



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

## Freedom of Information Publication Coversheet

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI Reference: CMTEDDFOI 2023-174

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	Published
4. Additional information identified	No
5. Fees	Waived
6. Processing time (in working days)	45
7. Decision made by Ombudsman	N/A
8. Additional information identified by Ombudsman	N/A
9. Decision made by ACAT	N/A
10. Additional information identified by ACAT	N/A

**From:** [no-reply@act.gov.au](mailto:no-reply@act.gov.au)  
**To:** [CMTEDD FOI](#)  
**Subject:** Freedom of Information request  
**Date:** Wednesday, 17 May 2023 3:45:27 PM

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**Caution:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe. [Learn why this is important](#)

Please find online enquiry details below. Please ensure this enquiry is responded to within fourteen working days.

### Your details

**All fields are optional, however an email address OR full postal address must be provided for us to process your request. An email address and telephone contact number will assist us to contact you quickly if we need to discuss your request.**

Title:

First Name:

Last Name:

Business/Organisation:

Address:

Suburb:

Postcode:

State/Territory:

Phone/mobile:

Email address:

### Request for information

**(Please provide as much detail as possible, for example subject matter and relevant dates, and also provide details of documents that you are not interested in.)**

Under the Freedom of Information Act 2016 I want to access the following document/s (\*required field):

Australian women's Soccer Association (In Liquidation) ABC 12 771 223 214 - Section 476 report lodged on 8 January 2003 and - Section 533 report lodged on 8 January 2003

I do not want to access the following documents in relation to my request::

Only these documents please.

Thank you.  
Freedom of Information Coordinator



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

Our ref: CMTEDDFOI 2023-174



## FREEDOM OF INFORMATION REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 17 May 2023.

Specifically, you are seeking: *“Australian Women’s Soccer Association (In Liquidation) ABC 12 771 223 214 - Section 476 report lodged on 8 January 2003 and - Section 533 report lodged on 8 January 2003.”*

I note that on 6 June 2023, you confirmed that you *“do not require personal information eg. names, addresses, signatures or phone numbers of directors / committee members.”*

### Authority

As an appointed Information Officer under section 18 of the Act, I am authorised to make a decision on access or amendment to government information in the possession or control of CMTEDD.

### Timeframes

In accordance with section 40 of the Act, CMTEDD is required to provide a decision on your access application by 16 June 2023 however, following on from an extension and third party consultations, the due date is now 21 July 2023.

### Decision on access

Searches were completed for relevant documents and one document was identified that falls within the scope of your request.

I have included as **Attachment A** to this decision the schedule of relevant documents. This provides a description of the document that falls within the scope of your request and the access decision for that document.

I have decided to grant partial access to the document.

My access decisions are detailed further in the following statement of reasons and the document released to you are provided as **Attachment B** to this letter.

In accordance with section 54(2) of the Act a statement of reasons outlining my decisions is below.

### **Statement of Reasons**

In reaching my access decisions, I have taken the following into account:

- the Act;
- the content of the documents that fall within the scope of your request;
- the views of consulted third parties; and
- the *Human Rights Act 2004*.

### **Exemption claimed**

My reasons for deciding not to grant full access to the identified information are as follows:

#### Public Interest

The Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, public interests lies. As part of this process I must consider factors favouring disclosure and non-disclosure.

In *Hogan v Hinch* (2011) 243 CLR 506, [31] French CJ stated that when ‘used in a statute, the term [public interest] derives its content from “the subject matter and the scope and purpose” of the enactment in which it appears’. Section 17(1) of the Act sets out the test, to be applied to determine whether disclosure of information would be contrary to the public interest. These factors are found in subsection 17(2) and Schedule 2 of the Act.

Taking into consideration the information contained in the document found to be within the scope of your request, I have identified that the following public interest factors are relevant to determine if release of the information contained within the document is within the ‘public interest’.

#### Factors favouring disclosure in the public interest:

(a) *disclosure of the information could reasonably be expected to do any of the following:*

(xiii) *contribute to the administration of justice generally, including procedural fairness.*

Having considered the factors identified as relevant in this matter, I consider that release of the information contained in this document may contribute to the administration of justice generally by allowing you to have a copy of the document relating to the Australian Women’s Soccer Association (in Liquidation) 8 January 2003. I am satisfied that this factor favouring disclosure carries some weight. However, this factor is to be balanced against the factors favouring non-disclosure.

#### Factors favouring nondisclosure in the public interest:

(a) *disclosure of the information could reasonably be expected to do any of the following:*

(xi) *prejudice trade secrets, business affairs or research of an agency or person.*



Having reviewed the documents, I have considered the impact of disclosing information which relates to business affairs. In the case of *Re Mangan and The Treasury* [2005] AATA 898 the term 'business affairs' was interpreted as meaning 'the totality of the money-making affairs of an organisation or undertaking as distinct from its private or internal affairs'. Schedule 2 section 2.2(a)(xi) allows for government information to be withheld from release if disclosure of the information could reasonably be expected to prejudice the trade secrets, business affairs or research of an agency or person. The information withheld from release could reasonably be expected to unfairly prejudice the business affairs of those businesses.

Having applied the test outlined in section 17 of the Act and deciding that release of personal information contained in the document is not in the public interest to release, I have chosen to redact this specific information in accordance with section 50(2). Noting the pro-disclosure intent of the Act, I am satisfied that redacting only the information that I believe is not in the public interest to release will ensure that the intent of the Act is met and will provide you with access to the majority of the information held by CMTEDD within the scope of your request.

### **Charges**

Pursuant to *Freedom of Information (Fees) Determination 2017 (No 2)* processing charges are applicable for this request because the total number of pages to be released to you exceeds the charging threshold of 50 pages. However, the charges have been waived in accordance with section 107(2)(b) of the Act.

### **Online publishing – Disclosure Log**

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. Your original access application, my decision and documents released to you in response to your access application will be published on the CMTEDD disclosure log 3 days after the date of my decision. Your personal contact details will not be published.

You may view CMTEDD disclosure log at <https://www.cmtedd.act.gov.au/functions/foi>.

### **Ombudsman Review**

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in CMTEDD disclosure log, or a longer period allowed by the Ombudsman.

We recommend using this form [Applying for an Ombudsman Review](#) to ensure you provide all of the required information. Alternatively, you may write to the Ombudsman at:

The ACT Ombudsman  
GPO Box 442  
CANBERRA ACT 2601

Via email: [actfoi@ombudsman.gov.au](mailto:actfoi@ombudsman.gov.au)

### **ACT Civil and Administrative Tribunal (ACAT) Review**

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal  
GPO Box 370  
Canberra City ACT 2601  
Telephone: (02) 6207 1740  
<http://www.acat.act.gov.au/>

Should you have any queries in relation to your request please contact me by telephone on 6207 7754 or email [CMTEDDFOI@act.gov.au](mailto:CMTEDDFOI@act.gov.au).

Yours sincerely



Emma Hotham  
Information Officer  
Information Access Team  
Chief Minister, Treasury and Economic Development Directorate

21 July 2023



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

## FREEDOM OF INFORMATION REQUEST SCHEDULE

WHAT ARE THE PARAMETERS OF THE REQUEST						Reference NO.
Australian Women's Soccer Association (In Liquidation) ABC 12 771 223 214 - Section 476 report lodged on 8 January 2003 and Section 533 report lodged on 8 January 2003						CMTEDDFOI 2023-174
Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-65	Section 533 and Section 476 report by Administrator	8 Jan 2003	Partial release	Sch 2 s2.2 (a)(xi) Out of Scope	Yes
Total No of Docs						
1						



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Mr Brian Marshall  
Registrar-General's Office  
PO Box 225  
Civic Square ACT 2608

Our ref AWSA02C64619InvestReport0905CRL

8 January 2003

**A 00148880**

Dear Sir

**Australian Women's Soccer Association  
(In Liquidation)  
ABN 12 771 223 214**

PRIVATE  
A00908

### Section 533 Investigative Report

In accordance with the requirements of Section 533 and Section 476 of the Corporations Act 2001 and ASIC Practice note 50, I report as follows:

#### **1 THE EXTERNAL ADMINISTRATOR AND THE CONDUCT OF THE EXTERNAL ADMINISTRATION**

##### **1.1 Background Details**

I, Anthony Gregory McGrath was appointed liquidator of the Australian Women's Soccer Association ("AWSA") on 29 July 2002, by a Court Order from the Supreme Court of the Australian Capital Territory. The order was made pursuant to Section 89 of the Associated Incorporations Act 1991 ("the Act"), following a petition by Freehills Solicitors, of London Court, 13 London Circuit, Canberra ACT 2600.

##### **1.2 Access to Records**

I advise that upon my appointment as liquidator, I took possession of the books and records of the association in accordance with Section 530B of the Corporations Act 2001. However, after a review of the books and records on hand and several requests upon directors and previous employees, I have established that the records are incomplete.



A copy of the inventory of books and records held by the liquidator is attached as Annexure A to this report. Access can be provided to these records should you wish.

### **1.3 Financial Position**

The financial position has been determined by reference to the 2001 draft financial statements, and as a result of discussions with Soccer Australia ("SA") and the directors of AWSA.

The assets of AWSA on our appointment were listed as the following:

- Office furniture and equipment (estimated realisable value \$3,000);
- Team equipment (nil realisable value);
- Leasehold improvements (nil realisable value);
- Debtors (book value of \$37,083 but due to age considered to have a nil realisable value); and
- State levies (book value of \$50,000 and an estimated realisable value of \$10,000).

The team equipment relates to a video analysis machine ("VAM") owned by the association, which was stolen from the Australian Institute of Sport ("AIS") in 2000. Despite this, the item continued to be reflected in the association's balance sheet. The theft does not appear to be covered by AWSA's insurance.

The leasehold improvements relate to improvements made to the Canberra premises totalling approximately \$13,000. However, AWSA is not the owner of the premises. Given that the association was not charged rent by the owners of the premises, SA, these assets are not considered recoverable.

The state levies represent player and club levies that AWSA is empowered to collect in accordance with its constitution. However, these amounts are also claimed by Soccer Australia. The extent to which the levies are fully recoverable is uncertain.

Accordingly, the realisable value of the assets is estimated to be approximately \$13,000.

The liabilities of the association on our appointment comprised the following:

- Sch 2.2(a)(xi) (\$68,273.92);
- Sch 2.2(a)(xi) (\$7,000);
- (\$12,082.88)
- Sch 2.2(a)(xi) (\$13,221.90)
- Sch 2.2(a)(xi) (\$13,426.65);
- (\$33,333.33);
- Out of scope (381.90);
- Sch 2.2(a)(xi) (\$12,000); and
- Other (estimated \$5,000)

The total amount of known creditors is \$139,415.80. Creditors have not yet been requested to prove their debts.

## 2 BACKGROUND – THE COMPANY AND ITS OFFICERS

### 2.1 Directors and Company Secretary

The names, contact details and last known addresses of directors and other officers of the association are attached as Annexure B. In addition, a schedule is provided in respect of each appointed director of the association detailing:

- The date that they were appointed as a director and the date they resigned (if applicable);
- The role they played in the internal management of the company; and
- Whether, deliberately or otherwise, they may have failed to perform their duties to the legally required standard.

## 2.2 Principal Business Activities

AWSA's principal business activity revolved around the overall marketing, promotion and development of women's soccer in Australia, and for the National Teams Program.

It is important to note that while AWSA was previously a stand-alone entity, the Australian Sports Commission ("ASC"), AWSA and to a lesser extent SA has pursued the integration of women's soccer and men's soccer, to create one representative body, under the control of SA. This is inline with FIFA's and the ASC's aims. Operationally, responsibility for women's soccer transferred to SA around June 2001. However, we note that such integration has not legally taken place.

## 2.3 Causes of Failure

After discussions with officers of the association, third parties and creditors, and after inspection of the association's books and records, I consider that the following issues contributed to the failure of the business:

- Inability to react to reduced funding;
- The failure of AWSA to properly identify its liabilities; and
- Poor management.

### 2.3.1 *Inability to react to reduced funding*

AWSA derived its income from two principal sources, funding from grants from the ASC and levies from players collected from the association's state members.

Following the Olympics in Sydney in September 2000, the level of grant funding from the ASC reduced significantly. It appears that AWSA was unable to react appropriately to this reduction in funding by reducing expenditure. As a result, we understand that in the first half of 2001, AWSA was reliant on financial assistance from SA to meet its liabilities.

Given AWSA's reliance on assistance from SA, it appears that from early 2001, discussions were held in an attempt to expedite the integration of the men's and women's soccer bodies. These discussions led to the decision to direct all of AWSA's funding, being both grants and levies, to SA, who took on AWSA's operational responsibilities. Consequently, SA became responsible for all programs formerly operated by AWSA. AWSA was to use its remaining funds to meet liabilities.



### 2.3.2 *The failure of AWSA to properly identify its liabilities*

As discussed above, by 30 June 2001 AWSA had ceased trading, and according to the draft financial statements prepared by AWSA, it had sufficient assets to meet outstanding liabilities. However, a number of outstanding liabilities were discovered subsequent to 30 June 2001. Many of these appear to date back several years and were not properly recorded in the accounts of AWSA. These liabilities were in excess of the remaining assets. Given AWSA had no source of revenue and SA denied responsibility for these debts, AWSA was unable to pay these debts resulting in its winding up.

### 2.3.3 *Poor management*

As mentioned previously, AWSA's books and records do not appear to be complete. This together with the failure to properly capture and record its assets and liabilities, leads us to the conclusion that AWSA was poorly managed.

## 2.4 **Directors' and Officers' Questionnaires**

Pursuant to Section 475(2) and 475(3) of the Act, I requested all directors and officers of AWSA to complete and return a questionnaire in relation to their activities and involvement in the association. Copies of the returned questionnaires are attached as Annexure C to this report.

## 3. **POSSIBLE CONTRAVENTIONS**

### 3.1 **Likely Offences Identified**

#### 3.1.1 *Section 475 – Report as to Company's Affairs*

In my opinion two officers of the association contravened section 475 of the Corporations Act 2001.

Notice of my appointment and request for a Report as to Affairs was issued to all of the AWSA's directors. However, completed reports were not received from **Out of scope** (now resigned) and **Out of scope**, on 12 August 2002. A second request was sent to **Out of scope** and **Out of scope** on 26 September 2002, requesting the information be submitted by 10 October 2002. To date, I have not received a completed Report as to Affairs from either party. I note however, that **Out of scope** has completed and returned a Questionnaire for Directors, although a Report to Affairs remains outstanding.

### 3.1.2 Section 286 - Failure to maintain proper books and records

As advised previously, the books and records provided to me are incomplete. It has been alleged that many of the books and records were stolen from the AWSA's premises in Canberra in the first half of 2002.

An Australian Federal Police ("AFP") investigation is being conducted into the disappearance of the books and records from the association's registered office, after a referral was made on 27 August 2002 by SA.

### 3.1.3 Section 588G - Insolvent trading

Given the shortfall of assets to liabilities, it is likely that AWSA traded whilst insolvent for some time. However, the directors of AWSA have advised that many of the current creditors were concealed from them and they were unaware of their existence. Whether they would have been able to meet these liabilities if they had been known is uncertain.

Given the incomplete books and records, it is not possible for me to determine the date when AWSA most likely became insolvent. This impacts on my ability to successfully pursue the directors and management for such a breach of the Corporations Act.

### 3.1.4 Section 181 - Failure to act in good faith

**Sec 22(a)(xi)** have advised that former CEO, **Out of scope** misrepresented himself during discussions with **Sec 22(a)(xi)** in June and July 2002, just prior to the winding up. **Out of scope**, having ceased as an officer of AWSA in March 2001, and as an employee of SA in early June 2002, held himself out to be the CEO of AWSA. At not time did **Out of scope** disclose to **Sec 22(a)(xi)** the fact that he was no longer an officer of the association.

## 4. DISTRIBUTION TO CREDITORS

### 4.1 Association Unable to Pay More than 50 cents in the Dollar

In accordance with Paragraph 24 of Practice Note 50, I advise that it is expected that total asset realisations will total approximately \$13,000. The costs of the winding up will exceed this amount. Accordingly, there is likely to be no return to creditors.

## 6. CONCLUSION

In my opinion, the offences outlined above are serious. However, given that the books and records of the association are considered incomplete, the benefits to creditors of undertaking any further investigations are uncertain.

I also note that the AFP has been asked to conduct an investigation into the disappearance of office equipment and books and records. We will advise of the outcome of these investigations when they are released by the AFP.

If you have any questions in relation to the above, please contact **Out of scope** of my Canberra office on (02) 6249 1877.

Yours faithfully

**Out of scope**

Anthony McGrath  
Liquidator

## Australian Women's Soccer Association (In Liquidation) Schedule of Books and Records

BOX	DESCRIPTION
1	1986 Master File Folder 1987 Master File Folder 1988 Master File Folder 1989 Master File Folder
2	AWSA Accounts Paid Folder - 31 July 1995 to 7 November 1995 AWSA Accounts Paid Folder - 1 December 1995 to 30 April 1996 AWSA Accounts Paid Folder - 1 December 1996 to 31 March 1997 1990 Master File Folder
3	AWSA Accounts Paid Folder - 1 May 1996 to 30 June 1996 AWSA Accounts Paid Folder - 1 July 1996 to 30 November 1996 1991 Master File Folder Australian Olympic team Selection Agreement
4	AWSA Constitution as at September 1992 1984 Annual Report 1985 Annual Report 1986 Annual Report 1987 Annual Report 1989 Annual Report 1990 Annual Report 1991 Annual Report 1992 Annual Report 1993 Annual Report 1994 Annual Report 1996 Annual Report 1994 Debtors and Creditors Folder 1995 Debtors and Creditors Folder 1996 Debtors and Creditors Folder Pacific Cup Master File Folder Pacific Cup Folder (Core Countries/Meeting Minutes/Correspondence) Pacific Cup Folder (Invited Countries/Acceptances/Other) Soccer NSW Folder Ansett Australia - Summer Series 1998/99 Oceania Football Confederation Folder
5	Miscellaneous correspondence
6	Miscellaneous soccer tops (training and competition)
7	Miscellaneous soccer tops (training and competition)
8	Miscellaneous soccer tops (training and competition)

9	Miscellaneous soccer tops (training and competition)
10	Miscellaneous Records
11	Miscellaneous Records
12	Miscellaneous Records

## AWSA Officer Contact Details

Name	Position	Address	City, State & Postcode
Out of scope	President	Out of scope	
	Vice-President		
	Finance Director		
	Director		
	Director		
	Director		
	Former CEO		

Note that the above are the last known addresses of directors and other officers of the association.

## QUESTIONNAIRE FOR DIRECTORS AND OFFICERS

Company: Australian Women's Soccer  
Association (In Liquidation)

Name of Officer: Out of scope

Address: Out of scope	
	Contact Phone Numbers
	Business: Out of scope
Date: September 9 <sup>th</sup> 2002	Home: Out of scope

This questionnaire is required to be completed pursuant to S475(2) and S475(3) of the Corporations Act and returned to the Liquidator of the company.

Please answer each question fully and to the best of your knowledge.

### General Information

1. What is the company's business?

The company was a not for profit Association responsible for the preparation and delivery of policies and programs to foster and enhance the participation of women and girls in the sport of Soccer at all levels from Olympic to local programs.

2. What names did it trade under?

The company traded as Australian Women's Soccer Association Inc. and Women's Soccer Australia.

3. When and where was the company incorporated?

The company was incorporated in 1982 in the Australian Capital Territory.

4. When did it commence trading?

The Association itself was formed in 1974. It commenced trading as an incorporated entity in 1982

5. At what locations has the company carried on business during the 3 years prior to liquidation? Who is the landlord of these premises?

The company has operated out of offices located at Unit 2, 3 Phipps Close Deakin in the Australian Capital Territory throughout this period. The landlord of these premises is Soccer



Australia.

However, as part of arrangements with the Australian Institute of Sport, a facility has been made available on the Institute campus for use by technical coaching staff.

6. If the company is not trading now, when did it cease trading?

To all intents and purposes the company ceased trading on 30 June 2001. At that point there were some cheques outstanding which related to trading activities during the financial year ended 30 June 2001. However, to the best of my knowledge no new debts were incurred in the name of the company beyond 30 June 2001.

7. Is the company a corporate trustee for any trust? (If so, please provide a copy of the Trust deed and details of the current status of the Trust)

No.

8. Is the company's property insured? Please provide details of insurance including Workers Compensation Insurance.

The company has neither taken out nor renewed any insurance policy in its own name since 30 June 2001. It is doubtful also whether any insurance policy specifically covering AWSA property would have been taken out by Soccer Australia since this time.

In relation to Workers Compensation Insurance, all staff performing services for AWSA are employees of other entities (either the Australian Sports commission or Soccer Australia). To the best of my knowledge, those companies maintain policies in respect of Workers Compensation for all their staff. As such, AWSA has no liability for Workers Compensation.

#### Officers

9. Please list the names and addresses of all directors who have held office in the 3 years prior to liquidation. Indicate whether any directors resigned prior to the date of liquidation.

Out of scope  
Out of scope

Out of scope

(retired)  
(retired)  
(resigned)  
(resigned)

The six Directors at the time of liquidation were Out of scope and myself.

10. Please list the names and addresses of all secretaries of the company who have held office in the 3 years prior to liquidation. Indicate whether any resigned prior to the date of liquidation.

The Public Officer of the Association (as opposed to Company Secretary) was **Out of scope** of **Out of scope** ACT. **Out of scope** was Public Officer throughout the past 3 years.

11. What position did you occupy in the company and for what period.

I was a Director of the Association, elected to the Board in 1999 as President and continuing until the date of liquidation.

12. What were your duties?

Acting on behalf of members to facilitate service planning and delivery of programs fostering the participation of women and girls in the sport of Soccer.

In concert with other Directors provide governance and direction for the sport.

13. To whom were you responsible for these duties?

I was responsible to my fellow Directors and to the member states/territories.

14. Who was responsible for the:

(i) overall direction of the company

The Board of Directors subject to ratification and/or instructions issued by the National Council of member states.

(ii) day to day management of the company

The Chief Executive Officer subject to Policy guidance and Direction of the President and Board of Directors.

15. What remuneration did you receive from the company during the 3 years prior to liquidation by way of:

(a)	Salary	-	\$Nil
(b)	Allowances	-	\$Nil
(c)	Other items	-	\$Nil

16. How frequently did directors meet?

Directors met as need dictated either in person or by teleconference. At times, particular issues required weekly meetings but ordinarily Directors would meet every 4 to 6 weeks.

17. Where were these meetings held?

Face to face Meetings were held in various locations, predominantly Canberra and Sydney

although meetings were also held in regional venues in conjunction with tournaments. The majority of meetings, however, were conducted by teleconference.

18. Who kept minutes of these meetings?

The Chief Executive Officer, **Out of scope**

19. Where is the minute book of the company?

Ordinarily it should be located at Unit 2, 3 Phipps Close Deakin ACT. However, I am aware that a number of documents were forwarded to the Soccer Australia offices in Sydney. I am unsure if the Minute book was among that documentation.

#### Books and Records

20. Please list all books and records which were kept by the company.

To the best of my knowledge the records maintained by the organisation consisted of:

- financial details of transactions undertaken by the organisation up to and including 30 June 2001 including cheque books, copies of invoices raised, cheque requisitions, bank statements, copies of audited accounts.
- copies of all correspondence to and from the organisation since the office was relocated some years ago. This includes correspondence to and from member organisations and external organisations such as law firms.
- copies of annual reports of the organisation
- minutes taken of Board and National Council meetings as well as minutes of Annual General Meetings
- Contact information for member organisations and former and current members of the Australian Women's National team and details of international matches played by individuals.
- personnel records of staff employed by the organisation including copies of group certificates
- historical records of the Association - financial, administrative, personnel and general
- working files on current projects.

21. Who maintained these books and records.

Contact details for former and current players and playing record are maintained by the Soccer Australia Communications Manager for Womens Soccer, **Out of scope**

All other records were maintained by the CEO **Out of scope**

22. Have all these books and records been delivered to the Liquidator? If not, please provide details of the records and their current location.

I am uncertain as to what if any records have been delivered to the Liquidator. I do not have

possession of any original records and I am unaware of the location of any such records not in the possession of the Liquidator.

In association with this questionnaire, I am forwarding to the Liquidator copies of any correspondence provided to the Board by the CEO in my possession which relate to either the financial dealings of the organisation or any correspondence which may help the Liquidator in discharging his responsibilities.

23. Have any books and records of the company been lost or destroyed in the 3 years prior to the liquidation? If so, please provide details.

Not to my knowledge.

24. What financial data, other than annual statutory accounts were prepared for consideration by the directors, eg; management accounts, cashflow statements etc.? How frequently were they prepared?

Reports on profit & loss against budget were prepared prior to National Council meetings (two per year) for consideration by all stakeholders including the Board.

In general budgets for events and ongoing programs such as the High Performance program, National League, Intensive Training Centres were approved by the Board in advance and formal reporting then occurred by way of the CEO or Director of Finance report to the Board during face to face Board meetings. In general this took the form of exception reporting.

Formal reports were prepared on an ad hoc/as needs basis to supplement the budget approval process.

25. What accountants have acted for the company in the past 3 years? What records do they hold?

The most recent audits/preparation of audited accounts have been undertaken by Sch 2.2(b)(ii) Sch 2.2(a)(i).

There is some uncertainty as to whether they retain possession of the original documentation supplied to them to undertake the audit of the organisation for the 2000/1 financial year.

Prior to the engagement of Sch 2.2(a)(ii) the annual audit was conducted by Sch 2.2(a)(ii). To the best of my knowledge they do not hold any records of the organisation.

26. What solicitors have acted for the company in the past 3 years? What records do they hold?

Sch 2.2(a)(ii). They hold copies of documentation in respect of matters in which they acted on behalf of the Association and National team players. These include preparatory work on standard contracts between players and Sch 2.2(a)(ii) (regarding the involvement of National team players in production of a Calendar) acting on the organisations behalf in the separation of Out of scope and follow up work relating to the Calendar.

27. For what period were the annual accounts prepared? Please supply copies of the annual accounts for the last 3 years.

2000/1. I have enclosed any financial records in my possession.

28. What bank accounts did the company operate?

The organisation operated one bank account which was a standard business cheque account with the ~~Sch 2.2(a)(x)~~ of ~~Sch 2.2(a)(x)~~.

The account was not closed in case member organisations elected to withdraw from the integration process with Soccer Australia. However, the organisation has not traded since 1 July 2001 and as such the account is to all intents and purposes inactive.

#### Company Formation

29. Did you take part in the formation of the company?

No

30. Are you a shareholder in the company?

No.

31. What funds did you introduce to the company by way of:

- |     |                |      |
|-----|----------------|------|
| (a) | share capital? | Nil  |
| (b) | loans?         | Nil  |
| (c) | other?         | Nil. |

#### Financial Circumstances and failure of the Company

32. Does the company have any current contracts?

No. Since 1 July 2001 all activities previously undertaken by this organisation have been undertaken by Soccer Australia.

33. Is the company currently involved in legal proceedings?

No.

34. When did you first become aware that the company was experiencing financial difficulties? Please provide an approximate date.

The organisation commenced a process of integration with Soccer Australia in October 2000. Between November 2000 and June 2001 I am aware that the organisation encountered episodic bouts of cashflow difficulties. Initially, this was a consequence of agreed payments from Soccer Australia being delayed which meant that some creditors were not paid until later than 30 days. While this was frustrating, there was never any doubt in my mind that the commitment by Soccer Australia would be honoured and indeed this was the case.

In approximately March 2001 the Australian Sports Commission decided to withhold 4<sup>th</sup> quarter funding from the Association (scheduled to be paid on 1 April 2001) pending the outcome of legal

action taken by an employee of the organisation. As ASC payments account for the bulk of income received by AWSA this created difficulties, albeit not insurmountable (debts incurred did not to my knowledge exceed anticipated income from the ASC).

35. What caused you to realise that the company was in difficulties?

Complaints from creditors about the length of time to pay bills and in the case of one creditor, suspension of our account until payment was received. In regard to the later difficulties, a report from the CEO that the ASC was withholding 4<sup>th</sup> quarter funding.

36. When did creditors begin pressing for payment of their accounts? Please provide details of the creditors involved.

In terms of the creditors pressing claims at the time the organisation was placed into Liquidation, I don't know when they started pressing for payment. The Board was not advised by the CEO that any matters were outstanding, in fact quite the contrary.

I was informed in July 2002 by Soccer Australia that they had become aware of some allegedly outstanding matters in relation to organisation debts. At that time they requested any information I could provide in relation to accounts presented by:

- Sch 2.2(a)(xi)
- [redacted]
- Sch 2.2(a)(xi)
- Soccer Canberra.

I had no knowledge of any other organisations claiming to be creditors until after the Liquidation order was granted.

What steps did you take to satisfy these creditors? If payments were made, please provide approximate dates

At the time the company was placed in liquidation no steps had been taken to satisfy these creditors beyond requesting further information in support of their claim. Soccer Australia was still attempting to verify whether in fact the amounts were payable and if so, which entity was responsible for payment.

At no time did CEO, [redacted], advise the Board of the Legal action by [redacted] to recover money, nor did he inform the Board that money due to [redacted] remained unpaid.

In approximately April of this year, [redacted] contacted myself in relation to the payment. I indicated that I knew nothing of the outstanding account, and referred [redacted] to the WSA CEO at the time, [redacted]. I contacted [redacted] who informed me that [redacted] were in dispute with Soccer Australia, I instructed [redacted] to speak with [redacted] (Soccer Australia Acting CEO at the time) and resolve the matter as soon as possible. [redacted] assured me that the matter would be settled with SA and [redacted] in due course. [redacted] left the clear impression that SA would settle the [redacted] account.

I also contacted [redacted] to query this account. She informed me she would speak with [redacted]

It was the understanding of the Board that this bill was to be paid from 4<sup>th</sup> quarter ASC funding from the 2000/1 financial year. The ASC funding for that quarter was received after the end of the financial year (almost 4 months late) and paid directly to Soccer Australia in expectation that they would clear outstanding matters on our behalf.



I am aware that Soccer Australia has encountered financial difficulties of its own over the past two years and has been slow in paying creditors. I had no reason to suspect that the amount claimed was anything other than caught up in the internal processes of Soccer Australia.

I was not aware of the quantum of the bill and thought it only related to one item.

38. Please provide details of:

- (a) company creditors you have guaranteed - None
- (b) any payments made to these in the past 6 months - Not applicable

39. Please provide details of all judgements entered against the company and all notices received under Section 459E of the Corporations Act.

I understand that a judgement was entered within the Queensland jurisdiction in a matter brought by the Sch 2 2(1)(k), however, this was brought to my attention through a media report. To my knowledge I have not received any notices under section 459E of the Corporations Act.

40. Was any security given to any creditor within the 6 months prior to the date when the petition to have the company wound up was lodged? If so, please provide details.

Not to my knowledge.

41. What do you consider were the causes of the failure of the company.

The failure of the Chief Executive Officer Out of scope to advise the Board of the legal action commenced by sch 2 2(1)(k).

The failure of the previous CEO of Soccer Australia, Out of scope to adequately brief his Board and staff on the financial arrangements entered into between he and sch 2 2(1)(k) which has been a contributory factor in the subsequent confusion about which organisation is responsible for which debt. Following from this, the failure by Out of scope to advise the Board that Soccer Australia had no knowledge of the debts existence meant that no action was taken to clarify matters with the current Soccer Australia Board.

Related to this, the failure by Out of scope to advise his employer Soccer Australia of the existence of the debt, their liability for the portion not in dispute (as a consequence of receipt of the 4<sup>th</sup> quarter funding) and the commencement of legal action by sch 2 2(1)(k).

It is my belief that issues relating to other outstanding creditors could have been resolved satisfactorily with time and the cooperation of Soccer Australia had the organisation not been placed in liquidation.

42. Please list other companies of which you have been a director or officer during the 3 years prior to liquidation of this company. Please indicate whether any of these companies are in liquidation.

Out of scope This company is not in liquidation



43. Did any of these companies have any dealings with this company (if so, provide details)?  
No.
44. Are there any intercompany loans or balances due to the company at the date of liquidation? If so, please provide details.  
No.
45. Did the company make any loans to its directors or shareholders? If so, please provide details.  
No.
46. Have you ever been made bankrupt or agreed to any scheme or composition for the benefit of your creditors? If so, please provide details.  
No.
47. Are you aware of any Assets of the company which are not presently under the control of the Liquidator? Please provide details.  
I am not aware of any other Assets.
48. Has the company acquired any property, business, assets or undertakings from you, your family or any other entity in which you have a financial interest within the 4 years prior to liquidation? If so, please provide details.  
No.
49. Has the company sold to you, your family or any other entity in which you have a financial interest, any property, business, assets or undertakings of the company within the 4 years prior to the liquidation of the company? If so, please provide details.  
No.

Out of scope

Signed: .....

Date: .....

9th Sept. 2002

QUESTIONNAIRE FOR DIRECTORS AND OFFICERS

Company: Australian Women's Soccer Association (In Liquidation)

Name of Officer: Out of scope

Address: Out of scope	
	Contact Phone Numbers
	Business: Out of scope
Date: 4 September 2002	Home: 0

This questionnaire is required to be completed pursuant to S475(2) and S475(3) of the Corporations Act and returned to the Liquidator of the company. Please answer each question fully and to the best of your knowledge.

General Information

1. What is the company's business?  

The company was a not for profit Association responsible for the preparation and delivery of policies and programs to foster and enhance the participation of women and girls in the sport of Soccer at all levels from Olympic to local programs.
2. What names did it trade under?  

The company traded as Australian Women's Soccer Association Inc. and Women's Soccer Australia.
3. When and where was the company incorporated?  

The company was incorporated in 1982 in the Australian Capital Territory.
4. When did it commence trading?  

The Association itself was formed in 1974. It commenced trading as an incorporated entity in 1982
5. At what locations has the company carried on business during the 3 years prior to liquidation? Who is the landlord of these premises?  

The company has operated out of offices located at Unit 2, 3 Phipps Close Deakin in the Australian Capital Territory throughout this period. The landlord of these premises is Soccer Australia.

mf

However, as part of arrangements with the Australian Institute of Sport, a facility has been made available on the Institute campus for use by technical coaching staff.

6. If the company is not trading now, when did it cease trading?

To all intents and purposes the company ceased trading on 30 June 2001. At that point there were some cheques outstanding which related to trading activities during the financial year ended 30 June 2001. However, to the best of my knowledge no new debts were incurred in the name of the company beyond 30 June 2001.

7. Is the company a corporate trustee for any trust? (If so, please provide a copy of the Trust deed and details of the current status of the Trust)

No.

8. Is the company's property insured? Please provide details of insurance including Workers Compensation Insurance.

The company has neither taken out nor renewed any insurance policy in its own name since 30 June 2001. It is doubtful also whether any insurance policy specifically covering AWSA property would have been taken out by Soccer Australia since this time.

In relation to Workers Compensation Insurance, all staff performing services for AWSA are employees of other entities (either the Australian Sports commission or Soccer Australia). To the best of my knowledge, those companies maintain policies in respect of Workers Compensation for all their staff. As such, AWSA has no liability for Workers Compensation.

#### Officers

9. Please list the names and addresses of all directors who have held office in the 3 years prior to liquidation. Indicate whether any directors resigned prior to the date of liquidation.

Out of scope

Out of scope

(retired)  
(retired)  
(resigned)  
(resigned)

The six Directors at the time of liquidation were Out of scope

10. Please list the names and addresses of all secretaries of the company who have held office in the 3 years prior to liquidation. Indicate whether any resigned prior to the date of liquidation.

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The Public Officer of the Association (as opposed to Company Secretary) was **Out of scope** of **Out of scope** was Public Officer throughout the past 3 years.

11. What position did you occupy in the company and for what period.

I was a Director of the Association, elected to the Board in 1997 and continuing until the date of liquidation.

12. What were your duties?

Acting on behalf of members to facilitate service planning and delivery of programs fostering the participation of women and girls in the sport of Soccer.

In concert with other Directors provide governance and direction for the sport.

On behalf of Association members and the Board I had particular responsibility for attempting to ensure the Chief Executive Officer properly managed the financial affairs of the Association. This included periodically undertaking reviews of the Profit & Loss position, querying any prima facie anomalies, reviewing Budgets, reporting on financial performance to the Board and, on occasion, to members, querying the existence of outstanding debtors and creditors.

13. To whom were you responsible for these duties?

I was responsible to my fellow Directors and to the member states.

14. Who was responsible for the:

(i) overall direction of the company

The Board of Directors subject to ratification and/or instructions issued by the National Council of member states.

(ii) day to day management of the company

The Chief Executive Officer subject to Policy guidance and Direction of the President and Board of Directors.

15. What remuneration did you receive from the company during the 3 years prior to liquidation by way of:

(a)	Salary	-	\$Nil
(b)	Allowances	-	\$Nil
(c)	Other items	-	\$Nil

16. How frequently did directors meet?

Directors met as need dictated either in person or by teleconference. At times, particular issues required weekly meetings but ordinarily Directors would meet every 4 to 6 weeks.

17. Where were these meetings held?

Face to face Meetings were held in various locations, predominantly Canberra and Sydney although meetings were also held in regional venues in conjunction with tournaments. The majority of meetings, however, were conducted by teleconference.

18. Who kept minutes of these meetings?

The Chief Executive Officer, **Out of scope**

19. Where is the minute book of the company?

Ordinarily it should be located at Unit 2, 3 Phipps Close Deakin ACT. However, I am aware that a number of documents were forwarded to the Soccer Australia offices in Sydney. I am unsure if the Minute book was among that documentation.

#### Books and Records

20. Please list all books and records which were kept by the company.

To the best of my knowledge the records maintained by the organisation consisted of:

- financial details of transactions undertaken by the organisation up to and including 30 June 2001 including cheque books, copies of invoices raised, cheque requisitions, bank statements, copies of audited accounts.
- copies of all correspondence to and from the organisation since the office was relocated some years ago. This includes correspondence to and from member organisations and external organisations such as law firms.
- copies of annual reports of the organisation
- minutes taken of Board and National Council meetings as well as minutes of Annual General Meetings
- Contact information for member organisations and former and current members of the Australian Women's National team and details of international matches played by individuals.
- personnel records of staff employed by the organisation including copies of group certificates
- historical records of the Association - financial, administrative, personnel and general
- working files on current projects.

21. Who maintained these books and records.

Contact details for former and current players and playing record are maintained by the Soccer Australia Communications Manager for Womens Soccer, **Out of scope**.

- 

All other records were maintained by the CEO [redacted].

22. Have all these books and records been delivered to the Liquidator? If not, please provide details of the records and their current location.

I am uncertain as to what if any records have been delivered to the Liquidator. I do not have possession of any original records and I am unaware of the location of any such records not in the possession of the Liquidator.

In association with this questionnaire, I am forwarding to the Liquidator copies of any correspondence provided to the Board by the CEO in my possession which relate to either the financial dealings of the organisation or any correspondence which may help the Liquidator in discharging his responsibilities.

23. Have any books and records of the company been lost or destroyed in the 3 years prior to the liquidation? If so, please provide details.

Not to my knowledge.

24. What financial data, other than annual statutory accounts were prepared for consideration by the directors, eg; management accounts, cashflow statements etc.? How frequently were they prepared?

Reports on profit & loss against budget were prepared prior to National Council meetings (two per year) for consideration by all stakeholders including the Board.

In general budgets for events and ongoing programs such as the High Performance program, National League, Intensive Training Centres were approved by the Board in advance and formal reporting then occurred by way of the CEO or Director of Finance report to the Board during face to face Board meetings. In general this took the form of exception reporting.

Formal reports were prepared on an ad hoc/as needs basis to supplement the budget approval process.

25. What accountants have acted for the company in the past 3 years? What records do they hold?

The most recent audits/preparation of audited accounts have been undertaken by [redacted] Sch 2.2(a)(xi)

There is some uncertainty as to whether they retain possession of the original documentation supplied to them to undertake the audit of the organisation for the 2000/1 financial year.

Prior to the engagement of [redacted] Sch 2.2(a)(xi) the annual audit was conducted by [redacted] Sch 2.2(a)(xi) and [redacted] Sch 2.2(a)(xi). To the best of my knowledge they do not hold any records of the organisation.

26. What solicitors have acted for the company in the past 3 years? What records do they hold?

[redacted] Sch 2.2(a)(xi). They hold copies of documentation in respect of matters in which they acted on behalf of the Association and National team players. These include preparatory work on standard contracts between players and [redacted] Sch 2.2(a)(xi) regarding the involvement of National team players in production of a Calendar) acting on the organisations

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behalf in the separation of **Out of scope** and follow up work relating to the Calendar.

27. For what period were the annual accounts prepared? Please supply copies of the annual accounts for the last 3 years.

2000/1. I have enclosed any financial records in my possession.

28. What bank accounts did the company operate?

The organisation operated one bank account which was a standard business cheque account with the **Sch 2 2(a)(ii)**.

The account was not closed in case member organisations elected to withdraw from the integration process with Soccer Australia. However, the organisation has not traded since 1 July 2001 and as such the account is to all intents and purposes inactive.

#### Company Formation

29. Did you take part in the formation of the company?

No

30. Are you a shareholder in the company?

No.

31. What funds did you introduce to the company by way of:

(a)	share capital?	Nil
(b)	loans?	Nil
(c)	other?	Nil.

#### Financial Circumstances and failure of the Company

32. Does the company have any current contracts?

No. Since 1 July 2001 all activities previously undertaken by this organisation have been undertaken by Soccer Australia.

33. Is the company currently involved in legal proceedings?

No.

34. When did you first become aware that the company was experiencing financial difficulties? Please provide an approximate date.

The organisation commenced a process of integration with Soccer Australia in October 2000. Between November 2000 and June 2001 I am aware that the organisation encountered episodic bouts of cashflow difficulties. Initially, this was a consequence of agreed payments from Soccer

mtc



Australia being delayed which meant that some creditors were not paid until later than 30 days. While this was frustrating, there was never any doubt in my mind that the commitment by Soccer Australia would be honoured and indeed this was the case.

In approximately March 2001 the Australian Sports Commission decided to withhold 4<sup>th</sup> quarter funding from the Association (scheduled to be paid on 1 April 2001) pending the outcome of legal action taken by an employee of the organisation. As ASC payments account for the bulk of income received by AWSA this created difficulties, albeit not insurmountable (debts incurred did not to my knowledge exceed anticipated income from the ASC).

35. What caused you to realise that the company was in difficulties?

Complaints from creditors about the length of time to pay bills and in the case of one creditor, suspension of our account until payment was received. In regard to the later difficulties, a report from the CEO that the ASC was withholding 4<sup>th</sup> quarter funding.

36. When did creditors begin pressing for payment of their accounts? Please provide details of the creditors involved.

In terms of the creditors pressing claims at the time the organisation was placed into Liquidation, I don't know when they started pressing for payment. The Board was not advised by the CEO that any matters were outstanding, in fact quite the contrary.

I was informed in July 2002 by Soccer Australia that they had become aware of some allegedly outstanding matters in relation to organisation debts. At that time they requested any information I could provide in relation to accounts presented by:

- Sch 2.2(a)(xi)
- [redacted]
- Sch 2.2(a)(i)
- Soccer Canberra.

I had no knowledge of any other organisations claiming to be creditors until after the Liquidation order was granted.

37. What steps did you take to satisfy these creditors? If payments were made, please provide approximate dates

At the time the company was placed in liquidation no steps had been taken to satisfy these creditors beyond requesting further information in support of their claim. Soccer Australia was still attempting to verify whether in fact the amounts were payable and if so, which entity was responsible for payment. Between 5 July 2002 and 2 August 2002 I was overseas and unaware of the Supreme Court Order.

At no time did CEO, [redacted], advise the Board of the Legal action by [redacted] to recover money, nor did he inform the Board that money due to [redacted] remained unpaid.

In approximately April of this year, [redacted] contacted AWSA President [redacted] in relation to the payment. [redacted] contacted myself to query this. My assumption was that the debt referred to related solely to work undertaken by [redacted] in the separation of a previous national coach from the organisation.

It was the understanding of the Board that this bill was to be paid from 4<sup>th</sup> quarter ASC funding from the 2000/1 financial year. The ASC funding for that quarter was received after the end of the financial year (almost 4 months late) and paid directly to Soccer Australia in expectation that they

would clear outstanding matters on our behalf.

I am aware that Soccer Australia has encountered financial difficulties of its own over the past two years and has been slow in paying creditors. I had no reason to suspect that the amount claimed was anything other than caught up in the internal processes of Soccer Australia.

I was not aware of the quantum of the bill or that it related to other matters in addition to the coach separation.

38. Please provide details of:

- (a) company creditors you have guaranteed - None
- (b) any payments made to these in the past 6 months - Not applicable

39. Please provide details of all judgements entered against the company and all notices received under Section 459E of the Corporations Act.

I understand that a judgement was entered within the Queensland jurisdiction in a matter brought by the Sch 2.2(a)(xi) however, this was brought to my attention through a media report. To my knowledge I have not received any notices under section 459E of the Corporations Act.

40. Was any security given to any creditor within the 6 months prior to the date when the petition to have the company wound up was lodged? If so, please provide details.

Not to my knowledge.

41. What do you consider were the causes of the failure of the company.

The failure of the Chief Executive Officer Out of scope to advise the Board of the legal action commenced by Out of scope.

The failure of the previous CEO of Soccer Australia, Out of scope to adequately brief his Board and staff on the financial arrangements entered into between he and Out of scope which has been a contributory factor in the subsequent confusion about which organisation is responsible for which debt. Following from this, the failure by Out of scope to advise the Board that Soccer Australia had no knowledge of the debts existence meant that no action was taken to clarify matters with the current Soccer Australia Board.

Related to this, the failure by Out of scope to advise his employer Soccer Australia of the existence of the debt, their liability for the portion not in dispute (as a consequence of receipt of the 4<sup>th</sup> quarter funding) and the commencement of legal action by Out of scope.

It is my belief that issues relating to other outstanding creditors could have been resolved satisfactorily with time and the cooperation of Soccer Australia had the organisation not been placed in liquidation.

42. Please list other companies of which you have been a director or officer during the 3 years prior to liquidation of this company. Please indicate whether any of these companies are in liquidation.

Sch 2.2(a)(xi). This company is not in liquidation

43. Did any of those companies have any dealings with this company (if so, provide details)?  
No.
44. Are there any intercompany loans or balances due to the company at the date of liquidation? If so, please provide details.  
No.
45. Did the company make any loans to its directors or shareholders? If so, please provide details.  
No.
46. Have you ever been made bankrupt or agreed to any scheme or composition for the benefit of your creditors? If so, please provide details.  
No.
47. Are you aware of any Assets of the company which are not presently under the control of the Liquidator? Please provide details.  
I am not aware of any other Assets.
48. Has the company acquired any property, business, assets or undertakings from you, your family or any other entity in which you have a financial interest within the 4 years prior to liquidation? If so, please provide details.  
No.
49. Has the company sold to you, your family or any other entity in which you have a financial interest, any property, business, assets or undertakings of the company within the 4 years prior to the liquidation of the company? If so, please provide details.  
No.

Signed:

Out of scope

Date: 4-9-02

WTF

QUESTIONNAIRE FOR DIRECTORS AND OFFICERS

Company: Australian Women's Soccer Association (In Liquidation)

Name of Officer: Out of scope

Address:	
Out of scope	
	Contact Phone Numbers
	Business: Out of scope
Date: 09 September 2002	Home: Out of scope

This questionnaire is required to be completed pursuant to S475(2) and S475(3) of the Corporations Act and returned to the Liquidator of the company. Please answer each question fully and to the best of your knowledge.

General Information

1. What is the company's business?

The company was a not-for-profit National Sporting Organisation recognized by the Australian Sports Commission and the Australian Olympic Committee as the Association responsible for the preparation and delivery of policies and programs to foster and enhance the participation of women and girls in the sport of Soccer at all levels from Olympic to local programs.

2. What names did it trade under?

The company traded as Australian Women's Soccer Association Inc. trading as Women's Soccer Australia.

3. When and where was the company incorporated?

I rely on the information I have obtained from the (former) Director of Finance Out of scope - The company was incorporated in 1982 in the Australian Capital Territory.

4. When did it commence trading?

I rely on the information I have obtained from the (former) Director of Finance Out of scope - The Association itself was formed in 1974. It commenced trading as an incorporated entity in 1982.

5. At what locations has the company carried on business during the 3 years prior to liquidation? Who is the landlord of these premises?

Out of scope

The company has operated out of offices located at Unit 2, 3 Phipps Close Deakin in the Australian Capital Territory throughout this period. I rely on the information I have obtained from the (former) Director of Finance **Out of scope** - The landlord of these premises is Soccer Australia.

However, as part of arrangements with the Australian Institute of Sport, a facility with some office space has been made available on the AIS campus for use by technical coaching staff.

6. If the company is not trading now, when did it cease trading?

I rely on the information I have obtained from the (former) Director of Finance **Out of scope** - To all intents and purposes the company ceased trading on 30 June 2001. At that point there were some cheques outstanding which related to trading activities during the financial year ended 30 June 2001. I accept what I am told by my colleague **Out of scope**, to the effect that no new debts were incurred in the name of the company beyond 30 June 2001.

7. Is the company a corporate trustee for any trust? (If so, please provide a copy of the Trust deed and details of the current status of the Trust)

No.

8. Is the company's property insured? Please provide details of insurance including Workers Compensation Insurance.

I rely on the information I have obtained from the (former) Director of Finance **Out of scope** - The company has neither taken out nor renewed any insurance policy in its own name since 30 June 2001. It is doubtful also whether any insurance policy specifically covering AWSA property would have been taken out by Soccer Australia since this time.

In relation to Workers Compensation Insurance, all staff performing services for AWSA are employees of other entities (either the Australian Sports Commission or Soccer Australia). I make the educated assumption that those companies maintain policies in respect of Workers Compensation for all their staff. As such, I would say that AWSA has no liability for Workers Compensation.

I recall asking the former CEO **Out of scope** about the currency of AWSA Director's Liability Insurance late 2001 (15 December meeting?) and was told that insurance was in place. I was subsequently advised that insurance ran out on or about 27 May 2001 and was not renewed.

#### Officers

9. Please list the names and addresses of all directors who have held office in the 3 years prior to liquidation. Indicate whether any directors resigned prior to the date of liquidation.

**Out of scope**

**Out of scope**

Out of scope

Out of scope

(retired)  
(retired)  
(resigned)  
(resigned)

10. Please list the names and addresses of all secretaries of the company who have held office in the 3 years prior to liquidation. Indicate whether any resigned prior to the date of liquidation.

The Public Officer of the Association (as opposed to Company Secretary) was **Out of scope** of **Out of scope** was Public Officer throughout the past 3 years. **Out of scope** resigned from his employment at Soccer Australia on 14 June 2002. The AWSA Board did not appoint a new Public Officer before liquidation.

11. What position did you occupy in the company and for what period.

I was elected as a Director of Australian Women's Soccer Association Inc trading as Women's Soccer Australia in September 1999, and continued on in that role, having been elected unopposed in October 2001, until the date of liquidation. I did not hold an Executive portfolio.

12. What were your duties?

I represented the interests of the stakeholders in women's soccer, including member state Associations, to facilitate service planning and delivery of programs fostering the participation of women and girls in the sport of Soccer. Together with my Board colleagues, I undertook policy development and governance and direction for the sport.

I took a particular interest in the development, planning and delivery of National Championships and the Women's National Soccer League.

13. To whom were you responsible for these duties?

Overall, I was directly accountable to the Member States which formed Australian Women's Soccer Association, and of course, was responsible as an equal to my Board colleagues.

14. Who was responsible for the:

(i) overall direction of the company

The Board of Directors subject to ratification and/or instructions issued by the National Council of member states.

(ii) day to day management of the company

The Chief Executive Officer subject to Policy guidance and Direction of the President and Board of Directors in a corporate governance model.

15. What remuneration did you receive from the company during the 3 years prior to liquidation by way of:

(a)	Salary	-	\$Nil
(b)	Allowances	-	\$Nil
(c)	Other items	-	\$Nil

Out of scope



16. How frequently did directors meet?

Directors met as need dictated either in person or by teleconference. At times, particular issues required weekly meetings but ordinarily Directors would meet every 4 to 6 weeks. Outside of structured and 'minuted' meetings, regular dialogue was conducted between Directors and the former CEO via email

17. Where were these meetings held?

Face to face Meetings were held in various locations, predominantly Canberra and Sydney although meetings were also held in regional venues in conjunction with tournaments. The majority of meetings, however, were conducted by teleconference.

18. Who kept minutes of these meetings?

The Chief Executive Officer, **Out of scope**

19. Where is the minute book of the company?

Ordinarily it should be located at Unit 2, 3 Phipps Close Deakin ACT. However, I am aware that a number of documents were forwarded to the Soccer Australia offices in Sydney. I am unsure if the Minute book was among that documentation.

#### Books and Records

20. Please list all books and records which were kept by the company.

To answer this question, I rely considerably on advice I have received from my Board colleague, **Out of scope**: To the best of my knowledge the records maintained by the organisation consisted of:

- financial details of transactions undertaken by the organisation up to and including 30 June 2001 including cheque books, copies of invoices raised, cheque requisitions, bank statements, copies of audited accounts.
- copies of all correspondence to and from the organisation since the office was relocated some years ago. This includes correspondence to and from member organisations and external organisations such as law firms.
- copies of annual reports of the organisation
- minutes taken of Board and National Council meetings as well as minutes of Annual General Meetings
- Contact information for member organisations and former and current members of the Australian Women's National team and details of international matches played by individuals.
- personnel records of staff employed by the organisation including copies of group certificates

**Out of scope**

- historical records of the Association - financial, administrative, personnel and general
- working files on current projects.

21. Who maintained these books and records.

Contact details for former and current players and playing record are maintained by the Soccer Australia Communications Manager for Womens Soccer, [Out of scope].

All other records were maintained by the CEO [Out of scope]

22. Have all these books and records been delivered to the Liquidator? If not, please provide details of the records and their current location.

I asked the former CEO [Out of scope] for photocopies of the "Sch 2.2(a)(xi)" file, detailing legal proceedings against [Out of scope] and [Out of scope] in respect of unpaid royalties for the Matilda's calendar project in 1999/2000. I was instead provided with the original file. I attach that file for the information of the liquidator.

I also attach copies of email records which might assist the liquidator.

23. Have any books and records of the company been lost or destroyed in the 3 years prior to the liquidation? If so, please provide details.

I have absolutely no idea. I have certainly not been told of such an occurrence.

24. What financial data, other than annual statutory accounts were prepared for consideration by the directors, eg: management accounts, cashflow statements etc.? How frequently were they prepared?

Reports on profit & loss against budget were prepared prior to National Council meetings (two per year) for consideration by all stakeholders including the Board.

In general budgets for events and ongoing programs such as the High Performance program, National League, Intensive Training Centres were approved by the Board in advance and formal reporting then occurred by way of the CEO or Director of Finance report to the Board during face to face Board meetings. In general this took the form of exception reporting.

Formal reports were prepared on an ad hoc/as needs basis to supplement the budget approval process.

25. What accountants have acted for the company in the past 3 years? What records do they hold?

The most recent audits/preparation of audited accounts have been undertaken by [Out of scope] [Out of scope].

My colleague [Out of scope] tells me that there is some uncertainty as to whether they retain possession of the original documentation supplied to them to undertake the audit of the organisation for the 2000/1 financial year.

Prior to the engagement of [Out of scope] the annual audit was conducted by [Out of scope] and [Out of scope]. [Out of scope] tells me that this firm does not hold any records of the organisation.

Out of scope



26. What solicitors have acted for the company in the past 3 years? What records do they hold?

Sch 2.2(a)(xx) They hold copies of documentation in respect of matters in which they acted on behalf of the Association and National team players. These include preparatory work on standard contracts between players and Sch 2.2(a)(xi) (regarding the involvement of National team players in production of a Calendar) acting on the organisations behalf in the separation of Out of scope and follow up work relating to the Calendar.

27. For what period were the annual accounts prepared? Please supply copies of the annual accounts for the last 3 years.

2000/1. I have enclosed any financial records in my possession.

28. What bank accounts did the company operate?

The organisation operated one bank account which was a standard business cheque account with the Dickson ACT branch of Sch 2.2(a)(xi).

That account was not closed in case AWSA member organisations elected to withdraw from the integration process with Soccer Australia, and instead intended to pay their affiliation and membership fees direct to AWSA. However, to the best of my knowledge and belief, the organisation has not traded since 1 July 2001 and as such the account is to all intents and purposes inactive.

#### Company Formation

29. Did you take part in the formation of the company?

No

30. Are you a shareholder in the company?

No.

31. What funds did you introduce to the company by way of:

- |     |                |      |
|-----|----------------|------|
| (a) | share capital? | Nil  |
| (b) | loans?         | Nil  |
| (c) | other?         | Nil. |

#### Financial Circumstances and failure of the Company

32. Does the company have any current contracts?

No. Since 1 July 2001 all activities previously undertaken by this organisation have been undertaken by Soccer Australia.

33. Is the company currently involved in legal proceedings?

I am not aware if the civil debt proceedings taken against Out of scope and Sch 2.2(a)(xi) has

Out of scope

been completed. It was one of the matters which brought about the outstanding debt to [redacted]  
[redacted]

34. When did you first become aware that the company was experiencing financial difficulties? Please provide an approximate date.

The organisation commenced a process of integration with Soccer Australia in October 2000. Between November 2000 and June 2001 I am aware that the organisation encountered episodic bouts of cashflow difficulties. Initially, this was a consequence of agreed payments from Soccer Australia being delayed which meant that some creditors were not paid until later than 30 days. While this was frustrating, I accepted the advice proffered by the former CEO [redacted] upon my reasonable inquiries that the commitment by Soccer Australia would be honoured. Eventually, and to the best of my knowledge, Soccer Australia honoured their commitments to meet those payments.

In approximately March 2001 the Australian Sports Commission decided to withhold 4<sup>th</sup> quarter funding from the Association (scheduled to be paid on 1 April 2001) pending the outcome of legal action taken by an employee of the organization, former National Coach [redacted]. As ASC payments account for the bulk of income received by AWSA this created cashflow difficulties, albeit not insurmountable (debts incurred did not to my knowledge exceed anticipated income from the ASC).

35. What caused you to realise that the company was in difficulties?

Complaints from the President that creditors were contacting her to complain about the length of time to pay bills and in the case of one creditor, suspension of our account until payment was received. In regard to the later difficulties, a report was received from the CEO that the ASC was withholding 4<sup>th</sup> quarter funding.

36. When did creditors begin pressing for payment of their accounts? Please provide details of the creditors involved.

In terms of the creditors pressing claims at the time the organisation was placed into Liquidation, I don't know when they started pressing for payment. The Board was not advised by the CEO that any matters were outstanding, in fact quite the contrary.

I had fully expected that the Integration Agreement between Women's Soccer Australia and Soccer Australia would be signed off by the Soccer Australia Board of Commissioners on 19 or 20 July 2002. I attended an international soccer event at [redacted] on 20 July 2002 and spoke for about 3 minutes with Soccer Australia Commissioner [redacted] told me the integration Agreement would not be signed off as Soccer Australia had discovered some previously unreported debts incurred by Women's Soccer Australia. I was dumbfounded. I sent an email to my Board colleagues that evening (copy attached) to alert them of the problem.

I have since been informed by [redacted] that Soccer Australia had become aware of some allegedly outstanding matters in relation to organisation debts. At that time they requested any information [redacted] could provide in relation to accounts presented by:

- [redacted] Sch 2.2(a)(vi)
- [redacted]
- [redacted] Sch 2.2(a)(vi)
- Soccer Canberra.

I had no knowledge that [redacted] were claiming an outstanding debt that resulted in the

Out of scope

liquidation proceedings. I was not aware of the liquidation proceedings until I received an email from [Out of scope] on 29 July to the effect that the ACT Supreme Court had granted a liquidation order.

37. What steps did you take to satisfy these creditors? If payments were made, please provide approximate dates

At the time the company was placed in liquidation no steps had been taken to satisfy these creditors beyond requesting further information in support of their claim. Soccer Australia was still attempting to verify whether in fact the amounts were in fact payable and if so, which entity was responsible for payment.

At no time did CEO, [Out of scope] advise the Board of the Legal action by [Out of scope] to recover money, nor did he inform the Board that money due to [Out of scope] remained unpaid.

In late July I was subsequently made aware by President [Out of scope] that [Out of scope] of [Out of scope] had contacted her (I think) in May 2002 regarding the outstanding debt. I am now told that [Out of scope] contacted Director of Finance [Out of scope], and both had assumed the outstanding [Out of scope] debt related to work on the termination of the contract with former National Coach [Out of scope]. It was my understanding as a Board member that this bill was to be paid from 4<sup>th</sup> quarter ASC funding from the 2000/1 financial year. The ASC funding for that quarter was received after the end of the financial year (almost 4 months late) and paid directly to Soccer Australia in expectation that they would clear outstanding matters on our behalf.

I am told that [Out of scope] referred [Out of scope] to [Out of scope] of Soccer Australia to chase payment. I am aware that Soccer Australia has encountered financial difficulties of its own over the past two years and has been slow in paying creditors.

38. Please provide details of:

- (a) company creditors you have guaranteed - None  
(b) any payments made to these in the past 6 months - Not applicable

39. Please provide details of all judgements entered against the company and all notices received under Section 459E of the Corporations Act.

I have been made aware through a newspaper article that a judgement was entered in Queensland in a matter brought by the Sch 2.2(a)(xi) regarding ground hire fees for the 3<sup>rd</sup> Australia Cup. I have not been advised at any time in respect of AWSA receiving any notices under section 459E of the Corporations Act.

40. Was any security given to any creditor within the 6 months prior to the date when the petition to have the company wound up was lodged? If so, please provide details.

Not to my knowledge.

41. What do you consider were the causes of the failure of the company.

The failure of the Chief Executive Officer [Out of scope] to advise the Board of the legal action commenced by [Out of scope], or to keep his Board up to date in respect of service of legal notices impacting on the Association.

The failure by [Out of scope] to advise the Board that Soccer Australia had no knowledge of the debts

Out of scope

existence.

The failure [Out of scope] to advise his employer Soccer Australia of the existence of the debt, their liability for the portion not in dispute (as a consequence of receipt of the 4<sup>th</sup> quarter funding) and the commencement of legal action by [Out of scope]

I take the very strong view that had [Out of scope] maintained full and frank dialogue with the Board of AWSA, the issues relating to other outstanding creditors could and would eventually have been resolved satisfactorily with time and the cooperation of Soccer Australia, had the organisation not been placed in liquidation.

As a Director, I had no knowledge of these outstanding debt issues, and thus could not take any action to attempt to circumvent the process of liquidation.

42. Please list other companies of which you have been a director or officer during the 3 years prior to liquidation of this company. Please indicate whether any of these companies are in liquidation.

I hold an ex-officio Director's position with NSW Soccer Federation Limited. This company is the most healthy and financially viable soccer Associations in the country, and is most definitely NOT in liquidation.

43. Did any of those companies have any dealings with this company (if so, provide details)?

Yes. NSW Soccer Federation is a member state association forming Australian Women's Soccer Association Inc. Its liability to AWSA is limited under the constitution to be the amount paid in membership fees – an annual sum of \$1900.

44. Are there any intercompany loans or balances due to the company at the date of liquidation? If so, please provide details.

No.

45. Did the company make any loans to its directors or shareholders? If so, please provide details.

No.

46. Have you ever been made bankrupt or agreed to any scheme or composition for the benefit of your creditors? If so, please provide details.

No.

47. Are you aware of any Assets of the company which are not presently under the control of the Liquidator? Please provide details.

I am not aware of any other Assets.

48. Has the company acquired any property, business, assets or undertakings from you, your family or any other entity in which you have a financial interest within the 4 years prior to liquidation? If so, please provide details.

No.

Out of scope

49. Has the company sold to you, your family or any other entity in which you have a financial interest, any property, business, assets or undertakings of the company within the 4 years prior to the liquidation of the company? If so, please provide details.

No.

Signature

Out of scope

Date: ...09 September 2002.....

✓

QUESTIONNAIRE FOR DIRECTORS AND OFFICERS

Company: Australian Women's Soccer Association (In Liquidation)

Name of Officer: Out of scope

Address: Out of scope	
	Contact Phone Numbers
	Business: Out of scope
Date: 5 September 2002	Home: Out of scope Out of scope

This questionnaire is required to be completed pursuant to S475(2) and S475(3) of the Corporations Act and returned to the Liquidator of the company. Please answer each question fully and to the best of your knowledge.

General Information

1. What is the company's business?

The company was a not for profit Association responsible for the preparation and delivery of policies and programs to foster and enhance the participation of women and girls in the sport of Soccer at all levels from Olympic to local programs.

2. What names did it trade under?

The company traded as Australian Women's Soccer Association Inc. and Women's Soccer Australia.

3. When and where was the company incorporated?

The company was incorporated in 1982 in the Australian Capital Territory.

4. When did it commence trading?

The Association itself was formed in 1974. It commenced trading as an incorporated entity in 1982

5. At what locations has the company carried on business during the 3 years prior to liquidation? Who is the landlord of these premises?

The company has operated out of offices located at Unit 2, 3 Phipps Close, Deakin in the Australian Capital Territory throughout this period. The landlord of these premises is Soccer Australia.

However, as part of arrangements with the Australian Institute of Sport, a facility has been made available on the Institute campus for use by technical coaching staff.

6. If the company is not trading now, when did it cease trading?

To all intents and purposes the company ceased trading on 30 June 2001. At that point there were some cheques outstanding which related to trading activities during the financial year ended 30 June 2001. However, to the best of my knowledge no new debts were incurred in the name of the company beyond 30 June 2001.

7. Is the company a corporate trustee for any trust? (If so, please provide a copy of the Trust deed and details of the current status of the Trust)

No.

8. Is the company's property insured? Please provide details of insurance including Workers Compensation Insurance.

The company has neither taken out nor renewed any insurance policy in its own name since 30 June 2001. It is doubtful also whether any insurance policy specifically covering AWSA property would have been taken out by Soccer Australia since this time.

In relation to Workers Compensation Insurance, all staff performing services for AWSA are employees of other entities (either the Australian Sports commission or Soccer Australia). To the best of my knowledge, those companies maintain policies in respect of Workers Compensation for all their staff. As such, AWSA has no liability for Workers Compensation.

#### Officers

9. Please list the names and addresses of all directors who have held office in the 3 years prior to liquidation. Indicate whether any directors resigned prior to the date of liquidation.

Out of scope

Out of scope

10. Please list the names and addresses of all secretaries of the company who have held office in the 3 years prior to liquidation. Indicate whether any resigned prior to the date of liquidation.

The Public Officer of the Association (as opposed to Company Secretary) was **Out of scope** of **Out of scope**; **Out of scope** was Public Officer throughout the past 3 years.



11. What position did you occupy in the company and for what period.

I was a Director of the Association, elected to the Board in September 1999 and continuing until the date of liquidation.

12. What were your duties?

Acting on behalf of members to facilitate service planning and delivery of programs fostering the participation of women and girls in the sport of Soccer.

In concert with other Directors provide governance and direction for the sport.

13. To whom were you responsible for these duties?

I was responsible to my fellow Directors and to the member states.

14. Who was responsible for the:

(i) overall direction of the company

The Board of Directors subject to ratification and/or instructions issued by the National Council of member states.

(ii) day to day management of the company

The Chief Executive Officer subject to Policy guidance and Direction of the President and Board of Directors.

15. What remuneration did you receive from the company during the 3 years prior to liquidation by way of:

(a)	Salary	-	\$Nil
(b)	Allowances	-	\$Nil
(c)	Other items	-	\$Nil

16. How frequently did directors meet?

Directors met as need dictated either in person or by teleconference. At times, particular issues required weekly meetings but ordinarily Directors would meet every 4 to 6 weeks.

17. Where were these meetings held?

Face to face Meetings were held in various locations, predominantly Canberra and Sydney although meetings were also held in regional venues in conjunction with tournaments. The majority of meetings, however, were conducted by teleconference.



18. Who kept minutes of these meetings?

The Chief Executive Officer, **Out of scope**

19. Where is the minute book of the company?

Ordinarily it should be located at Unit 2, 3 Phipps Close Deakin ACT. However, I am aware that a number of documents were forwarded to the Soccer Australia offices in Sydney. I am unsure if the Minute book was among that documentation.

#### Books and Records

20. Please list all books and records which were kept by the company.

To the best of my knowledge the records maintained by the organisation consisted of:

- financial details of transactions undertaken by the organisation up to and including 30 June 2001 including cheque books, copies of invoices raised, cheque requisitions, bank statements, copies of audited accounts.
- copies of all correspondence to and from the organisation since the office was relocated some years ago. This includes correspondence to and from member organisations and external organisations such as law firms.
- copies of annual reports of the organisation.
- minutes taken of Board and National Council meetings as well as minutes of Annual General Meetings.
- contact information for member organisations and former and current members of the Australian Women's National team and details of international matches played by individuals.
- personnel records of staff employed by the organisation including copies of group certificates.
- historical records of the Association - financial, administrative, personnel and general.
- records and other information relating to International events such as programs, posters, contracts and organisational matters.
- working files on current projects.

21. Who maintained these books and records.

Contact details for former and current players and playing records are maintained by the Soccer Australia Communications Manager for Womens Soccer, **Out of scope**.

All other records were maintained by the CEO **Out of scope**

22. Have all these books and records been delivered to the Liquidator? If not, please provide details of the records and their current location.

I am uncertain as to what if any records have been delivered to the Liquidator. I do not have possession of any original records and I am unaware of the location of any such records not in the

possession of the Liquidator.

I have copies of Annual Reports and other information relating to Annual General Meetings and National Council meetings for the 3 years prior to the liquidation.

23. Have any books and records of the company been lost or destroyed in the 3 years prior to the liquidation? If so, please provide details.

I have reason to believe that some files and records may have been removed from the Football House office in Deakin during June and July 2002. When I became aware that files and records were missing from the office I had the impression they had been sent to the Soccer Australia office in Sydney in preparation for the relocation of the CEO from Canberra to Sydney.

24. What financial data, other than annual statutory accounts were prepared for consideration by the directors, eg; management accounts, cashflow statements etc.? How frequently were they prepared?

Reports on profit & loss against budget were prepared prior to National Council meetings (two per year) for consideration by all stakeholders including the Board.

In general, budgets for events and ongoing programs such as the High Performance program, National League, Intensive Training Centres were approved by the Board in advance and formal reporting then occurred by way of the CEO or Director of Finance reports to the Board during face to face Board meetings. In general this took the form of exception reporting.

Reports were prepared on an ad hoc/as needs basis to supplement budget approval processes.

25. What accountants have acted for the company in the past 3 years? What records do they hold?

The most recent audits/preparation of audited accounts have been undertaken by [redacted] Sch 2.2(a)(ii)

Following advice from the Director of Finance, there is some uncertainty as to whether [redacted] s retain possession of the original documentation supplied to them to undertake the audit of the organisation for the 2000/1 financial year.

Prior to the engagement of BPS/Stockford the annual audit was conducted by [redacted] Sch 2.2(a)(ii) To the best of my knowledge they do not hold any records of the organisation.

26. What solicitors have acted for the company in the past 3 years? What records do they hold?

[redacted] Sch 2.2(a)(ii) They hold copies of documentation in respect of matters in which they acted on behalf of the Association and National team players. These include preparatory work on standard contracts between players and Prime Publishing (regarding the involvement of National team players in production of a 2000 Calendar featuring the Matildas); acting on the organisation's behalf in the separation of [redacted] Out of scope; and follow up work relating to the 2000 Calendar.

27. For what period were the annual accounts prepared? Please supply copies of the annual accounts for the last 3 years.

2000/1. I understand the Director of Finance has provided copies of any financial records in her possession.

28. What bank accounts did the company operate?

The organisation operated one bank account which was a standard business cheque account with the Dickson ACT branch of Sec 2 2(a)(ii).

The account was not closed in the event that member organisations elected to withdraw from the integration process with Soccer Australia. However, the organisation has not traded since 1 July 2001 and as such the account is to all intents and purposes inactive.

#### Company Formation

29. Did you take part in the formation of the company?

No

30. Are you a shareholder in the company?

No.

31. What funds did you introduce to the company by way of:

- (a) share capital? Nil
- (b) loans? I facilitated a short-term loan of \$10,000 from Women's Soccer Canberra in 2001. The money was repaid within the required timeframe.
- (c) other? Nil.

#### Financial Circumstances and failure of the Company

32. Does the company have any current contracts?

No. Since 1 July 2001 all activities previously undertaken by the organisation have been undertaken by Soccer Australia.

33. Is the company currently involved in legal proceedings?

No.

34. When did you first become aware that the company was experiencing financial difficulties? Please provide an approximate date.

The organisation commenced a process of integration with Soccer Australia in October 2000. Between November 2000 and June 2001 I am aware that the organisation encountered episodic periods of cashflow difficulties. Initially, this was a consequence of agreed payments from Soccer Australia being delayed which meant that some creditors were not paid until later than 30 days. Because of the in-principle agreements given by particular Directors of Soccer Australia, there was limited reason to suggest that the commitment by Soccer Australia would not be honoured.

In approximately March 2001 the Australian Sports Commission decided to withhold 4<sup>th</sup> quarter funding from the Association (scheduled to be paid on 1 April 2001) pending the outcome of legal action taken by an employee of the organisation. As ASC payments account for the bulk of income received by AWSA this created difficulties, albeit not insurmountable (debts incurred did

not to my knowledge exceed anticipated income from the ASC).

35. What caused you to realise that the company was in difficulties?

Reports from other Directors that some creditors had complained about the length of time to pay bills and in the case of one creditor, suspension of our account until payment was received. In regard to the later difficulties, the CEO reported that the ASC was withholding 4<sup>th</sup> quarter funding.

36. When did creditors begin pressing for payment of their accounts? Please provide details of the creditors involved.

In terms of the creditors pressing claims at the time the organisation was placed into Liquidation, I don't know when they started pressing for payment. The Board was not advised by the CEO that any matters were outstanding, in fact quite the contrary.

I was informed in June or July 2002 by Soccer Australia that they had become aware of some allegedly outstanding matters in relation to organisation debts. At that time I was asked if I could provide any information in relation to accounts presented by:

- Sch 2.2(a)(xi)
- 
- Sch 2.2(a)(xi)
- Soccer Canberra.

I had no knowledge of any other organisations claiming to be creditors until after the Liquidation order was granted.

37. What steps did you take to satisfy these creditors? If payments were made, please provide approximate dates

At the time the company was placed in liquidation no steps had been taken to satisfy these creditors beyond requesting further information in support of their claim. Soccer Australia was still attempting to verify whether in fact the amounts were payable and if so, which entity was responsible for payment. (This was because there was an understanding that Soccer Australia had assumed responsibility for the organisation's financial matters since early 2001 when grant monies from the Australian Sports Commission for AWSA were paid directly to Soccer Australia.)

At no time did CEO, [Out of scope], advise the Board of the Legal action by [Out of scope] to recover money, nor did he inform the Board that money due to [Out of scope] remained unpaid.

I understand that in April of this year, [Out of scope] contacted AWSA President [Out of scope] in relation to the payment [Out of scope] contacted the Director of Finance to query this. There was an assumption that the debt referred to, related solely to work undertaken by [Out of scope] in the separation of a previous national coach from the organisation.

It was the understanding of the Board that this outstanding account was to be paid from 4<sup>th</sup> quarter ASC funding from the 2000/1 financial year. The ASC funding for that quarter was received after the end of the financial year (almost 4 months late) and paid directly to Soccer Australia in expectation that they would clear outstanding matters on our behalf.

As such the Director of Finance advised [Out of scope] to refer [Out of scope] to Soccer Australia to chase payment. I am aware that Soccer Australia has encountered financial difficulties of its own over the past two years and has been slow in paying creditors. AWSA Directors assumed that the amount claimed was caught up in the internal processes of Soccer Australia.

It is my understanding that [Out of scope] received similar advice from the CEO [Out of scope] and

instructed s/s 230000 accordingly.

I was not aware of the quantum of the bill or that it related to other matters in addition to the coach separation.

38. Please provide details of:

- (a) company creditors you have guaranteed - None
- (b) any payments made to these in the past 6 months - Not applicable

39. Please provide details of all judgements entered against the company and all notices received under Section 459E of the Corporations Act.

I understand that a judgement was entered within the Queensland jurisdiction in a matter brought by the Sec 2 2(a) 0, however, this was brought to my attention by other Directors who read a media report on the matter. To my knowledge I have not received any notices under section 459E of the Corporations Act.

40. Was any security given to any creditor within the 6 months prior to the date when the petition to have the company wound up was lodged? If so, please provide details.

Not to my knowledge.

41. What do you consider were the causes of the failure of the company.

The failure of the Chief Executive Officer s/s of scope to advise the Board at any time of the legal action commenced by s/s 23.

The failure by s/s of scope to advise the Board that Soccer Australia had no knowledge of the debts existence.

The failure of s/s of scope to advise his employer Soccer Australia of the existence of the debt, their liability for the portion not in dispute (as a consequence of receipt of the 4<sup>th</sup> quarter funding) and the commencement of legal action by s/s 2 2(a) 0.

On advice from the Director of Finance and with the support of Member associations, I believe that issues relating to other outstanding creditors could have been resolved satisfactorily with time and the cooperation of Soccer Australia had the organisation not been placed in liquidation.

42. Please list other *companies* of which you have been a director or officer during the 3 years prior to liquidation of this company. Please indicate whether any of these companies are in liquidation.

President of Women's Soccer Canberra Incorporated (not strictly a public company under Corporations Law or the Trade Practices Act) This organisation is not in liquidation

43. Did any of those companies have any dealings with this company (if so, provide details)?

Women's Soccer Canberra is a Member of AWSA.

44. Are there any intercompany loans or balances due to the company at the date of liquidation? If so, please provide details.

No.

45. Did the company make any loans to its directors or shareholders? If so, please provide details.

No.

46. Have you ever been made bankrupt or agreed to any scheme or composition for the benefit of your creditors? If so, please provide details.

No.

47. Are you aware of any Assets of the company which are not presently under the control of the Liquidator? Please provide details.

I am not aware of any other Assets.

48. Has the company acquired any property, business, assets or undertakings from you, your family or any other entity in which you have a financial interest within the 4 years prior to liquidation? If so, please provide details.

No.

49. Has the company sold to you, your family or any other entity in which you have a financial interest, any property, business, assets or undertakings of the company within the 4 years prior to the liquidation of the company? If so, please provide details.

No.

Signed: .. **Out of scope**

Date: ..... 5 September 2012



## QUESTIONNAIRE FOR DIRECTORS AND OFFICERS

Company: Australian Women's Soccer Association (In Liquidation)

Name of Officer: **Out of scope**

Address: <b>Out of scope</b>	
<b>Out of scope</b>	
	Contact Phone Numbers
	Business: <b>Out of scope</b>
Date: 7 September 2002	Home: <b>Out of scope</b>

This questionnaire is required to be completed pursuant to S475(2) and S475(3) of the Corporations Act and returned to the Liquidator of the company.

Please answer each question fully and to the best of your knowledge.

### General Information

1. What is the company's business?

The company was a not for profit Association responsible for the preparation and delivery of policies and programs to foster and enhance the participation of women and girls in the sport of Soccer at all levels from Olympic to local programs.

2. What names did it trade under?

The company traded as Australian Women's Soccer Association Inc. and Women's Soccer Australia.

3. When and where was the company incorporated?

The company was incorporated in 1982 in the Australian Capital Territory.

4. When did it commence trading?

The Association itself was formed in 1974. It commenced trading as an incorporated entity in 1982

5. At what locations has the company carried on business during the 3 years prior to liquidation? Who is the landlord of these premises?

The company has operated out of offices located at Unit 2, 3 Phipps Close Deakin in the Australian Capital Territory throughout this period. The landlord of these premises is Soccer Australia.

However, as part of arrangements with the Australian Institute of Sport, a facility has been made available on the Institute campus for use by technical coaching staff.

6. If the company is not trading now, when did it cease trading?

To all intents and purposes the company ceased trading on 30 June 2001. To the best of my knowledge no new debts were incurred in the name of the company beyond 30 June 2001.

7. Is the company a corporate trustee for any trust? (If so, please provide a copy of the Trust deed and details of the current status of the Trust)

No.

8. Is the company's property insured? Please provide details of insurance including Workers Compensation Insurance.

The company has neither taken out nor renewed any insurance policy in its own name since 30 June 2001. It is doubtful also whether any insurance policy specifically covering AWSA property would have been taken out by Soccer Australia since this time.

In relation to Workers Compensation Insurance, all staff performing services for AWSA are employees of other entities (either the Australian Sports commission or Soccer Australia). To the best of my knowledge, those companies maintain policies in respect of Workers Compensation for all their staff. As such, AWSA has no liability for Workers Compensation.

#### Officers

9. Please list the names and addresses of all directors who have held office in the 3 years prior to liquidation. Indicate whether any directors resigned prior to the date of liquidation.

Out of scope

Out of scope

(other membership unknown to me)

10. Please list the names and addresses of all secretaries of the company who have held office in the 3 years prior to liquidation. Indicate whether any resigned prior to the date of liquidation.

The Public Officer of the Association (as opposed to Company Secretary) was Out of scope of the ACT. Out of scope was Public Officer throughout the period of my involvement with AWSA until his resignation in June 2002.

11. What position did you occupy in the company and for what period.

I was a Director of the Association, appointed to the Board in December 2001 and continuing until the date of my resignation on the 13 August 2002.

12. What were your duties?

To work with the other Directors to integrate women's soccer into Soccer Australia in accordance with the framework set out in the Charter endorsed by the WSA National Council in February 2001 (later modified and referred to as the Integration Agreement.)



13. To whom were you responsible for these duties?

I was responsible to my fellow Directors and to the member states.

14. Who was responsible for the:

(i) overall direction of the company

The Board of Directors subject to ratification and/or instructions issued by the National Council of member states.

(ii) day to day management of the company

The Chief Executive Officer.

15. What remuneration did you receive from the company during the 3 years prior to liquidation by way of:

(a)	Salary	-	\$Nil
(b)	Allowances	-	\$Nil
(c)	Other items	-	\$Nil

16. How frequently did directors meet?

Directors met as need dictated either in person or by teleconference. During my time on the Board I attended two formal meetings (December 2001 and June 2002). To the best of my knowledge no other formal meetings of the Board were held although the Board did communicate out of session via telephone conferencing.

17. Where were these meetings held?

The 2 formal meetings I attended were held in Sydney and Canberra respectively.

18. Who kept minutes of these meetings?

The Chief Executive Officer, Out of scope was responsible for minute keeping at the December 2001 meeting. At the June 2002 meeting the minutes were kept by myself (at this time Out of scope had resigned from his position as CEO Women's Soccer) and were circulated to directors following the meeting. The hard copy of these minutes was provided to the AWSA office.

19. Where is the minute book of the company?

Ordinarily it should be located at Unit 2, 3 Phipps Close Deakin ACT. However, I am aware that a number of documents were forwarded to the Soccer Australia offices in Sydney. As Director I was not involved with this process.

#### Books and Records

20. Please list all books and records which were kept by the company.

I have not received an inventory of books and records but to the best of my knowledge the records maintained by the organisation consisted of:

- financial details of transactions undertaken by the organisation up to and including 30 June 2001;
- copies of all correspondence to and from the organisation;
- copies of annual reports of the organisation;
- minutes taken of Board and National Council meetings as well as minutes of Annual General Meetings
- contact information for member organisations and former and current members of the Australian Women's National team;
- Head of Delegation reports of national team tournaments and competitions;
- administrative material related to the implementation of the Women's National Soccer League;
- historical records of the Association - financial, administrative, personnel and general
- working files on current projects.

21. Who maintained these books and records.

The CEO, **Out of scope** :

22. Have all these books and records been delivered to the Liquidator? If not, please provide details of the records and their current location.

I am uncertain as to what if any records have been delivered to the Liquidator. I do not have possession of any original records and I am unaware of the location of any such records not in the possession of the Liquidator.

Attached to this questionnaire, are copies of documents in my possession, provided to me by the CEO, which relate to the financial dealings of the organisation that may help the Liquidator in discharging his responsibilities.

23. Have any books and records of the company been lost or destroyed in the 3 years prior to the liquidation? If so, please provide details.

I have no knowledge of any record being destroyed while I was a member of the Board. I have no knowledge of record management processes prior to my appointment to the AWSA Board.

24. What financial data, other than annual statutory accounts were prepared for consideration by the directors, eg; management accounts, cashflow statements etc.? How frequently were they prepared?

I joined the Board after 30 June 2001 at which time, to the best of my knowledge, financial management of women's soccer had been assumed by Soccer Australia and for all intents and purposes the company ceased trading. In Dec 2001 the Board considered an annual budget and recommended savings that could be implemented by Soccer Australia. At the time Soccer Australia was implementing a program of cost cutting across-the-board, this undertaking included

the women's soccer program.

24. What accountants have acted for the company in the past 3 years? What records do they hold?

The most recent audits/preparation of audited accounts have been undertaken by **Sch 2.2(a)(ii)**  
**Sch 2.2(a)(ii)**. I have no information on the records they possess that relate to the activities of AWSA.

I have no information on services received by AWSA provided by any other accountant.

25. What solicitors have acted for the company in the past 3 years? What records do they hold?

I am informed that **Sch 2.2(a)(ii)** provided services to AWSA and that **Sch 2.2(a)(ii)** hold copies of documentation in respect of matters in which they acted on behalf of the Association and National team players. There has been no engagement of legal services during my time as a member of the Board.

26. For what period were the annual accounts prepared? Please supply copies of the annual accounts for the last 3 years.

The 2000/01 financial statements were prepared by **Sch 2.2(a)(ii)**. I have enclosed any financial records in my possession.

27. What bank accounts did the company operate?

I was informed by the Director of Finance that AWSA operated one bank account that was a standard business cheque account with the Dickson ACT branch of **Sch 2.2(a)(ii)**.

I was also advised that the account was not closed in case member organisations elected to withdraw from the integration process with Soccer Australia.

To the best of my knowledge AWSA has not traded since 1 July 2001 and the account is to all intents and purposes inactive.

#### Company Formation

28. Did you take part in the formation of the company?

No

29. Are you a shareholder in the company?

No.

30. What funds did you introduce to the company by way of:

(a)	share capital?	Nil
(b)	loans?	Nil
(c)	other?	Nil.

#### Financial Circumstances and failure of the Company

31. Does the company have any current contracts?

Since 1 July 2001 all activities previously undertaken by this organisation have been undertaken by Soccer Australia.

32. Is the company currently involved in legal proceedings?

No.

33. When did you first become aware that the company was experiencing financial difficulties? Please provide an approximate date.

In December 2001 the advice of the Board was sought by the CEO Women's Soccer to formulate a women's soccer budget that delivered significant savings and would contribute to an across-the-board cost cutting exercise being undertaken by Soccer Australia. This situation resulted in the cancellation of some activities and reduction in the program planned for the national women's teams. I was notified by the President of the Board on 25 July 2002 during a teleconference that approximately \$66 000 of unpaid debts for which SA claim WSA is liable have been identified by the new management of Soccer Australia. The Board determined to clarify the matter in conjunction with Soccer Australia.

34. What caused you to realise that the company was in difficulties?

On the 1 August 2002 the President of AWSA informed the Directors of the Supreme Court decision to appoint a liquidator to wind up the AWSA.

35. When did creditors begin pressing for payment of their accounts? Please provide details of the creditors involved.

In terms of the creditors pressing claims at the time the organisation was placed into Liquidation, I don't know when they started pressing for payment. The Board was not advised by the CEO that any matters were outstanding, in fact quite the contrary.

36. What steps did you take to satisfy these creditors? If payments were made, please provide approximate dates

I was informed by the Director of Finance that at the time the company was placed in liquidation no steps had been taken to satisfy these creditors beyond requesting further information in support of their claim. Soccer Australia was still attempting to verify whether in fact the amounts were in fact payable and if so, which entity was responsible for payment. At no time was the Board advised of the legal action by [redacted] to recover money, nor that money due to [redacted] remained unpaid.

38. Please provide details of:

- (a) company creditors you have guaranteed - None
- (b) any payments made to these in the past 6 months - Not applicable

39. Please provide details of all judgements entered against the company and all notices received under Section 459E of the Corporations Act.

I understand that a judgement was entered within the Queensland jurisdiction in a matter brought by the [redacted], however, this was brought to my attention in the preparation of this report by the Director of Finance. To my knowledge I have not received any notices under section 459E of the Corporations Act.

40. Was any security given to any creditor within the 6 months prior to the date when the petition to have the company wound up was lodged? If so, please provide details.

Not to my knowledge.

41. What do you consider were the causes of the failure of the company.

The failure of the Chief Executive Officer **[redacted]** to advise the Board of the legal action commenced by Freehills.

The failure of **[redacted]** to advise his employer Soccer Australia of the existence of the debt and the commencement of legal action by **[redacted]**.

It is my belief that issues relating to other outstanding creditors could have been resolved satisfactorily with time and the cooperation of Soccer Australia.

42. Please list other companies of which you have been a director or officer during the 3 years prior to liquidation of this company. Please indicate whether any of these companies are in liquidation.

**[redacted]**  
**[redacted]**

43. Did any of those companies have any dealings with this company (if so, provide details)?

No. AWSA was required to support the implementation of the Commonwealth Government's Anti-Doping Program as prescribed by the Anti-Doping Policy of the Australian Sports Commission.

44. Are there any intercompany loans or balances due to the company at the date of liquidation? If so, please provide details.

No.

45. Did the company make any loans to its directors or shareholders? If so, please provide details.

No.

46. Have you ever been made bankrupt or agreed to any scheme or composition for the benefit of your creditors? If so, please provide details.

No.

47. Are you aware of any Assets of the company which are not presently under the control of the Liquidator? Please provide details.

I am not aware of any other Assets.

48. Has the company acquired any property, business, assets or undertakings from you, your family or any other entity in which you have a financial interest within the 4 years prior to liquidation? If so, please provide details.

No.

49. Has the company sold to you, your family or any other entity in which you have a financial interest, any property, business, assets or undertakings of the company within the 4 years prior to the liquidation of the company? If so, please provide details.

No.

Signed: original hard copy signed and mailed to KPMG

Date: 07 September 2002

Out of scope



6 September 2002

AG McGrath  
Liquidator  
KPMG  
GPO Box 799  
Canberra ACT 2601  
Australia

Dear Sir

**Report as to Affairs – Australian Women’s Soccer Association Incorporated**

Your letter of 12 August 2002 and subsequent reminder of 29 August 2002 refer.

Response to “Questionnaire for Directors and Officers” – General Information:

1. National Sporting Organization.
2. Australian Women’s Soccer Association Incorporated and Women’s Soccer Australia.
3. I believe the association was incorporated in 1974 in the ACT.
4. I believe the association commenced trading in 1974.
5. Football House Deakin. Australian Women’s Soccer Association Incorporated paid no rent. I believe Soccer Canberra represented to the Body Corporate for the space occupied by Australian Women’s Soccer Association Incorporated.
6. The association ceased employing staff in March 2001 (employees were transferred to Soccer Australia Limited). Soccer Australia received subsequent income from government grants, Australian Olympic Committee disbursements and player levies.
7. Not to my knowledge.
8. Any and all insurance policies taken out by Australian Women’s Soccer Association Incorporated lapsed in 2001 in line with Soccer Australia Limited taking control of Australian Women’s Soccer Association Incorporated affairs.
9. The names are Out of scope  
Out of scope  
Out of scope I do not have the addresses. Out of scope  
was elected in October 2000, resigning almost immediately to be replaced by Out of scope
10. I do not have a copy of the Australian Women’s Soccer Association Incorporated Constitution and do not recall the definition and application of the term “secretary.”
11. Chief Executive Officer from October 1996 to March 2001.
12. I was not provided with an employment contract or statement of duties at any time during the five years. I understood the position principally related to brand development.
13. The Board of Directors.
14. (1) The Board and (2) The Staff

15. Gross salary of \$75,000. The Board of Australian Women's Soccer Association Incorporated also agreed to a commission arrangement relating to sponsorship and marketing revenues. While I had a legal entitlement to collect more than \$45,000 in 2001, I elected (given the financial difficulties of the sport) to donate this sum back to the association. I have therefore received no allowances or other items.
16. Approximately 4-6 face-to-face meetings per year and a further 6-8 telephone meetings.
17. Various locations usually coinciding with games.
18. The Chief Executive recorded the Minutes and disseminated same to all Directors.
19. There is no "minute book" as such.
20. Financial records were kept for audit. Employee records were provided to Soccer Australia at the time of transition. The High Performance Manager maintained files relating to the program. The Communications Manager maintained files relating to the National League, National Championships and communications matters. Legal files were provided to Sch 2.2(a)(xi).
21. Individual staff and Directors.
22. I do not know.
23. To my knowledge, no significant books and or records have been lost or destroyed.
24. The Director of Finance and Chief Executive would customarily provide cash flow statements in conjunction with face-to-face Board Meetings.
25. Sch 2.2(a)(xi) ). Records of audit.
26. Sch 2.2(a)(xi). Calendar and other project files and various employee dispute files.
27. (a) Year ending 30 June 2001 (b) Copies may be obtained from the Directors of Australian Women's Soccer Association Incorporated or Stockford.
28. Australian Women's Soccer Association operated two trading accounts with Sch 2.2(a)(xi) (Dickson ACT branch). The second account ("Investment Account") was closed a number of years ago. Funds were transferred at the time to the remaining trading account. I believe the solitary account is dormant.
29. No.
30. No.
31. Not applicable.
32. Not to my knowledge.
33. Not to my knowledge.
- 34/35 The Australian Women's Soccer Association Incorporated has always operated with a very small "Member's Equity" and has always been susceptible to cash flow difficulties. Australian Women's Soccer Association Incorporated engaged in a costly termination of the National Coach and High Performance Manager in late 2000. There followed a significant downturn in annual Federal Government funding from 2000 to 2001 (\$1 million reduced to \$664,000). Subsequently the National Team failed to medal at the Sydney 2000 Olympic Games and the sport failed in its bid to host the 2003 FIFA Women's World Cup.



Australian Women's Soccer Association Incorporated then engaged in further costly litigation against an employee of the Australian Institute of Sport during the early part of 2001.

During this period, the Association experienced a critical diminution of Member Funds due to its exclusive membership policies. The refusal to admit NSW Amateur Soccer Federation to the Membership of Australian Women's Soccer Association Incorporated conservatively contributed a loss of more than \$200,000 in uncollected Member Levies from 1996 to 2001.

With the above elements conspiring, the 30 June 2001 audit prepared by [redacted] contained a qualification as to Going Concern and Economic Dependency of Australian Women's Soccer Association on Soccer Australia Limited.

36. Payments to women's soccer creditors were made by Soccer Australia Limited during 2001 (in line with the planned merger of Australian Women's Soccer Association Incorporated and Soccer Australia Limited)
37. Refer above. Soccer Australia Limited should be in a position to provide approximate dates.
38. To my knowledge, the solitary written guarantee provided to a creditor of Australian Women's Soccer Association Incorporated was to [redacted] further to a judgement against Australian Women's Soccer Association Incorporated for approximately \$35,000. Soccer Australia Limited is presently making payments by instalment to [redacted].
39. Refer above.
40. Not to my knowledge.
41. Principally (a) a politically motivated membership structure which denied Australian Women's Soccer Association Incorporated access to sustainable levy revenues and (b) a protracted and ultimately failed merger negotiation with Soccer Australia Limited, caused by a lack of goodwill and the parallel financial difficulties of Soccer Australia.
42. None (note that I am neither a Director of Australian Women's Soccer Association Incorporated).
43. Not applicable.
44. Not to my knowledge.
45. Not to my knowledge.
46. No.
47. No.
48. No.
49. No.

Out of scope

## QUESTIONNAIRE FOR DIRECTORS AND OFFICERS

**Association:** Australian Women's Soccer  
Association (In Liquidation)

**Name of Officer:** Out of scope

**Address:**

Out of scope

**Contact Phone Numbers**

**Business:** Out of scope

**Date:** 6 - 9 - 2002

**Home:** Out of scope

*This questionnaire is required to be completed pursuant to S475(2) and S475(3) of the Corporations Act and returned to the Liquidator of the association. Please answer each question fully and to the best of your knowledge.*

### General Information

- 1 What is the association's business?
- 2 What names did it trade under?
- 3 When and where was the association incorporated?
- 4 When did it commence trading?
- 5 At what locations has the association carried on business during the 3 years prior to liquidation? Who is the landlord of these premises?
- 6 If the association is not trading now, when did it cease trading?

7 Is the association a corporate trustee for any trust? (If so, please provide a copy of the Trust Deed and details of the current status of the Trust)

8 Is the association's property insured? Please provide details of insurance including Workers Compensation Insurance.

Type of policy:

Name of agent or broker:

Period of cover:

Amount of cover:

### **Officers**

9 Please list the names and addresses of all directors who have held office in the 3 years prior to liquidation. Indicate whether any directors resigned prior to the date of liquidation.

10 Please list the names and addresses of all secretaries of the association who have held office in the 3 years prior to liquidation. Indicate whether any resigned prior to the date of liquidation.

11 What position did you occupy in the association and for what period?

12 What were your duties?

13 To whom were you responsible for these duties?

- 14 Who was responsible for the:
- (i) overall direction, and,
  - (ii) day to day management of the association?
- 15 What remuneration did you receive from the association during the 3 years prior to liquidation by way of:
- (a) Salary?
  - (b) Allowances?
  - (c) Other items?
- 16 How frequently did directors meet?
- 17 Where were these meetings held?
- 18 Who kept minutes of these meetings?
- 19 Where is the minute book of the association?

### **Books and Records**

- 20 Please list all books and records which were kept by the association (if space insufficient, please attach a schedule).
- 21 Who maintained these books and records?
- 22 Have all these books and records been delivered to the Liquidator? If not, please provide details of the records and their current location.

- 23 Have any books and records of the association been lost or destroyed in the 3 years prior to the liquidation? If so, please provide details.
- 24 What financial data, other than annual statutory accounts, were prepared for consideration by the directors, eg: management accounts, cashflow statements, etc.? How frequently were they prepared?
- 25 What accountants have acted for the association in the past 3 years? What records do they hold?
- 26 What solicitors have acted for the association in the past 3 years? What records do they hold?
- 27 (a) For what period were the last annual accounts prepared?
- (b) Please supply copies of the annual accounts of the association for the last 3 years.
- 28 (a) What bank accounts did the association operate?
- Bank:
- Branch:
- Type of Account:
- (b) What is the current status of these accounts?

### **Association Formation**

- 29 Did you take part in the formation of the association?
- 30 Are you a shareholder in the association? If so, give full details of shares held and amount of paid up capital.

31 What funds did you introduce to the association by way of:

(a) share capital?

(b) loans?

(c) other?

### **Financial Circumstances and Failure of Association**

32 Does the association have any current contracts? If so, please provide details.

33 Is the association currently involved in any legal proceedings? If so, please provide details.

34 When did you first become aware that the association was experiencing financial difficulties? Please provide an approximate date.

35 What caused you to realise that the association was in difficulties?

36 When did creditors begin pressing for payment of their accounts? Please provide details of the creditors involved.

- 37 What steps did you take to satisfy these creditors? If payments were made, please provide approximate dates.
- 38 Please provide details of:
- (a) association creditors you have guaranteed
  - (b) any payments made to these creditors in the last 6 months.
- 39 Please provide details of all judgments entered against the association and all notices received under Section 459E of the Corporations Act.
- 40 Was any security given to any creditor within the 6 months prior to the date when the petition to have the association wound up was lodged? if so, please provide details.
- 41 What do you consider were the causes of the failure of the association? (Please attach a separate page if necessary)
- 42 Please list other companies of which you have been a director or officer during the 3 years prior to liquidation of this association. Please indicate whether any of these companies are in liquidation.
- 43 Did any of those companies have any dealings with this association (if so, provide details)?



44 Are there any interassociation loans or balances due to the association at the date of liquidation? If so, please provide details.

45 Did the association make any loans to its directors or shareholders? If so, please provide details of the names of directors or shareholders and the amounts involved.

46 Have you ever been made bankrupt or agreed to any scheme or composition for the benefit of your creditors? If so, please provide details.

47 Are you aware of any assets of the association which are not presently under the control of the Liquidator? Please provide details.

48 Has the association acquired any property, business, assets or undertakings from you, your family or any other entity in which you have a financial interest within the 4 years prior to liquidation? If so, please provide details.

49 Has the association sold to you, your family or any other entity in which you have a financial interest, any property, business, assets or undertakings of the association within the 4 years prior to liquidation of this association? If so, please provide details.

Signed: .....

Date: .....