



28 September, 2018

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Corporations Policy Unit  
Consumer and Corporations Division  
The Treasury  
Level 5, 100 Market Street  
SYDNEY NSW 2000

Email: [Phoenixing@treasury.gov.au](mailto:Phoenixing@treasury.gov.au)

Dear Mr Nero,

**Re: Reforms to combat illegal phoenix activity – Draft Legislation**

The Australian Manufacturing Workers' Union (AMWU) represents members who have been affected by corporations that have become insolvent or gone into administration for various reasons, which may have involved directors engaged in phoenixing.

Thank you for the opportunity to provide feedback on the draft legislation.

We strongly support the submission of the Australian Council of Trade Unions (ACTU).

In particular, we support amendments being made to ensure that unions have automatic capacity and standing at creditors meetings to represent affected members, without needing to jump through various hoops in a short amount of time.

We are also concerned that the lack of resourcing of ASIC or an appropriate agency to enforce the current laws is a present issue that should be a higher order priority for the Government. The establishment of further regulation of directors, will suffer from this same issue of compliance resourcing that the current regulation of directors suffers from.

We are also concerned that the inadequacy of the Fair Entitlements Guarantee to cover all employee entitlements owed by companies to workers will not be addressed by these measures.

Yours sincerely,

PAUL BASTIAN  
NATIONAL SECRETARY

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