



Insolvency practitioner access to company records

The Attorney-General's Department (the department) moves to alternative forms of claim assessment where delays in verifying claims due to issues with company books and records cause unreasonable delays for FEG claimants.

Where there are difficulties in accessing company records or other unreasonable delays in the provision of timely verified employee entitlement data based on company books and records, the department will pursue alternative forms of claim assessment in order to finalise claims quickly and accurately.

Insolvency practitioners are not obliged to verify entitlements for the department if access to adequate company records cannot be confirmed within four weeks of initial contact. In most such cases, the department will undertake claim assessment through either 'in-house' consideration of claimants' supporting documents, or by engaging a third party contractor to assist in verifying former employees' entitlements.

Key timeframes for the department are set out below:

- Insolvency practitioners respond to the department's initial contact questionnaire within 14 days
- Insolvency practitioners complete verification of employee entitlements within 28 days.

Where these timeframes are not achievable, the department will generally proceed with an alternative form of claim assessment. There may be some exceptional complex cases where extensions are granted to an insolvency practitioner who is experiencing ongoing difficulties with assessment due to the nature of the case.

If insolvency practitioners are experiencing unusual difficulties with a particular case, please contact the department as soon as possible to advise the nature of the difficulty, and request additional time to complete verification.

If the department is having difficulty communicating with an insolvency practitioner about the status of a case verification, the department is more likely to proceed immediately to an alternative means of assessing FEG claims.

The department has processes to provide insolvency practitioners with access to supporting information provided to the department by claimants. Insolvency practitioners are therefore able to understand the basis for decisions made by the department in cases where the insolvency practitioner was not able to access company records, or the records were not sufficiently reliable to verify entitlements.

The department appreciates the continued assistance and cooperation of insolvency practitioners to progress all claims assessed under the FEG program as efficiently as possible.

If you wish to discuss this approach please contact the IP Helpline:

- (02) 6240 0440
Mon - Fri, 9 am - 5 pm (AEST/ADST)
- email feg@jobs.gov.au