From:
To:
Cc:
s 22

Subject: RE: Reforms to combat illegal phoenixing - Update [DLM=Sensitive:Legal]
Date: Monday, 13 August 2018 4:41:20 PM
Attachments: Exposure Draft-Treasury Laws Amendment (Combating Illegal Phoenixing) Bi....doc
Exposure Draft-Treasury Laws Amendment (Combating Illegal Phoenixing) Bi....pdf
Exposure Draft-Insolvency Practice Rules (Corporations) Amendment (Restr....doc
Exposure Draft-Insolvency Practice Rules (Corporations) Amendment (Restr....pdf
Exposure Draft-EM-Treasury Laws Amendment (Combating Illegal Phoenixing)....docx
Exposure Draft-EM-Treasury Laws Amendment (Combating Illegal Phoenixing)....pdf
Exposure Draft-ES-Insolvency Practice Rules (Corporations) Amendment (Re....doc
Exposure Draft-ES-Insolvency Practice Rules (Corporations) Amendment (Re....pdf

---

Hi s 22,
Thank you for all your assistance on the phoenixing package so far.
By way of update, the Minister has agreed to the release of the **attached** draft legislation and explanatory materials for the phoenixing reforms. These materials are expected to be released for public consultation in the next few days. The consultation period will be 6 weeks and we will also be holding roundtables in Sydney and Melbourne. We will extend you an invite to the roundtables and, as always, we will consult with you as we progress through the consultation and drafting process.

s 22

Please let me know if you have any queries or wish to discuss.
Kind Regards,
s 22
Senior Adviser
Corporations Policy
The Treasury
Level 5, 100 Market Street
SYDNEY 2000

s 22

From: s 22
Sent: Monday, 16 July 2018 10:22 AM

s 22

Subject: RE: Reforms to combat illegal phoenixing - Request for ASIC views on absolute liability element [DLM=Sensitive:Legal]

S 22

Kind regards
s 22

s 22 | Acting Chief Legal Officer | ASIC s 22

s 22

Date: 13/07/2018 06:23 PM
Subject: RE: Reforms to combat illegal phoenixing - Request for ASIC views on absolute liability element [DLM=Sensitive:Legal]

Hi s 22

Thank you very much for the very quick turnaround, it is much appreciated.

We will consider your comments and keep you updated with developments.

Kind regards,

s 22
Senior Adviser
Corporations Policy
The Treasury
Level 5, 100 Market Street

s 22

From: s 22
Sent: Friday, 13 July 2018 6:22 PM

s 22

Subject: RE: Reforms to combat illegal phoenixing - Request for ASIC views on absolute liability element [DLM=Sensitive:Legal]

s 22

s 22

s 42, s 47C, s 47E (d)

s 42, s 47C, s 47E (d)

Kind regards
s 22
22166

s 22 Acting Chief Legal Officer | ASIC s 22

s 22

Date: 13/07/2018 01:25 PM
Subject: RE: Reforms to combat illegal phoenixing - Request for ASIC views on absolute liability element [DLM=Sensitive:Legal]

H s 22 ,

Thank you for your comments on the revised draft phoenixing offence and other documents.

S 22

s 22

We are very happy to discuss this with you.

Kind Regards,

s 22
Senior Adviser
Corporations Policy
The Treasury
Level 5, 100 Market Street
SYDNEY 2000

s 22

From: s 22
Sent: Friday, 13 July 2018 10:10 AM
s 22
Subject: RE: Reforms to combat illegal phoenixing [DLM=Sensitive:Legal]

s 22

s 22

Kind regards, and of course always happy to discuss. We've tried not to be too repetitive of some of our issues, but have re-made some comments in the attached.

s 22

s 22 | Acting Chief Legal Officer | ASIC s 22

s 22

ASIC FOI 024-2024

s 22

Date: 09/07/2018 12:17 PM
Subject: RE: Reforms to combat illegal phoenixing [DLM=Sensitive:Legal]

Good afternoon

Thank you everyone for all of your comments and other input as we finalised the policy settings for the phoenixing package last week. The focus this week is on getting the exposure draft law and EM finalised and ensuring it reflects the agreed policy settings.

Please find attached:

- A draft of the explanatory materials and draft explanatory statement.
- A copy of the latest drafts of the legislation (and the compilation of the phoenixing offence amendments).
- A copy of the supplementary instructions to be sent to OPC today (subject to final review in Treasury). These will be necessary to follow parts of the EM that have anticipated amendments yet to be made until we get revised drafts.

The EM is quite rough and we are only now in a position to start our own proof-reading and QA. We are happy to receive comments in whatever form works best for you. However, discrete changes or incontestable fixes to errors are helpful in track changes while more substantive suggestions we may not necessarily agree with are generally best made as a balloon comment or a comment in another document for us to consider.

Happy to discuss.

Cheers

s 22

Legislative Adviser
The Treasury

S 22

s 22