

## FAIR ENTITLEMENTS GUARANTEE (FEG) RECOVERY PROGRAM - FUNDING APPLICATION

The purpose of this application form is to assist the Attorney-General's Department in making funding decisions under the FEG Recovery Program.

### IMPORTANT

- The Commonwealth will rely on the information provided in this application in deciding whether to fund the proposed recovery action.
- Before submitting the application, please consider the [Key Terms of the Funding Agreement Fact Sheet](#), and the [FEG Recovery Fact Sheet](#).
- An electronic form with additional functionality is available to complete in [FEG IP Online](#).
- Importantly, please note the costs of preparing this application will not form part of any future funding agreement that the Commonwealth may enter into with the Liquidator.
- Any legal advice, or confidential or sensitive information you disclose to the Commonwealth as part of this application is provided on the basis the common interest privilege, legal professional privilege and confidentiality is preserved.

### 1. Matters of interest for the Fair Entitlements Guarantee Recovery Program

1.1. Are any of the following matters present? Please indicate all that are present.

Commercial return for the Commonwealth?	Choose an item
Suspected phoenix activity	Choose an item
Dishonesty	Choose an item
Unconscionable conduct	Choose an item
Transfer of business or assets to defeat or obstruct creditors	Choose an item
Other (please specify below):	
Confidential discussions required?	Choose an item
Confidentiality deed required?	Choose an item

## 2. Contact Details

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Liquidator's details	
Name	
Firm name	
Address	
Email	
Contact No.	
Date appointed	
Method of appointment	
Relation back day	

Lead contact details	
Name	
Address	
Email	
Contact No.	

Solicitors engaged (if any)	
Name	
Firm	
Address	
Email	
Contact No.	

## 3. The Company

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Name(s) and ACN(s)	
Group name(s) if any	

3.1. Which of the following liabilities remain outstanding?

Entity	Likely outstanding (\$)	Proof of debt lodged?	Admitted?
ATO SGC		[date]/No	Yes/No/Not applicable
FEG			
Non-FEG employee entitlements			
Other			
<b>Total</b>	<b>\$ 0</b>		

#### 4. Costs of winding up

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4.1. What is the Liquidator's remuneration in the liquidation?

Type	Amount (\$)
Liquidator's remuneration paid to date of application	
Liquidator's remuneration unpaid but approved	
Liquidator's remuneration unapproved but incurred	

4.2. What further steps will the Liquidator take to finalise the winding up of the Company, and what is the estimated future remuneration and expenses?

*Please exclude from the future remuneration estimate the costs of the proposed investigations or litigation (to be detailed instead in the relevant sections below).*

Steps	Amount (\$)
<b>Total</b>	<b>\$0</b>

*If you wish to detail more than three further steps, please instead complete the form in [FEG IP Online](#).*

*If the application only seeks funding for litigation, please leave this section blank.*

5.1. If you are seeking funding for public examinations or other investigations, please outline the known facts, and the circumstances or conduct that merit further investigation. Please indicate the steps the Liquidator has taken to investigate that conduct and gather evidence to date.

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5.2. Please estimate expected costs of the proposed investigations in the following tables (Liquidator's costs and legal expenses, separately). Kindly include in the estimate the costs of a legal advice about the availability, prospects and quantum of the potential recovery actions:

Expected cost of proposed investigations (Liquidator's)	Estimate (\$)	
	High	Low
<b>Total</b>	<b>\$0</b>	<b>\$0</b>

Expected cost of proposed investigations (legal fees)	Estimate (\$)	
	High	Low
<b>Total</b>	<b>\$0</b>	<b>\$0</b>

## 6. Funding for litigation

*If the application only seeks funding for public examinations or investigations, please leave this section blank.*

- 6.1. Please outline the legal basis for each proposed cause of action and a brief summary of the impugned conduct, including what steps the Liquidator has taken to investigate and pursue that conduct to date (for example, issue of letters of demand, public examinations).

[illegible]

- 6.2. Have you obtained legal advice in relation to each cause of action:

Cause of action legal advice	Legal practitioner	Date of advice

- 6.3. Please set out the expiry date of the limitation period in respect of each proposed cause of action:

Cause of action	Date of expiry of limitation period

- 6.4. Please estimate expected recoveries from each proposed cause of action in the following table:

Expected recoveries		Recovery estimate (\$)	
Cause of action	Proposed defendant	High	Low
<b>Total</b>		<b>\$0</b>	<b>\$0</b>

6.5. Do you seek an indemnity in relation to the proposed recovery effort?

Indemnity required	Choose an item	Type of indemnity	Choose an item
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6.6. Please estimate expected costs of the proposed recovery effort in the following tables (Liquidator's costs and legal expenses, separately):

Expected cost of each claim (Liquidator's)	Estimate (\$)	
Cause of action	High	Low
Total	\$0	\$0

Expected cost of each claim (legal fees)	Estimate (\$)	
Cause of action	High	Low
Total	\$0	\$0

6.7. Please detail the asset position of the proposed defendants in respect of the proposed recovery effort in the following table:

Proposed defendant	Bankruptcy search attached?	Detail the asset position
	Choose an item	
	Choose an item	
	Choose an item	

6.8. If there is an applicable insurance policy in respect of the proposed recovery effort, please complete the following table:

Insurance policy provider	Type of policy	Insured(s)	Limit of coverage (\$)	Claim notified to insurer?
				Choose an item
				Choose an item

6.9. Please provide details of all known disbursements, expenses, claims and debts which have been incurred by the Liquidator and/or the Company which would be payable in priority to any dividend to FEG. If so, please indicate whether funds are available to the Liquidator and/or the Company to pay those amounts, and when are they anticipated to be paid?

6.10. Please provide any other relevant details that may assist in consideration of the proposed recovery effort (including for example relevant liability guarantors and other indemnity arrangements)?

**7. Litigation management and prospects**

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7.1. Is the Liquidator seeking funding for the following?

Item	Election	Estimate (\$)
Legal prospects advice	Choose an item.	
Solvency report	Choose an item.	
Total		\$0

7.2. What is the expected timeline for each stage of the proposal?

7.3. Other than the proposed recovery effort the subject of this application, are you (as Liquidator of the Company) and/or the Company currently engaged in, or proposing to commence, any other proceedings? If so, please provide details.

7.4. Does the Liquidator have any other source of funding available for the proposed recovery effort (e.g. asset realisations, private litigation funding, indemnities)?

7.5. Does the Liquidator intend to seek any alternative funding in respect of the proposed investigations or recovery effort? If so, please provide details.

7.6. What is the likely dividend regarding FEG?

Item	Estimate (cents in the dollar)
If the proposed recovery effort is funded by the Commonwealth and successfully litigated to conclusion	
If not funded by the Commonwealth and yet is successfully litigated to conclusion using available cash	
If not funded by the Commonwealth and is successfully litigated to conclusion using another litigation funder	
If not funded and litigation does not proceed	

7.7. Please provide all relevant supporting documentation including, for example:

Item	Included?
<ul style="list-style-type: none"> <li>Any legal advice on prospects that you have obtained in respect of the proposal or in relation to the recovery of assets in the winding up of the Company generally.</li> </ul>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>The facts and circumstances giving rise to the claim(s) <ul style="list-style-type: none"> <li>An evaluation of the merits of the claim(s)</li> <li>An evaluation of the quality and quantity of favourable evidence that is (presently) available to the Liquidator;</li> <li>An evaluation of the prospects of success; and</li> <li>Any peculiarity or complexities associated with the claim(s).</li> </ul> </li> </ul>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Any relevant legal documents, including court orders, statements of claim and transcripts of public examinations.</li> </ul>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>If the defendant(s) are individuals, the results of any bankruptcy searches (for example, NPII Search, Real Property Search, Directorship search, PPSR search).</li> </ul>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Copies of the terms of any insurance policy relating to the Company, its director(s) or proposed defendant(s).</li> </ul>	<input type="checkbox"/>

## 8. Declarations, warranties and acknowledgments



- 8.1. I declare that I have read and understood the Key Terms of the Funding Agreement Fact Sheet of the FEG Recovery Program (available at [www.ag.gov.au/feg-recovery-program](http://www.ag.gov.au/feg-recovery-program)).
- 8.2. I declare the information provided in this application is true and correct to the best of my knowledge and belief.
- 8.3. I warrant that I:
- 8.3.1. have not been convicted, in the 10 years prior to making this application, of an offence involving fraud or dishonesty
  - 8.3.2. am not now, nor have I been in the 10 years prior to making this application, an insolvent under administration
  - 8.3.3. am not disqualified from managing corporations under Part 2D.6 of the Corporations Act 2001, or under a law of an external Territory or a law of a foreign country
  - 8.3.4. have never been refused membership of a relevant professional body
  - 8.3.5. have never been subject to any legal or disciplinary action from a relevant professional body.
- 8.4. I warrant that I have not withheld any information that would be considered material to the Commonwealth's decision to fund the proposal.
- 8.5. I acknowledge that the Commonwealth will rely on the information provided in this application in deciding whether to enter into any funding agreement with the Liquidator in respect of the proposal.
- 8.6. If, at any time prior to entering into a funding agreement with the Commonwealth, I become aware of information that would reasonably be considered material to the Commonwealth's decision to enter into any funding agreement, I will disclose that information to the Commonwealth by re-submitting an updated application.

Signed:

Full name:

Position:

Dated:

Once completed and signed, please submit this Funding Application Form (together with all supporting documents) to the Attorney-General's Department by email to [FEGRecoveryapplications@jobs.gov.au](mailto:FEGRecoveryapplications@jobs.gov.au).

Once submitted, the department will review the application and be in touch to discuss the funding request.