

2ND ANNUAL CORPORATE INSOLVENCY BOOTCAMP

BRISBANE, SYDNEY, MELBOURNE

OCTOBER 2019



Intensive CPE/CPD for Insolvency Practitioners & Lawyers - from new graduates to partners.

PARTICIPANT INFORMATION:

Melbourne: Monday 21st October Sydney: Friday 25th October Brisbane: Monday 28th October

I am very pleased to announce that based on the success and feedback from last year, I will be running Corporate Insolvency Bootcamps aimed at insolvency practitioners and lawyers from new graduates to partners, as well as others from the banking, finance, regulatory and policy fields.

The training will all be based on the changes introduced to the Corporations Act by the Insolvency Law Reform Act 2016 – the Insolvency Practice Schedule and the Insolvency Practice Rules, and the Corporations Regulations. Even if you attended last year, there will be fresh information and updates on all the important developments from the past 14 months.

The key features are:

- 8.5 hours CPD/CPE - in one hit!
- Transferable with 48 hours notice
- Registration - as low as \$350 per person if you take advantage of the **Team Discount**.*
- Alongside experienced Partners and Barristers, these sessions will showcase the best emerging talent from leading specialist insolvency and law firms
- Valuable cohort networking
- Convenient venues

8.30	<p>Independence & DIRRIs</p> <ul style="list-style-type: none"> ● Corporations Act requirements ● ARITA Code requirements ● Completing the DIRRI ● Documenting the independence review ● Identifying when & how to update DIRRIs
9.30	<p>Voidable Transactions</p> <ul style="list-style-type: none"> ● Proving /presuming insolvency ● Types of voidable transactions – what to claim, when ● Defences ● Recovering preferences from the ATO ● Funding options: creditor indemnity/assigning actions/litigation funding
10.30	<p>Morning tea</p>
10.45	<p>Identifying & Managing Insolvent Trading Claims</p> <ul style="list-style-type: none"> ● What is the duty & when does it apply? ● Who owes the duty? <ul style="list-style-type: none"> ○ registered directors ○ shadow and de facto directors ○ holding companies ● Formulating claims & when is a debt incurred? ● Assessing defences <ul style="list-style-type: none"> ○ RG 217 ○ Competent and reliable person ○ Illness or other good reason ○ Taking reasonable steps

11.45	Dealing With Trust Assets – Updates on Significant Developments <ul style="list-style-type: none"> ● How to identify trust situations: SMSF, Trading Trusts, Assets held on trust ● Discretionary trusts/ Unit Trusts/SMSF – what’s the difference and why does it matter ● Key clauses in trust deeds ● Issues with automatic replacement ● Remuneration issues ● Applications to Court under trustee legislation
12.45	Lunch
13.15	Personal Property Security Act <ul style="list-style-type: none"> ● Registration requirements and time frames ● Priorities between registrations ● Effect of insolvency ● Searching the PPSR and analysing registrations ● Dealing with imperfect/incorrect registrations ● Selling secured assets on behalf of a secured creditor: - Giving clear title / Remuneration for the work ● Dealing with leased assets
14.45	Afternoon tea
15.00	Remuneration <ul style="list-style-type: none"> ● Corporations Act requirements ● ARITA Code requirements ● Lessons from the Courts ● Best practice remuneration reports ● Dealing with legal challenges
16.00	Dealing With Creditor Claims – Voting and Distributions <ul style="list-style-type: none"> ● Assessing claims for voting purposes ● Options to challenge or adjudicate ● Understanding the different priority claims ● Assessing claims for distribution purposes ● Dealing with disputes ● Circulating v Non-circulating assets ● Notice and advertising requirements
17.00	Section 439A Reports <ul style="list-style-type: none"> ● Corporations Act requirements ● ARITA Code requirements ● Planning the investigation and analysis ● Documenting the supporting work ● Preparing the report
18.00	Close

Who Should Attend?

Insolvency Accountants, Insolvency Lawyers, Liquidators, Administrators, Trustees, Turnaround Professionals, Debt Recovery Professionals, Barristers, Academics, Students, Valuers, CPA’s, Credit Managers, Bankers, Litigation Funders, PI Insurers, Regulators, Government Agencies: ASIC, FEG, ATO, Treasury.

***My Team Discount** is the best value registration option. To access it you simply register six attendees for the price of five. Those six registrations do not need to be at the same venue, and they can be from different firms, as long as there is a single, non-refundable payment. That means that the discount is available to everyone, whether you have six staff or not, as long as you find someone to team up with. Registrations cannot be shared. This team discount process presents you with a valuable relationship and marketing tool, with a benefit for all to connect with potential or existing clients!



Natasha Toholka, Partner, Norton Rose Fulbright

Natasha Toholka is a financial services, restructuring and insolvency lawyer based in Melbourne. Natasha also advises clients operating in the technology and innovation sector.

Natasha has nearly 20 years' experience working closely with financiers and insolvency practitioners. She advises clients on all aspects of banking and finance litigation, security enforcement, insolvency (reconstructions, workouts, formal appointments and cross-border), general commercial disputes, disciplinary proceedings and regulatory investigations. Natasha is the Victorian deputy co-chair of the Law Council of Australia Insolvency & Reconstruction Committee and an ARITA fellow. Natasha will present in Melbourne



Laura Johns, Partner, Norton Rose Fulbright

Laura Johns is a restructuring and insolvency lawyer based in Sydney.

Laura has extensive experience in insolvency and banking dispute resolution. Laura advises Australia's leading banks and other financial clients on complex corporate insolvency processes, litigation and recovery matters.

Laura acts for banks, insolvency practitioners, companies and creditors on issues connected with companies in financial distress and has assisted clients on a variety of insolvency and restructuring assignments. She regularly advises on security enforcement, receiverships, voluntary administrations and liquidations.

Laura has significant experience with professional negligence claims on behalf of banking clients, in particular, against valuers. She is also regularly involved in dealing with security enforcement litigation, matters involving AFCA complaints, fraud related matters and general banking and insolvency related litigation in the Supreme Court and Federal Court.

Laura has completed three secondments in house at an Australian Bank. She regularly presents and writes on insolvency, litigation and recovery matters including: Banking Code of Practice; Ipso Facto Law Reform. Laura will present in Sydney.



Mark Schneider, Partner, Norton Rose Fulbright

Mark Schneider is a corporate restructuring, insolvency, commercial and banking litigation lawyer based in Brisbane.

Mark focuses on resolving disputes, advising both banks and insolvency practitioners in relation to all aspects of the enforcement of securities and the realisation of distressed assets in Australia and internationally.

Mark has advised insolvency practitioners, secured and unsecured creditors including financial institutions and directors in relation to debt recovery, security enforcement, restructuring, formal insolvency procedures and dispute resolution throughout Australia and in Europe.

Mark regularly advises on secured creditors' rights, including undertaking complex security reviews and the intensive management of complex and sensitive debt positions.

Mark is sought out by clients involved in potential disputes who are concerned about protecting their reputation. He is experienced with alternative dispute resolution as well as appearing and instructing in the State and Federal Courts, including at Appellate level.

Mark has experience in many industry sectors including commercial, rural and residential property, hotels and leisure, retail, energy and resources (including mining services). Mark will present in Brisbane.

Voidable Transactions / Identifying & Managing Insolvent Trading Claims

Angelina Kozary, Partner, Piper Alderman



Angelina is a Partner in Piper Alderman's national Dispute Resolution team. Her expertise is in formal insolvency appointments, corporate restructurings, complex commercial litigation and insolvency risk advice. A focus of Angelina's practice is working for liquidators, voluntary administrators, receivers and secured creditors as well as corporate clients in both contentious and non-contentious matters. In addition, Angelina provides advice and representation to commercial clients and individuals in connection with a variety of matters including shareholder disputes, debt recovery and contractual disputes.

Angelina has acted in a number of high profile matters, appearing before both the Supreme and Federal Courts in both New South Wales and Victoria. She has assisted numerous directors of companies facing financial distress to find commercial solutions to complex issues. Angelina prides herself on being pragmatic, solution driven and on her ability to build solid and trusting relationships with her clients, whether those clients are themselves professional services providers or individuals facing a challenging situation. She has been listed as a Rising Star in Litigation, Dispute Resolution and Insolvency in the 2018 Doyle's Guide. She is a co-author of the Lexis Nexis Corporate Insolvency Practical Guidance publication.

Angelina will present at each venue.

Identifying & Managing Insolvent Trading Claims

Carrie Rome-Sievers, Barrister



Carrie is a commercial law Barrister practising primarily in the areas of insolvency and corporations law. She is experienced in advocacy, pleadings and opinion work. Carrie has advised and appeared for directors, liquidators, administrators and creditors in a range of matters including insolvent trading, uncommercial transactions, statutory demands, applications for directions including in the liquidation of corporate trustees, unreasonable director-related transactions, applications for approval of remuneration, applications for approval of deeds. Carrie has written numerous articles, including on the recent

appeal decisions in *Amerind* and *Killarnee* – see her website www.carrieromesievers.com. Carrie is a long-standing member of Lonsdale Chambers in Melbourne, is a member of the Commercial Bar Association of Victoria, the Insolvency and Reconstruction Law Committee of the Law Council of Australia, and WIRV – Women in Insolvency and Restructuring Victoria. Carrie will present in Sydney and Melbourne. Carrie has been named in the peer-reviewed Best Lawyers list for Insolvency and Reconstruction each year for 2016-2019, in Doyles Guide for Victoria in two categories – for Leading Commercial Litigation and Dispute Resolution Counsel and Leading Insolvency and Restructuring Counsel - for 2017-2019, and in Doyles Guide for Australia for Leading Insolvency & Restructuring Junior Counsel in 2019. Carrie will present in Sydney and Melbourne.

Rob Hinton, Partner, Gadens



Rob is a Partner in Banking & Finance Group, Gadens, specialising in litigation, restructuring and insolvency. He has been involved in all aspects of commercial litigation for over 25 years. Rob's specific expertise lies in acting for administrators, deed administrators, liquidators, receivers, creditors and company directors, and various banking clients. His work takes him to all jurisdictions, from the Magistrates' Court to the High Court, as well as VCAT.

His litigation experience includes applications to the Court for directions on various insolvency administrations, preference actions, proof of debt adjudications and more generally, large commercial contractual disputes and

Corporations Law proceedings. Rob has been involved in various committees of the Law Institute of Victoria in the insolvency and reconstruction area for many years. He also lectures the Advanced Insolvency course

run by the Insolvency Practitioners Association of Australia and is often asked to lecture at industry functions and seminars. Robert has been nominated as a “Best Lawyer” in the fields of Alternative Dispute Resolution and Insolvency and Reconstruction by Best Lawyers for five years consecutively.

Specific assignments: Insolvency administrations – Pyramid Building Society, Comcorp Group, Sheen Panels Group, the Water Wheel Group, Ansett Group, the Stockford Group, the Newmont Group, the Primelife Group, the Computer Power liquidation, the DFO group and advising Banks and other Financial Institutions in relation to recovery and realisation strategies and legal obligations and rights including in relation to the appointment of Voluntary Administrators, Receivers and Managers and Mortgagees in Possession. Acting for banks in debt disputes, misleading and deceptive conduct litigation, guarantee cases and documentation disputes. Rob will present in Melbourne.



James Roland, Partner, Gadens

James is a Partner in Banking & Finance Group, Gadens specialising in all areas of banking, and corporate restructuring and insolvency law.

James has extensive experience on a wide range of property, corporate and agribusiness finance transactions. He also has significant experience in providing advice to secured lenders in connection with the management of distressed exposures, ranging from debt restructuring solutions and distressed debt trading to the enforcement of securities and the recovery of debt.

James’ practice also encompasses all aspects of corporate insolvency, including liquidations, receiverships, administrations, deeds of company arrangement, schemes of arrangement, informal workouts, banking and insolvency-related litigation, and the conduct of liquidators’ examinations and investigations. James has handled countless distressed exposures across all industry sectors ranging from bilateral to large syndicated facilities, generally with a view to implementing confidential restructuring and turnaround solutions outside formal insolvency procedures. He has a detailed understanding of how financial institution manage credit risk both in terms of performing and non-performing loans in a heavily regulated and closely scrutinised environment. In addition to his time in law firms, James also spent several years as a Senior Legal Counsel at National Australia Bank during which time he advised the bank’s corporate, agribusiness and development finance teams in relation to the documentation and management of its transactions, and the bank’s special situations teams in relation to corporate debt restructuring and recovery work (including debt-for-equity transactions). James will present in Sydney.



Michael Trim, Barrister

Michael is a Barrister at Level Twenty Seven Chambers in Brisbane. He has a broad practice providing advice and assistance with commercial and corporate disputes in the following fields: insolvency, banking & finance, construction and infrastructure, insurance & re-insurance, professional negligence, commercial property and other general commercial matters.

Michael’s practice encompasses appearances in courts, arbitrations, mediations and commissions and work as a mediator or arbitrator. Recent cases of interest include a leading High Court decision concerning liquidators’ obligations with respect to post-appointment tax liabilities (*Commissioner of Taxation v Australian Building Systems* [2015] HCA 48).

The current edition of Doyle's Guide to the Australian Legal Profession lists Michael as a 'preeminent', 'leading' or 'recommended' junior for Insolvency & Restructuring (National and Queensland) and Commercial Litigation & Disputes (Queensland). In addition, Michael is listed in the Australian Financial Review's Best Lawyers 2017, 2018 and 2019 for Alternative Dispute Resolution and Litigation.

Michael was also a lawyer and senior associate with Clyde & Co and Clifford Chance LLP in London for almost 5 years prior to coming to the bar. Michael will present in Brisbane.



Guy Edgecombe, Partner, Gadens

Guy is a Partner in commercial dispute resolution, insolvency and banking recovery specialist at Gadens with over 30 years' experience and widely admired for his strategic approach. His extensive experience includes advising on issues ranging from secured and unsecured debt recovery and recovery of equipment and real property. He also advises receivers, liquidators and trustees in their administrations and relating to such matters as recovery of uncommercial transactions, preferences and insolvent trading, to name just a few. Having been a long standing member of ARITA, Guy understands the intricacies and legal aspects arising out of insolvencies and reconstructions. Guy's clients include financial institutions, professional services firms, liquidators, public and private companies. He delivers regular client training in areas such as risk management and credit control, and has published articles and lectured on a broad range of topics including public risk, insolvency, insurance law and trade practices law. Guy will present in Brisbane.

Personal Property Security Act



David Murray-Nobbs, Partner, Thomson Geer

David is a Partner in Thomson Geer's Banking, Finance & Property Group. David has considerable commercial experience, having practiced as a management accountant with Unilever Limited before working at Thomson Geer. He brings this commercial expertise to his work for some of Australia's largest banks and financial institutions and regularly presents to these clients on legal developments affecting their business. David will present in all venues.



Marc Saadie, Partner, Thomson Geer

Marc is a Thomson Geer Partner with widespread experience in a number of legal disciplines, including banking and finance, property and construction, and commercial law.

Marc acts for a number of major banks, financial institutions, insolvency practitioners and commercial clients in relation to all aspects of property, commercial and finance related transactions, and focuses on giving sound strategic advice to achieve commercial outcomes. Marc will present in all venues.

Remuneration



Edwina Keynes, Barrister

Edwina is a Barrister at University Chambers in Sydney. She was admitted as a solicitor in 2012 and called to the bar in 2018. She holds a Bachelor of Law (Honours) and Bachelor of International Studies.

She practices predominantly in general commercial litigation with a particular interest in bankruptcy and corporate insolvency. Her practice also includes banking and finance law, real property, building and construction, equity, trusts, consumer and contract law. Her experience includes appearing unled at trials at the local and district court levels and applications of both an interlocutory and

substantive nature in the Federal Court and Supreme Courts of both New South Wales and Victoria.

Prior to coming to the Bar, Edwina practised as a solicitor in commercial litigation in the New South Wales, Victorian and South Australian jurisdictions. She regularly appeared and advised in general commercial, insolvency and corporate matters including appearing in the Supreme, Federal, District and Local Courts. Edwina was also the associate to the Honourable Justice Anderson of the Supreme Court of South Australia. Edwina will present at each venue.

Dealing With Creditor Claims – Voting and Distributions



Alex Smith, Special Counsel, K & L Gates

Alex has over 15 years' experience working on restructuring and insolvency matters across a wide range of industries and sectors including real estate, retail, infrastructure, leisure and automotive. She provides legal and strategic advice to lenders, investors and creditors in relation to formal insolvency situations, security and debt enforcements and consensual restructurings. Alex advises companies experiencing financial distress and company directors on their duties at such times. She acts for liquidators, receivers and administrators of insolvent companies.

Alex has previously worked in the restructuring and insolvency teams of an Australian commercial law firm and a top international law firm based in London.

She has also worked in the restructuring teams of ANZ Banking Group and the Royal Bank of Scotland and in the institutional legal teams of ANZ and Credit Agricole Group. Alex will present in Sydney and Melbourne.



Katherine Smith, Senior Associate, K & L Gates

Katherine is an experienced restructuring and insolvency lawyer advising clients in respect of contentious and non-contentious aspects of corporate insolvency, bankruptcy and recoveries, including examining antecedent transactions, securities enforcement, and investigations. Katherine also has extensive experience working in both the Australian and New Zealand Revenue Offices in their respective debt recovery areas where she led the response to the Insolvency Practitioners Bill governing the regulation of insolvency practitioners in New Zealand and assisted in laying the foundation for increased governmental collaboration to address phoenix risk. Katherine will present in Sydney and Melbourne.



Ian Dorey, Partner, K & L Gates

Ian has a great depth of experience in all areas of insolvency, banking, recovery, and commercial litigation. His main focus is in the area of secured recovery, where he advises major banks, regional banks and other financial institutions on banking, insolvency, and recovery issues. He concentrates on providing practical commercial advice to clients to get the best possible outcome. Ian also acts for insolvency practitioners appointed as receivers and managers, voluntary administrators, liquidators or trustees in bankruptcy. He has been involved in litigation of all sizes in Australian state and federal jurisdictions, including matters involving injunctive and declaratory relief, complex banking litigation, mortgage recovery, and debt recovery, including recovery against guarantors and principal debtors where a shortfall exists. Ian has participated in numerous mediations and is a supporter of alternative dispute resolution processes. Ian will present in Brisbane.



James Thompson, Lawyer, K & L Gates

James is a lawyer in the restructuring and insolvency group. He provides advice to a wide range of corporations, financial institutions and insolvency practitioners in relation to recovery issues, wind ups (including preference claims) and enforcement matters. James will co-present in Brisbane.



Radhika Kanhai, Partner, Cornwalls

Radhika is a Partner in Cornwalls’ Restructuring, Turnaround and Insolvency team as well as its Litigation and Dispute practice. She also heads those practice areas in the firm’s Melbourne office.

She has over 20 years’ experience in complex court litigation and dispute resolution. Her specific areas of expertise include corporate reconstruction and insolvency, personal insolvency, leasing disputes, contractual breaches and Corporations Act matters.

Radhika has also undertaken extensive accredited mediation training, resulting in particular expertise in the area of alternative dispute resolution through negotiation, mediation and conciliation processes. This enables her to achieve the best practical and achievable outcomes for our clients.

In addition, Radhika is privileged to have been recognised as a recommended lawyer in Doyles Leading Insolvency and Restructuring Lawyers Guide since 2017, and she is also a Lexology Client Choice recipient and was awarded the Outstanding Female Award 2018 by Women in Insolvency and Restructuring Victoria. Radhika will present in Melbourne and co-present in Sydney.



Paul Evans, Partner, Cornwalls

Paul is a well-known insolvency lawyer that has also served on the boards of various government-funded bodies and private enterprises. He has been a partner since 1995. Paul provides both commercial and legal insights in terms of practical issues that arise for the insolvency practitioner. He has advised and acted as the advocate for the Official Trustee, a large number of insolvency practitioners, most major banks and other financiers in the commercial sphere including the German bankers in the banking syndicate dealing with Babcock & Brown. As well as holding an honours

degree in law, and master of laws, he has been an accredited specialist in commercial litigation since 2007. He has just completed an MBA at the University of Queensland. He has been a member of ARITA (IPAA) since 2001, and has spoken at numerous insolvency events over the past 25 years. With a focus on managing risk Paul, and his team, reduce stress for his clients and bring a comprehensively commercial approach to achieving results. Paul is an advocate. He, and his team appear as the advocates in various trials and appeals each year. Indeed, Paul has appeared as an advocate in two recent Royal Commissions and regularly appears as an advocate in public examinations. Paul will co-present in Sydney and present in Brisbane.

Dates and Venues:

Melbourne - Monday, 21st October - Karstens, 123 Queen Street

Sydney - Friday, 25th October - Sydney Masonic Centre, 66 Goulburn Street

Brisbane - Monday, 28th October - Queensland Law Society, 179 Ann Street

Please pass on this program on to any of your contacts who might be interested in attending. For more information including terms & conditions, registration details, sponsorship, presenting opportunities – or any other suggestions, go to www.traillandassociates.com

Mobile: **0405 136 001** Email rtraill@traillassociates.com.au

Please return completed form by mail to **Traill & Associates Suite 1A, Level 2, 802 Pacific Highway, Gordon, 2072**

Enquiries : **0405 136 001** or rtraill@traillassociates.com.au

Attach any names of additional registrants separately.

Please keep a copy of the completed registration for your GST records. Confirmation will be sent by email. This document will be a Tax Invoice, for GST purposes, when you make full payment. ABN: 47085482533

Organised by : Rosie Traill for Traill & Associates Pty Ltd –Insolvency, Bankruptcy, Turnaround & Restructuring Conference Specialists. www.traillandassociates.com

These terms and conditions are to be read in conjunction with Terms and Conditions disclosed at www.trailandassociates.com website.

Team Discount

Register 6 attendees for the price of 5. The nominated 6 registrations do not need to be at same venue and can be from different firms as long as there is a single, non-refundable payment received with the signed registration form. That means the discount is available to everyone, whether you have six staff or not, as long as you find someone to team up with.

Registrations for the Bootcamp will only be TRANSFERABLE with a minimum of 48 hours prior to the event date and must be provided in writing to Traill & Associates and confirmed by Traill & Associates. Registrations are as per nominated individual name and cannot be shared across the event.

Privacy

Your information is added to our delegate database to register you for this event and provide you with details of our upcoming conferences in your field. We may also from time to time share your name and organisation only with event sponsors and speakers so they know who is in their audience and can deliver accordingly (subject to strict conditions). From time to time, we may contact you about other related events. If you DO NOT wish to receive this information or have your details made available to sponsors please notify us using the contact information in the Contact Us tab / menu item on the website. Please note personal and credit card information is not shared and used solely for payment and registration purposes - Traill & Associates requests that all credit card information and registrations are forwarded in a secure manner. Before you disclose to us the information of another person you must obtain that person's consent.

Disclaimer

Traill & Associates reserves the right to change some elements of the program at any time in the event of unforeseen circumstances. Traill & Associates accepts no liability for any loss or damage suffered by any person at any event organised by Traill & Associates by reason of any act or omission on the part of any other person however that loss or damage is caused including but not limited to any negligence on the part of any other person. Information obtained at the event does not constitute legal advice and should not be relied upon as such.

Cancellation Policy

To keep costs down and because I allow unrestricted transfer of registrations between venues and firms within 48 hours of event (conditional upon prior written notice as above) please note that I cannot accept cancellations and there will be no refunds. In the event of unforeseen circumstances for any or all of the events (including minimum numbers not being met) the organiser has the right to cancel or reschedule any or all of the events and in this instance a full refund or transfer of the registration fee only (not any associated costs) will be provided.

Campaign Policy

Terms and conditions of this registration process: Once your completed Registration Form has been received by us, you are officially registered for the Bootcamp. Cancellation policy as set out above will apply as do all other terms and conditions.

CPD/CPE/CLE Points

Accountants, Solicitors and Barristers may earn up to 8.5 CPD, CPE or CLE points if they attend this Bootcamp. One point per actual hour of attendance. For Barristers in NSW (accreditation pending) one point per hour of attendance, to be allocated to strands according to the subject matter of sessions attended. Call Traill & Associates for more details or contact your professional body to confirm adherence to their practice rules and guidelines.

Important Security Notice

We want to take good care of you, so for venue requirements, security and safety reasons, highly visible official name badges must be worn at all times by all delegates.

If you have any queries or special requests, comments or suggestions, or any special dietary requirements please contact:

Rosie Traill

Mobile: 0405 136 001 Email: rtraill@traillassociates.com.au

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ABN: 47085482533

www.trailandassociates.com

Suite 1A, Level 2, 802 Pacific Highway, Gordon, NSW

