

s 22(1)

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**From:** s 47F(1) @pwc.com>  
**Sent:** Thursday, 14 November 2019 10:41 AM  
**To:** s 22(1)  
**Cc:** s 47F(1)  
**Subject:** Southern Edge Training Pty Ltd (In Liquidation) creditor meeting  
**Attachments:** SET Report to creditors - Creditor Meeting Oct 2019 FINAL.pdf

s 22(1)  
Dear

Please find attached a soft copy of our recent report to creditors, which was sent by mail on 1 November 2019.  
s 47F(1)

Please let us know if a department representative will be attending. We can provide telephone conference facilities if required.

Kind regards  
s 47F(1)

s 47F(1)  
PwC | Senior Manager  
Direct: s 47F(1)  
Mobile: s 47F(1)  
Email: s 47F(1) @pwc.com  
PricewaterhouseCoopers  
2 Riverside Quay, Southbank VIC 3006  
[www.pwc.com.au](http://www.pwc.com.au)  
[twitter.com/PwC\\_AU](https://twitter.com/PwC_AU)

My working days are Monday, Thursday, Friday.

Please consider the environment before printing this email

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# *Report to Creditors*

## **Meeting of creditors**

Date: 21 November 2019  
Time: 10.00am  
Place: PricewaterhouseCoopers  
Level 19, 2 Riverside Quay  
SOUTHBANK VIC 3006

**Southern Edge  
Training Pty Ltd (In  
Liquidation) (the  
Company)**  
ACN 084 742 745

31 October 2019

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# *Forms to be completed*

Please complete and return the following forms which are enclosed within this Report by **4:00pm, Monday 18 November 2019:**

1. Formal Proof of Debt Form
2. Appointment of Proxy Form.

Please return these forms to:

Mail: GPO Box 1331  
MELBOURNE VIC 3001

Fax: s 47F(1)

Email: s 47F(1) @pwc.com

Contact: s 47F(1)

Phone: s 47F(1)

# Contents

Forms to be completed	i
1 Introduction and purpose of report	2
1.1 Purpose of report	2
1.2 Meeting of creditors	2
1.3 Purpose of meeting	2
1.4 Independence	3
1.5 General information	3
2 Dividend prospects	3
2.1 Estimate	3
3 Investigations	3
3.1 Insolvent trading	3
3.2 Claims against the Director	4
3.3 Estimated time to completion of liquidation	5
4 Costs of the Liquidation	5
4.1 Liquidators' Remuneration	5
4.2 Liquidator's Disbursements	5
5 Your rights as a creditor	6
6 Where can you get more information?	6
Appendix A Meeting Documents	8
Appendix B Remuneration Approval Report	9
Appendix C ASIC Information Sheet	10
Appendix D ARITA Information Sheet regarding creditors' rights	11

# 1 Introduction and purpose of report

I refer to my appointment as Liquidator of the Company on 1 February 2019.

This report (**Report**) should be read in conjunction with my Report to Creditors dated 29 April 2019. A copy of my previous report is available upon request.

## 1.1 Purpose of report

This Report provides:

- an update on my acts and dealings in the conduct of the winding up since my last report
- details of the forthcoming meeting of the Company's creditors.

## 1.2 Meeting of creditors

The Notice of Meeting is enclosed at **Appendix A**.

The details of the Meeting of Creditors is as follows:

Date: 21 November 2019

Meeting time: 10.00am

Venue: PwC, Level 19, 2 Riverside Quay, Southbank, Victoria 3006

In order to attend and vote at the meeting, creditors will need to complete the Formal Proof of Debt Form and where applicable, a Proxy Form. A Proxy Form must be completed where a corporate creditor is attending or an individual creditor wants to appoint another person to act on their behalf at the meeting. A creditor may also choose to appoint the Chairperson to vote on their behalf.

The completed Proof of Debt and Proxy form should be returned to my office prior to **4:00pm, Monday 18 November 2019**. A copy of both forms are attached at **Appendix A**.

There will be access to telephone conference facilities for creditors who cannot attend the meeting. These details are contained in the Notice of Meeting of Creditors.

## 1.3 Purpose of meeting

The purpose of the meeting is to:

- provide creditors with an update on the progress of the Liquidation
- provide creditors with a forum to ask questions
- seek approval of my outstanding and future remuneration incurred in administering the Liquidation
- seek approval to:
  - compromise a debt owed to the Company by a former director, s 47F(1) **(the Director)** pursuant to s477(2A) of the Corporations Act 2001 **(the Act)**
  - enter into an agreement with the Director for a term greater than three months pursuant to section 477(2B) of the Act
  - Please refer to section 3.2 of this Report for further information relating to claims against the Director.

## 1.4 Independence

My Declaration of Independence, Relevant Relationships and Indemnities (**DIRRI**) was enclosed with my report to creditors dated 22 February 2019. I confirm that DIRRI is still current and no other relationships or events require additional disclosure.

## 1.5 General information

General information about insolvency administrations can be obtained from the Australian Restructuring Insolvency & Turnaround Association (**ARITA**) at [www.arita.com.au](http://www.arita.com.au).

# 2 Dividend prospects

## 2.1 Estimate

We are unable to provide a dividend estimate of any certainty at this stage of the liquidation.

The distribution of any dividend to any class of creditors depends on the successful recovery from claims referred to in section 3.

The quantum and timing of a dividend is contingent on:

- obtaining the requisite approvals from creditors pursuant to Sections 477(2A) and 477(2B) of the Act
- the Director paying the settlement sum in accordance with the proposed settlement terms discussed at Section 3.2 of this report
- obtaining recoveries and payments from claims against other officers of the Company
- the statutory priority of certain claims and costs
- the value of creditors that prove in the Liquidation and the adjudication of Formal Proofs of Debts.

# 3 Investigations

## 3.1 Insolvent trading

Pursuant to Section 588G of the Act, I am able to seek compensation from the director for the amount of debts which remained unpaid at the date of Liquidation, which were incurred at a time when the Company was insolvent and not able to pay all of its debts as and when they became due and payable.

As detailed in my report to creditors dated 29 April 2019, my investigations indicate that the Company was insolvent from at least 1 December 2015. I have formed this conclusion based on the following indicators of insolvency:

- Cash flow difficulties prompted the directors of Southern Edge to look to sell the business of the company in November 2015.
- Creditor balances consistently exceeded trading terms from November 2015 (>61 days), demonstrating that Southern Edge could not pay its creditors as and when they fell due.
- From January 2016, the work-in-progress (WIP) balance in the books of Southern Edge was overstated and uncollectable. WIP formed a substantial portion of current assets, overstating Southern Edge's liquidity.
- The Victorian Department of Education and Training issued Southern Edge with a notice of non-compliance pursuant to its funding agreement in December 2015 and rejected Southern Edge's application for registration renewal in March 2016.

- Southern Edge was unable to pay its tax debts and entered into payment arrangements with the Australian Taxation Office (**ATO**) from as early as mid-2014. The ATO threatened legal action against Southern Edge in December 2015, following various defaults on payment arrangements. At that time, the Company's reported taxation liabilities totalled \$112,576.69. s 47G(1)(a)
- In early 2016, the Company was unable to provide financials requested by the ATO, to support its ability to comply with a payment proposal with the ATO.

As previously advised, we have entered into a funding deed with the Department of Small Jobs and Business to pursue various claims that we have identified, including insolvent trading claims. As a number of claims have not been issued yet, we do not intend to disclose any details of these claims at this point in time.

s 47F(1)

s 47F(1)

s 47G(1)(a)

s 47G(1)(a)

s 47G(1)(a)

s 47G(1)(a)

s 47G(1)(a)

s 47G(1)(a)

### ***3.3 Estimated time to completion of liquidation***

Having regard to the work to be completed, I anticipate the liquidation may be finalised by December 2021. Actions to complete include:

- Obtaining approval from creditors to the settlement offer
- Monitoring collection of the settlement sum under the terms of the Deed (completing July 2021)
- Pursue claims against other company officers
- Declare dividend to creditors (if applicable)
- Complying with statutory lodgements and reporting obligations
- Lodging an application with the Australian Securities and Investments Commission to deregister the company

## ***4 Costs of the Liquidation***

### ***4.1 Liquidators' Remuneration***

Creditors have previously approved my remuneration of \$70,744.00 (excluding GST) for the period 1 December 2017 to completion of the liquidation. However, my remuneration incurred (but not yet fully drawn) has exceeded the amount approved by creditors as at 30 September 2019 due to additional work undertaken in relation to the following:

- Formulating claims against various (current and former) officers of the Company
- Negotiating settlements with the Director

At the forthcoming meeting of creditors, I will be seeking the approval from creditors for my remuneration as summarised in the table below.

<b>Period</b>	<b>Amount (plus GST)</b>
1 October 2019 to completion	\$40,000.00
<b>Total remuneration sought</b>	<b>\$40,000.00</b>

Attached at **Appendix B** is a detailed report of my remuneration request for the Company, called a Remuneration Approval Report. I am unable to pay my remuneration without the approval of creditors or the Court.

### ***4.2 Liquidator's Disbursements***

I am seeking approval of my internal disbursements of the liquidation (i.e. printing, photocopying, etc.) for the period from 1 October 2019 to the conclusion of the Liquidation capped to the amount of \$2,000 plus GST. I will be seeking approval for these internal disbursements prior to payment from the Liquidation.



## 5 *Your rights as a creditor*

Information regarding your rights as a creditor is provided in the Information Sheets included at **Appendix C** and **Appendix D**. This includes your right to:

- make reasonable requests for information
- make reasonable requests for a meeting
- give directions to me
- appoint a reviewing liquidator
- replace me as Liquidator.

## 6 *Where can you get more information?*

You can access information which may assist you on the following websites:

- Australian Restructuring Insolvency and Turnaround Association (**ARITA**) at [www.arita.com.au/creditors](http://www.arita.com.au/creditors)
- ASIC at [asic.gov.au/regulatory-resources/insolvency/insolvency-information-sheets/](http://asic.gov.au/regulatory-resources/insolvency/insolvency-information-sheets/)

If you have any queries in relation to the contents of this report, please contact s 47F(1) of this office on s 47F(1) or by email to s 47F(1) @pwc.com.

Dated this 31<sup>st</sup> day of October 2019

s 47F(1)

Liquidator

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# *Appendices*

Appendix A Meeting Documents	8
Appendix B Remuneration Approval Report	9
Appendix C ASIC Information Sheet	10
Appendix D ARITA Information Sheet regarding creditors' rights	11

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# *Appendix A*

## *Meeting Documents*

**NOTICE OF MEETING OF CREDITORS**

**Southern Edge Training Pty Ltd  
(In Liquidation) (the Company)  
ACN 084 742 745**

Notice is given that a meeting of the creditors of the Company will be held at PricewaterhouseCoopers, 2 Riverside Quay Southbank VIC 3006 on 21 November 2019 at 10.00am.

**AGENDA**

1. To receive and consider a report from the Liquidators.
2. To fix or determine the future remuneration of the Liquidators.
3. To approve the payment of internal disbursements incurred by the Liquidators.
4. To approve the Liquidators to compromise a debt owed to the Company pursuant to s477(2A) of the Corporations Act 2001 (the Act)
5. To approve the Liquidators entering into an agreement for a term greater than three months pursuant to section 477(2B) of the Act
6. Any other business.

There will be access to telephone conference facilities for creditors who cannot attend the meeting. Please contact s 47F(1) on s 47F(1) by 18 November 2019 if you require access to teleconference facilities.

Creditors wishing to attend and vote are advised that proof of debts and proxies must be submitted to my office by 4:00pm, Monday 18 November 2019.

Dated this 31st day of October 2019  
s 47F(1)

**Liquidator**

A person, or the proxy or attorney of a person, who wishes to participate in the meeting by telephone must give to me by 18 November 2019, a written statement (email to s 47F(1) @pwc.com will be accepted) setting out:

- i. the name of the person and of the proxy or attorney (if any); and
- ii. an address to which notices to the person, proxy or attorney may be sent; and
- iii. a method by which the person, proxy or attorney may be contacted for the purposes of the meeting.

A person, or the proxy or attorney of a person, who participates in the meeting by telephone must pay any costs incurred by the person, proxy or attorney in participating and is not entitled to be reimbursed for those costs from the assets of the company.

Section 75-85 of the Insolvency Practice Rules (Corporations) sets out the entitlement to vote at meetings of creditors:

- (1) A person other than a creditor (or the creditor's proxy or attorney) is not entitled to vote at a meeting of creditors.
- (2) Subject to subsections (3), (4) and (5), each creditor is entitled to vote and has one vote.
- (3) A person is not entitled to vote as a creditor at a meeting of creditors unless:
  - (a) his or her debt or claim has been admitted wholly or in part by the external administrator; or

- (b) he or she has lodged, with the person presiding at the meeting, or with the person named in the notice convening the meeting as the person who may receive of the debt or claim:
  - (i) those particulars; or
  - (ii) if required—a formal proof of the debt or claim.
- (4) A creditor must not vote in respect of:
  - (a) an unliquidated debt; or
  - (b) a contingent debt; or
  - (c) an unliquidated or a contingent claim; or
  - (d) a debt the value of which is not established; unless a just estimate of its value has been made.
- (5) A creditor must not vote in respect of a debt or a claim on or secured by a bill of exchange, a promissory note or any other negotiable instrument or security held by the creditor unless he or she is willing to do the following:
  - (a) treat the liability to him or her on the instrument or security of a person covered by subsection (6) as a security in his or her hands;
  - (b) estimate its value;
  - (c) for the purposes of voting (but not for the purposes of dividend), to deduct it from his or her debt or claim.
- (6) A person is covered by this subsection if:
  - (a) the person's liability is a debt or a claim on, or secured by, a bill of exchange, a promissory note or any other negotiable instrument or security held by the creditor; and
  - (b) the person is either liable to the company directly, or may be liable to the company on the default of another person with respect to the liability; and
  - (c) the person is not an insolvent under administration or a person against whom a winding up order is in force



**CERTIFICATE OF WITNESS**

**Please Note:** *This certificate is to be completed only where the person giving the proxy is blind or incapable of writing. The signature of the creditor is not to be attested by the person nominated as proxy.*

I, \_\_\_\_\_ of \_\_\_\_\_  
\_\_\_\_\_ certify that the above instrument appointing a proxy was completed by me in the presence of and at the request of the person appointing the proxy and read to him before he attached his signature or mark to the instrument.

Signature of witness: \_\_\_\_\_

**FORM 535**  
*Corporations Act 2001*

**FORMAL PROOF OF DEBT OR CLAIM (GENERAL FORM)**

To the Liquidator of Southern Edge Training Pty Ltd (In Liquidation) ACN 084 742 745 (**the Company**)

1. This is to state that the Company was on 30 June 2016 and still is, justly and truly indebted

to .....(**creditor**)  
*(name of creditor)*

of .....  
*(address of creditor)*

for \$.....

Particulars of the debt are:

<b>Date</b> <i>(date when the debt arose)</i>	<b>Consideration</b> <i>(state how debt arose and attach supporting documentation)</i>	<b>Amount (\$)</b>	<b>Remarks</b> <i>(include details of voucher substantiating payment)</i>

2. To my knowledge or belief the creditor has not, nor has any person by the creditor's order, had or received any satisfaction or security for the sum or any part of it except for the following  
*(insert particulars of all securities held. If the securities are on the property of the company, assess the value of those securities. If any bills or other negotiable securities are held, show them in a schedule in the following form).*

<b>Date</b>	<b>Drawer</b>	<b>Acceptor</b>	<b>Amount (\$c)</b>	<b>Due Date</b>

\*3A. I am employed by the creditor and authorised in writing by the creditor to make this statement. I know that the debt was incurred for the consideration stated and that the debt, to the best of my knowledge and belief, remains unpaid and unsatisfied.

\*3B. I am the creditor's agent authorised in writing to make this statement in writing. I know that the debt was incurred for the consideration stated and that the debt, to the best of my knowledge and belief, remains unpaid and unsatisfied.

*\* Items 3A & 3B - delete both if the creditor is a natural person and this proof is made by the creditor personally. In other cases, if, for example, you are the director of a corporate creditor or the solicitor or accountant of the creditor, you sign this form as the creditor's authorised agent (delete item 3A). If you are an authorised employee of the creditor (credit manager etc), delete item 3B.*

**I have attached the following documents (tick as many as appropriate):**

- Invoices                                       Judgement from Court                       Letters of demand                       Orders from Company
- Monthly statements                               Statutory demand                               Credit application                               Guarantee from Company
- Creditors authority letter                               Other documents

Complete all sections

Dated ...../...../..... Name .....Signatory.....

Phone ..... Email address.....



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# ***Appendix B Remuneration Approval Report***

## Remuneration Approval Report

### *Southern Edge Training Pty Ltd (In Liquidation)* ACN 084 742 745 (the Company)

This Remuneration Approval Report provides you with the information you need to be able to make an informed decision regarding the approval of my remuneration.

You should read this report and the other documentation that I have sent you and then attend the meeting of creditors in order to voice your opinion by casting your vote on the resolutions put to the meeting. The meeting will also give you an opportunity to ask any questions that you may have.

Alternatively, you are also able to appoint a representative to attend on your behalf by lodging a proxy form. Lodging a specific proxy form allows you to specify how your proxy must vote. Lodging a general proxy form allows your representative to choose how your vote is exercised.

Please refer to the accompanying Report to Creditors for further information regarding the forthcoming meeting of creditors.

#### 1. Declaration

I, s 47F(1) have undertaken a proper assessment of this remuneration claim for my appointment as Liquidator of Southern Edge Training Pty Ltd (In Liquidation) in accordance with the law and applicable professional standards. I am satisfied that the remuneration claimed is in respect of necessary work, properly performed, or to be properly performed, in the conduct of the administration.

s 47F(1)<sup>st</sup>

Liquidator

#### 2. Executive summary

To date, remuneration totalling \$70,744.00 (plus GST) has been approved by creditors in this Liquidation. As at 30 September 2019, I have incurred remuneration exceeding this fee cap. Remuneration totalling \$23,073.00 has been paid to date.

Remuneration as Special Purpose Liquidators, for the period 2 March 2017 to 30 November 2017 was approved by the Court.

The remuneration currently sought from creditors in this Remuneration Approval Report, along with the remuneration previously approved by creditors, is summarised in the below table:

Period	Report Reference	Amount (ex GST)
Past remuneration approved by creditors:		
1 December 2017 to the conclusion of the Liquidation*		\$70,744.00
<b>Total past remuneration approved</b>		<b>\$70,744.00</b>

\*Note this fee cap was reached on 30 September 2019 as a result of fees incurred, but not yet fully paid.

#### Current remuneration approval sought

Resolution 1: 1 October 2019 to completion*	Sch A1	\$40,000.00
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\* Approval for the future remuneration sought is based on an estimate of the work necessary to complete the administration. Should additional work be necessary beyond what is contemplated, further approval may be sought from creditors.

Please refer to the report section references detailed in the above table for full details of the calculation and composition of the remuneration approval sought.

The total remuneration for this appointment is estimated to be \$110,744 (excluding GST).

The remuneration currently sought of \$40,000 (excluding GST) has increased compared to our previous estimate as my staff and I were required to spend significantly more time in dealing with the following tasks:

- Conducting investigations into the date the Company likely became insolvent and making a preliminary assessment of the debts incurred after that time
- Preparing demands to officers of the Company
- Negotiating a settlement offer (as detailed in our report to creditors)

### 3. Remuneration

#### 3.1 Remuneration claim resolutions

I will be seeking approval of the following resolution to approve my remuneration. Details to support these resolutions are included in section 3.2 and attached schedules.

##### Resolution 1

***To approve the Liquidators' remuneration for the period 1 October 2019 to the conclusion of the Liquidation up to a maximum of \$40,000 plus GST, as set out in the Remuneration Report dated 31 October 2019 to be drawn from available funds as incurred or as funds become available.***

Future remuneration is approved subject to a maximum or cap. Sometimes the actual cost of the administration will exceed the maximum which has been approved, in which case, I may seek another resolution for additional remuneration. I will not pay any amount exceeding the maximum without this approval.

Where funds are available, I will usually pay approved remuneration at intervals not less than one month. Where funds are not available, remuneration will not be paid.

#### 3.2 Details of remuneration

The basis of calculating the remuneration claims are summarised in Schedule A1 of **Appendix A**.

The details of the major tasks performed and the costs associated with each of those major tasks are contained in Schedule B1 **Appendix B**.

#### 3.3 Total remuneration reconciliation

At this point in time, I estimate the remuneration for this Liquidation that I will claim is \$110,744, plus GST, which includes the current remuneration approval being sought from creditors of \$40,000 plus GST. Creditors approved my remuneration of \$70,744 (plus GST) by proposal without meeting on 24 May 2019. I have drawn \$23,073 to date. As at 30 September 2019, I have incurred remuneration exceeding this cap and in this report, I am now seeking approval of a further capped amount of \$40,000 (plus GST) to the completion of the Liquidation.

In the following table I compare, on a task basis, the estimate from my report dated 29 April 2019 (which included actual costs to 31 March 2019 plus estimated costs from 1 April 2019 to completion), to my revised estimate and provide an explanation for the difference in cost.

Task	Estimate \$	Revised \$	Reasons for differences
Creditors	\$14,820.00	\$17,000.00	- Additional creditor meeting to be held to seek approval to enter into an agreement with a Director
Employees	\$37.00	\$254.00	- Additional queries received from former staff

Investigation	\$35,358.00	\$68,350.00	-	More work required than expected to settle various claims against the Company's Directors, including preparing for mediation, instructing solicitors and responding to defences raised by Directors
Dividend	\$10,140.00	\$10,140.00		
Administration	\$10,449.00	\$15,000.00	-	Due to expected completion of liquidation occurring in 2021, additional statutory and administrative tasks will be required
<b>Total</b>	<b>\$70,804.00</b> (capped at \$70,744)	<b>\$110,744.00</b>	-	\$40,000 variance

### 3.4 Likely impact on dividends

The Corporations Act sets the order for payment of claims against the company and it provides for remuneration of the Liquidators to be paid in priority to other claims. This ensures that when there are sufficient funds, the Liquidators receive payment for the work done to recover assets, investigate the Company's affairs, report to creditors and ASIC and distribute any available funds.

Even if creditors approve our remuneration, this does not guarantee that we will be paid, as we are only paid if sufficient assets are recovered.

Any dividend to creditors will also be impacted by the amount of assets that we are able to recover and the amount of creditor claims that are admitted to participate in any dividend, including any claims by priority creditors such as employees.

We are unable to provide a dividend estimate of any certainty at this stage of the Liquidation.

### 3.5 Remuneration recovered from external sources

The Liquidators have received, or are entitled to receive funding from external sources for our remuneration.

We entered into funding deeds with the Department of Education and Training (**DET**) and the Department of Jobs and Small Business (**DOJ**) which covered the Special Purpose Liquidators' remuneration and disbursements for the period 2 March 2017 to 30 November 2017. We obtained Court approval to pay these fees.

We have entered into a second funding deed with the DOJ which covers our remuneration and disbursements in relation to pursuing claims against officers of the Company (**Agreed Work**). This funding deed covers the Special Purpose Liquidators' remuneration and disbursements for the period 1 December 2017 to 21 February 2019 and the Liquidators' remuneration for the period 22 February 2019 onwards, in relation to the Agreed Work.

## 4. Disbursements

Disbursements are divided into three types:

- **Externally provided professional services** – these are recovered at cost. An example of an externally provided professional service disbursement is legal fees.
- **Externally provided non-professional costs** – these are recovered at cost. Examples of externally provided non-professional costs are travel, accommodation and search fees.
- **Internal disbursements** such as photocopying, printing and postage. These disbursements, if charged to the Administration, would generally be charged at cost; though some expenses such as telephone calls, photocopying and printing may be charged at a rate which recoups both variable and fixed costs. The recovery of these costs must be on a reasonable commercial basis.

I have undertaken a proper assessment of disbursements claimed for the Company in accordance with the law and applicable professional standards. I am satisfied that the disbursements claimed are necessary and proper.

I will be seeking creditor approval to pay our disbursements from creditors.

### 4.1 Basis of internal disbursement claim

Internal disbursements incurred by my firm from are charged to the administration on the following basis:

Internal disbursements	Rate (excl GST)
Staff vehicle use	At prescribed ATO rates*
Binding	At cost*
Courier	At cost*

\*These internal disbursements do not require approval to be paid as they are charged at cost.

### 4.2 Future basis of disbursements

Future disbursements incurred by my firm will be charged to the administration on the following basis:

Future disbursements		
Externally provided professional services		At cost
Externally provided non-professional services		At cost
Internal disbursements	Black and white	\$0.10 per page
	Colour	\$0.50 per page
	A3 – Black and white	\$0.20 per page
	A3 - Colour	\$0.60 per page
Photocopying/Printing		
Staff vehicle use		At prescribed ATO rates

### 4.4 Internal disbursement claim resolution

From 1 September 2017, I am required to obtain creditor approval for the payment of internal disbursements where there is a profit or advantage prior to these disbursements being paid from the administration. I will be seeking approval for these internal disbursements prior to payment from the administration.

Creditors have already approved internal disbursements of \$2,000. I am seeking an additional capped amount of \$2,000.

### Resolution 2

*“To approve the Liquidators’ internal disbursements for the period 1 October 2019 to the completion of the Liquidation up to a maximum of \$2,000 plus GST, in accordance with the rates set out in Section 4 of the Remuneration Approval Report dated 31 October 2019.”*

## **5. Summary of receipts and payments**

The summary of receipts and payments for the period from 1 April 2019 to 30 September 2019 is contained in **Appendix C**.

## **6. Queries**

Please contact s 47F(1) ons 47F(1) or by email at s 47F(1) @pwc.com should you have any queries or require any further information.

You can access additional information on the following websites:

- ARITA at [www.arita.com.au/creditors](http://www.arita.com.au/creditors)
- ASIC at <http://asic.gov.au/regulatory-resources/insolvency/insolvency-information-sheets/>

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# Appendices

## ***Appendix A – Calculations of remuneration schedules***

### **Schedule A1**

Calculation of Remuneration

For the period 1 October 2019 to completion.



**Southern Edge Training Pty Ltd (In Liquidation)**

ACN 084 742 745

**Schedule A1****Calculation of Remuneration**

For the period 1 October 2019 to completion

Employee	Position	\$/hours	Total Actual	Total	Creditors		Investigation		Dividend		Administration	
		(Ex GST)	Hrs	\$	\$	Hrs	\$	Hrs	\$	Hrs	\$	Hrs
s 47F(1)	Appointee	620.00	13.0	8,060.00	1,860.00	3.0	3,100.00	5.0	1,860.00	3.0	1,240.00	2.0
	Senior Manager	490.00	23.0	11,270.00	1,960.00	4.0	4,900.00	10.0	2,450.00	5.0	1,960.00	4.0
	Senior Consultant	370.00	55.0	20,350.00	4,440.00	12.0	7,400.00	20.0	5,550.00	15.0	2,960.00	8.0
	Accounting Support	140.00	5.0	700.00	0.00	0.0	0.00		280.00	2.0	420.00	3.0
<b>Total</b>			<b>96.0</b>	<b>40,380.00</b>	<b>8,260.00</b>	<b>19.0</b>	<b>15,400.00</b>	<b>35.0</b>	<b>10,140.00</b>	<b>25.0</b>	<b>6,580.00</b>	<b>17.0</b>
<b>Capped at</b>				<b>40,000.00</b>								
<b>GST</b>				<b>4,000.00</b>								
<b>Total (Including GST)</b>				<b>4,000.00</b>								
<b>Average rate (excluding GST)</b>				<b>420.63</b>		<b>434.74</b>		<b>440.00</b>		<b>405.60</b>		<b>387.06</b>

Average Rate (excl GST) reflects the average charge rate during the period of the remuneration calculation.

A *Creditor Information Sheet* containing general information about the remuneration of Insolvency Practitioners is available at <http://www.arita.com.au/insolvency-you/insolvency-explained/insolvency-fact-sheets>



## ***Appendix B – Table of major tasks for remuneration***

### **Schedule B1**

#### Resolution 1

The below table provides a description of the work undertaken in each major task area for the period 1 October 2019 to completion:

<b>Task Area</b>	<b>General Description</b>	<b>Includes</b>
<b>Creditors</b> <b>19.00 hours</b> <b>\$8,260.00</b>	Creditor Enquiries	Deal with creditor enquiries via telephone Maintaining creditor enquiry files
	Creditor reports	Preparing Statutory Report to Creditors Preparing update reports to the DOJ
	Creditor meeting	Prepare for and hold creditor meetings as required
<b>Investigation</b> <b>35.00 hours</b> <b>\$15,400.00</b>	Litigation / Recoveries	Liaising with solicitors regarding recovery actions Assisting solicitors to draft letters of demand, including providing supporting analysis towards claims Meetings with solicitors and Counsel regarding recovery actions Correspondence and meetings with the DOJ regarding status of recovery actions Attending to negotiations Attending to settlement matters Attending to collection of settlement proceeds
<b>Dividend</b> <b>25.00 hours</b> <b>\$10,140.00</b>	Processing proofs of debt (POD)	Preparation of correspondence to potential creditors inviting lodgement of POD Receipt of POD Maintain POD register Adjudicating POD Request further information from claimants regarding POD Preparation of correspondence to claimant advising outcome of adjudication
	Dividend procedures	Preparation of correspondence to creditors advising of intention to declare dividend Advertisement of intention to declare dividend Obtain clearance from ATO to allow distribution of Company's assets Preparation of dividend calculation Preparation of correspondence to creditors announcing declaration of dividend Advertise announcement of dividend Preparation of distribution Preparation of dividend file Preparation of payment vouchers to pay dividend Preparation of correspondence to creditors enclosing payment of dividend

Task Area	General Description	Includes
<b>Administration</b> <b>17.00 hours</b> <b>\$6,580.00</b>	Correspondence	Correspondence with relevant parties
	Document maintenance/file review/checklist	Filing of documents File reviews Updating checklists
	Bank account administration	Preparing correspondence closing accounts Requesting bank statements Bank account reconciliations Correspondence with bank regarding specific transfers Entering receipts and payments into the accounting system
	ASIC Form 5602 and other forms	Preparing and lodging ASIC forms including 505, 5602 etc Correspondence with ASIC regarding statutory forms
	ATO and other statutory reporting	Preparing quarterly BAS
	Finalisation	Notifying ATO of finalisation Cancelling ABN / GST registration Completing checklists
	Planning / Review	Discussions and internal meetings regarding status of administration
	Books and records / storage	Dealing with records in storage Sending job files to storage



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***Appendix C - Summary of receipts and payments***

## Summarised Receipts &amp; Payments

**Southern Edge Training Pty Ltd**  
**(In Liquidation)**  
**Transactions From 01 April 2018 To 30 September 2019**

A/C	Account	Net	GST	Gross
<b>Brought Forward Receipts of 385,225.81 less Payments of (192,824.29)</b>				<b>192,401.52</b>
74	Cash at bank	76,145.42	0.00	76,145.42
88	Stakeholder funding (Taxable)	214,329.61	21,432.95	235,762.56
89	Stakeholder funding (Non Taxable)	3,462.99	0.00	3,462.99
96	Interest received	353.09	0.00	353.09
<b>Total Receipts (inc GST)</b>		<b>\$294,291.11</b>	<b>\$21,432.95</b>	<b>\$315,724.06</b>
140	Legal fees (Taxable)	73,061.34	7,306.13	80,367.47
141	Legal fees (Non taxable)	5,582.22	0.00	5,582.22
152	Appointee's remuneration (Taxable)	274,900.00	27,490.00	302,390.00
153	Appointee's disbursements (Taxable)	4,464.75	446.47	4,911.22
230	Trade Creditors	71,236.65	0.00	71,236.65
233	GST clearing account	17,433.00	0.00	17,433.00
<b>Total Payments (inc GST)</b>		<b>\$446,677.96</b>	<b>\$35,242.60</b>	<b>\$481,920.56</b>
<b>Balance in Hand - By Bank Account</b>				
212	Cheque A/c 1			21,272.73
213	Cheque A/c 2			4,932.29
				<b>\$26,205.02</b>

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# ***Appendix C***

## ***ASIC Information Sheet***





ASIC

Australian Securities &amp; Investments Commission

## INFORMATION SHEET 45

# Liquidation: a guide for creditors

If a company is in financial difficulty, its shareholders, creditors or the court can put the company into liquidation.

This information sheet provides general information for unsecured creditors of companies in liquidation.

## Who is a creditor?

You are a creditor of a company if the company owes you money. Usually, a creditor is owed money because they have provided goods or services, or made loans to the company.

An employee owed money for unpaid wages and other entitlements is a creditor.

A person who may be owed money by the company if a certain event occurs (e.g. if they succeed in a legal claim against the company) is also a creditor, and is sometimes referred to as a 'contingent' creditor.

There are generally two categories of creditor: secured and unsecured.

- A secured creditor is someone who has a security interest (as defined in s12 of the *Personal Property Securities Act 2009*), such as a charge or a mortgage, over some or all of the company's assets, to secure a debt owed by the company. Lenders usually require a security interest over company assets when they provide a loan.
- An unsecured creditor is a creditor who does not have a security interest over the company's assets.

Employees are a special class of unsecured creditors. In a liquidation, some of their outstanding entitlements are paid in priority to the claims of other unsecured creditors. If you are an employee, see ASIC's information sheet INFO 46 *Liquidation: a guide for employees*.

All references in this information sheet to 'creditors' relate to unsecured creditors unless otherwise stated.

## The purpose of liquidation

The purpose of liquidation of an insolvent company is to have an independent and suitably qualified person (the liquidator) take control of the company so that its affairs can be wound up in an orderly and fair way for the benefit of all creditors.

Information sheets provide concise guidance on a specific process or compliance issue or an overview of detailed guidance.

There are two types of insolvent liquidation:

- creditors' voluntary liquidation, and
- court liquidation.

The most common type is a creditors' voluntary liquidation, which usually begins in one of two ways:

- creditors vote for liquidation following a voluntary administration or a terminated deed of company arrangement, or
- an insolvent company's shareholders resolve to liquidate the company and appoint a liquidator. Within 11 days of being appointed by shareholders, the liquidator must call a meeting of creditors who may confirm the liquidator's appointment or appoint another liquidator of the creditors' choice.

In a court liquidation, a liquidator is appointed by the court to wind up a company, following an application, usually by a creditor. Others, including a director, a shareholder and ASIC, can also make a winding-up application.

After a company goes into liquidation, unsecured creditors can no longer commence or continue legal action against the company, unless the court permits.

It is possible for a company in liquidation to also be in receivership: see ASIC information sheet INFO 54 *Receivership: a guide for creditors*.

## The liquidator's role

When a company is being liquidated because it is insolvent, the liquidator has a duty to all the company's creditors. The liquidator's role is to:

- collect, protect and realise the company's assets
- investigate and report to creditors about the company's affairs, including any unfair preferences which may be recoverable, any uncommercial transactions which may be set aside, and any possible claims against the company's officers
- enquire into the failure of the company and possible offences by people involved with the company and report to ASIC
- after payment of the costs of the liquidation, and subject to the rights of any secured creditor, distribute the proceeds of realisation—first to priority creditors, including employees, and then to unsecured creditors, and
- apply for deregistration of the company on completion of the liquidation.

Except for lodging documents and reports required under the *Corporations Act 2001* (Corporations Act), a liquidator is not required to do any work unless there are enough assets to pay their costs.

If the company is without sufficient assets, one or more creditors may agree to reimburse a liquidator's costs and expenses of taking action to recover further assets for the benefit of creditors.

In this case, if additional assets are recovered, the liquidator or particular creditor can apply to the court for the creditor to be compensated for the risk involved in funding the liquidator's recovery action.

If a liquidator suspects that people involved with the company may have committed offences and the liquidator reports this to ASIC, the liquidator may also be able to apply to ASIC for funding to carry out a further investigation into the allegations.

## Recoveries from creditors

A liquidator has the ability to recover, for the benefit of all creditors, certain payments (known as unfair preferences) made by the company to individual creditors in the six months before the start of the liquidation.

Broadly, a creditor receives an unfair preference if, during the six months prior to liquidation, the company is insolvent, the creditor suspects the company is insolvent, and receives payment of their debt (or part of it) ahead of other creditors. To be an unfair preference, the payment must put the creditor receiving it in a more favourable position than other unsecured creditors.

Not all payments from the company to a creditor in the six months before liquidation are unfair preferences. The Corporations Act provides various defences to an unfair preference claim.

If a liquidator seeks to recover a payment that has been made to you, you may wish to obtain independent legal advice on the merits of the liquidator's claim before repaying any money.

## Creditors' meetings

A liquidator may call a creditors' meeting from time to time to inform creditors of the progress of the liquidation, to find out their wishes on a particular matter or seek approval of the liquidator's fees.

You may also use a creditors' meeting to ask questions about the liquidation and inform the liquidator about your knowledge of the company's affairs.

## Meetings during a court liquidation

In a court liquidation, the liquidator is not required to call a creditors' meeting unless a matter requires creditor approval.

The only exception is that if the creditors pass a resolution requiring a creditors' meeting to be called, or at least one-tenth in value of all the creditors request the liquidator in writing to do so, the liquidator must call a creditors' meeting. However, it is unusual for this to happen, as those who make the request or pass the resolution must pay the costs of calling and holding the meeting.

## Meetings during a creditors' voluntary liquidation

In a creditors' voluntary liquidation, the liquidator may choose to hold an annual meeting of the creditors or lodge a report with ASIC on the progress in the administration. If they choose not to hold the meeting, the liquidator must tell creditors that the report has been prepared and give them a copy free of charge if asked. The report must set out:

- an account of the liquidator's acts and dealings and the conduct of the winding up in the preceding year
- a summary of the tasks yet to be done in the liquidation, and
- an estimate of when the liquidation is expected to be finalised.

The liquidator in a creditors' voluntary winding up must also hold a joint meeting of the creditors and members at the end of the winding up. Creditors can require the liquidator to call a creditors' meeting at other times, the same as in a court liquidation, as long as they pay the associated costs.

## Minutes of meetings

The chairperson of a creditors' meeting (usually the liquidator or one of their senior staff) must prepare minutes of the meeting and a record of those who were present at the meeting and lodge them

with ASIC within one month. A copy may be obtained from any ASIC Business Centre on payment of the relevant fee.

## Voting at a creditors' meeting

To vote at a creditors' meeting you must lodge details of your debt or claim with the liquidator. Often, the liquidator will provide you with a form called a 'proof of debt' to be completed and returned before the meeting. Proofs of debt are discussed further below.

The chairperson of the meeting decides whether or not to accept the debt or claim for voting purposes. The chairperson may decide that a creditor does not have a valid claim or the amount of the debt cannot be determined with any certainty at the date of the meeting. In this case, they may not allow the creditor to vote at all, or only to vote for a debt of \$1. This decision is only for voting purposes. It is not relevant to whether a creditor will receive a dividend.

An appeal against a decision by the chairperson to accept or reject a proof of debt or claim for voting purposes may be made to the court within 14 days after the decision.

## Voting by proxy

You may appoint a proxy to attend and vote at a meeting on your behalf. A proxy can be any person who is at least 18 years old. Creditors who are companies will have to nominate a person as proxy so that they can participate in the meeting. This is done using a form sent out with the notice of meeting. The completed proxy form must be provided to the liquidator before the meeting. You can fax the proxy form to the liquidator, but must lodge the original within 72 hours of sending the faxed copy.

An electronic form of proxy may be used if the liquidator allows electronic lodgement provided there is a way to authenticate the appointment of the proxy (e.g. by scanning and emailing a signature or using a digital signature).

You can specify on the proxy form how the proxy is to vote on a particular resolution and the proxy must vote in accordance with that instruction. This is called a 'special proxy'. Alternatively, you can leave it to the proxy to decide how to vote on each of the resolutions put before the meeting. This is called a 'general proxy'.

You can appoint the chairperson to represent you either through a special or general proxy. The liquidator or one of their partners or employees must not use a general proxy to vote in favour of a resolution approving payment of the liquidator's fees.

## Manner of voting

A vote on any resolution put to a creditors' meeting may be taken by creditors stating aloud their agreement or disagreement, or by a show of hands. Sometimes a more formal voting procedure called a 'poll' is taken.

If voting is by show of hands or by verbally signalling agreement, the resolution is passed if a majority of those present indicate agreement. It is up to the chairperson to decide if this majority has been reached.

After the vote, the chairperson must tell those present whether the resolution has been passed or lost.

The chairperson may decide to conduct a poll, or a poll can be demanded by at least two people present who are entitled to vote, or someone who holds more than 10% of the votes of those entitled to vote at the meeting. The chairperson will determine how this poll is taken.

If you intend to demand that a poll be taken, you must do so before, or as soon as, the chairperson has declared the result of a vote taken by show of hands or voices.

When a poll is conducted, a resolution is passed if:

- more than half the number of creditors who are voting (in person or by proxy) vote in favour of the resolution, and
- those creditors who are owed more than half of the total debt owed to creditors at the meeting vote in favour of the resolution.

This is referred to as a 'majority in number and value'. If no result is reached, the chairperson has a casting vote.

### **Chairperson's casting vote**

When a poll is taken and there is a deadlock, the chairperson may use their casting vote either in favour of or against the resolution. The chairperson may also decide not to use their casting vote.

The chairperson must inform the meeting of the reasons why they cast the vote a particular way or why they chose not to use their casting vote. They must also include these reasons in the written minutes of meeting that are lodged with ASIC.

If you are dissatisfied with how the chairperson exercised their casting vote or failed to use their casting vote, you may apply to court for a review of the chairperson's decision. The court may vary or set aside the resolution or order that the resolution is taken to have been passed.

### **Votes of related creditors**

Directors and shareholders, their spouses and relatives and other entities controlled by them are entitled to attend and vote at creditors' meetings if they are creditors of the company.

If a resolution is passed, or defeated, based on the votes of these related creditors, and you are dissatisfied with the outcome, you may apply to court for the resolution to be set aside and/or for a fresh resolution to be voted on without related creditors being entitled to vote. Certain criteria must be met before the court will make such an order (e.g. the original result of the vote being against the interests of all or a class of creditors).

### **Committee of inspection**

In both types of liquidation, the liquidator may ask creditors if they wish to appoint a committee of inspection and, if so, who will represent the creditors on the committee.

A committee of inspection assists the liquidator, approves fees and, in limited circumstances, approves the use of some of the liquidator's powers, on behalf of all the creditors.

Committee meetings can be arranged at short notice, which allows the liquidator to quickly obtain the committee's views on urgent matters. Shareholders may also be members of the committee.

At the first meeting in a creditors' voluntary liquidation, creditors can decide to appoint a committee of inspection.

Creditors in both types of liquidation can also request at any time that the liquidator call separate meetings of shareholders and creditors to decide whether a committee of inspection should be appointed and, if so, who will represent the shareholders and creditors on the committee. This doesn't usually happen, as the creditor making the request must pay the costs of calling and holding these meetings.

A member of the committee of inspection must not, without permission from the court, accept a gift or benefit from the company or any other person, including another creditor, or purchase any of the company's property.

A committee of inspection acts by a majority in number of its members present at a meeting, but it can only act if a majority of its members attend.

A liquidator must consider any directions given by the committee of inspection, but is not bound to follow them.

Minutes of committee of inspection meetings must be prepared and lodged with ASIC within one month. A copy may be obtained from any ASIC Business Centre on payment of the relevant fee.

## Approval of liquidator's fees

A liquidator is entitled to be paid for the work carried out on the liquidation, but only if there are assets available. The liquidator cannot be paid until the amount of fees has been approved by one of the methods set out in the Corporations Act.

In a court liquidation, the amount of fees is approved by:

- agreement with a committee of inspection (if there is one), or
- a resolution passed at a creditors' meeting, or
- the court.

The liquidator must try to get approval by each of these methods, in turn.

In a creditors' voluntary liquidation, a committee of inspection or creditors may approve the fees.

If no fees have been approved in a court liquidation or a creditors' voluntary winding up, the liquidator may draw fees to a maximum of \$5000 where they have called a meeting of creditors but not obtained approval for their fees because the meeting did not have a quorum.

The court has the power to review the amount of fees approved.

If you are asked to approve fees, either at a meeting of a committee of inspection or in a general meeting of creditors, the liquidator must give you, at the same time as the notice of the meeting, a report that contains sufficient information for you to assess whether the fees claimed are reasonable. This report should be in simple language and set out:

- a description of the major tasks performed
- the costs of completing these tasks, and
- such other information that will assist in assessing the reasonableness of the fees claimed.

For further information, see Information Sheet 85 *Approving fees: a guide for creditors* (INFO 85).

If you are in any doubt about how the fees were calculated, ask the liquidator for more information.

In a court liquidation, the liquidator must also send creditors a statement of all receipts and payments for the liquidation.

Apart from fees, the liquidator will also be entitled to reimbursement for out-of-pocket expenses that have arisen in carrying out the liquidation. This reimbursement does not require committee, creditor or court approval. However, creditors have a right to know what funds were spent on these costs and why they were spent.

## Payment of dividends

If there are funds left over after payment of the costs of the liquidation, and payments to other priority creditors, including employees, the liquidator will pay these to unsecured creditors as a dividend. Generally, the order in which funds are distributed is:

1. costs and expenses of the liquidation, including liquidators' fees
2. outstanding employee wages and superannuation
3. outstanding employee leave of absence (including annual leave, sick leave—where applicable—and long service leave)
4. employee retrenchment pay, and
5. unsecured creditors.

Each category is paid in full before the next category is paid. If there are insufficient funds to pay a category in full, the available funds are paid on a pro rata basis (and the next category or categories will be paid nothing).

## Proving your debt

Before any dividend is paid to you for your debt or claim, you will need to give the liquidator sufficient information to prove your debt.

The liquidator will notify you if there are likely to be funds available for distribution and must call for formal proof of debt forms to be lodged. At least 14 days notice of the deadline for lodging the proof must be given.

This notice must be given to each person claiming to be a creditor whose debt or claim has not already been admitted by the liquidator. It must also be published in a daily newspaper in the states where the company carried out its business. A copy of the formal proof of debt form will be sent to you with the notice.

You should attach copies of any relevant invoices or other supporting documents to the proof of debt form, as your debt or claim may be rejected if there is insufficient evidence to support it.

If a creditor is a company, the proof of debt form must be signed by a person authorised by the company to do so.

The completed proof of debt form must be delivered or posted to the liquidator. When submitting your claim, ask the liquidator to acknowledge receipt of your claim and advise if any further information is needed.

The liquidator must notify you within seven days if they reject your claim. If you are dissatisfied with the decision, your first step should be to promptly contact the liquidator to see if you can resolve the matter.

If you can't resolve the matter with the liquidator, you may wish to seek your own legal advice, as you have a limited time to appeal to the court. The liquidator will notify you of this time in the notice of rejection. It must be at least 14 days after you receive the notice. The court has the power to extend the time to appeal. If you don't appeal within this time, the liquidator's decision on your claim is final.

If you have a query regarding the calculation of your claim, or the timing of the payment, discuss this with the liquidator.

## Other creditor rights

As well as the various rights involving meetings and participation in dividends discussed above, the other rights of unsecured creditors include the right to:

- receive written reports to creditors about the liquidation
- inspect certain books of the liquidator
- inform the liquidator about your knowledge of matters relevant to the affairs of the company in liquidation, and
- complain to ASIC or the court about the liquidator's conduct in connection with their duties.

## Written reports

The number of written reports a liquidator sends to creditors about the liquidation varies. If there are no funds at all available in the liquidation, it is possible that no written report will be sent, although many liquidators will send creditors a brief report even if there are no funds.

## Liquidator's books

Liquidators must keep sufficient books to give a complete and correct record of their administration of the company's affairs. These include minutes of meetings and details of all the receipts and payments for the liquidation. These books must be available at the liquidator's office for inspection by creditors and shareholders.

Copies of minutes of meetings and six-monthly detailed lists of receipts and payments, as well as a number of other documents, must also be lodged with ASIC. Copies may be obtained from any ASIC Business Centre on payment of the relevant fee.

Creditors are unable to access the company's books and records without court permission.

## Informing the liquidator

The liquidator must report to ASIC if they suspect that anyone connected to the company may have committed an offence. If you have any information that might assist in preparing such a report, you should let the liquidator know.

These reports are not available for inspection. ASIC reviews these reports and decides whether to take further action, such as banning a person from acting as a company director for a period of time or charging the person with a criminal offence.

## Applications to the court

Creditors can apply to the court if they are dissatisfied with an act, omission or decision of a liquidator. This includes if a creditor seeks:

- to challenge the liquidator's decision not to admit a proof of debt or claim, either for voting or dividend purposes, and
- a review of the liquidator's fees, in certain circumstances.

Making an application to the court can be costly. You should attempt to resolve any problems with the liquidator and only go to court if this fails.

Liquidators, ASIC and other people can also make applications to the court. For example, a liquidator might apply to have questions decided or powers exercised in a liquidation.



Complaining to ASIC about a liquidator's conduct is discussed below.

### **Secured creditors' rights**

If a company fails to meet its obligations under a security interest (e.g. a charge or a mortgage), a secured creditor can appoint an independent and suitably qualified person (a receiver) to take control of and realise some or all of the secured assets, in order to repay the secured creditor's debt. This right continues after the company goes into liquidation. For more on receivership, see Information Sheet 54 *Receivership: a guide for creditors* (INFO 54).

Another option available to a secured creditor is to ask the liquidator to deal with the secured assets for them and account to them for the proceeds and costs of collecting and selling those assets.

A secured creditor is entitled to vote at creditors' meetings for the amount the company owes them that exceeds the amount they are likely to receive from realisation of the secured assets. The secured creditor can participate in any dividend to unsecured creditors on a similar basis.

### **Directors and liquidation**

Directors cannot use their powers after a liquidator has been appointed. They have an obligation to assist the liquidator by:

- advising the liquidator of the location of company property and delivering any such property in their possession to the liquidator
- providing the company's books and records to the liquidator
- advising the liquidator of the whereabouts of other company records
- providing a written report about the company's business, property and financial circumstances within 14 days of the appointment of the liquidator by the court or within 7 days of the appointment of a liquidator in a creditors' voluntary liquidation
- meeting with, or reporting to, the liquidator to help them with their enquiries, as reasonably required, and
- if required by the liquidator, attending a creditors' meeting to provide information about the company and its business, property, affairs and financial circumstances.

A liquidator has the power to apply to the court to conduct a public examination, under oath, of a director (or other person with information about the company).

Compensation proceedings for amounts lost by creditors as a result of the company trading while insolvent can be initiated against a director personally by ASIC, a liquidator or, in certain circumstances, a creditor.

### **Conclusion of liquidation**

A liquidation effectively comes to an end when the liquidator has realised and distributed all the company's available property and made their report to ASIC.

In a creditors' voluntary liquidation, the liquidator must hold a final joint meeting of the creditors and members to give an account of how the liquidation has been conducted and how company property has been disposed of. After the final meeting is held, the company is automatically deregistered by ASIC three months after a notice of the holding of the meeting is lodged.

In a court liquidation, the liquidator is not required to hold a final meeting of creditors. After the liquidator decides that the company's affairs are fully wound up, they may:

- seek an order for release from the court
- seek an order for release and that ASIC deregister the company, or
- if there are insufficient assets to obtain a court order for the company's deregistration, request that ASIC deregister the company.

A company ceases to exist after it has been deregistered.

## Queries and complaints

You should first raise any queries or complaints with the liquidator. If this fails to resolve your concerns, including any concerns about the liquidator's conduct, you can lodge a complaint with ASIC at [www.asic.gov.au/complain](http://www.asic.gov.au/complain), or write to:

ASIC Complaints  
PO Box 9149  
TRARALGON VIC 3844

ASIC will usually not become involved in matters of commercial judgement by a liquidator. Complaints against companies and their officers can also be made to ASIC. For other enquiries, visit [www.asic.gov.au/question](http://www.asic.gov.au/question), or call ASIC on 1300 300 630 for the cost of a local call.

## To find out more

For an explanation of terms used in this information sheet, see Information Sheet 41 *Insolvency: a glossary of terms* (INFO 41). For more on external administration, see ASIC's related information sheets at [www.asic.gov.au/insolvencyinfosheets](http://www.asic.gov.au/insolvencyinfosheets):

- INFO 74 *Voluntary administration: a guide for creditors*
- INFO 75 *Voluntary administration: a guide for employees*
- INFO 46 *Liquidation: a guide for employees*
- INFO 54 *Receivership: a guide for creditors*
- INFO 55 *Receivership: a guide for employees*
- INFO 43 *Insolvency: a guide for shareholders*
- INFO 42 *Insolvency: a guide for directors*
- INFO 84 *Independence of external administrators: a guide for creditors*
- INFO 85 *Approving fees: a guide for creditors*

These are also available from the Insolvency Practitioners Association (IPA) website at [www.ipaa.com.au](http://www.ipaa.com.au). The IPA website also contains the IPA's Code of Professional Practice for Insolvency Professionals, which applies to IPA members.

## Important note

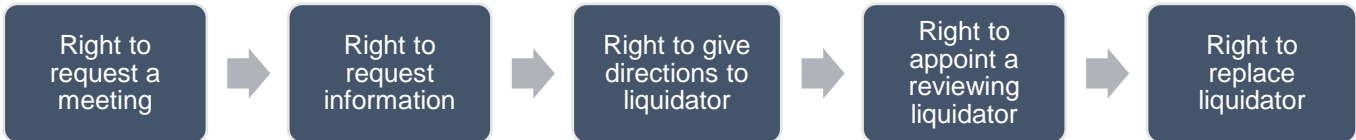
This information sheet contains a summary of basic information on the topic. It is not a substitute for legal advice. Some provisions of the law referred to may have important exceptions or qualifications. This document may not contain all of the information about the law or the exceptions and qualifications that are relevant to your circumstances. You will need a qualified professional adviser to take into account your particular circumstances and to tell you how the law applies to you.

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***Appendix D***  
***ARITA Information Sheet***  
***regarding creditors' rights***

# Creditor Rights in Liquidations

As a creditor, you have rights to request meetings and information or take certain actions:



## Right to request a meeting

In liquidations, no meetings of creditors are held automatically. However, creditors with claims of a certain value can request in writing that the liquidator hold a meeting of creditors.

A meeting may be requested in the first 20 business days in a creditors' voluntary liquidation by  $\geq 5\%$  of the value of the debts held by known creditors who are not a related entity of the company.

Otherwise, meetings can be requested at any other time or in a court liquidation by:

- $> 10\%$  but  $< 25\%$  of the known value of creditors on the condition that those creditors provide security for the cost of holding the meeting
- $\geq 25\%$  of the known value of creditors
- creditors by resolution, or
- a Committee of Inspection (this is a smaller group of creditors elected by, and to represent, all the creditors).

If a request complies with these requirements and is 'reasonable', the liquidator must hold a meeting of creditors as soon as reasonably practicable.

## Right to request information

Liquidators will communicate important information with creditors as required in a liquidation. In addition to the initial notice, you should receive, at a minimum, a report within the first three months on the likelihood of a dividend being paid.

Additionally, creditors have the right to request information at any time. A liquidator must provide a creditor with the requested information if their request is 'reasonable', the information is relevant to the liquidation, and the provision of the information would not cause the liquidator to breach their duties.

A liquidator must provide this information to a creditor within 5 business days of receiving the request, unless a longer period is agreed. If, due to the nature of the information requested, the liquidator requires more time to comply with the request, they can extend the period by notifying the creditor in writing.

## Requests must be reasonable.

### They are not reasonable if:

Both meetings and information:

- (a) complying with the request would prejudice the interests of one or more creditors or a third party
- (b) there is not sufficient available property to comply with the request
- (c) the request is vexatious

Meeting requests only:

- (d) a meeting of creditors dealing with the same matters has been held, or will be held within 15 business days

Information requests only:

- (e) the information requested would be privileged from production in legal proceedings
- (f) disclosure would found an action for breach of confidence
- (g) the information has already been provided
- (h) the information is required to be provided under law within 20 business days of the request

If a request is not reasonable due to (b), (d), (g) or (h) above, the liquidator must comply with the request if the creditor meets the cost of complying with the request.

Otherwise, a liquidator must inform a creditor if their meeting or information request is not reasonable and the reason why.

## Right to give directions to liquidator

Creditors, by resolution, may give a liquidator directions in relation to a liquidation. A liquidator must have regard to these directions, but is not required to comply with the directions.

If a liquidator chooses not to comply with a direction given by a resolution of the creditors, they must document their reasons.

An individual creditor cannot provide a direction to a liquidator.

## Right to appoint a reviewing liquidator

Creditors, by resolution, may appoint a reviewing liquidator to review a liquidator's remuneration or a cost or expense incurred in a liquidation. The review is limited to:

- remuneration approved within the six months prior to the appointment of the reviewing liquidator, and
- expenses incurred in the 12 months prior to the appointment of the reviewing liquidator.

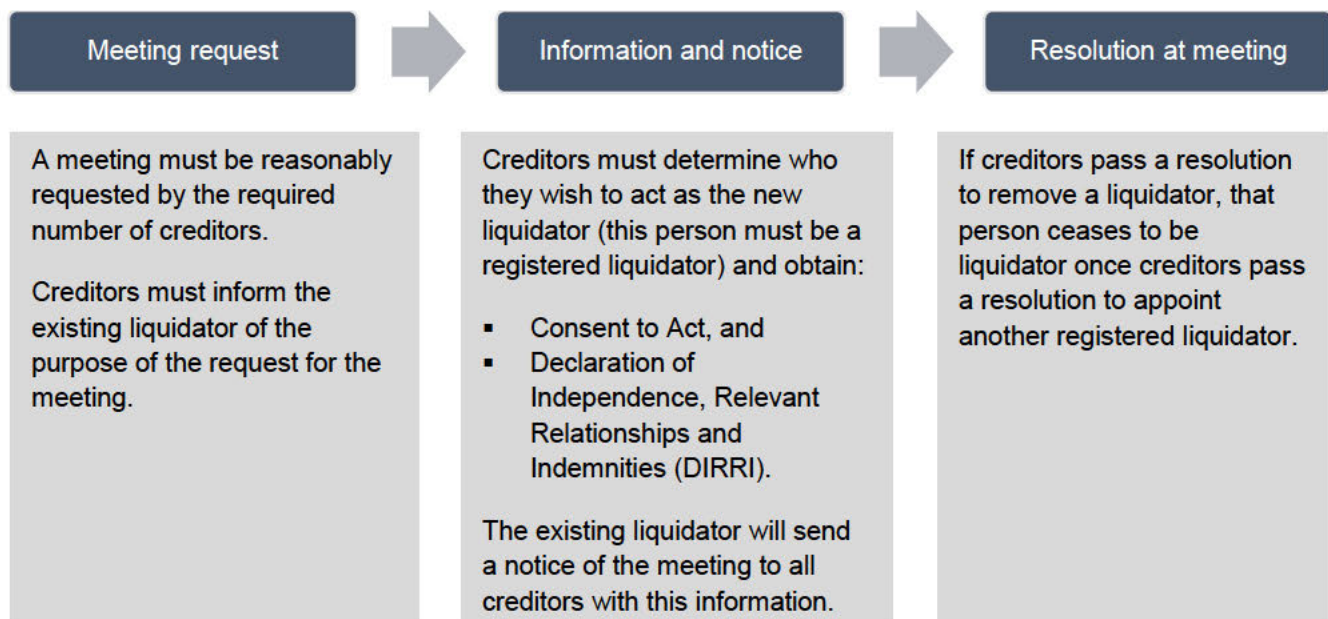
The cost of the reviewing liquidator is paid from the assets of the liquidation, in priority to creditor claims.

An individual creditor can appoint a reviewing liquidator with the liquidator's consent, however the cost of this reviewing liquidator must be met personally by the creditor making the appointment.

## Right to replace liquidator

Creditors, by resolution, have the right to remove a liquidator and appoint another registered liquidator.

For this to happen, there are certain requirements that must be complied with:



**For more information, go to [www.arita.com.au/creditors](http://www.arita.com.au/creditors)**

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Each member firm is a separate legal entity. Please see [www.pwc.com/structure](http://www.pwc.com/structure) for further details.

Liability limited by a scheme approved under Professional Standards Legislation

21 / 11 / 2019

Southern Edge Training P/L

Att at Creditors Meeting by telephone @ 10am

s 47F(1)

s 47F(1)

(Liq).

s 22(1)

3rd - DET (observer) } by telephone.  
AGD.

s 47F(1)

Odd Kinetic, (in person)

DET - Special proxy submitted

Tabled: notice of meeting.

R to C 31/10/19

Ad of mee

Proxies / PODs

Attendance &amp; Observer register.

Co insolvent from 1 Dec '15.

Funding from Cth to pursue claims

# of claims not yet issued - wait disclosed  
here. Looking for funding to progress that claims.

s 47F(1), s 47G(1)(a)

Offers exchanged

\$200K in 3 installments.

First \$80K has been paid.

Liq recommends settlement b/c:

- final pos<sup>n</sup> of dir

- expected legal &amp; liq costs

- only 1 of directors of claims against

s 47F(1)

who are other directors?

↳

Action against managers

- no - very difficult

s 47G(1)(a)

s 22(1)

✓

Cth supports having regard to final document.

Res<sup>n</sup> 1:

477(2A) approval of settlement

- DET / AGD

s 47F(1)

in favour.

Carried unanimously

Res<sup>n</sup> 2:

477(2B) approval of settlement timetable

- DET / AGD

s 47F(1)

in favour.

Carried unanimously

Res<sup>n</sup> 3:

Rem approval

- DET / AGD

s 47F(1)

in favour

Carried unanimously

Res<sup>n</sup> 4:

Internal disclosures approval

- DET / AGD

s 47F(1)

in favour

Carried unanimously



**From:** s 22(1) @dewr.gov.au>  
**Sent:** Tuesday, 30 July 2024 12:27 PM  
**To:** s 22(1) @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>  
**Subject:** RE: Southern Edge Training [SEC=OFFICIAL]

Thanks<sup>s 22(1)</sup>

I think a short 'for information' email (containing the below dot points) to the Deputy Secretary's inbox would be a good idea – indicating that we're happy to provide more information or a more formal note etc if that would assist.

Happy for you to send please.

Also happy to discuss,<sup>s 22(1)</sup>

**From:** s 22(1)  
**Sent:** Tuesday, July 30, 2024 11:56 AM  
**To:** s 22(1)  
**Cc:** s 22(1)  
**Subject:** Southern Edge Training [SEC=OFFICIAL]

[ran a training company liquidators believed may have been trading insolvent - ABC News](#)

Hi<sup>s 22(1)</sup>

You may have seen media reports that ran a training organisation from December 2015 to April 2016, and that Liquidators are alleging the company may have been trading insolvent in that time.

The relevant company was Southern Edge Training. The insolvency resulted in a FEG advance, and funding under the FEG Recovery Program. The team have prepared high level dot point background below.

Do you think this is something<sup>s</sup> 22(1) the office would want to know?

Best regards  
s 22(1)

s 45(1), s 47G(1)(a)

s 45(1), s 47G(1)(a)

**From:** s 22(1)

**Sent:** Tuesday, 30 July 2024 1:38 PM

**To:** s 22(1) @dewr.gov.au>; s 22(1)  
@dewr.gov.au>

**Subject:** RE: Southern Edge Training [SEC=OFFICIAL]

s 45(1), s 47G(1)(a)

s 22(1)

Senior Government Lawyer

Active Creditor | Recovery and Litigation Branch  
Entitlements Safeguards Division

Australian Government Department of Employment and Workplace Relations  
Phone s 22(1) | [dewr.gov.au](https://dewr.gov.au)

---

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**From:** s 22(1)  
**Sent:** Tuesday, July 30, 2024 1:09 PM  
**To:** s 22(1)  
**Subject:** RE: Southern Edge Training [SEC=OFFICIAL]

Thanks for below

s 45(1)

**From:** s 22(1)  
**Sent:** Tuesday, July 30, 2024 12:36 PM  
**To:** s 22(1) [@dewr.gov.au](mailto:s 22(1)@dewr.gov.au); s 22(1)  
[@dewr.gov.au](mailto:s 22(1)@dewr.gov.au); s 22(1)  
[@dewr.gov.au](mailto:s 22(1)@dewr.gov.au)  
**Cc:** s 22(1) [@dewr.gov.au](mailto:s 22(1)@dewr.gov.au)  
**Subject:** Southern Edge Training [SEC=OFFICIAL]

[ran a training company liquidators believed may have been trading insolvent - ABC News](#)

Hi s 22(1)

This email is for your awareness and query whether the MO would be interested to know too.

You may have seen media reports that ran a training organisation from December 2015 to April 2016, and that Liquidators are alleging the company may have been trading insolvent in that time.

The relevant company was Southern Edge Training. The insolvency resulted in a FEG advance, and funding under the FEG Recovery Program. The team have prepared high level dot point background below.

I am digging up more details about the file, including the settlement deed and whether there are any fetters on us divulging further details.

Happy to discuss, best regards

s 22(1)

s 22(1)

s 45(1), s 47G(1)(a)

**From:** s 22(1) @dewr.gov.au>  
**Sent:** Tuesday, 30 July 2024 9:56 AM  
**To:** s 22(1) @dewr.gov.au>; s 22(1) @dewr.gov.au>;  
s 22(1) @dewr.gov.au>  
**Cc:** s 22(1) @dewr.gov.au>; s 22(1)  
@dewr.gov.au>; s 22(1)  
@dewr.gov.au>  
**Subject:** RE: Southern Edge Training [SEC=OFFICIAL]

Not sure I fully understand below, but can we craft a couple of points, suitable to share with s 22(1) might want to share with the office?

**From:** s 22(1)  
**Sent:** Tuesday, July 30, 2024 9:54 AM  
**To:** s 22(1)  
**Cc:** s 22(1)  
**Subject:** RE: Southern Edge Training [SEC=OFFICIAL]

s 45(1), s 47G(1)(a)

s 22(1)

**From:** s 22(1)  
**Sent:** Tuesday, July 30, 2024 9:43 AM  
**To:** s 22(1) @dewr.gov.au>; s 22(1) dewr.gov.au>;  
s 22(1) @dewr.gov.au>  
**Cc:** s 22(1) @dewr.gov.au>; s 22(1)  
@dewr.gov.au>; s 22(1)  
@dewr.gov.au>  
**Subject:** Southern Edge Training

[ran a training company liquidators believed may have been trading insolvent - ABC News](#)



s 45(1), s 47G(1)(a)

s 22(1)

**Senior Forensic Investigator**

FEG Recovery Team | Recovery and Litigation Branch

**Entitlements Safeguards Division**

Australian Government Department of Employment & Workplace Relations

Mobile s 22(1)

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

dewr.gov.au

***At FEG we operate a flexible work policy - so while it suits me to email now, I do not expect a response or action outside of your own working hours***

**From:** s 22(1) @dewr.gov.au>  
**Sent:** Tuesday, 30 July 2024 11:38 AM  
**To:** s 22(1) @dewr.gov.au>; s 22(1) @dewr.gov.au>;  
s 22(1) @dewr.gov.au>; s 22(1) @dewr.gov.au>  
**Cc:** s 22(1) @dewr.gov.au>; s 22(1)  
@dewr.gov.au>; s 22(1)  
@dewr.gov.au>  
**Subject:** RE: Southern Edge Training [SEC=OFFICIAL]

s 45(1), s 47G(1)(a)

s 45(1), s 47G(1)(a)

s 22(1)

Senior Government Lawyer

Active Creditor | Recovery and Litigation Branch

Entitlements Safeguards Division

Australian Government Department of Employment and Workplace Relations

Phone s 22(1) | [dewr.gov.au](http://dewr.gov.au)

---

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**From:** s 22(1)

**Sent:** Tuesday, July 30, 2024 10:00 AM

**To:** s 22(1)

**Cc:** s 22(1)

**Subject:** RE: Southern Edge Training [SEC=OFFICIAL]

s 22(1) has kindly agreed to do the bullet points.

**From:** s 22(1) [dewr.gov.au](mailto:dewr.gov.au)>

**Sent:** Tuesday, July 30, 2024 9:56 AM

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

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

**Cc:** s 22(1) [@dewr.gov.au](mailto:@dewr.gov.au)>; s 22(1)

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

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

**Subject:** RE: Southern Edge Training [SEC=OFFICIAL]

Not sure I fully understand below, but can we craft a couple of points, suitable to share with s 22(1) might want to share with the office?

**From:** s 22(1) [@dewr.gov.au](mailto:@dewr.gov.au)>

**Sent:** Tuesday, July 30, 2024 9:54 AM

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

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

**Cc:** s 22(1) [@dewr.gov.au](mailto:@dewr.gov.au)>; s 22(1)

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

**Subject:** RE: Southern Edge Training [SEC=OFFICIAL]

s 45(1), s 47G(1)(a)

s 22(1)

**From:** s 22(1)

**Sent:** Tuesday, July 30, 2024 9:43 AM

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

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

**Cc:** s 22(1) [@dewr.gov.au](mailto:@dewr.gov.au)>; s 22(1)

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

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

**Subject:** Southern Edge Training

[ran a training company liquidators believed may have been trading insolvent - ABC News](#)

s 45(1)

s 22(1)

**Senior Forensic Investigator**

FEG Recovery Team | Recovery and Litigation Branch

**Entitlements Safeguards Division**

Australian Government Department of Employment & Workplace Relations

Mobile s 22(1)

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

dewr.gov.au

***At FEG we operate a flexible work policy - so while it suits me to email now, I do not expect a response or action outside of your own working hours***

**From:** s 22(1) @dewr.gov.au>  
**Sent:** Thursday, 1 August 2024 2:53 PM  
**To:** s 22(1) @dewr.gov.au>; s 22(1)  
@dewr.gov.au>; s 22(1)  
@dewr.gov.au>  
**Cc:** s 22(1) @dewr.gov.au>  
**Subject:** RE: Southern Edge Training [SEC=OFFICIAL]

Thanks s 22(1) Given amount of new information going to the MO, I don't think they need brief on this, given matter against him settled<sup>s 45(1)</sup>

s 22(1)

**From:** s 22(1) @dewr.gov.au>  
**Sent:** Tuesday, July 30, 2024 12:36 PM  
**To:** s 22(1) @dewr.gov.au>; s 22(1)  
@dewr.gov.au>; s 22(1)  
@dewr.gov.au>  
**Cc:** s 22(1) @dewr.gov.au>  
**Subject:** Southern Edge Training [SEC=OFFICIAL]

[ran a training company liquidators believed may have been trading insolvent - ABC News](#)

Hi s 22(1)

This email is for your awareness and query whether the MO would be interested to know too.

You may have seen media reports that ran a training organisation from December 2015 to April 2016, and that Liquidators are alleging the company may have been trading insolvent in that time.

The relevant company was Southern Edge Training. The insolvency resulted in a FEG advance, and funding under the FEG Recovery Program. The team have prepared high level dot point background below.

I am digging up more details about the file, including the settlement deed and whether there are any fetters on us divulging further details.

Happy to discuss, best regards

s 22(1)

s 45(1), s 47G(1)(a)

s 45(1), s 47G(1)(a)

**From:** s 22(1)  
**Sent:** Tuesday, 6 August 2024 12:19 PM  
**To:** s 22(1) @dewr.gov.au>  
**Cc:** s 22(1) @dewr.gov.au>  
**Subject:** RE: For advice: ABC News Queensland query = Jobs and Small Business [SEC=OFFICIAL]

Thanks s 22(1)

This is a really old matter that started before my time and was before eFEG, so a lot of information has been consigned to the MoG graveyard.

Re the journo's questions, here are the answers, but whether the department can or should provide them to the journo is outside my remit:

1. does it have a file number for the public examination? SCI 2017 02561 (Vic supreme Court) The PEs covered all entities in the group I think.
2. Does it have any transcripts of the public hearings it would be willing to release? I cannot find them in our records, and in any event I don't think we could share them anyway as we would have received them under the confidentiality provisions in the funding agreement. Signed versions would have been filed in the proceedings so they could apply for access to the PE file.
3. Can it say what specific claims were made against any actions of former company officers, and which claims, if any, resulted in any compensation being paid? We funding some pre-litigation demands to the directors of Southern Edge Training Pty Ltd and ultimately the liquidator recovered s 45(1) from s 45(1) with but I understand from the creditors report that it contains a confidentiality clause. s 45(1)

s 22(1)



s 22(1)

Senior Government Lawyer

Active Creditor | Recovery and Litigation Branch  
Entitlements Safeguards Division

Australian Government Department of Employment and Workplace Relations  
Phone s 22(1) | [dewr.gov.au](http://dewr.gov.au)

---

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**From:** s 22(1)

**Sent:** Tuesday, August 6, 2024 12:06 PM

**To:** s 22(1)

**Cc:** s 22(1)

**Subject:** FW: For advice: ABC News Queensland query = Jobs and Small Business  
[SEC=OFFICIAL]

Hey s 22(1)

I don't propose to put this on you, but just wanted to flag that the below media request has come through.

s 22(1)

s 22(1)

Principal Government Lawyer (a/g)

Recovery and Litigation Branch  
Mobile s 22(1) | Email s 22(1) [@dewr.gov.au](mailto:@dewr.gov.au)

**From:** s 22(1) [@dewr.gov.au](mailto:@dewr.gov.au)>  
**Sent:** Tuesday, August 6, 2024 10:45 AM  
**To:** s 22(1) [@dewr.gov.au](mailto:@dewr.gov.au)>; s 22(1) [@dewr.gov.au](mailto:@dewr.gov.au)>  
**Subject:** FW: For advice: ABC News Queensland query = Jobs and Small Business [SEC=OFFICIAL]

Hi Both, see media request below, and relatedly, s 22(1) response to my query attached.

s 22(1) would you please tee up a reply to the media request?

s 22(1) we might need to revisit the question with <sup>s</sup>22(1) n light of media attention?

**From:** s 22(1) [@dewr.gov.au](mailto:@dewr.gov.au)>  
**Sent:** Tuesday, August 6, 2024 10:26 AM  
**To:** s 22(1) [@dewr.gov.au](mailto:@dewr.gov.au)>; s 22(1) [@dewr.gov.au](mailto:@dewr.gov.au)>  
**Cc:** s 22(1) [@dewr.gov.au](mailto:@dewr.gov.au)>  
**Subject:** For advice: ABC News Queensland query = Jobs and Small Business

Hi s 22(1)

We received an enquiry from an ABC journalist that we believe sits under FEG? (see below email).

Grateful if you could provide us with any advice on handling.

Thank you,

s 22(1)

Senior Media Officer

Media Team | Communication and Media

People and Communication

Australian Government Department of Employment and Workplace Relations

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

---

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**From:** Liam Walsh <[Walsh.Liam@abc.net.au](mailto:Walsh.Liam@abc.net.au)>

**Sent:** Monday, August 5, 2024 4:21 PM

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

**Subject:** ABC News Queensland query = Jobs and Small Business

**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 – thanks for taking my call now. As discussed, it looks like Department of Jobs and Small Business was part of DEWR’s portfolio. If you could point me in the right direction, it would be appreciated.

I am following up the appointment of special liquidators to Southern Edge Solutions Pty Ltd (084 742 745) in 2016. The ensuing court actions – a public examination and in 2019 were done in conjunction with the then Department of Jobs and Small Business (see attached excerpt from liquidator filings).

### **3.6 Remuneration recovered from external sources**

The Liquidators have received, or are entitled to receive funding from external sources for our remuneration.

We entered into funding deeds with the Department of Education and Training (**DET**) and the Department of Jobs and Small Business (**DOJ**) which covered the Special Purpose Liquidators' remuneration and disbursements for the period 2 March 2017 to 30 November 2017. We are seeking Court approval to pay these fees.

Management on 23 July 2017

We have entered into a funding deed with the Department of Jobs and Small Business to pursue various claims that we have identified. As these claims have not been issued as yet we do not intend to disclose the details at this point in time.

### **1.5 Further inquiries to be undertaken**

The filings indicate that a public examination was held in court, but we have been unable to track down a court file number.

Can the department say:

1. does it have a file number for the public examination?
2. Does it have any transcripts of the public hearings it would be willing to release?
3. Can it say what specific claims were made against any actions of former company officers, and which claims, if any, resulted in any compensation being paid?

Thanks for any assistance- I am on s 47F(1) - could you maybe get me an answer by COB Tuesday?

Thanks Liam

-

Liam Walsh

Reporter

Australian Broadcasting Corporation (ABC)

Email: [walsh.liam@abc.net.au](mailto:walsh.liam@abc.net.au)

Phone: s 47F(1)

Post: Attn: "Liam Walsh ABC", GPO Box 9994, Brisbane, Qld 4001.

<https://www.linkedin.com/in/liam-walsh-04b969b7/>

---

Please consider the environment before printing this e-mail.

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**From:** s 22(1) @dewr.gov.au>  
**Sent:** Thursday, 8 August 2024 12:35 PM  
**To:** s 22(1) @dewr.gov.au>; s 22(1) @dewr.gov.au>  
**Subject:** RE: ABC News Queensland query = Jobs and Small Business [SEC=OFFICIAL]

Lets say we aren't aware of any, but the Liquidator is best equipped to answer

**From:** s 22(1)  
**Sent:** Thursday, August 8, 2024 12:19 PM  
**To:** s 22(1)  
**Subject:** RE: ABC News Queensland query = Jobs and Small Business [SEC=OFFICIAL]

That's correct.

As far as I am aware, no legal proceedings were commenced against any directors or officers of Southern Edge Training Pty Ltd. However, the liquidator would be the best person to confirm that position.

s 22(1)

s 22(1)

Senior Government Lawyer

Active Creditor | Recovery and Litigation Branch  
Entitlements Safeguards Division

Australian Government Department of Employment and Workplace Relations  
Phone s 22(1) | [dewr.gov.au](https://dewr.gov.au)

---

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to land, waters and community. We pay our respects to them and their cultures, and Elders past, present and emerging.

**From:** s 22(1) <[s22\(1\)@dewr.gov.au](mailto:s22(1)@dewr.gov.au)>  
**Sent:** Thursday, August 8, 2024 12:04 PM  
**To:** 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: ABC News Queensland query = Jobs and Small Business [SEC=OFFICIAL]

FYI request for clarification from s 22(1) and ABC – As far as I can tell from my review of the file, no proceedings were commenced against the company’s directors. s 45(1) s 22(1) can you please let me know if I have missed anything?

My proposed response to s 22(1)

Hi s 22(1)

Thanks for your call just now.

I confirm that the statement stating that to our knowledge “no claims commenced” means no legal proceedings were filed in court against the directors.

Kind regards

s 22(1)

Principal Government Lawyer (a/g)

Recovery and Litigation Branch

Mobile s 22(1) | Email s 22(1) <[s22\(1\)@dewr.gov.au](mailto:s22(1)@dewr.gov.au)>

**From:** s 22(1) <[s22\(1\)@dewr.gov.au](mailto:s22(1)@dewr.gov.au)>  
**Sent:** Thursday, August 8, 2024 11:49 AM  
**To:** s 22(1) <[s22\(1\)@dewr.gov.au](mailto:s22(1)@dewr.gov.au)>  
**Cc:** s 22(1) <[s22\(1\)@dewr.gov.au](mailto:s22(1)@dewr.gov.au)>  
**Subject:** FW: ABC News Queensland query = Jobs and Small Business [SEC=OFFICIAL]

Hi s 22(1)

As discussed, just wanting to confirm the below is correct?

Cheers,  
s 22(1)

**From:** Liam Walsh <[Walsh.Liam@abc.net.au](mailto:Walsh.Liam@abc.net.au)>  
**Sent:** Wednesday, August 7, 2024 5:38 PM  
**To:** s 22(1) <[s22\(1\)@dewr.gov.au](mailto:s22(1)@dewr.gov.au)>  
**Subject:** RE: ABC News Queensland query = Jobs and Small Business [SEC=OFFICIAL]

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s 22(1) just to confirm, the sentence that there was to your knowledge “no claims commenced” means no legal claims were filed in court, yes?

Thanks, Liam

**From:** s 22(1) <[s22\(1\)@dewr.gov.au](mailto:s22(1)@dewr.gov.au)>  
**Sent:** Wednesday, August 7, 2024 4:05 PM  
**To:** Liam Walsh <[Walsh.Liam@abc.net.au](mailto:Walsh.Liam@abc.net.au)>  
**Cc:** s 22(1) <[s22\(1\)@dewr.gov.au](mailto:s22(1)@dewr.gov.au)>  
**Subject:** RE: ABC News Queensland query = Jobs and Small Business [SEC=OFFICIAL]



Hi Liam,

Apologies for the delay – below is DEWR's response to your enquiry.

//

**Response attributable to a spokesperson for the Department of Employment and Workplace Relations:**

- The Department of Jobs and Small Business in 2017 (as it was then) and the Victorian Department of Education and Training (as it was then) funded public examinations in the liquidation of Southern Edge Training Pty Ltd, which is now deregistered, and four other group entities to investigate potential recovery actions.
- To our knowledge, no claims were commenced against the directors of Southern Edge Training Pty Ltd.
- The department provided funding to the liquidator to issue demands and conduct settlement negotiations in relation to insolvent trading claims against the company's directors.
- A negotiated resolution was reached between the liquidator and .

**Background, not for attribution:**

- We understand the terms of the settlement deed are confidential.
- The department does not have in its possession a copy of the transcripts of the examinations.
- The file number of the public examinations is Supreme Court of Victoria no. SCI 2017 0256.

**Further background on the Fair Entitlements Guarantee scheme, not for attribution:**

- The Department of Employment and Workplace Relations through the Fair Entitlements Guarantee (FEG) scheme, provides financial assistance for unpaid employment entitlements to eligible employees who lose their job through insolvency of their employer.

- The FEG Recovery Program is administered by the department with the aim of increasing the recovery of amounts advanced under the FEG scheme by funding investigations and litigation to help reduce the overall cost of the scheme.
- Under the FEG Recovery Program, funding is available to liquidators (where FEG advances have been made) to enable recovery efforts, including bringing legal proceedings, which the liquidators would not otherwise have the financial resources to pursue.
- The FEG Recovery Program was previously administered by the Department of Jobs and Small Business.

\\

s 22(1)

**Media**

Australian Government Department of Employment and Workplace Relations

Phone

[dewr.gov.au](http://dewr.gov.au)

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**Sent:** Monday, August 5, 2024 4:54 PM

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Got it – thanks s 22(1)

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**Sent:** Monday, August 5, 2024 4:53 PM

**To:** Liam Walsh <[Walsh.Liam@abc.net.au](mailto:Walsh.Liam@abc.net.au)>

**Cc:** s 22(1) [@dewr.gov.au](mailto:@dewr.gov.au)>

**Subject:** RE: ABC News Queensland query = Jobs and Small Business [SEC=OFFICIAL]

Hi Liam,

Confirming receipt. We need to investigate this internally and will circle back with an update as soon as possible.

Many thanks,

s 22(1)

**From:** Liam Walsh <[Walsh.Liam@abc.net.au](mailto:Walsh.Liam@abc.net.au)>

**Sent:** Monday, August 5, 2024 4:21 PM

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

**Subject:** ABC News Queensland query = Jobs and Small Business

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Hi – thanks for taking my call now. As discussed, it looks like Department of Jobs and Small Business was part of DEWR’s portfolio. If you could point me in the right direction, it would be appreciated.

I am following up the appointment of special liquidators to Southern Edge Solutions Pty Ltd (084 742 745) in 2016. The ensuing court actions – a public examination and in 2019 were done in conjunction with the then Department of Jobs and Small Business (see attached excerpt from liquidator filings).

### **3.6 Remuneration recovered from external sources**

The Liquidators have received, or are entitled to receive funding from external sources for our remuneration.

We entered into funding deeds with the Department of Education and Training (**DET**) and the Department of Jobs and Small Business (**DOJ**) which covered the Special Purpose Liquidators' remuneration and disbursements for the period 2 March 2017 to 30 November 2017. We are seeking Court approval to pay these fees.

Management on 20 July 2017

We have entered into a funding deed with the Department of Jobs and Small Business to pursue various claims that we have identified. As these claims have not been issued as yet we do not intend to disclose the details at this point in time.

### **1.5 Further inquiries to be undertaken**

The filings indicate that a public examination was held in court, but we have been unable to track down a court file number.

Can the department say:

1. does it have a file number for the public examination?
2. Does it have any transcripts of the public hearings it would be willing to release?
3. Can it say what specific claims were made against any actions of former company officers, and which claims, if any, resulted in any compensation being paid?

Thanks for any assistance- I am on s 47F(1) - could you maybe get me an answer by COB Tuesday?

Thanks Liam

-

Liam Walsh

Reporter

Australian Broadcasting Corporation (ABC)

Email: [walsh.liam@abc.net.au](mailto:walsh.liam@abc.net.au)

Phone: s 47F(1)

Post: Attn: "Liam Walsh ABC", GPO Box 9994, Brisbane, Qld 4001.

<https://www.linkedin.com/in/liam-walsh-04b969b7/>

---

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**Sent:** Friday, 9 August 2024 10:37 AM  
**To:** s 22(1) @dewr.gov.au>  
**Cc:** s 22(1) @dewr.gov.au>; s 22(1) @dewr.gov.au>  
**Subject:** FW: ABC News Queensland query = Jobs and Small Business [SEC=OFFICIAL]

Hi s 22(1)

The Department provided funding to the liquidators to issue demands in relation to claims against s 47F(1) who were each directors or former directors of Southern Edge Training Pty Ltd (now deregistered) at the time of appointment of the liquidators.

Kind regards

s 22(1)

s 22(1)

Principal Government Lawyer (a/g)

Recovery and Litigation Branch

Mobile s 22(1) | Email s 22(1) @dewr.gov.au

**From:** s 22(1) @dewr.gov.au>  
**Sent:** Friday, August 9, 2024 9:48 AM  
**To:** s 22(1) @dewr.gov.au>  
**Cc:** s 22(1) @dewr.gov.au>; s 22(1) @dewr.gov.au>; s 22(1) @dewr.gov.au>  
**Subject:** RE: ABC News Queensland query = Jobs and Small Business [SEC=OFFICIAL]

Thanks s 22(1) – just wanting to confirm this was against ‘all the other directors’?

Cheers,  
s 22(1)

**From:** s 22(1) <[s22\(1\)@dewr.gov.au](mailto:s22(1)@dewr.gov.au)>  
**Sent:** Friday, August 9, 2024 9:17 AM  
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The reporter has come back with another follow-up question:

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And one other thing to check: where any actions taken against any other directors of Southern Edge Training in regards to insolvent trading (or other alleged breaches). You guys were saying:

- The department provided funding to the liquidator to issue demands and conduct settlement negotiations in relation to insolvent trading claims against the company's directors.

\\

Grateful if you can assist with clarifying this.

Cheers,  
s 22(1)

**From:** s 22(1) <[s22\(1\)@dewr.gov.au](mailto:s22(1)@dewr.gov.au)>  
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**Subject:** RE: ABC News Queensland query = Jobs and Small Business [SEC=OFFICIAL]

Thanks s 22(1) appreciate it.

Cheers,  
s 22(1)

**From:** s 22(1) <[s22\(1\)@dewr.gov.au](mailto:s22(1)@dewr.gov.au)>  
**Sent:** Thursday, August 8, 2024 12:49 PM



**To:** DEWR - Media <[media@dewr.gov.au](mailto:media@dewr.gov.au)>

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**Media**

Australian Government Department of Employment and Workplace Relations

Phone s 22(1)

[dewr.gov.au](http://dewr.gov.au)

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To: s 22(1) [@dewr.gov.au](mailto:)>  
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3. Can it say what specific claims were made against any actions of former company officers, and which claims, if any, resulted in any compensation being paid?

Thanks for any assistance- I am on s 47F(1) - could you maybe get me an answer by COB Tuesday?

Thanks Liam

-

Liam Walsh

Reporter

Australian Broadcasting Corporation (ABC)

Email: [walsh.liam@abc.net.au](mailto:walsh.liam@abc.net.au)

Phone: s 47F(1)

Post: Attn: "Liam Walsh ABC", GPO Box 9994, Brisbane, Qld 4001.

<https://www.linkedin.com/in/liam-walsh-04b969b7/>

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**From:** s 22(1)

**Sent:** Friday, 9 August 2024 10:47 AM

**To:** s 22(1)

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

@dewr.gov.au>

**Subject:** RE: ABC News Queensland query = Jobs and Small Business [SEC=OFFICIAL]

Hi,

I've suggested some additions in red below.

The reporter's question seems to be about what action was taken which is not the same thing as what we funded.

s 22(1)

s 22(1)

Senior Government Lawyer

Active Creditor | Recovery and Litigation Branch

Entitlements Safeguards Division

Australian Government Department of Employment and Workplace Relations

Phone s 22(1) [dewr.gov.au](https://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 22(1)

**Sent:** Friday, August 9, 2024 10:29 AM



To: s 22(1)

Subject: RE: ABC News Queensland query = Jobs and Small Business [SEC=OFFICIAL]

DRAFT – is this OK? This is what appears in the funding agreement and minutes.

Hi s 22(1)

The Department of Jobs and Small Business provided funding to the liquidator to issue demands and conduct settlement negotiations in relation to insolvent trading claims against s 47F(1), who were each directors or former directors of Southern Edge Training Pty Ltd (now deregistered) at the time of appointment of the liquidators. The Liquidator is best placed to answer any questions about what action was taken and against whom.

Kind regards

s 22(1)

s 22(1)

Senior Government Lawyer

Recovery and Litigation Branch

Mobile s 22(1)

Email s 22(1)

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

**From:** DEWR - Media <[media@dewr.gov.au](mailto:media@dewr.gov.au)>

**Sent:** Friday, August 9, 2024 9:48 AM

**To:** s 22(1)

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

**Cc:** s 22(1)

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

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**Subject:** RE: ABC News Queensland query = Jobs and Small Business [SEC=OFFICIAL]

Thanks s 22(1) – just wanting to confirm this was against ‘all the other directors’?

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**Subject:** RE: ABC News Queensland query = Jobs and Small Business [SEC=OFFICIAL]

Hi s 22(1)

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Kind regards

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Principal Government Lawyer (a/g)

Recovery and Litigation Branch

Mobile s 22(1) | Email s 22(1) <[s22\(1\)@dewr.gov.au](mailto:s22(1)@dewr.gov.au)>

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Hi s 22(1)

The reporter has come back with another follow-up question:

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And one other thing to check: where any actions taken against any other directors of Southern Edge Training in regards to insolvent trading (or other alleged breaches). You guys were saying:

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Thanks s 22(1) appreciate it.

Cheers,  
s 22(1)

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**To:** s 22(1) <[@dewr.gov.au](mailto:@dewr.gov.au)>  
**Subject:** RE: ABC News Queensland query = Jobs and Small Business [SEC=OFFICIAL]

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s 22(1) just to confirm, the sentence that there was to your knowledge “no claims commenced” means no legal claims were filed in court, yes?

Thanks, Liam

**From:** s 22(1) <[@dewr.gov.au](mailto:@dewr.gov.au)>  
**Sent:** Wednesday, August 7, 2024 4:05 PM  
**To:** s 22(1) <[@abc.net.au](mailto:@abc.net.au)>  
**Cc:** s 22(1) <[@dewr.gov.au](mailto:@dewr.gov.au)>  
**Subject:** RE: ABC News Queensland query = Jobs and Small Business [SEC=OFFICIAL]

Hi Liam,

Apologies for the delay – below is DEWR’s response to your enquiry.

//

**Response attributable to a spokesperson for the Department of Employment and Workplace Relations:**

- The Department of Jobs and Small Business in 2017 (as it was then) and the Victorian Department of Education and Training (as it was then) funded public examinations in the liquidation of Southern Edge Training Pty Ltd, which is now

deregistered, and four other group entities to investigate potential recovery actions.

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- A negotiated resolution was reached between the liquidator and

**Background, not for attribution:**

- We understand the terms of the settlement deed are confidential.
- The department does not have in its possession a copy of the transcripts of the examinations.
- The file number of the public examinations is Supreme Court of Victoria no. SCI 2017 0256.

**Further background on the Fair Entitlements Guarantee scheme, not for attribution:**

- The Department of Employment and Workplace Relations through the Fair Entitlements Guarantee (FEG) scheme, provides financial assistance for unpaid employment entitlements to eligible employees who lose their job through insolvency of their employer.
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- The FEG Recovery Program was previously administered by the Department of Jobs and Small Business.

\

s 22(1)

**Media**

Australian Government Department of Employment and Workplace Relations

Phone s 22(1)

[dewr.gov.au](http://dewr.gov.au)

**From:** Liam Walsh <[Walsh.Liam@abc.net.au](mailto:Walsh.Liam@abc.net.au)>

**Sent:** Monday, August 5, 2024 4:54 PM

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

**Subject:** RE: ABC News Queensland query = Jobs and Small Business [SEC=OFFICIAL]

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Got it – thanks s 22(1)

**From:** s 22(1) <[@dewr.gov.au](mailto:@dewr.gov.au)>

**Sent:** Monday, August 5, 2024 4:53 PM

**To:** Liam Walsh <[Walsh.Liam@abc.net.au](mailto:Walsh.Liam@abc.net.au)>

**Cc:** s 22(1) <[@dewr.gov.au](mailto:@dewr.gov.au)>

**Subject:** RE: ABC News Queensland query = Jobs and Small Business [SEC=OFFICIAL]

Hi Liam,

Confirming receipt. We need to investigate this internally and will circle back with an update as soon as possible.

Many thanks,

s 22(1)

**From:** Liam Walsh <[Walsh.Liam@abc.net.au](mailto:Walsh.Liam@abc.net.au)>

**Sent:** Monday, August 5, 2024 4:21 PM

To: s 22(1) [@dewr.gov.au](mailto:)>  
Subject: ABC News Queensland query = Jobs and Small Business

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Hi – thanks for taking my call now. As discussed, it looks like Department of Jobs and Small Business was part of DEWR’s portfolio. If you could point me in the right direction, it would be appreciated.

I am following up the appointment of special liquidators to Southern Edge Solutions Pty Ltd (084 742 745) in 2016. The ensuing court actions – a public examination and in 2019 were done in conjunction with the then Department of Jobs and Small Business (see attached excerpt from liquidator filings).

### **3.6 Remuneration recovered from external sources**

The Liquidators have received, or are entitled to receive funding from external sources for our remuneration.

We entered into funding deeds with the Department of Education and Training (**DET**) and the Department of Jobs and Small Business (**DOJ**) which covered the Special Purpose Liquidators’ remuneration and disbursements for the period 2 March 2017 to 30 November 2017. We are seeking Court approval to pay these fees.

Management on 23 July 2017

We have entered into a funding deed with the Department of Jobs and Small Business to pursue various claims that we have identified. As these claims have not been issued as yet we do not intend to disclose the details at this point in time.

### **1.5 Further inquiries to be undertaken**

The filings indicate that a public examination was held in court, but we have been unable to track down a court file number.



Can the department say:

1. does it have a file number for the public examination?
2. Does it have any transcripts of the public hearings it would be willing to release?
3. Can it say what specific claims were made against any actions of former company officers, and which claims, if any, resulted in any compensation being paid?

Thanks for any assistance- I am on s 47F(1) - could you maybe get me an answer by COB Tuesday?

Thanks Liam

-

Liam Walsh

Reporter

Australian Broadcasting Corporation (ABC)

Email: [walsh.liam@abc.net.au](mailto:walsh.liam@abc.net.au)

Phone: s 47F(1)

Post: Attn: "Liam Walsh ABC", GPO Box 9994, Brisbane, Qld 4001.

<https://www.linkedin.com/in/liam-walsh-04b969b7/>

---

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**From:** s 22(1) @dewr.gov.au>  
**Sent:** Friday, 16 August 2024 2:05 PM  
**To:** s 22(1) @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>  
**Subject:** RE: For action: Follow up question - ABC News Queensland query = Jobs and Small Business [SEC=OFFICIAL]

Good afternoon s 22(1)

I confirm that we do not have any concerns with the original statement being supplied to the AAP.

Any further queries, please do not hesitate to contact me.

Kind regards

s 22(1)

Senior Government Lawyer  
Recovery and Litigation Branch  
Mobile s 22(1) | Email s 22(1) @dewr.gov.au

**From:** s 22(1)  
**Sent:** Friday, August 16, 2024 12:54 PM  
**To:** s 22(1)  
**Cc:** s 22(1)  
**Subject:** For action: Follow up question - ABC News Queensland query = Jobs and Small Business [SEC=OFFICIAL]

His 22(1)

An AAP journalist has now caught wind of this story and has approached the Watt MO directly (attached). This follows the ABC reporter publishing his story:

[paid \\$200,000 settling claims from liquidators over Southern Edge Training - ABC News](#)

The Watt MO have asked us to provide the AAP with the original statement supplied to the ABC. Can I please confirm there are no issues from your end with the media team supplying this to the reporter?

**Response attributable to a spokesperson for the Department of Employment and Workplace Relations:**

- The Department of Jobs and Small Business in 2017 (as it was then) and the Victorian Department of Education and Training (as it was then) funded public examinations in the liquidation of Southern Edge Training Pty Ltd, which is now deregistered, and four other group entities to investigate potential recovery actions.
- To our knowledge, no claims were commenced against the directors of Southern Edge Training Pty Ltd.
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- Under the FEG Recovery Program, funding is available to liquidators (where FEG advances have been made) to enable recovery efforts, including bringing legal proceedings, which the liquidators would not otherwise have the financial resources to pursue.
- The FEG Recovery Program was previously administered by the Department of Jobs and Small Business.

Happy to discuss further.

Cheers,  
s 22(1)

**From:** s 22(1) <[s22\(1\)@dewr.gov.au](mailto:s22(1)@dewr.gov.au)>  
**Sent:** Monday, August 12, 2024 11:39 AM  
**To:** s 22(1) <[s22\(1\)@dewr.gov.au](mailto:s22(1)@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: For action: Follow up question - ABC News Queensland query = Jobs and Small Business [SEC=OFFICIAL]

Hi s 22(1)

In answer to the journalist's question, we are unaware of any other settlements reached.

Kind regards

s 22(1)

Senior Government Lawyer

Recovery and Litigation Branch

Entitlements Safeguards Division

Australian Government Department of Employment and Workplace Relations

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

[dewr.gov.au](http://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.

***At FEG we operate a flexible work policy.***

***While it suits me to email now, I do not expect a response or action outside of your own working hours.***

**From:** s 22(1) [@dewr.gov.au](mailto:s 22(1)@dewr.gov.au)>

**Sent:** Monday, August 12, 2024 9:45 AM

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

**Cc:** s 22(1) [@dewr.gov.au](mailto:s 22(1)@dewr.gov.au)>; s 22(1)

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

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

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

**Subject:** For action: Follow up question - ABC News Queensland query = Jobs and Small Business [SEC=OFFICIAL]

Hi s 22(1)

s 22(1) has been helping me out with an enquiry from an ABC reporter.

The full chain is attached, and the journalist has asked another question.

- ***Do you know if any other settlements were reached?***

Can you please confirm whether this is a **yes**, or **no**?

Happy to discuss further. We'd be keen to provide this as background information for the reporter only.

Cheers,

s 22(1)

Senior Media Officer

Media Team | Communication and Media

People and Communication

Australian Government Department of Employment and Workplace Relations

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

---

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**From:** s 22(1) <[s22\(1\)@dewr.gov.au](mailto:s22(1)@dewr.gov.au)>  
**Sent:** Friday, August 9, 2024 10:37 AM  
**To:** s 22(1) <[s22\(1\)@dewr.gov.au](mailto:s22(1)@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)>  
**Subject:** FW: ABC News Queensland query = Jobs and Small Business [SEC=OFFICIAL]

Hi s 22(1)

The Department provided funding to the liquidators to issue demands in relation to claims against s 47F(1), who were each directors or former directors of Southern Edge Training Pty Ltd (now deregistered) at the time of appointment of the liquidators.

Kind regards

s 22(1)

Principal Government Lawyer (a/g)

Recovery and Litigation Branch

Mobile s 22(1) | Email s 22(1) <[s22\(1\)@dewr.gov.au](mailto:s22(1)@dewr.gov.au)>

**From:** s 22(1) <[s22\(1\)@dewr.gov.au](mailto:s22(1)@dewr.gov.au)>  
**Sent:** Friday, August 9, 2024 9:48 AM  
**To:** s 22(1) <[s22\(1\)@dewr.gov.au](mailto:s22(1)@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: ABC News Queensland query = Jobs and Small Business [SEC=OFFICIAL]

Thanks s 22(1) just wanting to confirm this was against 'all the other directors'?



Cheers,

s 22(1)

**From:** s 22(1) <[s22\(1\)@dewr.gov.au](mailto:s22(1)@dewr.gov.au)>  
**Sent:** Friday, August 9, 2024 9:17 AM  
**To:** s 22(1) <[s22\(1\)@dewr.gov.au](mailto:s22(1)@dewr.gov.au)>  
**Cc:** s 22(1) <[s22\(1\)@dewr.gov.au](mailto:s22(1)@dewr.gov.au)>  
**Subject:** RE: ABC News Queensland query = Jobs and Small Business [SEC=OFFICIAL]

Hi s 22(1)

Yes, the Department also provided funding to the liquidator to issue demands and conduct settlement negotiations in relation to insolvent trading claims against the 'other directors' (being directors of the company other than \_\_\_\_\_).

Kind regards

s 22(1)

Principal Government Lawyer (a/g)

Recovery and Litigation Branch

Mobile s 22(1) | Email s 22(1) <[s22\(1\)@dewr.gov.au](mailto:s22(1)@dewr.gov.au)>

**From:** s 22(1) <[s22\(1\)@dewr.gov.au](mailto:s22(1)@dewr.gov.au)>  
**Sent:** Thursday, August 8, 2024 1:59 PM  
**To:** s 22(1) <[s22\(1\)@dewr.gov.au](mailto:s22(1)@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)>  
**Subject:** RE: ABC News Queensland query = Jobs and Small Business [SEC=OFFICIAL]

Hi s 22(1)

The reporter has come back with another follow-up question:

//

And one other thing to check: where any actions taken against any other directors of Southern Edge Training in regards to insolvent trading (or other alleged breaches). You guys were saying:

- The department provided funding to the liquidator to issue demands and conduct settlement negotiations in relation to insolvent trading claims against the company's directors.

\\

Grateful if you can assist with clarifying this.

Cheers,  
s 22(1)

**From:** s 22(1) <[s22\(1\)@dewr.gov.au](mailto:s22(1)@dewr.gov.au)>  
**Sent:** Thursday, August 8, 2024 1:22 PM  
**To:** s 22(1) <[s22\(1\)@dewr.gov.au](mailto:s22(1)@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)>  
**Subject:** RE: ABC News Queensland query = Jobs and Small Business [SEC=OFFICIAL]

Thanks s 22(1) appreciate it.

Cheers,  
s 22(1)

**From:** s 22(1) <[s22\(1\)@dewr.gov.au](mailto:s22(1)@dewr.gov.au)>  
**Sent:** Thursday, August 8, 2024 12:49 PM

**To:** s 22(1) [@dewr.gov.au](mailto:s22(1)@dewr.gov.au)>  
**Cc:** s 22(1) [@dewr.gov.au](mailto:s22(1)@dewr.gov.au)>  
**Subject:** RE: ABC News Queensland query = Jobs and Small Business [SEC=OFFICIAL]

s 22(1)  
Hi

Thanks for your call just now.

I confirm that to our knowledge no legal proceedings were filed in court against the directors, however the liquidators would be best equipped to answer that question.

Kind regards

s 22(1)

Principal Government Lawyer (a/g)

Recovery and Litigation Branch

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

**From:** s 22(1) [@dewr.gov.au](mailto:s22(1)@dewr.gov.au)>  
**Sent:** Thursday, August 8, 2024 11:49 AM  
**To:** s 22(1) [@dewr.gov.au](mailto:s22(1)@dewr.gov.au)>  
**Cc:** DEWR - Media <[media@dewr.gov.au](mailto:media@dewr.gov.au)>  
**Subject:** FW: ABC News Queensland query = Jobs and Small Business [SEC=OFFICIAL]

Hi s 22(1)

As discussed, just wanting to confirm the below is correct?

Cheers,  
s 22(1)

**From:** Liam Walsh <[Walsh.Liam@abc.net.au](mailto:Walsh.Liam@abc.net.au)>  
**Sent:** Wednesday, August 7, 2024 5:38 PM  
**To:** s 22(1) <[@dewr.gov.au](mailto:@dewr.gov.au)>  
**Subject:** RE: ABC News Queensland query = Jobs and Small Business [SEC=OFFICIAL]

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**To:** s 22(1) <[@abc.net.au](mailto:@abc.net.au)>  
**Cc:** s 22(1) <[@dewr.gov.au](mailto:@dewr.gov.au)>  
**Subject:** RE: ABC News Queensland query = Jobs and Small Business [SEC=OFFICIAL]

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\

s 22(1)

**Media**

Australian Government Department of Employment and Workplace Relations

Phone s 22(1)

[dewr.gov.au](http://dewr.gov.au)

**From:** Liam Walsh <[Walsh.Liam@abc.net.au](mailto:Walsh.Liam@abc.net.au)>

**Sent:** Monday, August 5, 2024 4:54 PM

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

**Subject:** RE: ABC News Queensland query = Jobs and Small Business [SEC=OFFICIAL]

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**Sent:** Monday, August 5, 2024 4:53 PM

**To:** Liam Walsh <[Walsh.Liam@abc.net.au](mailto:Walsh.Liam@abc.net.au)>

**Cc:** s 22(1) <[@dewr.gov.au](mailto:@dewr.gov.au)>

**Subject:** RE: ABC News Queensland query = Jobs and Small Business [SEC=OFFICIAL]

Hi Liam,

Confirming receipt. We need to investigate this internally and will circle back with an update as soon as possible.

Many thanks,  
s 22(1)

**From:** Liam Walsh <[Walsh.Liam@abc.net.au](mailto:Walsh.Liam@abc.net.au)>

**Sent:** Monday, August 5, 2024 4:21 PM

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

Subject: ABC News Queensland query = Jobs and Small Business

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The Liquidators have received, or are entitled to receive funding from external sources for our remuneration.

We entered into funding deeds with the Department of Education and Training (**DET**) and the Department of Jobs and Small Business (**DOJ**) which covered the Special Purpose Liquidators’ remuneration and disbursements for the period 2 March 2017 to 30 November 2017. We are seeking Court approval to pay these fees.

*[Redacted text]*

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### **1.5 Further inquiries to be undertaken**

The filings indicate that a public examination was held in court, but we have been unable to track down a court file number.

Can the department say:

1. does it have a file number for the public examination?
2. Does it have any transcripts of the public hearings it would be willing to release?
3. Can it say what specific claims were made against any actions of former company officers, and which claims, if any, resulted in any compensation being paid?

Thanks for any assistance- I am on s 47F(1) - could you maybe get me an answer by COB Tuesday?

Thanks Liam

-

Liam Walsh

Reporter

Australian Broadcasting Corporation (ABC)

Email: [walsh.liam@abc.net.au](mailto:walsh.liam@abc.net.au)

Phone: s 47F(1)

Post: Attn: "Liam Walsh ABC", GPO Box 9994, Brisbane, Qld 4001.

<https://www.linkedin.com/in/liam-walsh-04b969b7/>

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**From:** s 22(1) @dewr.gov.au>  
**Sent:** Friday, 16 August 2024 5:12 PM  
**To:** s 22(1) @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>  
**Subject:** RE: ABC News Queensland query = Southern Edge Training Pty Ltd - FYI (article has been published) [SEC=OFFICIAL]

Thanks s 22(1)

No further action for now but we appreciated the update!

Cheers,  
s 22(1)

**From:** s 22(1)  
**Sent:** Friday, August 16, 2024 11:27 AM  
**To:** s 22(1)  
**Cc:** s 22(1)  
**Subject:** FW: ABC News Queensland query = Southern Edge Training Pty Ltd - FYI (article has been published) [SEC=OFFICIAL]

Hi s 22(1)

We recently received a media request from the ABC about Southern Edge Training Pty Ltd, a training organisation that the liquidator alleged may have traded while insolvent. The department provided funding to the liquidator to issue demands and conduct settlement negotiations in relation to insolvent trading claims against the company's directors. [redacted] was one of the directors of the company. A confidential negotiated resolution was reached between the liquidator and [redacted]. Further background information is set out in the email chains below

By way of update, the article has now been published. Here is the [link](#).

We have reviewed the article and we do not have any concerns with the content. I understand it has previously been decided that the MO does not need to be updated about this matter but please let us know if <sup>S</sup>22(1) would like any further steps to be taken.

Kind regards

s 22(1)

Principal Government Lawyer

Recovery Funding | Recovery and Litigation Branch  
Entitlements Safeguards Division

Australian Government Department of Employment and Workplace Relations  
Phone s 22(1)

[dewr.gov.au](http://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 22(1) <[s22\(1\)@dewr.gov.au](mailto:s22(1)@dewr.gov.au)>  
**Sent:** Tuesday, August 6, 2024 2:11 PM  
**To:** 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)>  
**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: ABC News Queensland query = Jobs and Small Business [SEC=OFFICIAL]

s 22(1)  
That's OK with me, thanks

s 22(1)

**From:** s 22(1) <[s22\(1\)@dewr.gov.au](mailto:s22(1)@dewr.gov.au)>  
**Sent:** Tuesday, August 6, 2024 4:01 PM  
**To:** 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)>  
**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:** FW: ABC News Queensland query = Jobs and Small Business [SEC=OFFICIAL]

s 22(1)  
Hi

FYI, DEWR has received an urgent media request from ABC about Southern Edge Training.

You will remember our recent emails back and forth (attached again for convenience) about media reports that s 22(1) ran Southern Edge Training, a training organisation that Liquidators alleged may have traded while insolvent. Our emails are attached again for convenience.

Please see below a proposed response to the ABC, noting that the DEWR media team will run the draft media response past the MO media team. **The media team have asked for our response by cob today.**

FYI as an aside s 22(1) team are gathering / reviewing the key documents on the file, just in case the MO have further queries generated by this media request.

Please let us know if you have any concerns or would like to discuss,

Thanks s 22(1)

---

Good afternoon Liam

We refer to your email of Monday 5 August 2024.

The Department of Employment and Workplace Relations (the department) through the Fair Entitlements Guarantee scheme (FEG scheme), provides financial assistance for unpaid employment entitlements to eligible employees who lose their job through insolvency of their employer.

In turn, the FEG Recovery Program is administered by the department with the aim of increasing the recovery of amounts advanced under the FEG scheme by funding investigations and litigation to help reduce the overall cost of the scheme.

Under the FEG Recovery Program, funding is available to liquidators (where FEG advances have been made) to enable recovery efforts, including bringing legal

proceedings, which the liquidators would not otherwise have the financial resources to pursue.

In 2017 the department and the Victorian Department of Education and Training (as it then was) funded public examinations in the liquidation of Southern Edge Training Pty Ltd (now deregistered) (the company) and four other group entities to investigate potential recovery actions (the file number of the public examinations is Supreme Court of Victoria no. SCI 2017 02561). The department does not have in its possession a copy of the transcripts of the examinations.

To our knowledge, no claims were commenced against the directors of the company. The department did, however, provide funding to the liquidator to issue demands and conduct settlement negotiations in relation to insolvent trading claims against the company's directors. A negotiated resolution was reached between the liquidator and

We understand the terms of the settlement deed are confidential.

**From:** s 22(1) [@dewr.gov.au](mailto:s22(1)@dewr.gov.au)>  
**Sent:** Tuesday, August 6, 2024 10:26 AM  
**To:** s 22(1) [@dewr.gov.au](mailto:s22(1)@dewr.gov.au)>; s 22(1) [@dewr.gov.au](mailto:s22(1)@dewr.gov.au)>  
**Cc:** s 22(1) [@dewr.gov.au](mailto:s22(1)@dewr.gov.au)>  
**Subject:** For advice: ABC News Queensland query = Jobs and Small Business

Hi s 22(1)

We received an enquiry from an ABC journalist that we believe sits under FEG? (see below email).

Grateful if you could provide us with any advice on handling.

Thank you,  
s 22(1)

Senior Media Officer

Media Team | Communication and Media

People and Communication

Australian Government Department of Employment and Workplace Relations

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

---

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:** Liam Walsh <[Walsh.Liam@abc.net.au](mailto:Walsh.Liam@abc.net.au)>

**Sent:** Monday, August 5, 2024 4:21 PM

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

**Subject:** ABC News Queensland query = Jobs and Small Business

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Hi – thanks for taking my call now. As discussed, it looks like Department of Jobs and Small Business was part of DEWR’s portfolio. If you could point me in the right direction, it would be appreciated.

I am following up the appointment of special liquidators to Southern Edge Solutions Pty Ltd (084 742 745) in 2016. The ensuing court actions – a public examination and in 2019 were done in conjunction with the then Department of Jobs and Small Business (see attached excerpt from liquidator filings).

### **3.6 Remuneration recovered from external sources**

The Liquidators have received, or are entitled to receive funding from external sources for our remuneration.

We entered into funding deeds with the Department of Education and Training (**DET**) and the Department of Jobs and Small Business (**DOJ**) which covered the Special Purpose Liquidators’ remuneration and disbursements for the period 2 March 2017 to 30 November 2017. We are seeking Court approval to pay these fees.

Management on Equity Floor

We have entered into a funding deed with the Department of Jobs and Small Business to pursue various claims that we have identified. As these claims have not been issued as yet we do not intend to disclose the details at this point in time.

### **1.5 Further inquiries to be undertaken**

The filings indicate that a public examination was held in court, but we have been unable to track down a court file number.

Can the department say:

1. does it have a file number for the public examination?
2. Does it have any transcripts of the public hearings it would be willing to release?
3. Can it say what specific claims were made against any actions of former company officers, and which claims, if any, resulted in any compensation being paid?



Thanks for any assistance- I am on s 47F(1) - could you maybe get me an answer by COB Tuesday?

Thanks Liam

-

Liam Walsh

Reporter

Australian Broadcasting Corporation (ABC)

Email: [walsh.liam@abc.net.au](mailto:walsh.liam@abc.net.au)

Phone: s 47F(1)

Post: Attn: "Liam Walsh ABC", GPO Box 9994, Brisbane, Qld 4001.

<https://www.linkedin.com/in/liam-walsh-04b969b7/>

---

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**From:** s 22(1) @dewr.gov.au>  
**Sent:** Wednesday, 11 September 2024 2:42 PM  
**To:** s 22(1) @dewr.gov.au>; s 22(1)  
@dewr.gov.au>  
**Cc:** s 22(1) @dewr.gov.au>  
**Subject:** FW: For action: media enquiry - Southern Edge Training - due 2pm

Hi s 22(1)

We confirm that we are comfortable with your proposed response below.

Kind regards

s 22(1)

Principal Government Lawyer (a/g)  
Recovery and Litigation Branch  
Mobile s 22(1) | Email s 22(1) [@dewr.gov.au](mailto:s 22(1)@dewr.gov.au)

**From:** s 22(1) [@dewr.gov.au](mailto:s 22(1)@dewr.gov.au)>  
**Sent:** Wednesday, September 11, 2024 10:30 AM  
**To:** s 22(1) [@dewr.gov.au](mailto:s 22(1)@dewr.gov.au)>; s 22(1)  
[@dewr.gov.au](mailto:s 22(1)@dewr.gov.au)>  
**Cc:** s 22(1) [@dewr.gov.au](mailto:s 22(1)@dewr.gov.au)>  
**Subject:** For action: media enquiry - Southern Edge Training - due 2pm

Hi s 22(1)

We have received another enquiry on Southern Edge Training. I would suggest responding with something similar to what we previously provided to the ABC.

My suggested response is in the below table. Can you please provide a cleared response by 2pm today?

Happy to discuss.

Cheers,  
s 22(1)

<b>Topic:</b> Southern Edge Training
<b>Reporter, media outlet:</b> Hayden Johnson, Courier Mail
<p><b>Media enquiry:</b></p> <p>I had an inquiry regarding Southern Edge Training, which was involved in back in 2016.</p> <p>I understand the department funded public examinations into its liquidation.</p> <p>Can the department provide details on the reasons behind funding the examination?</p> <p>I understand a settlement was reached between _____ and liquidators, can you provide any detail about this?</p> <p>Is there anything else you can add?</p>
<b>Deadline for cleared response:</b> 2pm, 11/9/24
<b>Comments (if applicable):</b>

**(Proposed) Response attributable to a spokesperson for the Department of Employment and Workplace Relations:**

- The Department of Jobs and Small Business in 2017 (as it was then) and the Victorian Department of Education and Training (as it was then) funded public examinations in the liquidation of Southern Edge Training Pty Ltd, which is now deregistered, and four other group entities to investigate potential recovery actions.
- To our knowledge, no claims were commenced against the directors of Southern Edge Training Pty Ltd.
- The department provided funding to the liquidator to issue demands and conduct settlement negotiations in relation to insolvent trading claims against the company's directors.
- A negotiated resolution was reached between the liquidator and Mr Crisafulli.

**Background on the Fair Entitlements Guarantee scheme, not for attribution:**

- The Department of Employment and Workplace Relations through the Fair Entitlements Guarantee (FEG) scheme, provides financial assistance for unpaid employment entitlements to eligible employees who lose their job through insolvency of their employer.
- The FEG Recovery Program is administered by the department with the aim of increasing the recovery of amounts advanced under the FEG scheme by funding investigations and litigation to help reduce the overall cost of the scheme.
- Under the FEG Recovery Program, funding is available to liquidators (where FEG advances have been made) to enable recovery efforts, including bringing legal proceedings, which the liquidators would not otherwise have the financial resources to pursue.
- The FEG Recovery Program was previously administered by the Department of Jobs and Small Business.

**Cleared by:**

s 22(1)

A/g Assistant Director

Media Team | Communication and Media

People and Communication

Australian Government Department of Employment and Workplace Relations

Mobiles 22(1) | Phones 22(1)

---

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:** Johnson, Hayden <[hayden.johnson@news.com.au](mailto:hayden.johnson@news.com.au)>

**Sent:** Wednesday, September 11, 2024 10:02 AM

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

**Subject:** Media inquiry

**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.

Good morning all, I hope you're well. I had an inquiry regarding Southern Edge Training, which was involved in back in 2016.

I understand the department funded public examinations into its liquidation.

Can the department provide details on the reasons behind funding the examination?

I understand a settlement was reached between and liquidators, can you provide any detail about this?

Is there anything else you can add?

A response by 4pm if possible is appreciated.

Kind regards, Hayden

**hayden Johnson**

State Political Editor

Cnr Mayne Road & Campbell Street Bowen Hills QLD 4006

**T:**

**E** [hayden.johnson@news.com.au](mailto:hayden.johnson@news.com.au) **W** [www.couriermail.com.au](http://www.couriermail.com.au)

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**From:** s 22(1) @dewr.gov.au>  
**Sent:** Monday, 14 October 2024 10:11 AM  
**To:** s 22(1) @dewr.gov.au>  
**Cc:** s 22(1) @dewr.gov.au>  
**Subject:** FW: For action by 12pm Monday 14 Oct : media enquiry - Liquidation of Southern Edge Training [SEC=OFFICIAL]  
**Importance:** High

Hi s 22(1)

Draft response to the Media team below.

—

Hi s 22(1)

The content in the last response is appropriate again for Ms Elks and responds to most of her questions.

In relation to the question that it does not directly respond to – specifically, what the three settlement payments were for – we note that matters regarding any settlement with the Company’s former directors are subject to confidentiality, and the liquidators would be best placed to respond to those queries.

Kind regards

s 22(1)

Principal Government Lawyer (a/g)

Recovery and Litigation Branch

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

**From:** s 22(1) <[s22\(1\)@dewr.gov.au](mailto:s22(1)@dewr.gov.au)>  
**Sent:** Monday, October 14, 2024 8:07 AM  
**To:** s 22(1) <[s22\(1\)@dewr.gov.au](mailto:s22(1)@dewr.gov.au)>  
**Cc:** s 22(1) <[s22\(1\)@dewr.gov.au](mailto:s22(1)@dewr.gov.au)>  
**Subject:** FW: For action by 12pm Monday 14 Oct : media enquiry - Liquidation of Southern Edge Training [SEC=OFFICIAL]  
**Importance:** High

Hi s 22(1)

Grateful if could please advise any input by **12pm today** for s 22(1) clearance.

Thanks

s 22(1)

**From:** s 22(1) <[s22\(1\)@dewr.gov.au](mailto:s22(1)@dewr.gov.au)>  
**Sent:** Sunday, October 13, 2024 4:11 PM  
**To:** 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)>  
**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)>  
**Subject:** For action on Monday: media enquiry - Liquidation of Southern Edge Training  
**Importance:** High

Hi there,

We have received another media enquiry on Southern Edge Training and the involvement of

I'm not sure if anything has changed since our last response, which I've attached. Would that response suffice, or is the reporter introducing new aspects we can/should respond to?

The enquiry is in our table below, if you could use that please. And attached are documents that the reporter has referred to.



Cheers.

s 22(1)

Director, Media | Communication and Media Branch

People and Communication Division

Australian Government Department of Employment and Workplace Relations

[www.dewr.gov.au](http://www.dewr.gov.au)

*I acknowledge the Traditional Owners of the land on where I work, Ngunnawal country, and their continuing connection to land, waters and community. I pay my respects to Elders past and present.*

**Topic:** Southern Edge Training and David Crisafulli

**Reporter, media outlet:** Sarah Elks, The Australian

**Media enquiry:**

My name is Sarah Elks, I'm a journalist with The Australian newspaper, based in Brisbane. I'm seeking some information about the liquidation of Southern Edge Training Pty Ltd, that was a Registered Training Organisation (ACN 084 742 745). It went into liquidation in mid-2016, and a liquidators report in 2019 (attached) said they were being funded by the department to pursue recovery actions.

The potential recovery actions were named as insolvent trading by a director. In later ASIC documents (attached), the liquidators stated they had received three "settlements of other liquidators actions" from a former director, of \$60,000 on 19 July 2021, \$80,000 on 12 March 2020, and \$60,000 on 30 July 2020.

Is the department able to shed any light on what those settlement payments were for? Were they the settlement of a claim of insolvent trading against ?

Were any of the other directors of the company pursued for insolvent trading? Is there any more information you can give about action taken against \_\_\_\_\_ ?

**Deadline for cleared response to DEWR Media: 1pm Monday (14 October).**

**Comments (if applicable):**

- See last media response attached (to ABC).
- See 3 documents supplied by the reporter.

**Proposed response attributable to a spokesperson for the Department of Employment and Workplace Relations:**

- 
- 
- 

**Background, for reporting, not for attribution:**

- 
- 

**Clearance:** <Name>, <Title>, <date>

**To note:**

- We require clearance at a minimum Assistant Secretary level. In some circumstances, we ask for higher clearance, or you may feel higher clearance is needed.
- Less is more. In most cases, journalists will only use a few of our lines. So, please keep your responses short, factual, and consistent with department messaging. Think bullet points, as indicated above.
- If necessary, you can add extra information “on background”. This means the reporter can use this information in their story but not attribute the department as the source.
- You can also provide information on background for the benefit of the Media team or the Minister’s office. **Be clear that it is for us or the MO – and NOT the media.**
- Refer to [Home | Style Manual](#) where necessary.

- Once we receive your cleared response, we will review. If we make significant changes we will return to you, or provide visibility of changes. We send most of our media enquiries onto the MO for clearance or visibility before sending to the media outlet.

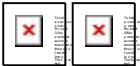
s 22(1)

**From:** Johnson, Hayden <hayden.johnson@news.com.au>  
**Sent:** Wednesday, 11 September 2024 3:27 PM  
**To:** s 22(1)  
**Subject:** Re: Media inquiry [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.

Hey thanks so much.  
Hayds

**HAYDEN JOHNSON**  
State Political Editor



Cnr Mayne Road & Campbell Street Bowen Hills QLD 4006

**T:**  
**E** [hayden.johnson@news.com.au](mailto:hayden.johnson@news.com.au) **W** [www.couriermail.com.au](http://www.couriermail.com.au)

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On Wed, 11 Sept 2024 at 15:25, s 22(1)

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

Hi Hayden,

Please find the department's response below.

**Response attributable to a spokesperson for the Department of Employment and Workplace Relations:**

- The Department of Jobs and Small Business in 2017 (as it was then) and the Victorian Department of Education and Training (as it was then) funded public examinations in the liquidation of Southern Edge Training Pty Ltd, which is now deregistered, and four other group entities to investigate potential recovery actions.
- To our knowledge, no claims were commenced against the directors of Southern Edge Training Pty Ltd.
- The department provided funding to the liquidator to issue demands and conduct settlement negotiations in relation to insolvent trading claims against the company's directors.
- A negotiated resolution was reached between the liquidator and

**Background on the Fair Entitlements Guarantee scheme, not for attribution:**

- The Department of Employment and Workplace Relations through the Fair Entitlements Guarantee (FEG) scheme, provides financial assistance for unpaid employment entitlements to eligible employees who lose their job through insolvency of their employer.
- The FEG Recovery Program is administered by the department with the aim of increasing the recovery of amounts advanced under the FEG scheme by funding investigations and litigation to help reduce the overall cost of the scheme.
- Under the FEG Recovery Program, funding is available to liquidators (where FEG advances have been made) to enable recovery efforts, including bringing legal proceedings, which the liquidators would not otherwise have the financial resources to pursue.
- The FEG Recovery Program was previously administered by the Department of Jobs and Small Business.

Kind regards,

s 22(1)

**Media**

Australian Government Department of Employment and Workplace Relations

Phone s 22(1)

[dewr.gov.au](http://dewr.gov.au)

---

**From:** Johnson, Hayden <[hayden.johnson@news.com.au](mailto:hayden.johnson@news.com.au)>

**Sent:** Wednesday, September 11, 2024 10:02 AM

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

**Subject:** Media inquiry

**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.

Good morning all, I hope you're well. I had an inquiry regarding Southern Edge Training, which was involved in back in 2016.

I understand the department funded public examinations into its liquidation.

Can the department provide details on the reasons behind funding the examination?

I understand a settlement was reached between \_\_\_\_\_ and liquidators, can you provide any detail about this?

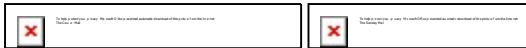
Is there anything else you can add?

A response by 4pm if possible is appreciated.

Kind regards, Hayden

**HAYDEN JOHNSON**

State Political Editor



Cnr Mayne Road & Campbell Street Bowen Hills QLD 4006

T:

E [hayden.johnson@news.com.au](mailto:hayden.johnson@news.com.au) W [www.couriermail.com.au](http://www.couriermail.com.au)

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**From:** s 22(1) @dewr.gov.au>  
**Sent:** Monday, 14 October 2024 5:42 PM  
**To:** s 22(1) @dewr.gov.au>  
**Cc:** s 22(1) @dewr.gov.au>; s 22(1) @dewr.gov.au>; s 22(1) @dewr.gov.au>  
**Subject:** RE: Follow up: Media inquiry - Liduidation of Southern Edge Training [SEC=OFFICIAL]

s 22(1)  
Hi

The below is correct.

s 22(1)

Principal Government Lawyer (a/g)

Recovery and Litigation Branch

Mobiles s 22(1) | Email s 22(1) @dewr.gov.au

**From:** s 22(1) @dewr.gov.au>  
**Sent:** Monday, October 14, 2024 3:31 PM  
**To:** s 22(1) @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>  
**Subject:** Follow up: Media inquiry - Liduidation of Southern Edge Training [SEC=OFFICIAL]

Hi s 22(1)



The reporter has asked us to clarify the following: *‘Does that mean that no claims were formally commenced against the directors, because demands and settlement negotiations resolved any potential insolvent trading claim?’*

Are we OK to go back with the below?

- To the department’s knowledge, no legal proceedings were filed in court against the directors.
- However, the liquidators would be better equipped to answer this question.

Cheers,  
s 22(1)

**From:** Elks, Sarah <[elkss@theaustralian.com.au](mailto:elkss@theaustralian.com.au)>  
**Sent:** Monday, October 14, 2024 4:20 PM  
**To:** s 22(1) <[@dewr.gov.au](mailto:@dewr.gov.au)>  
**Subject:** Re: Media inquiry - Liquidation of Southern Edge Training [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.

Thank you<sup>s</sup> 22(1) very helpful. May I please clarify points two to four?

Does that mean that no claims were formally commenced against the directors, because demands and settlement negotiations resolved any potential insolvent trading claim?

**Sarah Elks**

Senior reporter, Investigations

Cnr Mayne Road & Campbell Street Bowen Hills QLD 4006  
GPO Box 2145, Brisbane 4001  
T s 47F(1) M s 47F(1)  
E [elkss@theaustralian.com.au](mailto:elkss@theaustralian.com.au) W [theaustralian.com.au](http://theaustralian.com.au)

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We acknowledge the Traditional Owners of the land in all states and territories on which we work and report. We pay our respects to Aboriginal and Torres Strait Islander Elders past, present and emerging, and honour their history, cultures, and traditions of storytelling.

On Mon, 14 Oct 2024 at 3:12 pm, s 22(1)

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

Hi Sarah,

**Response attributable to a spokesperson for the Department of Employment and Workplace Relations:**

- The Department of Jobs and Small Business in 2017 (as it was then) and the Victorian Department of Education and Training (as it was then) funded public examinations in the liquidation of Southern Edge Training Pty Ltd, which is now deregistered, and four other group entities to investigate potential recovery actions.
- To our knowledge, no claims were commenced against the directors of Southern Edge Training Pty Ltd.
- The department provided funding to the liquidator to issue demands and conduct settlement negotiations in relation to insolvent trading claims against the company's directors.
- A negotiated resolution was reached between the liquidator and

**Background, not for attribution:**

- Matters regarding the terms of settlement with the company's former directors are subject to confidentiality. The liquidators would be best placed to respond to this query.
- The Department of Employment and Workplace Relations through the Fair Entitlements Guarantee (FEG) scheme, provides financial assistance for unpaid employment entitlements to eligible employees who lose their job through insolvency of their employer.
- The FEG Recovery Program is administered by the department with the aim of increasing the recovery of amounts advanced under the FEG scheme by funding investigations and litigation to help reduce the overall cost of the scheme.
- Under the FEG Recovery Program, funding is available to liquidators (where FEG advances have been made) to enable recovery efforts, including bringing legal proceedings, which the liquidators would not otherwise have the financial resources to pursue.
- The FEG Recovery Program was previously administered by the Department of Jobs and Small Business.

Kind regards,

s 22(1)

**Media**

Australian Government Department of Employment and Workplace Relations

Phone s 22(1)

[dewr.gov.au](http://dewr.gov.au)

**From:** Elks, Sarah <[elkss@theaustralian.com.au](mailto:elkss@theaustralian.com.au)>

**Sent:** Sunday, October 13, 2024 3:24 PM

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

**Subject:** Media inquiry - Liduidation of Southern Edge Training

**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.

Good afternoon,

My name is Sarah Elks, I'm a journalist with The Australian newspaper, based in Brisbane. I'm seeking some information about the liquidation of Southern Edge Training Pty Ltd, that was a Registered Training Organisation (ACN 084 742 745). It went into liquidation in mid-2016, and a liquidators report in 2019 (attached) said they were being funded by the department to pursue recovery actions.

The potential recovery actions were named as insolvent trading by a director. In later ASIC documents (attached), the liquidators stated they had received three "settlements of other liquidators actions" from a former director, \_\_\_\_\_, of \$60,000 on 19 July 2021, \$80,000 on 12 March 2020, and \$60,000 on 30 July 2020.

Is the department able to shed any light on what those settlement payments were for? Were they the settlement of a claim of insolvent trading against \_\_\_\_\_? Were any of the other directors of the company pursued for insolvent trading? Is there any more information you can give about action taken against \_\_\_\_\_?

**My deadline is close of business Monday. I'm available on s 47F(1) \_\_\_\_\_ if I can help explain anything.**

Thanks,

Sarah

--

**Sarah Elks**

Senior reporter, Investigations

Cnr Mayne Road & [Campbell Street Bowen Hills QLD 4006](#)

GPO Box 2145, Brisbane 4001

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

E [elkss@theaustralian.com.au](mailto:elkss@theaustralian.com.au) W [theaustralian.com.au](http://theaustralian.com.au)

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**From:** s 22(1) @dewr.gov.au>  
**Sent:** Monday, 14 October 2024 2:45 PM  
**To:** s 22(1) @dewr.gov.au>; s 22(1) @dewr.gov.au>  
**Cc:** s 22(1) @dewr.gov.au>; s 22(1) @dewr.gov.au>  
**Subject:** RE: For action by 12pm Monday 14 Oct : media enquiry - Liquidation of Southern Edge Training [SEC=OFFICIAL]

Hi s 22(1)

We are comfortable with the below.

Thankyou,

s 22(1)

Principal Government Lawyer (a/g)

Recovery and Litigation Branch

Mobile s 22(1) | Email s 22(1) @dewr.gov.au

**From:** s 22(1) @dewr.gov.au>  
**Sent:** Monday, October 14, 2024 11:19 AM  
**To:** s 22(1) @dewr.gov.au>; s 22(1) @dewr.gov.au>  
**Cc:** s 22(1) @dewr.gov.au>; s 22(1) @dewr.gov.au>  
**Subject:** RE: For action by 12pm Monday 14 Oct : media enquiry - Liquidation of Southern Edge Training [SEC=OFFICIAL]

Hi s 22(1)

Thanks for this – just confirming you are happy for us to progress the below updated response?

**Response attributable to a spokesperson for the Department of Employment and Workplace Relations:**

- The Department of Jobs and Small Business in 2017 (as it was then) and the Victorian Department of Education and Training (as it was then) funded public examinations in the liquidation of Southern Edge Training Pty Ltd, which is now deregistered, and four other group entities to investigate potential recovery actions.
- To our knowledge, no claims were commenced against the directors of Southern Edge Training Pty Ltd.
- The department provided funding to the liquidator to issue demands and conduct settlement negotiations in relation to insolvent trading claims against the company's directors.
- A negotiated resolution was reached between the liquidator and

**Background, not for attribution:**

- Matters regarding the terms of settlement with the company's former directors are subject to confidentiality. The liquidators would be best placed to respond to this query.
- The Department of Employment and Workplace Relations through the Fair Entitlements Guarantee (FEG) scheme, provides financial assistance for unpaid employment entitlements to eligible employees who lose their job through insolvency of their employer.
- The FEG Recovery Program is administered by the department with the aim of increasing the recovery of amounts advanced under the FEG scheme by funding investigations and litigation to help reduce the overall cost of the scheme.
- Under the FEG Recovery Program, funding is available to liquidators (where FEG advances have been made) to enable recovery efforts, including bringing legal proceedings, which the liquidators would not otherwise have the financial resources to pursue.
- The FEG Recovery Program was previously administered by the Department of Jobs and Small Business.



Cheers,  
s 22(1)

A/g Assistant Director

Media Team | Communication and Media  
People and Communication

Australian Government Department of Employment and Workplace Relations  
Mobiles 22(1) Phone s 22(1)

---

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 22(1) <[s 22\(1\)@dewr.gov.au](mailto:s 22(1)@dewr.gov.au)>  
**Sent:** Monday, October 14, 2024 10:26 AM  
**To:** s 22(1) <[s 22\(1\)@dewr.gov.au](mailto:s 22(1)@dewr.gov.au)>  
**Cc:** s 22(1) <[s 22\(1\)@dewr.gov.au](mailto:s 22(1)@dewr.gov.au)>; s 22(1) <[s 22\(1\)@dewr.gov.au](mailto:s 22(1)@dewr.gov.au)>; s 22(1) <[s 22\(1\)@dewr.gov.au](mailto:s 22(1)@dewr.gov.au)>  
**Subject:** FW: For action by 12pm Monday 14 Oct : media enquiry - Liquidation of Southern Edge Training [SEC=OFFICIAL]

Hi s 22(1)

The content in the last response is appropriate again for Ms Elks and responds to most of her questions.

In relation to the question that it does not directly respond to – specifically, what the three settlement payments were for – we note that matters regarding the terms of settlement with the Company’s former directors are subject to confidentiality, and the liquidators would be best placed to respond to those queries.

Kind regards

s 22(1)

Principal Government Lawyer (a/g)

Recovery and Litigation Branch

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

**From:** s 22(1) [@dewr.gov.au](mailto:)>

**Sent:** Sunday, October 13, 2024 4:11 PM

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

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

**Cc:** s 22(1) [@dewr.gov.au](mailto:)>; s 22(1) [@dewr.gov.au](mailto:)>

**Subject:** For action on Monday: media enquiry - Liquidation of Southern Edge Training

**Importance:** High

Hi there,

We have received another media enquiry on Southern Edge Training and the involvement of

I’m not sure if anything has changed since our last response, which I’ve attached.

Would that response suffice, or is the reporter introducing new aspects we can/should respond to?

The enquiry is in our table below, if you could use that please. And attached are documents that the reporter has referred to.

Cheers.

s 22(1)

Director, Media | Communication and Media Branch

People and Communication Division

Australian Government Department of Employment and Workplace Relations

[www.dewr.gov.au](http://www.dewr.gov.au)

*I acknowledge the Traditional Owners of the land on where I work, Ngunnawal country, and their continuing connection to land, waters and community. I pay my respects to Elders past and present.*

**Topic:** Southern Edge Training and David Crisafulli

**Reporter, media outlet:** Sarah Elks, The Australian

**Media enquiry:**

My name is Sarah Elks, I'm a journalist with The Australian newspaper, based in Brisbane. I'm seeking some information about the liquidation of Southern Edge Training Pty Ltd, that was a Registered Training Organisation (ACN 084 742 745). It went into liquidation in mid-2016, and a liquidators report in 2019 (attached) said they were being funded by the department to pursue recovery actions.

The potential recovery actions were named as insolvent trading by a director. In later ASIC documents (attached), the liquidators stated they had received three "settlements of other liquidators actions" from a former director, of \$60,000 on 19 July 2021, \$80,000 on 12 March 2020, and \$60,000 on 30 July 2020.

Is the department able to shed any light on what those settlement payments were for? Were they the settlement of a claim of insolvent trading against ?  
Were any of the other directors of the company pursued for insolvent trading? Is there any more information you can give about action taken against ?

**Deadline for cleared response to DEWR Media: 1pm Monday (14 October).**

**Comments (if applicable):**

- See last media response attached (to ABC).
- See 3 documents supplied by the reporter.

**Response attributable to a spokesperson for the Department of Employment and Workplace Relations:**

- The Department of Jobs and Small Business in 2017 (as it was then) and the Victorian Department of Education and Training (as it was then) funded public examinations in the liquidation of Southern Edge Training Pty Ltd, which is now deregistered, and four other group entities to investigate potential recovery actions.
- To our knowledge, no claims were commenced against the directors of Southern Edge Training Pty Ltd.
- The department provided funding to the liquidator to issue demands and conduct settlement negotiations in relation to insolvent trading claims against the company's directors.
- A negotiated resolution was reached between the liquidator and .

**Background on the Fair Entitlements Guarantee scheme, not for attribution:**

- Matters regarding the terms of settlement with the company's former directors are subject to confidentiality. The liquidators would be best placed to respond to this query.
- The Department of Employment and Workplace Relations through the Fair Entitlements Guarantee (FEG) scheme, provides financial assistance for unpaid employment entitlements to eligible employees who lose their job through insolvency of their employer.
- The FEG Recovery Program is administered by the department with the aim of increasing the recovery of amounts advanced under the FEG scheme by funding investigations and litigation to help reduce the overall cost of the scheme.
- Under the FEG Recovery Program, funding is available to liquidators (where FEG advances have been made) to enable recovery efforts, including bringing

legal proceedings, which the liquidators would not otherwise have the financial resources to pursue.

- The FEG Recovery Program was previously administered by the Department of Jobs and Small Business.

**Clearance:** <Name>, <Title>, <date>

**To note:**

- We require clearance at a minimum Assistant Secretary level. In some circumstances, we ask for higher clearance, or you may feel higher clearance is needed.
- Less is more. In most cases, journalists will only use a few of our lines. So, please keep your responses short, factual, and consistent with department messaging. Think bullet points, as indicated above.
- If necessary, you can add extra information “on background”. This means the reporter can use this information in their story but not attribute the department as the source.
- You can also provide information on background for the benefit of the Media team or the Minister’s office. **Be clear that it is for us or the MO – and NOT the media.**
- Refer to [Home | Style Manual](#) where necessary.
- Once we receive your cleared response, we will review. If we make significant changes we will return to you, or provide visibility of changes. We send most of our media enquiries onto the MO for clearance or visibility before sending to the media outlet.

**From:** s 22(1) @dewr.gov.au>  
**Sent:** Thursday, 24 October 2024 12:07 PM  
**To:** s 22(1) @dewr.gov.au>; s 22(1) @dewr.gov.au>  
**Subject:** RE: For action: media enquiry - Southern Edge Training - due 2pm  
[SEC=OFFICIAL]

Hi s 22(1)

I have pulled together a one pager on Southern Edge Training and the media enquiries we have received – see **attached**.

If you are happy with the content, we will ensure it makes its way into your SE bundle.

s 22(1)

Principal Government Lawyer (a/g)  
Recovery and Litigation Branch  
Mobile s 22(1) | Email s 22(1) @dewr.gov.au

**From:** s 22(1) @dewr.gov.au>  
**Sent:** Tuesday, 22 October 2024 12:50 PM  
**To:** s 22(1) @dewr.gov.au>; s 22(1) @dewr.gov.au>  
**Subject:** FW: For action: media enquiry - Southern Edge Training - due 2pm  
[SEC=OFFICIAL]

We need on pager on this (just for me) for estimates please- a cut and paste if possible please

**From:** s 22(1) <[s22\(1\)@dewr.gov.au](mailto:s22(1)@dewr.gov.au)>  
**Sent:** Wednesday, 11 September 2024 2:42 PM  
**To:** 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)>  
**Cc:** s 22(1) <[s22\(1\)@dewr.gov.au](mailto:s22(1)@dewr.gov.au)>  
**Subject:** FW: For action: media enquiry - Southern Edge Training - due 2pm [SEC=OFFICIAL]

Hi s 22(1)

We confirm that we are comfortable with your proposed response below.

Kind regards

s 22(1)

s 22(1)

Principal Government Lawyer (a/g)

Recovery and Litigation Branch

Mobile s 22(1) | Email s 22(1) <[s22\(1\)@dewr.gov.au](mailto:s22(1)@dewr.gov.au)>

**From:** s 22(1) <[s22\(1\)@dewr.gov.au](mailto:s22(1)@dewr.gov.au)>  
**Sent:** Wednesday, September 11, 2024 10:30 AM  
**To:** 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)>  
**Cc:** s 22(1) <[s22\(1\)@dewr.gov.au](mailto:s22(1)@dewr.gov.au)>  
**Subject:** For action: media enquiry - Southern Edge Training - due 2pm

Hi s 22(1)

We have received another enquiry on Southern Edge Training. I would suggest responding with something similar to what we previously provided to the ABC.

My suggested response is in the below table. Can you please provide a cleared response by 2pm today?

Happy to discuss.

Cheers,  
s 22(1)

<b>Topic:</b> Southern Edge Training
<b>Reporter, media outlet:</b> Hayden Johnson, Courier Mail
<p><b>Media enquiry:</b></p> <p>I had an inquiry regarding Southern Edge Training, which was involved in back in 2016.</p> <p>I understand the department funded public examinations into its liquidation.</p> <p>Can the department provide details on the reasons behind funding the examination?</p> <p>I understand a settlement was reached between _____ and liquidators, can you provide any detail about this?</p> <p>Is there anything else you can add?</p>
<b>Deadline for cleared response:</b> 2pm, 11/9/24
<b>Comments (if applicable):</b>



**(Proposed) Response attributable to a spokesperson for the Department of Employment and Workplace Relations:**

- The Department of Jobs and Small Business in 2017 (as it was then) and the Victorian Department of Education and Training (as it was then) funded public examinations in the liquidation of Southern Edge Training Pty Ltd, which is now deregistered, and four other group entities to investigate potential recovery actions.
- To our knowledge, no claims were commenced against the directors of Southern Edge Training Pty Ltd.
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- The FEG Recovery Program was previously administered by the Department of Jobs and Small Business.

**Cleared by:**

s 22(1)

A/g Assistant Director

Media Team | Communication and Media

People and Communication

Australian Government Department of Employment and Workplace Relations

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

---

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**From:** s 22(1) <[s22\(1\)@news.com.au](mailto:s22(1)@news.com.au)>

**Sent:** Wednesday, September 11, 2024 10:02 AM

**To:** s 22(1) <[s22\(1\)@dewr.gov.au](mailto:s22(1)@dewr.gov.au)>

**Subject:** Media inquiry

**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.

Good morning all, I hope you're well. I had an inquiry regarding Southern Edge Training, which was involved in back in 2016.

I understand the department funded public examinations into its liquidation.

Can the department provide details on the reasons behind funding the examination?

I understand a settlement was reached between and liquidators, can you provide any detail about this?

Is there anything else you can add?

A response by 4pm if possible is appreciated.

Kind regards, Hayden

**hayden Johnson**

State Political Editor

Cnr Mayne Road & Campbell Street Bowen Hills QLD 4006

**T:**

**E** [hayden.johnson@news.com.au](mailto:hayden.johnson@news.com.au) **W** [www.couriermail.com.au](http://www.couriermail.com.au)

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**SOUTHERN EDGE TRAINING PTY LTD –**

Since August 2024, the department has received 4 separate media enquiries (listed below) regarding funding provided by the Department of Jobs and Small Business (as it was then) under the FEG Recovery Program to the Liquidator of Southern Edge Training Pty Ltd (deregistered).

The enquiries related to funded examinations and demands and a settlement with one of the former directors of Southern Edge Training,

The department also received and responded to a Freedom of Information request in mid-September 2024 relating to demands, communications and settlement negotiations between the department, Liquidator and

The content provided to the media outlets is as follows:

- The Department of Jobs and Small Business in 2017 (as it was then) and the Victorian Department of Education and Training (as it was then) funded public examinations in the liquidation of Southern Edge Training Pty Ltd, which is now deregistered, and four other group entities to investigate potential recovery actions.
- To our knowledge, no claims were commenced against the directors of Southern Edge Training Pty Ltd.
- The department provided funding to the liquidator to issue demands and conduct settlement negotiations in relation to insolvent trading claims against the company's directors.
- A negotiated resolution was reached between the liquidator and
- We understand the terms of the settlement deed are confidential.
- The department does not have in its possession a copy of the transcripts of the examinations.
- The file number of the public examinations is Supreme Court of Victoria no. SCI 2017 0256.

Date	Media outlet	Details
5 August 2024	ABC News	Provided the above information. Noted the confidentiality of settlement with directors of Southern Edge Training.
16 August 2024	AAP	Provided the above information.
11 September 2024	Courier Mail	Provided the above information.
13 October 2024	The Australian	Questions regarding settlement payments listed in creditors report. Provided the above information.