALLBANK, Angela <Angela.Wallbank@dewr.gov.au>; CAINS, David <David.Cains@dewr.gov.au>; s 22(1) <s221@dewr.gov.au>; CARR, Henry <Henry.Carr@dewr.gov.au>; LAUMAN, Miranda <Miranda.Lauman@dewr.gov.au>; s 22(1) <s221@dewr.gov.au>; WEARNE, Jodie <Jodie.Wearne@dewr.gov.au>; s 47F(1) <s47f1@mo.dewr.gov.au>; s 47F(1) <s47f1@mo.dewr.gov.au>
Subject: Bonza - update [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

OFFICIAL: Sensitive//Legal Privilege

Hi team,
s 42(1)

Cheers,
Sarah

Sarah Godden
Chief Counsel / First Assistant Secretary

Workplace Relations Legal Division
Australian Government Department of Employment and Workplace Relations
Mobile 0437 858 193
dewr.gov.au

I work flexibly and may send emails after hours. Unless clearly marked, I do not expect you to read or respond to my email until the next business day.

OFFICIAL: Sensitive//Legal Privilege

s 22(1)

s 22(1)

s 22(1)

OFFICIAL: Sensitive//Legal Privilege

s 22(1)

s 22(1)

OFFICIAL: Sensitive//Legal Privilege

s 22(1)

s 22(1)

s 22(1)

OFFICIAL - Sensitive//Legal Privilege

s 22(1)

OFFICIAL: Sensitive//Legal Privilege

From: s 22(1)

Sent: Thursday, May 9, 2024 10:32 AM

To: s 47F(1)

[s 47F\(1\)@mo.dewr.gov.au](mailto:s 47F(1)@mo.dewr.gov.au); s 47F(1)

[s 47F\(1\)@mo.dewr.gov.au](mailto:s 47F(1)@mo.dewr.gov.au); s 47F(1) [s 47F\(1\)@mo.dewr.gov.au](mailto:s 47F(1)@mo.dewr.gov.au)

Cc: s 47F(1) [s 47F\(1\)@mo.dewr.gov.au](mailto:s 47F(1)@mo.dewr.gov.au); s 22(1)

[s 22\(1\)@mo.dewr.gov.au](mailto:s 22(1)@mo.dewr.gov.au); s 22(1) [s 22\(1\)@dewr.gov.au](mailto:s 22(1)@dewr.gov.au);

MANNING, Gregory <Gregory.Manning@dewr.gov.au>; s 22(1) [s 22\(1\)@dewr.gov.au](mailto:s 22(1)@dewr.gov.au);

GODDEN, Sarah <Sarah.Godden@dewr.gov.au>; RISHNIW, Tania <Tania.Rishniw@dewr.gov.au>;
s 22(1) [s 22\(1\)@dewr.gov.au](mailto:s 22(1)@dewr.gov.au); WALLBANK, Angela

<Angela.Wallbank@dewr.gov.au>; CAINS, David <David.Cains@dewr.gov.au>; LAUMAN, Miranda

<Miranda.Lauman@dewr.gov.au>; TRACEY, Daniel <Daniel.Tracey@dewr.gov.au>; KERR, Stuart

<Stuart.Kerr@dewr.gov.au>; BREEN, Adrian <Adrian.Breen@dewr.gov.au>

Subject: s 42(1)

Dear s 47F(1)

s 42(1)

s 42(1)

Kind regards,
s 22(1)

s 22(1)

Principal Government Lawyer

Employment Standards and Institutions Branch

Workplace Relations Legal Division

Australian Government Department of Employment and Workplace Relations

Phone s 22(1) | Mobile s 22(1)

dewr.gov.au

s 42(1)

s 42(1)

s 22(1)

From: DEWR - Media
Sent: Friday, 3 May 2024 5:31 PM
To: s 47F(1)
Cc: s 47F(1) DEWR - Media
Subject: RE: Lines [SEC=OFFICIAL]

Hi s 47F(1)

As requested here are some holding lines for Bonza - happy to follow up if you have any questions.

Cheers

s 22(1)

Holding lines:

The Australian Government is closely monitoring the situation and would urge administrators to ensure that the rights and entitlements of workers are upheld.

The Government also provides assistance for retrenched workers and their partners to access training and employment support that will help them into new jobs.

For more information, visit www.whatsnext.dewr.gov.au

The Australian Government also stands ready to support former employees whose employer has entered liquidation or bankruptcy, and who are owed employee entitlements that cannot be obtained from other sources.

The Fair Entitlements Guarantee (FEG) is a legislative safety net scheme of last resort. For more information, visit www.dewr.gov.au/fair-entitlements-guarantee or call 1300 135 040.

Background – not for attribution:

At this stage the Department understands that **approximately 300** workers in the airline have been stood down.

This means that they have not been made redundant at this stage.

Australian citizens, permanent visa holders, and holders of a special category visas who have lost their job due to insolvency and are owed entitlements are eligible for assistance under the FEG scheme. The FEG scheme covers five entitlements: wages, annual leave, long service leave, payment in lieu of notice and redundancy payments (subject to caps).

s 22(1)

s 22(1)

From: Everist, Kai <Kai.Everist@infrastructure.gov.au>
Sent: Wednesday, 24 April 2024 5:46 PM
To: WEARNE,Jodie; CARR,Henry; VINCENT, Ben; MCCORMACK,Helen
Cc: Werner, Stephanie; WALLBANK,Angela; MANNING,Gregory; s 22(1)
 LAUMAN,Miranda; s 22(1)
Subject: RE: s 22(1) Bonza [SEC=OFFICIAL]

Some people who received this message don't often get email from kai.everist@infrastructure.gov.au. [Learn why this is important](#)

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OFFICIAL

Thanks so much Jodie

OFFICIAL

From: WEARNE,Jodie <Jodie.Wearne@dewr.gov.au>
Sent: Wednesday, 24 April 2024 5:42 PM
To: Everist, Kai <Kai.Everist@infrastructure.gov.au>; CARR,Henry <Henry.Carr@dewr.gov.au>; VINCENT, Ben <Ben.Vincent@infrastructure.gov.au>; MCCORMACK,Helen <Helen.McCormack@dewr.gov.au>
Cc: Werner, Stephanie <Stephanie.Werner@infrastructure.gov.au>; WALLBANK,Angela <Angela.Wallbank@dewr.gov.au>; MANNING,Gregory <Gregory.Manning@dewr.gov.au>; s 22(1) <Miranda.Lauman@dewr.gov.au>; s 22(1) @dewr.gov.au; LAUMAN,Miranda @dewr.gov.au
Subject: RE:s 22(1) Bonza [SEC=OFFICIAL]

Hi Kai

Sorry for the delay, I've included a point below that you can use

- The Government provides assistance for retrenched workers and their partners to access training and employment support that will help them into new jobs. In the case of large closures, an on-the-ground Transition Support Network provides employers and their workers with information about the support available in their region. This Network is made up of the Government's Employment Facilitators, departmental staff, Services Australia, and other community stakeholders.

Happy to discuss if you need any additional information

Cheers

Jodie

From: Everist, Kai <Kai.Everist@infrastructure.gov.au>
Sent: Wednesday, April 24, 2024 4:33 PM
To: CARR, Henry <Henry.Carr@dewr.gov.au>; VINCENT, Ben <Ben.Vincent@infrastructure.gov.au>;
MCCORMACK, Helen <Helen.McCormack@dewr.gov.au>
Cc: Werner, Stephanie <Stephanie.Werner@infrastructure.gov.au>; WEARNE, Jodie <Jodie.Wearne@dewr.gov.au>;
WALLBANK, Angela <Angela.Wallbank@dewr.gov.au>; MANNING, Gregory <Gregory.Manning@dewr.gov.au>;
s 22(1) @dewr.gov.au
Subject: RE: s 22(1) Bonza [SEC=OFFICIAL]

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OFFICIAL

Thanks Henry, really appreciate it.

We will be in touch if the situation progresses.

Helen and Jodie – as discussed with Helen, if you are able to provide a dot point on structural adjustment support, or any other support that may be available to affected employees, that would also be appreciated.

Regards

Kai

OFFICIAL

From: CARR, Henry <Henry.Carr@dewr.gov.au>
Sent: Wednesday, 24 April 2024 4:21 PM
To: Everist, Kai <Kai.Everist@infrastructure.gov.au>; VINCENT, Ben <Ben.Vincent@infrastructure.gov.au>;
MCCORMACK, Helen <Helen.McCormack@dewr.gov.au>
Cc: Werner, Stephanie <Stephanie.Werner@infrastructure.gov.au>; WEARNE, Jodie <Jodie.Wearne@dewr.gov.au>;
WALLBANK, Angela <Angela.Wallbank@dewr.gov.au>; MANNING, Gregory <Gregory.Manning@dewr.gov.au>;
s 22(1) @dewr.gov.au
Subject: RE: s 22(1) Bonza [SEC=OFFICIAL]

Hi Kai

Good talking to you just now.

As discussed, you can anticipate that departmental officials from my team would typically liaise with voluntary administrators, especially on a significant file like Bonza, when and if the company is tipped into voluntary administration.

The purpose of our liaison is to better understand the plight of the employees, including the total outstanding employee entitlements, whether there are any sources of funds to pay those entitlement, including cash, future income and/ or charged circulating assets, and whether the administration is likely to result in a successful business

restructure, or whether liquidation is likely. These matters all go to the Commonwealth's exposure in a liquidation scenario, under the FEG Act.

Please consider the following encapsulation.

- [if Bonza goes into voluntary administration] the government will liaise with the administrators to understand the plight of the bonza employees, whether there is capacity for the company to meet its obligation to pay the employee entitlements, or whether the FEG Scheme might be called upon in a subsequent liquidation.

Happy to discuss, feel free to call me on mobile number below if Bonza does tip in and I can help in any way (you are unlikely to receive significant advance notice!).

Best regards

Henry

Henry Carr

Branch Manager / Senior Executive Lawyer

Recovery and Litigation Branch

Entitlements Safeguards Division

Australian Government Department of Employment and Workplace Relations

Mobile s 47F(1)

dewr.gov.au

The Department of Employment and Workplace Relations acknowledges the traditional owners and custodians of country throughout Australia and their continuing connection to their community. We pay our respects to them and their cultures, and Elders past, present and emerging.

From: Everist, Kai <Kai.Everist@infrastructure.gov.au>

Sent: Wednesday, April 24, 2024 3:15 PM

To: VINCENT, Ben <Ben.Vincent@infrastructure.gov.au>; MCCORMACK, Helen <Helen.McCormack@dewr.gov.au>

Cc: Werner, Stephanie <Stephanie.Werner@infrastructure.gov.au>; WEARNE, Jodie <Jodie.Wearne@dewr.gov.au>;

WALLBANK, Angela <Angela.Wallbank@dewr.gov.au>; MANNING, Gregory <Gregory.Manning@dewr.gov.au>;

s 22(1) <Henry.Carr@dewr.gov.au>; CARR, Henry

<Henry.Carr@dewr.gov.au>

Subject: RE: s 22(1)
Importance: High

Bonza [SEC=OFFICIAL]

Some people who received this message don't often get email from kai.everist@infrastructure.gov.au. [Learn why this is important](#)

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OFFICIAL

Hi Helen

We are updating the talking points for our MO, for use in case Bonza enters administration.

The MO has asked that we include a point that:

- The government will work with the administrator on matters such as employment entitlements

Could you advise if this is correct, and provide any more detail that we could include on how the Government would engage with an administrator on employee entitlements?

We have been asked for this urgently, so I would be grateful if you could come back as soon as possible.

Thanks

Kai

Kai Everist (he/him)

Assistant Secretary • Aviation White Paper

Domestic Aviation and Reform Division

Kai.Everist@infrastructure.gov.au

Ps 47F(1) • MS

GPO Box 594 Canberra, ACT 2601

Department of Infrastructure, Transport, Regional Development, Communications and the Arts
CONNECTING AUSTRALIANS • ENRICHING COMMUNITIES • EMPOWERING REGIONS

infrastructure.gov.au



*I would like to acknowledge the traditional custodians of this land on which we meet, work and live.
I recognise and respect their continuing connection to the land, waters and communities.
I pay my respects to Elders past and present and to all Aboriginal and Torres Strait Islanders.*

OFFICIAL

From: VINCENT, Ben <Ben.Vincent@infrastructure.gov.au>
Sent: Sunday, 21 April 2024 8:57 PM
To: MCCORMACK, Helen <Helen.McCormack@dewr.gov.au>

Cc: Werner, Stephanie <Stephanie.Werner@infrastructure.gov.au>; Everist, Kai <Kai.Everist@infrastructure.gov.au>; WEARNE,Jodie <Jodie.Wearne@dewr.gov.au>; WALLBANK,Angela <Angela.Wallbank@dewr.gov.au>; MANNING,Gregory <Gregory.Manning@dewr.gov.au>; s 22(1) <@dewr.gov.au>; CARR,Henry <Henry.Carr@dewr.gov.au>
Subject: RE:s 22(1) Bonza [SEC=OFFICIAL]

OFFICIAL

Thanks so much, Helen – really appreciate the assistance late on a Sunday night!

Nb, further to our conversation – after checking, I can now confirm Bonza has been in operation since January 2023 (so over 12 months now); s 47C(1)

We'll keep you in the loop.

Kind regards,
Ben

OFFICIAL

From: MCCORMACK,Helen <Helen.McCormack@dewr.gov.au>
Sent: Sunday, 21 April 2024 8:38 PM
To: VINCENT, Ben <Ben.Vincent@infrastructure.gov.au>
Cc: Werner, Stephanie <Stephanie.Werner@infrastructure.gov.au>; Everist, Kai <Kai.Everist@infrastructure.gov.au>; WEARNE,Jodie <Jodie.Wearne@dewr.gov.au>; WALLBANK,Angela <Angela.Wallbank@dewr.gov.au>; MANNING,Gregory <Gregory.Manning@dewr.gov.au>; s 22(1) <@dewr.gov.au>; CARR,Henry <Henry.Carr@dewr.gov.au>
Subject: RE: s 22(1) Bonza [SEC=OFFICIAL]

Hi Ben

Thanks for your call earlier this evening and email.

Below is information on the Fair Entitlements Guarantee for inclusion in your advice..

The Fair Entitlements Guarantee (FEG) is a legislative safety net scheme of last resort that funds outstanding employee entitlements where these cannot be obtained from other sources. Generally a company must have been placed in liquidation before former employees can access financial assistance under the FEG. The FEG covers unpaid wages (capped at 13 weeks); unpaid annual leave and long service leave; payment in lieu of notice (up to 5 weeks); redundancy pay (up to 4 weeks per full year of service). Entitlements are capped at the maximum weekly wage of \$2,673 (\$138,996 per annum). FEG does not cover superannuation.

I realise the above may be too much information so have also edited the below proposed advice in your email.

During our telephone call tonight you mentioned:

- that Bonza is a start up that has been in operation for about 4-6 months.
- Number of employees is unknown
- There are around 21,000 passengers booked on flights
- s 47C(1)
- The situation is fluid.

As mentioned, I've copied in Jodie Wearne from our Structural Adjustment side in employment for visibility.

In a follow up email tonight Kai Everist asked 'are you able to share any advice on how unions are usually involved through the voluntary administration process email'. Response: Claimants submit their claim for FEG assistant via the eFEG at [Home - Fair Entitlements Guarantee \(dewr.gov.au\)](https://www.dewr.gov.au). Claimants may request unions to assist with completing their FEG claims. Further information on FEG can be found at [Fair Entitlements Guarantee - Department of Employment and Workplace Relations, Australian Government \(dewr.gov.au\)](https://www.dewr.gov.au)

Please let me know if you require any further information.

Regards

Helen

Helen McCormack, PSM
Assistant Secretary

Fair Entitlements Guarantee Branch
Department of Employment and Workplace Relations
Phone s 47F(1) | Mobile s 47F(1)
Helen.McCormack@dewr.gov.au

From: VINCENT, Ben <Ben.Vincent@infrastructure.gov.au>
Sent: Sunday, April 21, 2024 8:05 PM
To: MCCORMACK,Helen <Helen.McCormack@dewr.gov.au>
Cc: Werner, Stephanie <Stephanie.Werner@infrastructure.gov.au>; Everist, Kai <Kai.Everist@infrastructure.gov.au>
Subject: s 22(1)

You don't often get email from ben.vincent@infrastructure.gov.au. [Learn why this is important](#)

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s 22(1)

Hi Helen,

Thanks for your time just then. As discussed, there have been recent media reports that Bonza's financiers have called on restructuring advisory KordaMentha to provide them with advice about the ongoing operations of the airline. Bonza commenced operations in January 2023, and currently services around 20 or so routes across Australia.

Over the course of the weekend, there have been a number of discussions between Bonza and Dept. Infrastructure, and also conversations between Infrastructure, Tsy and Finance. There is a level of concern over Bonza's financials.

We are pulling together some information on the situation – and believe that Bonza owes around \$2.1m to its employees.

For our Minister tonight, (subject to your views) we're proposing to advise -

What will happen to Bonza employee entitlements?

Bonza employee entitlements will receive priority by the administrator, ahead of creditors.

If there are not enough funds to pay employee entitlements, the Government's Fair Entitlements Guarantee (FEG) provides a last resort backstop to pay employees entitlements where these cannot be obtained from other sources. FEG pays five entitlements and payments are capped. FEG does not pay superannuation. Our current advice is that Bonza owes \$2.1mn to its employees (salary and superannuation payments).

Needless to say, we'll keep you in the loop. Pls feel free to call me on s 47F(1) at any time.

Ben

Ben Vincent

Assistant Secretary • Domestic Policy and Programs • Domestic Aviation and Reform Division

Ben.Vincent@infrastructure.gov.au

Ps 47F(1) • Ms 47F(1)

GPO Box 594 Canberra, ACT 2601

Department of Infrastructure, Transport, Regional Development, Communications and the Arts
CONNECTING AUSTRALIANS • ENRICHING COMMUNITIES • EMPOWERING REGIONS

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I would like to acknowledge the traditional custodians of this land on which we meet, work and live. I recognise and respect their continuing connection to the land, waters and communities. I pay my respects to Elders past and present and to all Aboriginal and Torres Strait Islanders.

s 22(1)

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s 22(1)

From: GODDEN,Sarah
Sent: Wednesday, 8 May 2024 6:21 PM
To: RISHNIW,Tania; s 47F(1)
Cc: s 47F(1) LAUMAN,Miranda; WEARNE,Jodie;
 WALLBANK,Angela; CAINS,David; MANNING,Gregory
Subject: RE: Bonza response - Services Australia [SEC=OFFICIAL:Sensitive]
Attachments: Bonza - update

Follow Up Flag: Follow up
Flag Status: Flagged

OFFICIAL: Sensitive

Hi s 22(1)

I didn't see Tania's email before I sent mine – please see attached update sent to you at 6.19pm. Very happy to chat tonight as indicated in the attached.

Cheers,
 Sarah

Sarah Godden
 Chief Counsel / First Assistant Secretary

Workplace Relations Legal Division
 Australian Government Department of Employment and Workplace Relations
 Phone s 47F(1) | Mobile s 47F(1)
dewr.gov.au

I work flexibly and may send emails after hours. Unless clearly marked, I do not expect you to read or respond to my email until the next business day.

OFFICIAL: Sensitive

From: RISHNIW,Tania <Tania.Rishniw@dewr.gov.au>
Sent: Wednesday, May 8, 2024 6:09 PM
To: s 47F(1) @mo.dewr.gov.au>
Cc: s 47F(1) @mo.dewr.gov.au>; s 47F(1)
 @mo.dewr.gov.au>; GODDEN,Sarah <Sarah.Godden@dewr.gov.au>;
 LAUMAN,Miranda <Miranda.Lauman@dewr.gov.au>; WEARNE,Jodie <Jodie.Wearne@dewr.gov.au>;
 WALLBANK,Angela <Angela.Wallbank@dewr.gov.au>; CAINS,David <David.Cains@dewr.gov.au>;
 MANNING,Gregory <Gregory.Manning@dewr.gov.au>
Subject: RE: Bonza response - Services Australia [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

Hi s 22(1)

Thanks for sending through.

We'll check in with SA to make sure we are linked in to key info and people at our end (and without jeopardizing any potential worker entitlements).

Decision tree is almost ready – expect it to be with you tomorrow morning.

T

OFFICIAL: Sensitive

From: s 47F(1)

[@mo.dewr.gov.au](mailto:s47f1@mo.dewr.gov.au)>

Sent: Wednesday, May 8, 2024 6:02 PM

To: RISHNIW,Tania <Tania.Rishniw@dewr.gov.au>

Cc: s 47F(1)

[@mo.dewr.gov.au](mailto:s47f1@mo.dewr.gov.au)>; s 47F(1)

[@mo.dewr.gov.au](mailto:s47f1@mo.dewr.gov.au)>

Subject: Bonza response - Services Australia [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

Hi Tania,

Received following update from Shorten's office on Bonza. We will want to ensure we're aligned with any advice Services Aus deliver to workers. Can we please have update on ETA for the next steps decision tree?

Thanks very much for your assistance,
Alison

Hi all —

An update on where Services Australia is at with Bonza following conversations between the agency and the Voluntary Administrator today, and their request to run some virtual information sessions for Bonza staff.

The agency is arranging three virtual Services Australia presentations (45 minute duration) for impacted Bonza staff:

Thursday 9 May at 1pm AEST

Friday 10 May at 9.30am AEST

Friday 10 May at 2pm AEST

The topic will be 'Understanding Australian Government Payments and Services.' It will provide an overview of the assistance Services Australia can provide, the payments that staff may wish to test their eligibility for, and further considerations including support services available.

The webinars will provide a moderated Q&A chat function so people are able to ask questions. We will put some disclaimers up front that we won't be handling people's individual circumstances through the webinar to ensure privacy is maintained – we will offer other contact options (eg. Financial information phone service) for people who would like to explore their personal financial situations further.

The Agency will provide Bonza with links to the individual sessions – they will distribute these to staff via their internal workplace communication application. Bonza anticipate approximately 90% of their staff will likely attend one of the sessions. The agency also intend to take a recording of one of the sessions for any staff that are unable to join live – and will provide a link to this recording for later viewing.

There are 302 staff impacted, they are 'stood down' until Tuesday next week (14th). Staff will be provided with further information on next steps from Bonza at that stage. We can revisit the potential of redundancy-based

information sessions should it be necessary after next week, however we will refrain from broad references to redundancies during this week's sessions for sensitivity reasons.

Staff are located across Melbourne, Gold Coast, Sunshine Coast – with many located outside these areas. Bonza do not want to pursue in-person, face to face sessions at this stage as they advise the Bonza information culture is very much virtual.

Bonza indicated there are a small handful of Bonza staff here on visas, so we will handle these appropriately should they reach out through the moderated chat for individualised information.

If you have any questions on the above let me know and I'll follow up.

OFFICIAL: Sensitive

s 42(1)

s 22(1)

From: CARR, Henry
Sent: Wednesday, 8 May 2024 5:21 PM
To: Kathleen Vouris; MCCORMACK, Helen; s 22(1)
Cc: Ricky Cheng; Jovan Singh
Subject: RE: Bonza Aviation Pty Limited (Administrators Appointed)

Hi Kathleen

Thank you for the below.

We understand that the administrators are proposing to make a payment to the Bonza employees for certain pre appointment entitlements.

Any payment that is appropriate and available to be paid to Bonza employees for their outstanding entitlements is of course most welcome.

FEG eligibility and recovery

In order for employees to be eligible for FEG assistance, their employment must have ended due to the insolvency of their employer (s 10 of the FEG Act), which is not understood to have occurred.

If and when a FEG claim is made an assessment is undertaken, on the facts of each particular FEG claim, and it may be that the proposed payment by the administrators factors into the quantum of a potential FEG advance.

In particular, a FEG advance to a claimant is liable to be reduced by any amount that has been paid by anyone in respect of a particular entitlement, for the person's benefit (section 19(2) of the FEG Act).

To be eligible for FEG, the person needs to be an Australian citizen, permanent resident, or special category visa holder (NZ citizen). The visa categories as provided by you, listed below, are all temporary visas and the holders would be ineligible for FEG:

Section 560

It isn't clear from your email what precisely is the source of funds for the proposed payment to Bonza employees - either the Bonza estate, Hall Chadwick, or other source. For the avoidance of doubt, please note that it is not possible at law, given the statutory construction of the FEG scheme, for a party who volunteers moneys for the payment of employee entitlements, to be subrogated into the shoes of the employees for the purposes of FEG eligibility/ repayment.

Whether the proposed advance for the payment of employee entitlements can result in the party making the advance benefiting from a subrogation into the shoes of the employees for the purposes of recovering that advance from the Bonza estate, pursuant to section 560 of the Corporations Act, is a matter for the Voluntary Administrators and your legal advisers.

Happy to discuss, if necessary, best regards

Henry

Henry Carr
Branch Manager / Senior Executive Lawyer
Recovery and Litigation Branch

Entitlements Safeguards Division
Australian Government Department of Employment and Workplace Relations
Mobile S 47F(1)
dewr.gov.au

The Department of Employment and Workplace Relations acknowledges the traditional owners and custodians of country throughout Australia and their continuing connection to community. We pay our respects to them and their cultures, and Elders past, present and emerging.

From: s 47F(1) @hallchadwick.com.au
Sent: Wednesday, May 8, 2024 3:17 PM
To: MCCORMACK,Helen <Helen.McCormack@dewr.gov.au>; CARR,Henry <Henry.Carr@dewr.gov.au>;
s 22(1) @dewr.gov.au
Cc: s 47F(1) @hallchadwick.com.au; s 47F(1) @hallchadwick.com.au
Subject: Bonza Aviation Pty Limited (Administrators Appointed)

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Helen/Henry,

My firm, Hall Chadwick are considering making a payment to those employees (200) who were due to receive their April 2024 pay on 5 May 2024. This is from Hall Chadwick and not from Company funds.

It will be a payment of \$60,000 against pre appointment wage entitlements split across this employees.

This would give rise to a priority under Section 560 of the Corporations Act 2001.

Please let me know if there are any issues from FEG in this regard.

We are looking to make this payment tomorrow and I want to announce this to the staff today at a 4.30pm meeting.

I will also be allowing staff to elect whether they wish to receive it or have their portion allocated to the others in the group. I.e the fund is the same the distribution may be different amongst the staff but shared equally amongst those that want it.

Separately, can you please advise whether the following VISA's would be eligible for the FEG scheme if a claim was made in the event the Company was placed into Liquidation.

1. Partner Visa subclass 820 (only 1 month away from applying for permanent residency)
2. 461 visa
3. Bridging Visa A which is attached

Regards

Kathleen Vouris

Partner

Level 40 | 2 Park Street | Sydney | NSW 2000 | Australia

T s 47F(1) | **M**ain s 47F(1) | **F** s 47F(1)

E s 47F(1) | hallchadwick.com.au | **W** www.hallchadwick.com.au

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Question Time Brief - Employment and Workplace Relations

QB24-000060

Last Updated by Department: 10 May 2024

Last Updated by Adviser: XX Month YYYY

Structural Adjustment**HEADLINE**

- The Australian Government provides support to people who lose their job to help them find new work.
- A national Transition Support Network provides support to workers and their employers and connects them with local services.
- Retrenched workers, and their partners, can get immediate access to Workforce Australia employment services, financial advice, skills and training support and well-being support.
- The government's Fair Entitlements Guarantee Scheme (FEG) is a safety net scheme of last resort that funds certain outstanding employee entitlements of eligible employees whose former employer has entered liquidation or bankruptcy and where those entitlements cannot be obtained from other sources.

KEY ISSUES

- In dynamic labour markets, jobs are being created at the same time as positions are being retrenched.
- Retrenchments occur due to a range of factors including organisational restructuring, supply chain impacts, changing market conditions, office closures, or company administration.
- The department is working with companies including:
 - **Bonza Airlines:**
 - Bonza Aviation has gone into voluntary administration.
 - The administrator, Hall Chadwick, is working with Bonza's 323 staff and has stood down 302 employees from 2 May to 14 May 2024.
 - The department is liaising with the administrators to understand whether the company will meet its obligations to pay employee entitlements.
 - It is too early to determine whether the FEG might be called upon in a subsequent liquidation.
 - The administrators have advised they are considering making a payment to workers who have not received their April 2024 pay. This payment would not affect workers' eligibility under FEG, but may be factored into the amount of any payment to the workers under FEG.

Question Time Brief - Employment and Workplace Relations

QB24-000060

Last Updated by Department: 10 May 2024

Last Updated by Adviser: XX Month YYYY

- This is a difficult time for these workers and it is important the Administrator gives workers certainty as soon as possible.

s 22(1)

Question Time Brief - Employment and Workplace Relations

QB24-000060

Last Updated by Department: 10 May 2024

Last Updated by Adviser: XX Month YYYY

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Question Time Brief - Employment and Workplace Relations

QB24-000060

Last Updated by Department: 10 May 2024

Last Updated by Adviser: XX Month YYYY

BACKGROUND

- Retrenched workers and their partners have immediate access to tailored employment services under the **Early Access initiative** and can directly register with a Workforce Australia Provider.
- An on-the-ground **Transition Support Network** made up of representatives from Commonwealth, State and Territory governments, Employment Facilitators and local stakeholders facilitates assistance for retrenched workers to transition to new jobs and access training and supports as quickly as possible.
- **Fee-free TAFE** supports training places in areas of high demand and assists students by removing financial barriers to study. Priority sectors include construction and manufacturing.
- The **'Your Career'** and **'What's Next'** websites provide information on careers information, training pathways, financial and other supports to help retrenched workers find a job.
- Any closing entities will need to comply with requirements under **Fair Work legislation** and any industrial instruments, including recent amendments to improve safety, job security and fairness.
- The **Fair Entitlements Guarantee (FEG)** can pay outstanding employee entitlements to eligible employees, where an employer enters liquidation and these entitlements cannot be met.

Bonza Airlines:

- Bonza Aviation has gone into voluntary administration, and the majority of Bonza's 323 staff have been stood down.
- The administrator, Hall Chadwick, has stood down 302 employees from 2 May to 14 May 2024.
- The department is liaising with the administrators to understand whether there is capacity for the company to meet its obligations to pay the employee entitlements, or whether the Government's Fair Entitlements Guarantee Scheme (FEG) might be called upon in a subsequent liquidation.
 - The administrators have advised they are considering making a total payment of \$60,000 to all workers who have not received their April 2024 pay. This is approximately \$200 per employee. This payment would not affect workers' eligibility under FEG.
- FEG is a safety net scheme of last resort that funds certain outstanding employee entitlements of eligible employees whose former employers has entered liquidation or bankruptcy and where those entitlements cannot be obtained from other sources.
- This is a difficult time for these workers and it is important the Administrator gives workers certainty as soon as possible.
- The Department of Employment and Workplace Relations is ready to assist workers as soon as the administrator makes a decision.