

# **Report to Creditors**

Pursuant to Insolvency Practice Rule 70-40

**Australian Road Express Pty Ltd (formerly  
known as 'W.A. Freightlines Pty Ltd')**

**A.C.N. 051 918 015**

**&**

**Jolly's Transport Services Pty Limited**

**A.C.N. 097 891 248**

**(Both Receivers and Managers Appointed)  
(Both In Liquidation)**

23 January 2018

**Andrew Cummins & Peter Krejci  
Joint & Several Liquidators**

BRI Ferrier (NSW) Pty Ltd ABN 97 128 947 848  
Level 30, Australia Square, 264 George Street, Sydney NSW 2000  
GPO Box 7079, Sydney NSW 2001  
Phone (02) 8263 2300  
Facsimile (02) 8263 2399  
Email: [rivet@brifnsw.com.au](mailto:rivet@brifnsw.com.au)  
Website: [www.briferrier.com.au](http://www.briferrier.com.au)

**BRI Ferrier**

**TABLE OF CONTENTS**

<b>1</b>	<b>EXECUTIVE SUMMARY .....</b>	<b>4</b>
<b>2</b>	<b>UPDATE ON PROGRESS OF THE LIQUIDATION .....</b>	<b>4</b>
<b>3</b>	<b>WHAT HAPPENED TO THE BUSINESS .....</b>	<b>5</b>
<b>4</b>	<b>FINANCIAL POSITION OF THE COMPANIES.....</b>	<b>6</b>
<b>5</b>	<b>THE LIKELIHOOD OF A DIVIDEND BEING PAID IN THE LIQUIDATIONS.....</b>	<b>7</b>
<b>6</b>	<b>POSSIBLE RECOVERY ACTIONS.....</b>	<b>8</b>
<b>7</b>	<b>RECEIPTS AND PAYMENTS .....</b>	<b>8</b>
<b>8</b>	<b>TASKS REQUIRED IN THE LIQUIDATION .....</b>	<b>8</b>
<b>9</b>	<b>CREDITORS' RIGHTS .....</b>	<b>8</b>
<b>10</b>	<b>FURTHER INFORMATION .....</b>	<b>8</b>
<b>11</b>	<b>QUERIES.....</b>	<b>9</b>

**Annexures**

- |   |   |
|---|---|
| 1 | Formal Proof of Debt Form                                 |
| 2 | Summary of Liquidator's Receipts and Payments             |
| 3 | ARITA Information Sheet – Creditor Rights in Liquidations |
| 4 | ASIC Information Sheet                                    |

## **DISCLAIMER**

The investigation into the affairs of the Companies has been conducted on a preliminary basis only at this stage, and this Report and the statements made herein have been prepared, based on available books and records, information provided by the Companies' directors and officers, and from our own enquiries.

Whilst we have no reason to doubt the accuracy of the information provided or contained herein, we reserve the right to alter our opinion or conclusions should the underlying data prove to be inaccurate or materially change after the date of this Report.

In undertaking our investigations in relation to the affairs of the Companies, and the preparation of this Report to Creditors, we have necessarily made forecasts of asset realisations and are required to estimate the ultimate quantum of creditor claims against the Companies.

Neither we, as Joint and Several Liquidators, nor any member or employee of this firm, undertake responsibility in any way whatsoever to any person in respect of any errors in this Report arising from incorrect information provided to this office, or necessary estimates and assessments made for the purposes of this Report.

Any creditor that has material information in relation to the Companies' affairs, which they consider may affect our investigation, should forward details to this office as soon as possible.

## **1 EXECUTIVE SUMMARY**

As you are aware, Andrew Cummins, Peter Krejci and John Carrello were appointed Voluntary Administrators of Australian Road Express Pty Ltd ("ARX") and Jolly's Transport Services Pty Limited ("Jolly's") (collectively "the Companies") on 17 July 2017 pursuant to Section 436C of the Corporations Act 2001 ("the Act"). Andrew Cummins and Peter Krejci were subsequently appointed Joint and Several Liquidators of the Companies at the Resumed Second Meeting of Creditors held on 23 October 2017.

ARX and Jolly's are members of a group of Companies which include JetStyle Express Pty Ltd and WAFL SPV Pty Limited (Both Receivers and Managers Appointed)(Both in Liquidation). These entities are known as the 'ARX Group.'

This report has been prepared in accordance the Rule 70-40 of the Insolvency Practice Rules (Corporations) 2016 ("IPR"). I provide hereunder a summary of the conduct of the liquidation over the past 3 months.

Since our Earlier Report, we have undertaken further investigations into the ARX Group's affairs. In particular, we have sought to obtain further information regarding the securities held by the Secured Creditors. In addition to this, we have commenced procedures relating to the verification and distribution of employee entitlements under the Fair Entitlements Guarantee ("FEG").

This report should be read in conjunction with our previous Reports to Creditors dated 18 July 2017 ("First Report"), 11 August 2017 ("Second Report") and 13 October 2017 ("Supplementary Second Report"). Information in these reports will not be repeated unless required.

### **1.1 PREVIOUS MEETINGS OF CREDITORS**

We advise that the last meeting of creditors held was the Resumed Second Meeting of Creditors on 23 October 2017. Minutes of this meeting have been lodged with ASIC.

### **1.2 DECLARATION OF INDEPENDENCE, RELEVANT RELATIONSHIPS AND INDEMNITIES**

We refer to the Updated Declaration of Independence, Relevant Relationships and Indemnities ("DIRRI") enclosed in our Second Report dated 11 August 2017 and note that there have been no changes to same.

## **2 UPDATE ON PROGRESS OF THE LIQUIDATION**

### **2.1 SECURED CREDITORS**

As previously advised, the secured creditors appointed Receivers and Managers to the ARX Group at the same time as our appointment as Administrators.

The Receivers and Managers have had control of the ARX Group's affairs and assets since that time. We understand that the Receivers and Managers' program for realisation of assets is well advanced and that such realisation will be insufficient to enable repayment to the secured creditors in full.

## **2.2 FAIR ENTITLEMENTS GUARANTEE**

Members of our staff have been liaising extensively with FEG regarding the verification of the Companies' outstanding employee entitlements. Thus far, we have verified for 150 employees of ARX and 19 employees of Jolly's. Our staff are currently in the process of completing FEG's discrepancy reports in order to clarify any discrepancies between amounts claimed by employees and the Companies' books and records. We note that a significant portion of the entitlement data has been provided by the Receivers.

We have also been requested by FEG to provide certain documents and information regarding the ARX Group's affairs. Such information is largely related to the previous Voluntary Administration, and arrangements entered into as a result of the subsequent Deed of Company Arrangement. We have and continue to assist FEG, where possible, with its enquiries.

## **2.3 INVESTIGATIONS UNDERTAKEN**

To date we have conducted preliminary investigations into the affairs of the Companies to ascertain whether there are any transactions that appear to be voidable, or other causes of action available whereby money, property or other benefits may be recoverable by a liquidator. We have not identified any actions available to creditors at this stage, however, our investigations are still ongoing.

# **3 WHAT HAPPENED TO THE BUSINESS**

The Director has advised in his questionnaire that the Companies' failure was due to the secured creditor's appointment of external administrators to the ARX Group. We understand that in the 6 months prior to the appointment of the Voluntary Administrators, the Secured Creditors monitored the progress of the ARX Group. We are informed that a forecasted improvement in the financial position of the ARX Group did not eventuate. Various forecasts and performance targets were not met. We understand that the failure to achieve forecasted financial performance necessitated discussions with the secured creditor for additional funding.

The management team of the ARX Group has indicated that they were actively negotiating with the secured creditors and other parties for a solvent restructure up to the date of the appointment of external administrators. These negotiations were ultimately unsuccessful and led to the appointment of the Receivers and Managers by the Secured Creditors. We have requested details of the negotiation between the ARX Group and the Secured Creditors. Such requests have been denied on the basis that the negotiations were largely conducted on a Rivet Group Basis and involved entities not subject to our appointment.

The Receivers and Managers assessed the viability of the business of the Companies to continue to trade. We understand that the Receivers sought to sell the business of the ARX Group as a going concern, however, this has not occurred and as such the Receivers have arranged for the sale of the assets of the ARX Group, and made the decision to cease trading.

## 4 FINANCIAL POSITION OF THE COMPANIES

Creditors are referred to our Previous Report of 11 August 2017 for our comments regarding the Companies' assets. However, IPR 70-40 requires that we provide creditors with an estimate of the amount of assets and liabilities of the Companies.

### 4.1 ASSETS

The RATAs provided by the Director indicate assets of the Companies as follows:

Company	RATA Amount (\$)	Liquidator's Estimated Realisable Value (\$)
ARX	11,139,887	Unknown
Jolly's	6,395,009	Unknown
<b>TOTAL</b>	<b>17,534,896</b>	

Creditors are referred to my Report dated 11 August 2017 for a further breakdown of these assets.

We note that the assets of the Companies are subject to the control of the Receivers and Managers. At this stage we have not been provided with an update regarding the realisations made. As such, we are unable to provide any significant details regarding the current position of the Receivership. We are advised however, that the realisation of assets will be insufficient to discharge the Secured Creditors in full. It is anticipated that we will be provided details of all realisations made once recoveries are at a more advanced stage.

### 4.2 LIABILITIES

#### 4.2.1 Claims by employees

As previously mentioned, our investigations and the RATA reveal that only ARX and Jolly's within the ARX Group employed staff. Please refer to Section 2.2 of this report for an update on employee entitlement procedure. The employee claims have been based on the entitlement data provided by the Receivers. A summary of the entitlements outstanding is as follows:

##### 4.2.1.1 Australian Road Express Pty Ltd.

Entitlement	Amount (\$)
Wages & Superannuation	274,968
Annual Leave/Long Service Leave	938,408
PILN/Redundancy	1,710,813
<b>TOTAL</b>	<b>2,924,190</b>

#### 4.2.1.2 Jolly's Transport Services Pty Ltd

Entitlement	Amount (\$)
Wages & Superannuation	51,517
Annual Leave/Long Service Leave	318,278
PILN/Redundancy	405,748
<b>TOTAL</b>	<b>775,542</b>

#### 4.2.2 Secured Creditors

We note that the debt owing to the Secured Creditors are a joint and several liability between the ARX Group. The Secured Creditors have lodged informal proofs of debt totalling \$141 million in each of the ARX Group.

The Receivers and Managers have advised that there will be a significant shortfall of assets to the secured creditor's debt, and accordingly there is unlikely to be any return to Unsecured Creditors.

#### 4.2.3 Unsecured Creditors

Our investigations thus far have indicated that Unsecured Creditors are owed the following amounts:

Company	Projected Claims (\$)	Liquidator's Estimated Realisable Value (\$)
ARX	7,032,592	Unknown
Jolly's	717,105	Unknown

We note that the estimated values above include the ATO's Proof of Debt of \$641K. The ATO has lodged a claim in each of these entities for the same amount, a liability arising as a member of a GST Group, which likely includes other entities in the broader Rivet group.

## 5 THE LIKELIHOOD OF A DIVIDEND BEING PAID IN THE LIQUIDATIONS

We have communicated with the Receivers and Managers to obtain an update regarding the progress of asset realisations. We have been advised that realisations from circulating assets will be insufficient to enable a dividend to unsecured creditors.

However, any voidable transaction recoveries are not subject to the security interests registered by the Secured Creditors. At this stage, we have not identified any uncommercial transaction recoveries that may be available to the Liquidator. However, should any such action be identified and result in a recovery then a dividend may be declared to ordinary unsecured creditors.

## 6 POSSIBLE RECOVERY ACTIONS

As noted earlier, our investigations, in respect of the ARX Group, are ongoing. In particular, we wish to further investigate a possible insolvent trading action. Otherwise, our preliminary review is that there is unlikely to be any recovery actions available to creditors.

## 7 RECEIPTS AND PAYMENTS

Attached as **Annexure "2"** is a summary of our receipts and payments for the period up to the date of this report.

## 8 TASKS REQUIRED IN THE LIQUIDATION

As detailed above, we anticipate that the following matters will be dealt with during the Liquidation moving forward:

- ✦ Lodge my Report pursuant to Section 533(1) of the Corporations Act 2001;
- ✦ Complete further investigations to ASIC and prepare Supplementary Report to ASIC, if required;
- ✦ Liaise with the Receivers and Managers to determine if there will be any surplus available for unsecured creditors;
- ✦ Correspond with creditors;
- ✦ Prepare Statutory lodgements; and
- ✦ Finalisation.

## 9 CREDITORS' RIGHTS

Pursuant to Clauses 70-40, 70-45, 75-15, 85-5, 90-24 and 90-35 of the Insolvency Practice Schedule (Corporations) and Rule 70-30 of the Insolvency Practice Rules (Corporations) 2016, we are required to give certain information to creditors as to their rights in the administration.

Accordingly, we attach as **Annexure "3"** further information regarding 'Creditor Rights in Liquidations'.

## 10 FURTHER INFORMATION

We have attached as **Annexure "4"** an ASIC information sheet entitled "Insolvency information for directors, practitioners, employees, creditors and investors". This publication provides basic information about the different types of external administrations, including Liquidation, and reference to further sources of information available on the ASIC website at [www.asic.gov.au](http://www.asic.gov.au).



**11      QUERIES**

The BRI Ferrier staff member responsible for this matter is as follows:

- ▲ BRI Contact:      Mr Anthony Locascio
- ▲ Phone:            (02) 8263 2300
- ▲ Email:            rivet@brifnsw.com.au
- ▲ Mailing:          GPO Box 7079, Sydney NSW 2001
- ▲ Facsimile:        (02) 8263 2399

Yours faithfully

**AUSTRALIAN ROAD EXPRESS PTY LTD**

**JOLLY'S TRANSPORT SERVICES PTY LIMITED**

**(BOTH RECEIVERS AND MANAGERS APPOINTED) (BOTH IN LIQUIDATION)**



**ANDREW CUMMINS**

Joint and Several Liquidator

---

The logo for BRI Ferrier, featuring the text "BRI Ferrier" in a bold, sans-serif font. The text is white and set against a dark rectangular background. A diagonal line runs from the bottom right corner of the rectangle, separating the dark area from a lighter, greyish area.

---

**Australian Road Express Pty  
Ltd (formerly known as 'W.A.  
Freightlines Pty Ltd')**

**A.C.N. 051 918 015**

**&**

**Jolly's Transport Services Pty  
Limited**

**A.C.N. 097 891 248**

**(Both Receivers and Managers  
Appointed)(Both In  
Liquidation)**

---

**Annexure "1"**

**Form 535: Formal Proof of Debt**

---

FORM 535  
CORPORATIONS ACT 2001

Subregulation 5.6.49(2)

JOLLY'S TRANSPORT SERVICES PTY LTD (RECEIVERS AND MANAGERS APPOINTED) (IN LIQUIDATION)  
ACN 097 891 248  
("THE COMPANY")

To the Liquidator of Jolly's Transport Services Pty Ltd (Receivers and Managers Appointed) (In Liquidation)

1. This is to state that the Company was, on 17 July 2017 <sup>(1)</sup> and still is, justly and truly indebted to <sup>(2)</sup> (full name):

.....  
(“Creditor”)

.....  
of (full address)

for \$..... dollars and..... cents.

Particulars of the debt are:

Date	Consideration <sup>(3)</sup> state how the debt arose	Amount \$	GST included \$	Remarks <sup>(4)</sup> include details of voucher substantiating payment

2. To my knowledge or belief the creditor has not, nor has any person by the creditor's order, had or received any manner of satisfaction or security for the sum or any part of it except for the following: .....

Insert particulars of all securities held. Where the securities are on the property of the company, assess the value of those securities. If any bills or other negotiable securities are held, specify them in a schedule in the following form:

Date	Drawer	Acceptor	Amount \$ c	Due Date

☐ I am **not** a related creditor of the Company <sup>(5)</sup>

☐ I am a related creditor of the Company <sup>(5)</sup>  
relationship: .....

3A.<sup>(6)\*</sup> 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, still remains unpaid and unsatisfied.

3B.<sup>(6)\*</sup> I am the creditor's agent authorised to make this statement in writing. I know that the debt was incurred and for the consideration stated and that the debt, to the best of my knowledge and belief, still remains unpaid and unsatisfied.

DATED this                      day of                      2018

Signature of Signatory .....

NAME IN BLOCK LETTERS.....

Occupation .....

Address .....

See Directions overleaf for the completion of this form

OFFICE USE ONLY

POD No:		ADMIT (Voting / Dividend) - Ordinary	\$
Date Received:	/ /	ADMIT (Voting / Dividend) - Preferential	\$
Entered into CORE IPS:		Reject (Voting / Dividend)	\$
Amount per CRA/RATA	\$	Object or H/Over for Consideration	\$
Reason for Admitting / Rejection			
PREP BY/AUTHORISED		TOTAL PROOF	\$
DATE AUTHORISED / /			

### Proof of Debt Form Directions

- \* Strike out whichever is inapplicable.
- (1) Insert date of Court Order in winding up by the Court, or date of resolution to wind up, if a voluntary winding up.
- (2) Insert full name and address (including ABN) of the creditor and, if applicable, the creditor's partners. If prepared by an employee or agent of the creditor, also insert a description of the occupation of the creditor.
- (3) Under "Consideration" state how the debt arose, for example "goods sold and delivered to the company between the dates of .....", "moneys advanced in respect of the Bill of Exchange".
- (4) Under "Remarks" include details of vouchers substantiating payment.
- (5) Related Party / Entity: Director, relative of Director, related company, beneficiary of a related trust.
- (6) 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.

### Annexures

- A. If space provided for a particular purpose in a form is insufficient to contain all the required information in relation to a particular item, the information must be set out in an annexure.
- B. An annexure to a form must:
  - (a) have an identifying mark;
  - (b) and be endorsed with the words:
    - i) "This is the annexure of *(insert number of pages)* pages marked *(insert an identifying mark)* referred to in the *(insert description of form)* signed by me/us and dated *(insert date of signing)*; and
  - (c) be signed by each person signing the form to which the document is annexed.
- C. The pages in an annexure must be numbered consecutively.
- D. If a form has a document annexed the following particulars of the annexure must be written on the form:
  - (a) the identifying mark; and
  - (b) the number of pages.
- E. A reference to an annexure includes a document that is with a form.

---

The logo for BRI Ferrier, featuring the text "BRI Ferrier" in a bold, sans-serif font. The text is white and set against a dark rectangular background. A diagonal line runs from the bottom right corner of the dark rectangle to the right edge of the logo, creating a triangular shape on the right side.

---

**Australian Road Express Pty  
Ltd (formerly known as 'W.A.  
Freightlines Pty Ltd')**

**A.C.N. 051 918 015**

**&**

**Jolly's Transport Services Pty  
Limited**

**A.C.N. 097 891 248**

**(Both Receivers and Managers  
Appointed)(Both In  
Liquidation)**

---

**Annexure "2"**

**Summary of Liquidator's Receipts  
and Payments**

---

## Summarised Receipts & Payments

Jolly's Transport Services Pty Ltd

(In Liquidation)

Transactions From 23 October 2017 To 23 January 2018

Account	Net Amount
Cash at Bank	\$6,205.55
Funds under Indemnity for VA's Costs	\$21,818.18
Funds under Indemnity for Liq Costs	\$12,251.50
GST on Receipts	\$2,181.82
<b>Total Receipts (inc GST)</b>	<b>\$42,457.05</b>
Bank Charges	\$0.60
Liquidators Remuneration	\$11,137.73
Administrators' Remuneration	\$21,818.18
GST Clearing Account	\$564.00
GST on Payments	\$3,295.59
<b>Total Payments (inc GST)</b>	<b>\$36,816.10</b>
<b>Balance in Hand</b>	<b>\$5,640.95</b>

---

The logo for BRI Ferrier, featuring the text "BRI Ferrier" in a bold, white, sans-serif font. The text is set against a dark rectangular background. A diagonal line runs from the bottom right corner of the rectangle, separating the dark area from a lighter, greyish-white triangular area.

---

**Australian Road Express Pty  
Ltd (formerly known as 'W.A.  
Freightlines Pty Ltd')**

**A.C.N. 051 918 015**

**&**

**Jolly's Transport Services Pty  
Limited**

**A.C.N. 097 891 248**

**(Both Receivers and Managers  
Appointed)(Both In  
Liquidation)**

---

**Annexure "3"**

**ARITA Information Sheet – Creditor  
Rights in Liquidation**

---

# 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.

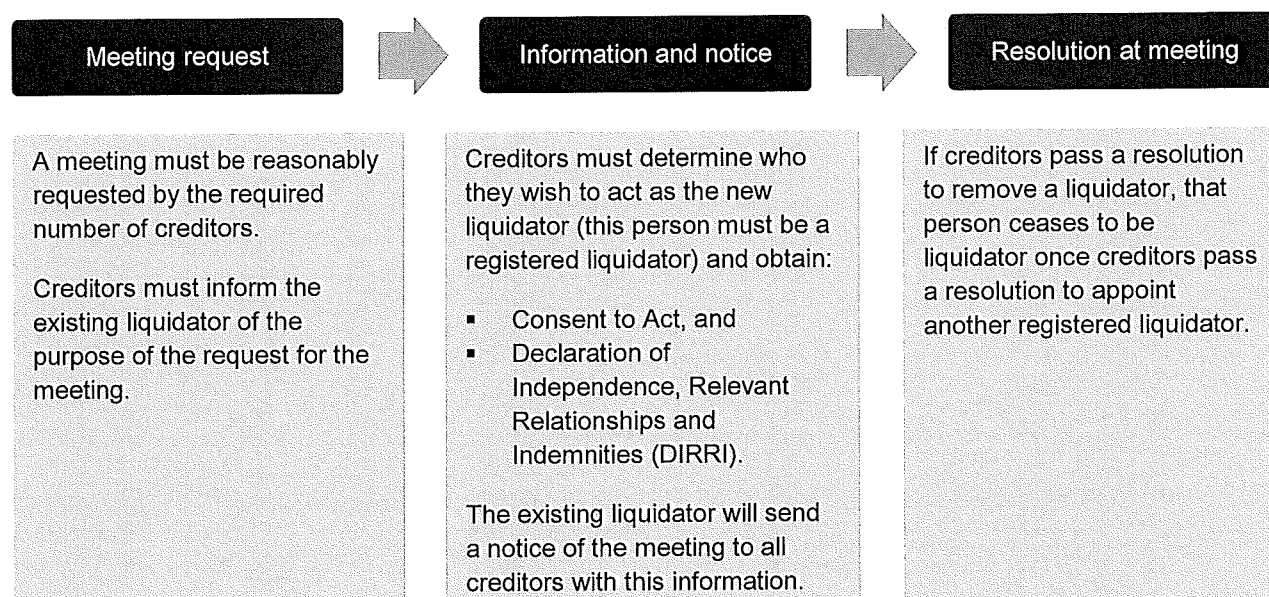
The cost of the reviewing liquidator is paid from the assets of the liquidation, in priority to creditor claims.

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)**

---

The logo for BRI Ferrier, featuring the text "BRI Ferrier" in white, bold, sans-serif font on a dark rectangular background. A diagonal line runs from the bottom right corner of the rectangle, separating the dark area from a lighter grey triangle.

---

**Australian Road Express Pty  
Ltd (formerly known as 'W.A.  
Freightlines Pty Ltd')**

**A.C.N. 051 918 015**

**&**

**Jolly's Transport Services Pty  
Limited**

**A.C.N. 097 891 248**

**(Both Receivers and Managers  
Appointed)(Both In  
Liquidation)**

---

**Annexure "4"**  
**ASIC Information Sheet**

---



ASIC

Australian Securities & Investments Commission

## Insolvency information for directors, employees, creditors and shareholders

This information sheet (INFO 39) lists ASIC's information sheets for directors, employees, creditors and shareholders affected by a company's insolvency.

We have produced these with endorsement from the Australian Restructuring Insolvency & Turnaround Association (ARITA).

The information sheets give a basic understanding of the three most common company insolvency procedures – liquidation, voluntary administration and receivership – as well as the independence requirements for external administrators and approving external administrator remuneration. There is also a glossary of commonly used insolvency terms.

### List of information sheets

- [INFO 41](#) Insolvency: A glossary of terms
- [INFO 42](#) Insolvency: A guide for directors
- [INFO 43](#) Insolvency: A guide for shareholders
- [INFO 45](#) Liquidation: A guide for creditors
- [INFO 46](#) Liquidation: A guide for employees
- [INFO 54](#) Receivership: A guide for creditors
- [INFO 55](#) Receivership: A guide for employees
- [INFO 74](#) Voluntary administration: A guide for creditors
- [INFO 75](#) Voluntary administration: A guide for employees
- [INFO 84](#) Independence of external administrators: A guide for creditors
- [INFO 85](#) Approving fees: A guide for creditors

### Where can I get more information?

Further information is available from the [ARITA website](#). The ARITA website also contains the [ARITA Code of Professional Practice for Insolvency Practitioners](#).

This is **Information Sheet 39 (INFO 39)** updated on 1 September 2017. Information sheets provide concise guidance on a specific process or compliance issue or an overview of detailed guidance.