



Part 1

Ensure all written requests cover the below information where appropriate

Item No.	Checklist	Response
1	Is the Deputy Commissioner of Taxation (DCT) a creditor?	
2	Have prior indemnities been approved? If so, ensure details are provided.	
3	Are any funds held by the insolvency practitioner at the date of requesting an indemnity? If so, ensure details are provided.	
4	Has a Proof of Debt been lodged by the DCT and admitted for dividend purposes?	
5	Have all creditors been invited to provide an indemnity? If not, ensure an explanation is provided.	
6	Have detailed particulars of the proposed action for which an indemnity is sought been provided?	
7	Is there other relevant information or documents which the insolvency practitioner is aware of, but not held in their possession? If so, ensure details are provided.	
8	Has the asset position of the proposed defendant(s) been explained?	
9	Have times frames of proposed action(s) been explained?	
10	Have any statutory time limits been identified and explained?	
11	Are subsequent indemnity requests likely? If so, ensure details are provided.	
12	Have total costs, including for subsequent indemnity requests, been considered? If so, ensure the likely total cost is provided?	
13	Have the benefits to the DCT in providing the indemnity been explained?	
14	Have details been provided of receipts and payments and unpaid work in progress to date, including unpaid legal and other expenses?	
15	Have particulars been provided of all claims including all priority claims pursuant to either ss556(1) of the <i>Corporations Act 2001</i> or ss109(1) of the <i>Bankruptcy Act 1966</i> ?	
16	Consultation with the DCT and final approval by the DCT will generally be required in relation to who the insolvency practitioner engages as solicitor, legal counsel, and other experts. Will the insolvency practitioner agree to this requirement?	
17	Has the insolvency practitioner already engaged a solicitor, legal counsel, or other experts? If so, details of who has been selected must be provided.	
18	Have hourly/daily rates for the insolvency practitioner, solicitor, legal counsel, etc been provided?	
19	Is the insolvency practitioner's legal counsel proposing to charge at a rate of no more than Commonwealth rates? (See Legal Services Directions 2005, Appendix D) If not, the DCT may require alternative counsel to be engaged.	
20	Is the insolvency practitioner prepared to negotiate with the DCT in relation to all hourly and daily rates (for themselves, their solicitor, legal counsel, experts, etc)?	
21	If required, will the insolvency practitioner seek creditor, committee of inspection or court approval before entering into an indemnity agreement?	
22	Has annexure A been completed, providing particulars of the amount of indemnity sought for each task required to be undertaken?	

Part 2

To be used for written requests where indemnity is being sought to commence litigation action

Item No.	Checklist	Response
23	Have all aspects of the proposed action, including the complexities, been addressed in the indemnity request?	
24	Does the insolvency practitioner have all the necessary evidence to support their claim? If further evidence is to be obtained, ensure details are provided.	
25	Does the insolvency practitioner propose to conduct examinations or gather the necessary evidence in another manner? If so, ensure details are provided.	
26	Has legal advice been obtained by the insolvency practitioner? If so, ensure a copy is provided.	
27	Have the merits and prospects of success of the proposed action(s) been considered and addressed?	
28	Have the prospects of recovery been considered and details provided?	
29	Does the indemnity request include provision for adverse costs? If so, ensure details of amount sought and method of calculation are provided.	
30	Have the risks of paying adverse costs been assessed?	
31	Does the indemnity request explain how the expected benefits to the ATO outweigh the costs and risks?	
32	Does the proposed action relate to well-established areas of law? If so, ensure details of the precedents being relied upon are provided.	
33	Could the proposed action create a precedent? If so, ensure details are provided.	

Annexure A

Name of insolvent entity

General description of the action indemnity is being provided for, eg 'Conduct public examination of ...'

Practitioner	Initials	Title		Hourly rate (incl. GST)
				\$ <input style="width: 80%;" type="text"/>
				\$ <input style="width: 80%;" type="text"/>
				\$ <input style="width: 80%;" type="text"/>
			Daily rate (incl. GST)*	Hourly rate (incl. GST)*
			\$ <input style="width: 80%;" type="text"/>	\$ <input style="width: 80%;" type="text"/>

* Legal counsel's Commonwealth daily rate pursuant to the Attorney-General's *Legal Services Directions 2005* (Appendix D in particular). Hourly rates are not to exceed one-sixth of the daily rate, inclusive of GST.

Task	Practitioner (initials)	Time required	Date to be completed	Cost (incl. GST)
1				\$ <input style="width: 80%;" type="text"/>
				\$ <input style="width: 80%;" type="text"/>
				\$ <input style="width: 80%;" type="text"/>
				\$ <input style="width: 80%;" type="text"/>
2				\$ <input style="width: 80%;" type="text"/>
				\$ <input style="width: 80%;" type="text"/>
				\$ <input style="width: 80%;" type="text"/>
				\$ <input style="width: 80%;" type="text"/>
3				\$ <input style="width: 80%;" type="text"/>
				\$ <input style="width: 80%;" type="text"/>
				\$ <input style="width: 80%;" type="text"/>
				\$ <input style="width: 80%;" type="text"/>
4				\$ <input style="width: 80%;" type="text"/>
				\$ <input style="width: 80%;" type="text"/>
				\$ <input style="width: 80%;" type="text"/>
				\$ <input style="width: 80%;" type="text"/>

Task	Practitioner (initials)	Time required	Date to be completed	Cost (incl. GST)
5				\$
				\$
				\$
				\$
6				\$
				\$
				\$
				\$
7				\$
				\$
				\$
				\$
8				\$
				\$
				\$
				\$
9				\$
TOTAL INDEMNITY SOUGHT INCLUSIVE OF GST:				\$