

**From:** Ian Jennings  
**Sent:** 10/10/2013 4:57:24 PM  
**To:** matthew.tapsall@ministerial.qld.gov.au  
**Subject:** Walton Constructions

Good afternoon Matt

BSA has sought the following information from Glen Franklin, the Administrator of Walton Constructions (QLD) Pty Ltd and Walter Construction Pty Ltd:

Sch. 3(10)(1)(a)

2. Details of when works started on those jobs;
3. Details of the stage the works are currently at;
4. In relation to Coles Nambour, the amount Walton Construction QLD Pty Ltd is owed for works performed, if any, and the amount of any retentions held by Coles;
5. In relation to Masters Brisbane, the amount owing to Walton Construction QLD Pty Ltd, if any, and confirmation of the stage of the works;
6. In relation to Woolworths Annerley, confirmation of the details you gave this morning. We also seek updates as to how it is intended to complete this job in order to allow us to ensure the licensing and all other requirements are met;
7. We request a copy of the asset sale agreement with Peloton Builders Pty Ltd.

BSA has requested to meet with Mr Franklin to discuss this as a matter of urgency.

Data obtained this morning from the Administrator is as follows:

- Woolworths Annerley is 4 weeks off completion, the complex is planned to be opened by end of October. Woolworths has \$800,000.00 owing to the builder.
- Masters Brisbane is 15% complete
- Secured creditors are NAB between CPI and Asset Insurance CPI
- Trade creditors are approximately 1,500. At this stage the Administrator is unable to estimate the amount owing to trade creditors but indicated amount owing to individual creditors ranges from \$10,000.00 to \$500,000.00
- The Administrator indicated that there is an asset sale agreement between Walton Constructions and Peloton but this agreement is dependent upon whether Peloton is prepared to take on the jobs. He has indicated that should Peloton take over the jobs they will assume the amount owing to the trade contractor and utilise them to complete the work

I have also had discussions with Peter Honeycombe, the Developer of the Paddington Apartments in Townsville - he has indicated that Walton Constructions has over claimed the job for approximately \$1.5M and trade contractors are owed in the vicinity of \$1.5M. He has also indicated that Waltons have been paid all progress payments to date and he intends to have a builder on site by Monday utilising the trade contractors that were used by Waltons.

BSA has issued a notice to Peloton's accountant to provide all financial documents which were used to determine that Peloton's met the financial requirements for licensing. Peloton holds two licences, they are Peloton Builders which has an AATO of \$10M and Peloton Maintenance which has an AATO of \$300,000.00. These licences were approved on 23 August 2013 based upon the information provided based upon the information provided by Peloton's Directors and accountant.

Regards

**Ian Jennings**  
General Manager  
Queensland Building Services Authority



phone: +61 7 3225 2930 | mobile: 0417 607 | web: [www.bsa.qld.gov.au](http://www.bsa.qld.gov.au)  
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**From:** Danielle Shepherd  
**Sent:** 16/10/2013 9:53:33 AM  
**To:** Matthew Tapsall (Matthew.Tapsall@ministerial.qld.gov.au)  
**Subject:** Walton Constructions

Good Morning Matt

Yesterday I met with Glenn Franklin, partner of Lawler Draper Dillon, who is the Administrator appointed to Walton Construction (QLD) Pty Ltd and Walton Construction Pty Ltd. He confirmed that the debt for Walton Construction (QLD) Pty Ltd is estimated at:

Secured debt - NAB [redacted] CPI, Asset Insurer [redacted] CPI  
Unsecured debt - \$11.5M with some 565 creditors  
Employee entitlements - \$553,000.00 relating to long service leave, leave and super

These are interim figures and could change based on the possibility of jobs being taken over by Peloton Builders Pty Ltd, he confirmed that the company, in particular Walton Construction Pty Ltd which operated in NSW and VIC, had been in financial difficulty for some 6-8 months as a result of losses on NSW jobs. The Director of Walton, Craig Walton had appointed Mawson Group as a turnaround expert to restructure about 6 months ago. He also confirmed that the company's banker, NAB, was closely monitoring the companies. The Queensland entity was profitable and approximately \$19M had been provided through inter-company loans to support the NSW and Victorian entity. In late September Waltons negotiated an asset sale agreement with Peloton in relation to Queensland jobs and another entity has been established to take over the NSW and Victorian jobs however, we are yet to obtain details of this entity. I have been advised that most of the employees in Queensland have moved from Walton Constructions (QLD) Pty Ltd to Peloton Constructions, including their employee entitlements and the asset sale agreement is conditional upon the principal's agreeing to the novation of their contracts. At this stage the Administrator has confirmed that one project with QLD Rail has been transferred to Peloton. [redacted] Sch. 3(10)(1)(a)

[redacted] NAB is supporting the transfer of contracts and have provided partial releases for financing totalling [redacted] CPI [redacted] CPI [redacted] CPI. The Administrator has had discussions with Woolworths, Coles and Aldi and at this stage the data in relation to jobs is scarce however the following data has been provided:

- Woolworths - Annerley has approximately 4-6 weeks to completion with approximately \$800,000.00 owing for works already performed which is still to be paid to Walton Construction (QLD) in relation to work performed and an unknown amount owing to finalise the job. [redacted] Sch. 3(10)(1)(a)
- Coles - Nambour is complete. [redacted] Sch. 3(10)(1)(a) and the Administrator believes that retentions are being held by Coles and there are no outstanding progress payments however, he is still in the process of obtaining full details of this job;
- Masters - Parkinson is 15% complete [redacted] Sch. 3(10)(1)(a) [redacted] CPI [redacted]
- Townsville Honeycombe's jobs - two projects in dispute and mediation, Paddington Apartments is still under construction and one job which is complete believed to be called Carseldine. Honeycombe's have lodged a proof of debt of \$3.2M and this matter is being reviewed by the Administrator, the proof of debt was admitted at the creditors meeting at \$1 for voting purposes due to the ongoing legal dispute on foot between the parties.

[redacted] CPI

The Administrator has indicated a Deed of Company Arrangement (DOCA) is not being proposed and he expects that at the next Creditors meeting on 8 November 2013 that the company will be placed into liquidation. A committee of creditors has been formed and BSA will be providing advice to the Committee.

I have requested more detailed data from the Administrator in relation to the projects under way in QLD and a copy of the asset sale agreement.

[redacted]

Sch. 3(10)(1)(a)

Yesterday I also attended the first meeting of creditors of Walton Constructions (QLD) Pty Ltd. The first meeting of creditors of Walton Construction Pty Ltd, the entity operating in NSW and VIC, was held concurrently in Melbourne. There were approximately 50 people at the meeting, with the majority being creditors. They were mainly concerned about non-payment, in particular monies being held by principal's and retention monies held by Walton Construction (QLD) Pty Ltd. The Administration is in its early stages and the Administrator stated he was prepared to investigate and respond to any concerns about these issues but did indicate that the company would be placed into liquidation as there were no funds to complete any of the company's current projects. The data that was provided to me at my meeting with the Administrator earlier in the day was summarised at the Creditors meeting. Over the next few weeks more data will come to hand and I should be able to provide you with progress reports. At this stage, similar to the administrator, I believe that the company will be placed into liquidation and the only possibility of reducing the debt will be the novation of contracts to Peloton.

Sch. 3(10)(1)(a)

Regards

**Ian Jennings**  
General Manager  
Queensland Building Services Authority



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Released under RTI

From: Matthew Tapsall  
Sent: 16/10/2013 10:24:15 AM  
To: Ian Jennings  
Subject: RE: Walton Constructions

Thanks for the update Ian,

The Minister is very concerned that Walton is attempting to walk away from monies owed to subbies by setting up Piloton and continuing to trade.

Please do all we can to ensure this is not the case.

How does the ATD feel about what is occurring?

Cheers

Matt

From: Danielle Shepherd (mailto:Danielle.Sherpherd@bca.qld.gov.au) On Behalf Of Ian Jennings  
Sent: Wednesday, 16 October 2013 9:54 AM  
To: Matthew Tapsall  
Subject: Walton Constructions

Good Morning Matt

Yesterday I met with Glenn Franklin, partner of Lawler Draper Dillon, who is the Administrator appointed to Walton Construction (QLD) Pty Ltd and Walton Construction Pty Ltd. He confirmed that the debt for Walton Construction (QLD) Pty Ltd is estimated at:

Secured debt - \$1.5m  
Unsecured debt - \$1.5m  
Employee entitlements - \$553,000.00 relating to long service leave, leave and super

These are interim figures and could change based on the possibility of jobs being taken over by Piloton Builders Pty Ltd. He confirmed that the company, in particular Walton Construction Pty Ltd which operated in NSW and VIC, had been in financial difficulty for some 6-8 months as a result of losses on NSW jobs. The Director of Walton, Craig Walton had appointed Mawson Group as a turnaround expert to restructure about 6 months ago. He also confirmed that the company's banker, NAB, was closely monitoring the companies. The Queensland entity was profitable and approximately \$1M had been provided through three company loans to support the NSW and Victorian entity. In late September Walters negotiated an asset sale agreement with Piloton in relation to Queensland jobs and another entity has been established to take over the NSW and Victorian jobs however, we are yet to obtain details of this entity. I have been advised that most of the employees in Queensland have moved from Walton Constructions (QLD) Pty Ltd to Piloton Constructions, including their employee entitlements and the asset sale agreement is conditional upon the principal's agreeing to the novation of their contracts. At this stage the Administrator has confirmed that one project with QLD Rail has been transferred to Piloton.

At this stage the debt in relation to jobs is scarce however the total debt is approximately \$3m. NAB is supporting the transfer of contracts and have provided partial releases for financing facilities. The Administrator is also keen for the novation in order to regain its performance bonds. The Administrator has had discussions with Woolworths, Coleis and H&M and

Woolworths - Amenity has approximately 4-6 weeks to completion with approximately \$800,000.00 owing for works already performed which is still to be paid to Walton Construction (QLD) in relation to work performed and an unknown amount owing to finalise the job.  
Coleis - Rembrandt is complete. Administrator believes that retention monies held by Coleis and there are no outstanding progress payments however, he is still in the process of obtaining full details of this job.  
Mawson - Parkinson is 15% complete. Administrator believes that retention monies held by Mawson and there are no outstanding progress payments however, he is still in the process of obtaining full details of this job.  
Piloton Builders Pty Ltd - The Administrator has been advised that most of the employees in Queensland have moved from Walton Constructions (QLD) Pty Ltd to Piloton Constructions, including their employee entitlements and the asset sale agreement is conditional upon the principal's agreeing to the novation of their contracts. At this stage the Administrator has confirmed that one project with QLD Rail has been transferred to Piloton.

The Administrator has indicated a Deed of Company Arrangement (DOCA) is not being proposed and he expects that at the next Creditors meeting on 8 November 2013 that the company will be placed into liquidation. A committee of creditors has been formed and ISA will be providing advice to the Committee.

I have requested more detailed data from the Administrator in relation to the projects under way in QLD and a copy of the asset sale agreement.

Sch. 3(10)(1)(a)

Yesterday I also attended the first meeting of creditors of Walton Constructions (QLD) Pty Ltd. The first meeting of creditors of Walton Construction Pty Ltd, the entity operating in NSW and VIC, was held concurrently in Melbourne. There were approximately 50 people at the meeting, with the majority being creditors. They were mainly concerned about non-payment, in particular monies being held by principals and retention monies held by Walton Construction (QLD) Pty Ltd. The Administrator is in its early stages and the Administrator stated he was prepared to investigate and respond to any concerns about these issues but did indicate that the company would be placed into liquidation as there were no funds to complete any of the company's current projects. The data that was provided to me at my meeting with the Administrator earlier in the day was summarised at the Creditors meeting. Over the next few weeks more data will come to hand and I should be able to provide you with progress reports. At this stage, similar to the administrator, I believe that the company will be placed into liquidation and the only possibility of reducing the debt will be the novation of contracts to Piloton.

Sch. 3(10)(1)(a)

Regards

Ian Jennings  
General Manager  
Queensland Building Services Authority  
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mobile: 0417 607 164 web: www.qbsa.qld.gov.au

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Released under RTI

From: Ian Jennings  
Sent: 28/10/2013 1:23:02 PM  
To: Matthew Tapsall  
Subject: RE: Walters

Good afternoon Matt

**Background:**

Walton Construction (Qld) Pty Ltd and Walton Construction Pty Ltd were placed in voluntary administration on 3 October 2013. Three days prior to the appointment of Administrators, Walton Qld entered into an asset sale agreement with Peloton Builders Pty Ltd. Peloton Builders Pty Ltd obtained a BSA licence naming Craig Walton as nominee on 27 August 2013. It is understood that Peloton Builders Pty Ltd intended to take over some of Walton Qld's incomplete construction projects. BSA has been advised that Mr Walton currently has no involvement in Peloton but has agreed to temporarily act as the company's nominee to allow Peloton to become licensed as part of the negotiations to facilitate a shared sale agreement. Mr Walton removed himself as nominee for Peloton Builders on 11 October 2013. Mr Walton remains nominee of another entity which was created at the same time that Peloton Builders was granted its licence, this being Peloton Maintenance Pty Ltd (which changed its name to Lewton Maintenance Services (Qld) Pty Ltd on 5 September 2013).

On 4 October 2013 exclusion notices were sent to Mr Walton as a consequence of the insolvency event on 3 October 2013. Mr Walton has 28 days to submit an application to be categorised as a permitted individual prior to the BSA taking action against him to cancel his licence.

Sch. 3(10)(1)(a)

- OR Rail Projects - consisting of:
  - OR Central Station Ticket Office refurbishment
  - OR Cleveland Station Repairs
  - OR Leaven Abandoned Rd (Installation of towers)
  - 7 other completed projects for which Peloton are now responsible for the defects liability period

Sch. 3(10)(1)(a)

**Security of payment suggested reforms as previously provided:**

Mr Andrew Walters' BCPA recommendations in relation to retention reforms should be seriously considered. In particular the recommendation to ensure all retentions are held under a Construction Retention Bond Scheme. This is most significant because it will ensure money held will not be lost when an insolvency event occurs. This decision has already been made in NSW to create such a scheme, and I am informed that next week the attached **TR CONFIDENTIAL** consultation paper will be released. **Please note the attached discussion paper is confidential and has not yet been released.**

Serious consideration be given to implementing the following issues:

- Removing the requirement that a payment claim made under the BCPA Act has to be endorsed with the words "this is a payment claim under the BCPA Act" to facilitate the adjudication process
- Requirement for a payment claim under the Act to be accompanied by a "supporting statement" (Requirement for a payment claim under the Act to be accompanied by a "supporting statement", which is essential amounts due and owing to them.
- Create a strong enforcement regime around the statutory declaration "supporting statement" (Create a strong enforcement regime around the statutory declaration "supporting statement")

Implement the recommended change to the FRL's as contained in Des Knight's report, namely review the ability of companies subject to meeting audit requirements, to be able to adopt "special purpose" (Implement the recommended change to be required to submit to "general purpose accounting" requirements. Consideration be given to overtime moving away from companies being an insurance.

Deliver an education campaign to contractors about the tools available to recover under or non-payment of monies.

**Meeting 29 October 2013:**

I understand that you made contact with my office this morning requesting that a BSA officer other than myself attend the sub-contractors meeting set up by your office tomorrow. Please be advised that Michael Chesterman, Adjudication Register and Registrar Manager Contractual Development and Lewis Hayes, Executive Manager Compliance will attend. Please advise as soon as possible the time and venue for this meeting. If you are aware of the attendees it would be appreciated if you could forward the list in order for BSA officers to prepare for the meeting.

Regards,

Ian Jennings  
General Manager  
Queensland Building Services Authority  
  
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toll: +61 7 3225 2939 web: [www.qbsa.qld.gov.au](http://www.qbsa.qld.gov.au)

From: Matthew Tapsall [mailto:Matthew.Tapsall@ministerial.qld.gov.au]  
Sent: Friday, 25 October 2013 4:53 PM

To: Ian Jennings  
Subject: Walters  
Importance: High

Hi Ian,

A meeting has just been set up with the Minister and subcontractors for Tuesday.

Can you please email me an update on Monday on what the latest so I can provide a brief for the Minister for Tuesday's meeting?

Cheers,

Matt



**Matt Tapsall**  
Senior Advisor  
Office of the Hon. Tim Minchin MP | Minister for Housing and Public Works  
Phone: 07 3719 7278 | Fax: 07 3012 9017  
80 George Street | Brisbane | QLD 4000  
GPO Box 2457 | Brisbane | QLD 4001

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Released Under RTI

**From:** Matthew Tapsall  
**Sent:** 28/10/2013 5:24:27 PM  
**To:** Ian Jennings  
**Subject:** RE: Walters

Confirming meeting attendees:-

1	Greg Rogerson	Dir 10 Councilor SCRC
2	Peter Wellington MP	Member for Nicklin
3	Lin Williams	Civic Neighbour Project
4		Townsville
5		Mayor's Pastoral Project
6		Cole's/Moulwarths Amenity
7		Abba/Moulwarths Amenity
8		Cole's Neighbour Project (to be confirmed)



**From:** Ian Jennings [mailto:ian.jennings@bca.qld.gov.au]  
**Sent:** Monday, 28 October 2013 1:23 PM  
**To:** Matthew Tapsall  
**Subject:** RE: Walters  
Good afternoon Matt

**Background:**

Walton Construction (Qld) Pty Ltd and Walton Construction Pty Ltd were placed in voluntary administration on 3 October 2013. Three days prior to the appointment of Administrators Walton Ltd entered into an asset sale agreement with Peloton Builders Pty Ltd. Peloton Builders Pty Ltd obtained a BSA licence naming Craig Walton as nominee on 27 August 2013. It is understood that Peloton Builders Pty Ltd intended to take over some of Walton Qld's incomplete construction projects. BSA has been advised that Mr Walton currently has no involvement in Peloton but has agreed to temporarily act as the company's nominee to allow Peloton to become licensed as part of the negotiations to facilitate a shared sale agreement. Mr Walton removed himself as nominee for Peloton Builders on 11 October 2013. Mr Walton remains nominee of another entity which was created at the same time that Peloton Builders was granted its licence, this being Peloton Maintenance Pty Ltd (which changed its name to Lewton Maintenance Services (Qld) Pty Ltd on 5 September 2013).

On 4 October 2013 exclusion notices were sent to Mr Walton as a consequence of the insolvency event on 3 October 2013. Mr Walton has 28 days to submit an application to be categorised as a permitted individual prior to the BSA taking action against him to cancel his licence.

Sch. 3(10)(1)(a)

- QR Rail Projects - consisting of
  - QR Central Station Ticket Office refurbishment
  - QR Cleveland Station Repairs
  - QR Louisa, Abbotford Rd (installation of louvers)
  - 7 other completed projects for which Peloton are now responsible for the defects liability period

Sch. 3(10)(1)(a)

**Security of payment suggested reforms as previously provided:**

Mr Andrew Williams' BCPA recommendations in relation to retention reform should be seriously considered. In particular the recommendation to ensure all retention are held under a Construction Retention Bond Scheme. This is most significant because it ensures moneys held will not be lost when an insolvency event occurs. This decision has already been made in NSW to create such a scheme, and I am informed that next week the attached "IN CONFIDENCE" consultation paper will be released. **Please note the attached discussion paper is confidential and has not yet been released.**

Serious consideration be given to implementing the following issues:

- Removing the requirement that a payment claim made under the BCPA Act has to be endorsed with the words "this is a payment claim under the BCPA Act to facilitate the adjudication process."
- Requirement for a payment claim under the Act to be accompanied by a "supporting statement" (Requirement for a payment claim under the Act to be accompanied by a "supporting statement", which is essential amounts due and owing to them.
- Create a strong enforcement regime around the statutory declaration "supporting statements" (Create a s10)

Implement the recommended change to the FR's as contained in Des Knight's report, namely review the ability of companies subject to meeting audit requirements, to be able to adopt "special purpose" (implement the recommended change to be required to submit to "general purpose accounting" (be required to submit to "general purpose accounting" requirements. Consideration be given to overtime moving away from companies being all insurance.

Deliver an education campaign to contractors about the tools available to receive under or non-payment of moneys.

**Meeting 29 October 2013:**

I understand that you made contact with my office this morning requesting that a BSA officer other than myself attend the sub-contractors meeting set up by your office tomorrow. Please be advised that Michael Gooding, Adjudication Registrar and Executive Manager Contractual Development and Lewis Hayes, Executive Manager Compliance will attend. Please advise as soon as possible the time and venue for this meeting. If you are aware of the attendees it would be appreciated if you could forward the list in order for BSA officers to prepare for the meeting.

Regards,

**Ian Jennings**  
General Manager  
Queensland Building Services Authority  
  
Phone: +61 7 3225 2930 Mobile: 0417 607 700  
Fax: +61 7 3225 2939 064 [www.bca.qld.gov.au](http://www.bca.qld.gov.au)

**From:** Matthew Tapsall [mailto:Matthew.Tapsall@minister.qld.gov.au]  
**Sent:** Friday, 25 October 2013 4:53 PM  
**To:** Ian Jennings  
**Subject:** Walters  
**Importance:** High

Hi Ian,

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Can you please email me an update on Monday on what the latest is so I can provide a brief for the Minister for Tuesday's meeting?

Cheers

Matt

  
**Matt Tapsall**  
Senior Advisor  
Office of the Hon. Tim Mander MP | Minister for Housing and Public Works  
Phone: 07 3719 7278 | Fax: 07 3012 9017  
80 George Street | Brisbane | QLD 4000  
GPO Box 2457 | Brisbane | QLD 4001

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Requested  
 Unrequested

For noting   
 For approval

## Department of Housing and Public Works

### General briefing note

**To:** Minister for Housing and Public Works

**Subject:** Walton Construction (Qld) Pty Ltd (In Administration)

**Decision/action required by:** N/A

**Reason:** To provide the Minister with updated information on the investigation of the failure of Walton Construction (Qld) Pty Ltd.

### Recommendation

It is recommended that the Minister note the contents of this brief

### Background

Walton Construction (Qld) Pty Ltd and Walton Construction Pty Ltd were placed in voluntary administration on 3 October 2013.

Three days prior to the appointment of Administrators, Walton (Qld) entered into an asset sale agreement with Peloton Builders Pty Ltd. Peloton Builders was to take over some of Walton Qld's incomplete construction projects and agreed to accept liabilities for debts owed to subcontractors on certain projects.

Peloton Builders Pty Ltd obtained a BSA licence naming Craig Walton as nominee on 27 August 2013. BSA has been advised that Mr Walton currently has no involvement in Peloton but had agreed to temporarily act as the company's nominee to facilitate a shared sale agreement. Mr Walton removed himself as nominee for Peloton Builders on 11 October 2013.

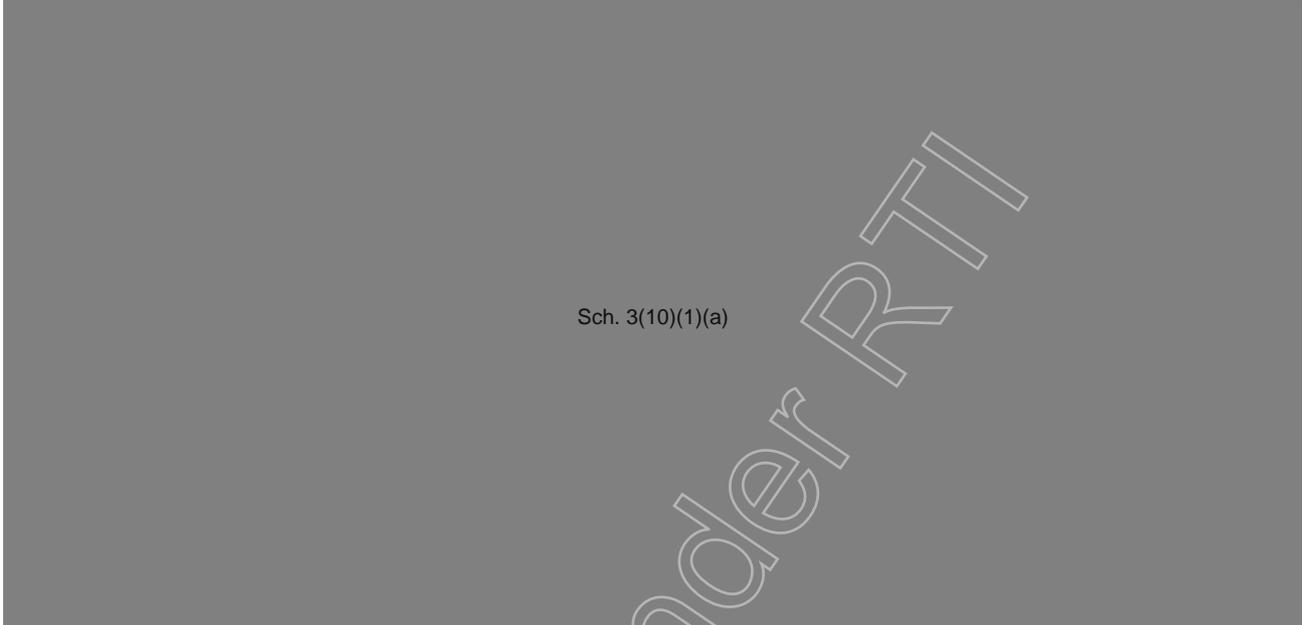
On 4 October 2013 exclusion notices were sent to Mr Walton as a consequence of the insolvency event on 3 October 2013. Mr Walton has 28 days to submit an application to be categorised as a permitted individual prior to the BSA taking action against him to cancel his licence.

Mr Walton remains nominee Peloton Maintenance Pty Ltd (which changed its name to Lewton Maintenance Services (Qld) Pty Ltd on 5 September 2013). The BSA has recently been informed by Mr Phillip Spry, Associate Director of the Mawson Group that maintenance works on the projects subject of the asset sale agreement will be carried out by Peloton Builders and therefore Lewton Maintenance Services (Qld) will not continue as a BSA licensed entity.

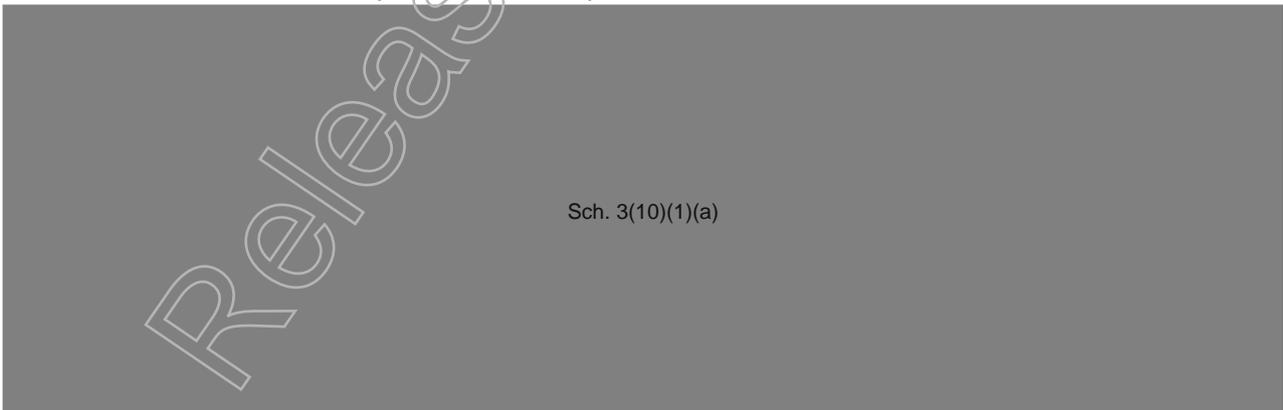
### Key issues

- On 28 October 2013, the Minister was provided with advice regarding the progress of the BSA's enquiries with Pelton Builders (refer to **Attachment 1**).
- On 29 October 2013, the BSA issued a request to Peloton Builders for further information about the asset sale agreements with Walton (Qld).

- On 30 October 2013 the Administrator issued the second report to creditors of Walton (Qld), (refer to **Attachment 2**).
- The second meeting of creditors is scheduled for 10:30am on 8 November 2013 in Brisbane. As a Deed of Company Arrangement has not been proposed, it is expected that creditors will vote to have the company placed into liquidation.



- On 31 October 2013, a teleconference was held between BSA and ASIC in relation to the matter. BSA's specific concerns surrounding the asset sale agreement were outlined and ASIC confirmed the following:
  - The ASIC Insolvency Team has been alerted to the case by the BSA and complaints from subcontractors and is liaising with the Administrators and reviewing their reports.
  - Any direct ASIC involvement will occur only after the liquidators have filed their report..
  - ASIC have issued a brief to the Honourable Bruce Billson MP, Federal Member for Dunkley and Minister for Small Business and will also brief the Honourable Mal Brough MP, Federal Member for Fisher in response to his enquiries.



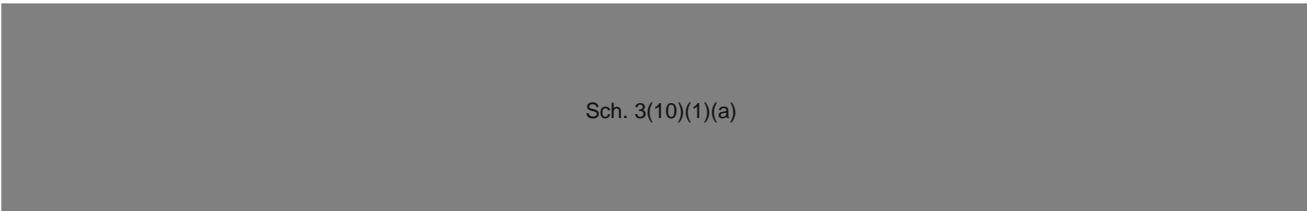
### Financial implications

- N/A

### Consultation

- N/A

**Future steps**

- 

Sch. 3(10)(1)(a)

<p>Neil Castles  <b>Director-General</b>          / /</p> <hr/> <hr/> <p><b>Minister's comments</b>          Approved / Not approved / Noted</p> <hr/> <hr/> <hr/>	<p><b>Divisional approval</b>  <b>Approved by:</b>  <b>Title:</b>  <b>Signature:</b>  <b>Date:</b> / /</p>
--	--

Tim Mander MP  
**Minister for Housing and Public Works**  
 / /

**Contact officer and Endorsed by**  
 Ian Jennings  
 General Manager  
 Building Services Authority  
 W: 3225 2930  
 M: 0407 607 064.

**Date:** 4 November 2013.

Released Under RTI

**From:** Ian Jennings [<mailto:ian.jennings@bsa.qld.gov.au>]

**Sent:** Monday, 28 October 2013 1:23 PM

**To:** Matthew Tapsall

**Subject:** RE: Waltons

Good afternoon Matt

**Background:**

Walton Construction (Qld) Pty Ltd and Walton Construction Pty Ltd were placed in voluntary administration on 3 October 2013.

Three days prior to the appointment of Administrators Walton Qld entered into an asset sale agreement with Peloton Builders Pty Ltd. Peloton Builders Pty Ltd obtained a BSA licence naming Craig Walton as nominee on 27 August 2013. It is understood that Peloton Builders Pty Ltd intended to take over some of Walton Qld's incomplete construction projects. BSA has been advised that Mr Walton currently has no involvement in Peloton but had agreed to temporarily act as the company's nominee to allow Peloton to become licenced as part of the negotiations to facilitate a shared sale agreement. Mr Walton removed himself as nominee for Peloton Builders on 11 October 2013. Mr Walton remains nominee of another entity which was created at the same time that Peloton Builders was granted its licence, this being Peloton Maintenance Pty Ltd (which changed its name to Lewton Maintenance Services (Qld) Pty Ltd on 5 September 2013).

On 4 October 2013 exclusion notices were sent to Mr Walton as a consequence of the insolvency event on 3 October 2013. Mr Walton has 28 days to submit an application to be categorised as a permitted individual prior to the BSA taking action against him to cancel his licence.

Sch. 3(10)(1)(a)

Page 11 redacted for the following reason:

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Sch. 3(10)(1)(a)

Released under RTI

Page 12 redacted for the following reason:

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Sch. 3(10)(1)(a)

Released under RTI

Sch. 3(10)(1)(a)

**Security of payment suggested reforms as previously provided:**

Mr Andrew Wallace's BCIPA recommendations in relation to retention reform should be seriously considered. In particular the recommendation to ensure all retentions are held under a *Construction Retention Bond Scheme*. This is most significant because it will ensure moneys held will not be lost when an insolvency event occurs. This decision has already been made in NSW to create such a scheme, and I am informed that next week the attached "IN CONFIDENCE" consultation paper will be released for comment in NSW. **Please note the attached discussion paper is confidential and has not yet been released.**

Serious consideration be given to implementing the following issues:

- Removing the requirement that a payment claim made under the BCIPA Act has to be endorsed with the words 'this is a payment claim under the BCIPA Act' to facilitate the adjudication process
- Requirement for a payment claim under the Act to be accompanied by a "supporting statement", which is essential to strengthen the statutory declarations process that all subcontractors have been paid all amounts due and owing to them,
- Create a strong enforcement regime around the statutory declaration "supporting statement" requirement.

Implement the recommended change to the FRL's as contained in Des Knight's report, namely review the ability of companies subject to meeting audit requirements, to be able to adopt "special purpose" accounting requirements. They should be required to submit to "general purpose accounting" requirements. Consideration be given to overtime moving away from companies being able to use related entity loans and deeds of covenant and insurance.

Deliver an education campaign to contractors about the tools available to recover under or non-payment of moneys.

**Meeting 29 October 2013:**

I understand that you made contact with my office this morning requesting that a BSA officer other than myself attend the the sub contractors meeting set up by your office tomorrow. Please be advised that Michael Chesterman, Adjudication Registrar and Executive Manager Contractual Development and Lewis Hayes, Exective Manager Compliance will attend. Please advise as soon as possible the time and venue for this meeting. If you are aware of the attendees it would be appreciated if you could forward the list in order for BSA officers to prepare for the meeting.

Regards

**Ian Jennings**

*General Manager*

Queensland Building Services Authority



phone: +61 7 3225 2930

mobile: 0417 607 064

web: [www.bsa.qld.gov.au](http://www.bsa.qld.gov.au)

fax: +61 7 3225 2939

**From:** Matthew Tapsall [<mailto:Matthew.Tapsall@ministerial.qld.gov.au>]

**Sent:** Friday, 25 October 2013 4:53 PM

**To:** Ian Jennings  
**Subject:** Waltons  
**Importance:** High

Hi Ian,

A meeting has just been set up with the Minister and subcontractors for Tuesday.

Can you please email me an update on Monday on what the latest is so I can provide a brief for the Minister for Tuesday's meeting?

Cheers

Matt



**Matt Tapsall**

Senior Advisor

Office of the Hon. Tim Mander MP | Minister for Housing and  
Public Works

Phone: 07 3719 7278 | Fax: 07 3012 9017

80 George Street | Brisbane | QLD 4000

GPO Box 2457 | Brisbane | QLD 4001

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Right to Information Act

<input type="checkbox"/> Requested	<input checked="" type="checkbox"/> For noting
<input checked="" type="checkbox"/> Unrequested	<input type="checkbox"/> For approval

## Department of Housing and Public Works

### General briefing note

**To:** Minister for Housing and Public Works

**Subject:** Walton Construction (Qld) Pty Ltd (In Administration)

**Decision/action required by:** N/A

**Reason:** To provide the Minister with updated information on the investigation of the failure of Walton Construction (Qld) Pty Ltd.

### Recommendation

It is recommended that the Minister note the contents of this brief.

### Background

Walton Construction (Qld) Pty Ltd and Walton Construction Pty Ltd were placed in voluntary administration on 3 October 2013.

Three days prior to the appointment of Administrators, Walton (Qld) entered into an asset sale agreement with Peloton Builders Pty Ltd. Peloton Builders was to take over some of Walton Qld's incomplete construction projects and agreed to accept liabilities for debts owed to subcontractors on certain projects.

Peloton Builders Pty Ltd obtained a BSA licence naming Craig Walton as nominee on 27 August 2013. BSA has been advised that Mr Walton currently has no involvement in Peloton but had agreed to temporarily act as the company's nominee to facilitate the asset sale agreement. Mr Walton removed himself as nominee for Peloton Builders on 11 October 2013.

On 4 October 2013 exclusion notices were sent to Mr Walton as a consequence of the insolvency event on 3 October 2013. Mr Walton has 28 days to submit an application to be categorised as a permitted individual prior to the BSA taking action against him to cancel his licence.

Mr Walton remains nominee Peloton Maintenance Pty Ltd (which changed its name to Lewton Maintenance Services (Qld) Pty Ltd on 5 September 2013). The BSA has recently been informed by Mr Phillip Spry, Associate Director of the Mawson Group that maintenance works on the projects subject of the asset sale agreement will be carried out by Peloton Builders and therefore Lewton Maintenance Services (Qld) will not be required going forward. BSA is seeking confirmation from the company regarding its intention to continue to hold a licence.

### Key issues

- On 28 October 2013, the Minister was provided with advice regarding the progress of the BSA's enquiries with Pelton Builders (refer to **Attachment 1**).
- On 29 October 2013, the BSA issued a request to Peloton Builders for further information about the asset sale agreements with Walton (Qld).

- On 30 October 2013 the Administrator issued the second report to creditors of Walton (Qld), (refer to **Attachment 2**).
- The second meeting of creditors is scheduled for 10:30am on 8 November 2013 in Brisbane. As a Deed of Company Arrangement has not been proposed, it is expected that creditors will vote to have the company placed into liquidation.



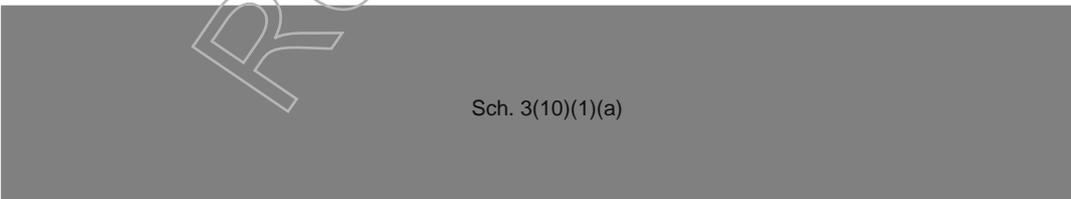
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- On 31 October 2013, a teleconference was held between BSA and ASIC in relation to the matter. BSA's specific concerns surrounding the asset sale agreement were outlined and ASIC confirmed the following:
  - The ASIC Insolvency Team has been alerted to the case by the BSA and complaints from subcontractors and is liaising with the Administrators and reviewing their reports.
  - Any direct ASIC involvement will occur only after the liquidators have filed their report.
  - ASIC have issued a brief to the Honourable Bruce Billson MP, Federal Member for Dunkley and Minister for Small Business who is the accountable person for ASIC, and will also brief the Honourable Mal Brough MP, Federal Member for Fisher in response to his enquiries.



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Date: 4 November 2013.

Released under RTI

**From:** Ian Jennings  
**Sent:** 20/11/2013 12:16:05 PM  
**To:** matthew.tapsall@ministerial.qld.gov.au  
**Subject:** Walton Construction (Qld) Pty Ltd

Good afternoon Matt

Please see below some lines you be able to use as part of a press release:

Walton Construction (QLD )Pty Ltd and Peloton Builders Pty Ltd who is now called Tantallon Constructions Pty Ltd are still under investigation by the BSA. The BSA is investigating whether the entities have breached the Queensland Building Services Authority Act.

Sch. 3(10)(1)(a)

Sch. 3(10)(1)(a) ASIC is closely monitoring the liquidators investigations. It is unfortunate that this collapse has occurred, affecting sub-contractors and suppliers however with the complex nature of the matters involved it is anticipated that it will take some time for the liquidator to complete their investigations.

I am very concerned about the effect of this collapse on industry participants involved and am closely liaising with the regulator and Commonwealth to ensure every step is taken to fully investigate this matter. To assist in this process the BSA will be committing funds, should it be required by the liquidator, to undertake a public examination of Walton Construction (Qld) Pty Ltd and the key Executive of Peloton and possibly their advisors to get a better understanding of the relationships and the circumstances surrounding the creation of Peloton Builders.

BSA currently licences greater than 84,000 licensees with some 856 required to provide audited financial statements on an annual basis and 10,500 required to provide independent review reports on their financial state. Collapses of this size with such complex issues are uncommon in Queensland and unfortunately this matter will take some time to investigate and find a clear understanding of the events leading up to the collapse and the lawfulness of those events. It is for this reason, the Government through the BSA should make funds available if the liquidator requires in order to ensure that no stone is left un turned.

The best advice we can provide is that the liquidator will keep the creditors updated as information becomes available however if a creditor believes they have new information which may assist the liquidator I would encourage them to provide such information to the liquidator.

I would suggest you use Peloton Builders as the name in press releases as the public will not be aware of the name change. This name change occurred on 15 November 2013 and my understanding is that it has taken place as a result of BSA raising with them the closeness of their name to the Peloton Group who are developers in Sydney.

Regards

**Ian Jennings**  
General Manager  
Queensland Building Services Authority



phone: +61 7 3225 2930    mobile: 0417 607 064    web: [www.bsa.qld.gov.au](http://www.bsa.qld.gov.au)  
fax: +61 7 3225 2939

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**From:** Ian Jennings  
**Sent:** 20/11/2013 12:21:23 PM  
**To:** Matthew Tapsall  
**Subject:** RE: Walton Construction (Old) Pty Ltd

Mat

Yes they were

Category 4-8 are required to provide statements as long as they are required to provide statements to ASIC, Walton had an ATO of \$102.8M and was a category 6 builder.

Regards

**Ian Jennings**  
General Manager  
Queensland Building Services Authority  
  
phone: +61 7 3225 2930 | mobile: 0411 607 | web: [www.qbsa.qld.gov.au](http://www.qbsa.qld.gov.au)  
fax: +61 7 3225 2929 | fax: 064

**From:** Matthew Tapsall [mailto:Matthew.Tapsall@ministerial.qld.gov.au]  
**Sent:** Wednesday, 20 November 2013 12:19 PM  
**To:** Ian Jennings  
**Subject:** RE: Walton Construction (Old) Pty Ltd

Thanks Ian,

Was Wabank one of the ISS who need to provide audited statements?

What class of license need to provide their statements?

**From:** Ian Jennings [mailto:ian.jennings@qbsa.qld.gov.au]  
**Sent:** Wednesday, 20 November 2013 12:16 PM  
**To:** Matthew Tapsall  
**Subject:** Walton Construction (Old) Pty Ltd  
Good afternoon Mat

Please see below some sites you be able to use as part of a press release:

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I am very concerned about the effect of this collapse on industry participants involved and am closely liaising with the regulator and Commonwealth to ensure every step is taken to fully investigate this matter. To assist in this process the BSA will be committing funds, should it be required by the liquidator, to undertake a public examination of Walton Construction (Old) Pty Ltd and the key Executive of Peloton and possibly their advisors to get a better understanding of the relationships and the circumstances surrounding the creation of Peloton Builders.

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The best advice we can provide is that the liquidator will keep the creditors updated as information becomes available however if a creditor believes they have new information which may assist the liquidator I would encourage them to provide such information to the liquidator.

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Regards

**Ian Jennings**  
General Manager  
Queensland Building Services Authority  
  
phone: +61 7 3225 2930 | mobile: 0411 607 | web: [www.qbsa.qld.gov.au](http://www.qbsa.qld.gov.au)  
fax: +61 7 3225 2929 | fax: 064

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Sch. 3(10)(1)(a) 1 Sch. 3(10)(1)(a) Sch. 3(10)(1)(a)  
Released Under RTI

**From:** Ian Jennings  
**Sent:** 20/11/2013 12:40:31 PM  
**To:** matthew.tapsall@ministerial.qld.gov.au  
**Subject:** Walton Constructions (Qld) Pty Ltd

Good afternoon Matt

Sch. 3(10)(1)(a)

Sch. 3(10)(1)(a)

These questions relate to gathering information on whether Peloton is meeting the Financial Requirements for Licensing and in order to monitor any building work they may undertake.

BSA is waiting to receive this information and will make an assessment as soon as the information has been received.

In relation to providing funds to the liquidator to undertake a public examination, the liquidator has the power to conduct a public examination, such actions are commenced in the Supreme Court of Queensland and they involve:

Sch. 3(10)(1)(a)

BSA has provided such funds before but in those circumstances BSA was a creditor as a consequence of payments made under the Home Warranty Insurance Scheme. Legal advice has been sought

Sch.3(7) Legal Professional Privilege

Sch.3(7) Legal Professional Privilege

Previous examinations have ranged in funding from \$15,000.00 to 100,000.00. This funding in some cases has resulted in better return to creditors and evidence of breaches of the Corporations Act.

Regards

**Ian Jennings**  
General Manager  
Queensland Building Services Authority



phone: +61 7 3225 2930 | mobile: 0417 607 | web: [www.bsa.qld.gov.au](http://www.bsa.qld.gov.au)  
fax: +61 7 3225 2939 | 064

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From: Matthew Tapscall  
Sent: 20/11/2013 12:53:16 PM  
To: Ian Jennings  
Subject: RE: Walton Constructions (Qld) Pty Ltd

Thanks Ian,

Sch. 3(10)(1)(a)

Cheers

From: Ian Jennings [mailto:ian.jennings@bsa.qld.gov.au]  
Sent: Wednesday, 20 November 2013 12:41 PM  
To: Matthew Tapscall  
Subject: Walton Constructions (Qld) Pty Ltd

Good afternoon Matt

Sch. 3(10)(1)(a)

Sch. 3(10)(1)(a)

These questions relate to gathering information on whether Peloton is meeting the Financial Requirements for Licensing and in order to monitor any building work they may undertake.

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In relation to providing funds to the liquidator to undertake a public examination, the liquidator has the power to conduct a public examination, such actions are commenced in the Supreme Court of Queensland and they involve:

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Regards

Ian Jennings  
General Manager  
Queensland Building Services Authority  
phone: +61 7 3225 2930 mobile: 0417 607  
fax: +61 7 3225 2939 064 web: www.qba.qld.gov.au

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Released under RTI

From: Ian Jennings  
Sent: 20/11/2013 1:56:31 PM  
To: Matthew Tapsall  
Subject: Re: Walton Constructions (Old) Pty Ltd

Matt  
This view came from the insolvent expert BSA engaged the liquidator Aswill look at issue and so will

Ian Jennings  
General Manager, BSA

On 20 Nov 2013, at 12:54 pm, "Matthew Tapsall" <Matthew.Tapsall@ministerial.qld.gov.au> wrote:

Thanks Ian,

Sch. 3(10)(1)(a)

Cheers

From: Ian Jennings <Ian.Jennings@bsa.qld.gov.au>  
Sent: Wednesday, 20 November 2013 12:41 PM  
To: Matthew Tapsall  
Subject: Walton Constructions (Old) Pty Ltd

Good afternoon Matt

Sch. 3(10)(1)(a)

Sch. 3(10)(1)(a)

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BSA is waiting to receive this information and will make an assessment as soon as the information has been received.

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Regards:

Ian Jennings  
General Manager  
Queensland Building Services Authority

phone: +61 7 3225 2930 fax: +61 7 3225 2930  
mobile: 0417 607 044 web: www.bsa.qld.gov.au

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From: Ian Jennings  
Sent: 20/11/2013 2:01:22 PM  
To: Matthew Tapsall  
Subject: Re: Walton Constructions (Old) Pty Ltd  
Matt

Sch.3(7) Legal Professional Privilege

Regards

Ian Jennings  
General Manager, BSA

On 20 Nov 2013, at 12:54 pm, "Matthew Tapsall" <Matthew.Tapsall@ministerial.qld.gov.au> wrote:

Thanks Ian,

Sch. 3(10)(1)(a)

From: Ian Jennings [mailto:ian.jennings@bsa.qld.gov.au]  
Sent: Wednesday, 20 November 2013 12:41 PM  
To: Matthew Tapsall  
Subject: Walton Constructions (Old) Pty Ltd

Good afternoon Matt

Sch. 3(10)(1)(a)

Sch. 3(10)(1)(a)

This question relates to gathering information on whether Peloton is meeting the Financial Requirements for Licensing and in order to monitor any building work they may undertake.

BSA is waiting to receive this information and will make an assessment as soon as the information has been received.

In relation to providing access to the Register to undertake a public examination, the Register has the power to conduct a public examination, such actions are commenced in the Supreme Court of Queensland and they involve:

Sch. 3(10)(1)(a)

BSA has provided such funds before but in those circumstances BSA was a creditor as a consequence of payments made under the Home Warranty Insurance Scheme.

Sch.3(7) Legal Professional Privilege

Sch.3(7) Legal Professional Privilege

Previous examinations have ranged in funding from \$15,000.00 to 100,000.00. This funding is some cases has resulted in better return to creditors and avoidance of breaches of the Corporations Act.

Regards,

Ian Jennings <img001.gif>  
General Manager  
Queensland Building Services Authority

PHONE: +61 7 3225 2938 | TOLLFREE: 0417 407 | WEB: www.bsa.qld.gov.au  
FAX: +61 7 3225 2938 | 064

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Released under RTI

**From:** Ian Jennings  
**Sent:** 20/11/2013 2:58:16 PM  
**To:** Brian Bolton  
**Subject:** FW: Walton Construction (Qld) Pty Ltd

**Ian Jennings**  
General Manager  
Queensland Building Services Authority  
  
phone: +61 7 3225 2930 | mobile: 0417 607 | web: [www.bsa.qld.gov.au](http://www.bsa.qld.gov.au)  
fax: +61 7 3225 2939 | 064

**From:** Ian Jennings  
**Sent:** Wednesday, 20 November 2013 12:21 PM  
**To:** Matthew Tappall  
**Subject:** RE: Walton Construction (Qld) Pty Ltd

Matt  
Yes they were.  
Category 4-8 are required to provide statements as long as they are required to provide statements to ASIC, Walton had an AATO of \$102.8M and was a category 6 builder.

**Ian Jennings**  
General Manager  
Queensland Building Services Authority  
  
phone: +61 7 3225 2930 | mobile: 0417 607 | web: [www.bsa.qld.gov.au](http://www.bsa.qld.gov.au)  
fax: +61 7 3225 2939 | 064

**From:** Matthew Tappall [<mailto:Matthew.Tappall@ministerial.qld.gov.au>]  
**Sent:** Wednesday, 20 November 2013 12:19 PM  
**To:** Ian Jennings  
**Subject:** RE: Walton Construction (Qld) Pty Ltd

Thanks Ian,  
Was Walton's one the 856 who need to provide audited statements?

What class of license need to provide their statements?

**From:** Ian Jennings [<mailto:ian.jennings@bsa.qld.gov.au>]  
**Sent:** Wednesday, 20 November 2013 12:19 PM  
**To:** Matthew Tappall  
**Subject:** Walton Construction (Qld) Pty Ltd

Good afternoon Matt  
Please see below some lines you be able to use as part of a press release:  
Walton Construction (Qld) Pty Ltd and Peloton Builders Pty Ltd who is now called Tantalum Construction Pty Ltd are still under investigation by the BSA. The BSA is investigating whether the entities have breached the Queensland Building Services Authority Act 2002. It is not yet known whether the entities have breached the Act. However, with the collapse of the matter involved it is anticipated that it will take some time for the liquidator to complete their investigations.

I am very concerned about the effect of this collapse on industry participants involved and am closely liaising with the regulator and Commonwealth to ensure every step is taken to fully investigate this matter. To assist in this process the BSA will be committing funds, should it be required by the liquidator, to undertake a public examination of Walton Construction (Qld) Pty Ltd and the key Executive of Peloton and possibly their advisors to get a better understanding of the relationships and the circumstances surrounding the creation of Peloton Builders.

BSA currently licenses greater than 84,000 licensees with some 856 required to provide audited financial statements on an annual basis and 10,500 required to provide independent review reports on their financial state. Collapses of this size with such complex issues are uncommon in Queensland and unfortunately this matter will take some time to investigate and find a clear understanding of the events leading up to the collapse and the liabilities of those events. It is for this reason, the Government through the BSA should make funds available if the liquidator requires in order to ensure that no stone is left unturned.

The best advice we can provide is that the liquidator will keep the creditors updated as information becomes available however if a creditor believes they have new information which may assist the liquidator I would encourage them to provide such information to the liquidator.

I would suggest you use Peloton Builders as the name in press releases as the public will not be aware of the name change. This name change occurred on 15 November 2013 and my understanding is that it has taken place as a result of BSA raising with them the closeness of their name to the Peloton Group who are developers in Sydney.

Regards

**Ian Jennings**  
General Manager  
Queensland Building Services Authority  
  
phone: +61 7 3225 2930 | mobile: 0417 607 | web: [www.bsa.qld.gov.au](http://www.bsa.qld.gov.au)  
fax: +61 7 3225 2939 | 064

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Sch. 3(10)(1)(a)  
Released under RTI

From: Matthew Tappall  
Sent: 20/11/2013 3:06:03 PM  
To: Ian Jennings@bsa.qld.gov.au  
Subject: Re: Walton Constructions (Qld) Pty Ltd

Thanks Ian,  
With the public examination when would that likely kick off and how long do they usually take?  
Cheers

----- Original message -----  
From: Ian Jennings <Ian.Jennings@bsa.qld.gov.au>  
Date:  
To: Matthew Tappall <Matthew.Tappall@ministerial.qld.gov.au>  
Subject: Re: Walton Constructions (Qld) Pty Ltd

Hi

Sch.3(7) Legal Professional Privilege

Hi

General Manager, BSA

On 20 Nov 2013, at 12:54 pm, "Matthew Tappall" <Matthew.Tappall@ministerial.qld.gov.au> wrote:

Thanks Ian,

Hi

Sch. 3(10)(1)(a)

Hi

From: Ian Jennings <Ian.Jennings@bsa.qld.gov.au>  
Sent: Wednesday, 20 November 2013 12:47 PM  
To: Matthew Tappall  
Subject: Walton Constructions (Qld) Pty Ltd

Good afternoon Ian

Sch. 3(10)(1)(a)

Sch. 3(10)(1)(a)

These questions relate to gathering information on whether Pelton is meeting the Financial Requirements for Licensing and in order to monitor any building work they may undertake.

BSA is waiting to receive this information and will make an assessment as soon as the information has been received.

In addition to providing links to the legislation to substantiate a public examination, the Tribunal has the power to conduct a public examination, such actions are commenced in the Supreme Court of Queensland and they involve:

Sch. 3(10)(1)(a)

BSA has provided such funds before but in these circumstances BSA was a creditor as a consequence of payments made under the Home Warranty Insurance Scheme. Legal advice has been sought.

Sch.3(7) Legal Professional Privilege

Sch.3(7) Legal Professional Privilege

Financial examinations have ranged in length from 20,000.00 to 10,000.00. This funding is used to assist in the creation and evidence of documents of the Corporation Act.

Regards

Ian Jennings

General Manager

Queensland Building Services Authority

Phone: +61 7 3225 2930

Fax: +61 7 3225 2939

Mobile: 0417 827 084

Web: [www.bsa.qld.gov.au](http://www.bsa.qld.gov.au) [www.bsa.qld.gov.au](http://www.bsa.qld.gov.au)

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Released Under RTI

From: Ian Jennings  
Sent: 20/11/2013 3:42:25 PM  
To: Matthew Tapall  
Subject: RE: Walton Constructions (Qld) Pty Ltd

Mat

This will be up to the Registrar

Sch. 3(10)(1)(a)

Sch. 3(10)(1)(a)

Regards

Ian Jennings  
General Manager  
Queensland Building Services Authority



phone: +61 7 3225 2930 fax: +61 7 3225 2939  
mobile: 0417 607 064 www.qbsa.qld.gov.au

From: Matthew Tapall [mailto:Matthew.Tapall@ministerial.qld.gov.au]  
Sent: Wednesday, 20 November 2013 3:06 PM  
To: Ian Jennings  
Subject: Re: Walton Constructions (Qld) Pty Ltd

Thanks Ian.

With the public examination when would that likely kick off and how long do they usually take?

Cheers

----- Original message -----

From: Ian Jennings [mailto:Ian.Jennings@bsa.qld.gov.au]  
Date: 20/11/2013 3:06 PM  
To: Matthew Tapall [mailto:Matthew.Tapall@ministerial.qld.gov.au]  
Subject: Re: Walton Constructions (Qld) Pty Ltd

Mat

Sch. 3(10)(1)(a)

Regards

Ian Jennings  
General Manager, BSA

On 20 Nov 2013, at 12:54 pm, "Matthew Tapall" [mailto:Matthew.Tapall@ministerial.qld.gov.au] wrote:

Thanks Ian.

Sch. 3(10)(1)(a)

Cheers

From: Ian Jennings [mailto:Ian.Jennings@bsa.qld.gov.au]  
Sent: Wednesday, 20 November 2013 12:41 PM  
To: Matthew Tapall  
Subject: Walton Constructions (Qld) Pty Ltd

Good afternoon Mat

Sch. 3(10)(1)(a)

Sch. 3(10)(1)(a)

These questions relate to gathering information on whether Pricton is meeting the Financial Requirements for Licensing and in order to monitor any building work they may undertake.

BSA is waiting to receive this information and will make an assessment as soon as the information has been received.

In relation to providing funds to the Registrar to undertake a public examination, the Registrar has the power to conduct a public examination, such actions are commenced in the Supreme Court of Queensland and they involve:

Sch. 3(10)(1)(a)

BSA has provided such funds before but in those circumstances BSA was a creditor as a consequence of payments made under the Home Warranty Insurance Scheme. Legal advice has been sought.

Sch.3(7) Legal Professional Privilege

Sch. 3(7) Legal Professional Privilege

Pricton examinations have ranged in funding from \$15,000.00 to 100,000.00. This funding in some cases has resulted in better return to creditors and evidence of breaches of the Corporations Act.

Regards

Ian Jennings  
-image001.gif-  
General Manager  
Queensland Building Services Authority

phone: +61 7 3225 2930  
fax: +61 7 3225 2939  
mobile: 0417 607 064  
web: www.bsa.qld.gov.au

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**From:** Ian Jennings  
**Sent:** 22/11/2013 8:04:36 AM  
**To:** Danielle Shepherd  
**Subject:** FW: Walton Constructions (Qld) Pty Ltd

**Ian Jennings**  
General Manager  
Queensland Building Services Authority



phone: +61 7 3225 2930 | mobile: 0417 607 | web: [www.bsa.qld.gov.au](http://www.bsa.qld.gov.au)  
fax: +61 7 3225 2939 064

---

**From:** Ian Jennings  
**Sent:** Wednesday, 20 November 2013 12:41 PM  
**To:** [matthew.tapsall@ministerial.qld.gov.au](mailto:matthew.tapsall@ministerial.qld.gov.au)  
**Subject:** Walton Constructions (Qld) Pty Ltd

Good afternoon Matt

Sch. 3(1)(1)(a)

Sch. 3(10)(1)(a)

These questions relate to gathering information on whether Peloton is meeting the Financial Requirements for Licensing and in order to monitor any building work they may undertake.

BSA is waiting to receive this information and will make an assessment as soon as the information has been received.

In relation to providing funds to the liquidator to undertake a public examination, the liquidator has the power to conduct a public examination, such actions are commenced in the Supreme Court of Queensland and they involve:

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BSA has provided such funds before but in those circumstances BSA was a creditor as a consequence of payments made under the Home Warranty Insurance Scheme. Legal advice has been sought

Sch.3(7) Legal Professional Privilege

Sch.3(7) Legal Professional Privilege

Previous examinations have ranged in funding from \$15,000.00 to 100,000.00. This funding in some cases has resulted in better return to creditors and evidence of breaches of the Corporations Act.

Regards

**Ian Jennings**  
General Manager  
Queensland Building Services Authority



---

phone: +61 7 3225 2930 | mobile: 0417 607 | web: [www.bsa.qld.gov.au](http://www.bsa.qld.gov.au)  
fax: +61 7 3225 2939 | 064

Released under RTI

**From:** Mary Condie  
**Sent:** 17/12/2013 9:29:37 AM  
**To:** ANDREWS Janette (Janette.ANDREWS@hpw.qld.gov.au)  
**Subject:** CTS NO 03720 13 Response to John Hathaway MP re Walton Collapse

Hi Janette

I note this workflow has requested a further dot point briefing. Just wondering if a further brief on Walton is necessary. A full brief was provided directly to Matt Tapsall in November 2013 and the situation has not progressed any further, I don't think this brief went through workflow.

I have added info about the current steps being the proposed public examination and the reviews in the response.

What are your thoughts.



---

**Mary Condie**  
*Senior Executive Liaison Officer*  
*Office of the Commissioner*

**P** +61 7 3405 3992 **F** +61 7 3225 2939 **W** [www.qbcc.qld.gov.au](http://www.qbcc.qld.gov.au)

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**MINISTERIAL  
REQUEST FORM**

**MINISTERIAL OFFICER**

Minister's Office to complete

<input type="checkbox"/> Lisa Palu	<input type="checkbox"/> Martin Kennedy
<input type="checkbox"/> Matt Tapsall	<input type="checkbox"/> Matthew Hulett
<input type="checkbox"/> Sandy Landers	<input type="checkbox"/> Nate Tunney

MO Ref: 212/BB6/13

<input type="checkbox"/> Housing	<input type="checkbox"/> URGENT	NEEDED BY: 19 / 12 / 2013
<input checked="" type="checkbox"/> Public Works	MINISTERIAL OFFICER SIGNATURE: <i>Rewey</i> 9 / 12 / 2013	

**PLEASE PROVIDE**

**SIGN OFF BY**

- Letter of Response
- Briefing Note / Dot Points
- Refer to other Minister/MP
- Refer to Director-General (without response)
- Refer to Department (without response)
- Interim Response
- Information Only / No action
- Contact by Phone (within 48 hours)

- Minister
- Chief of Staff
- Senior Media Advisor
- Policy Advisor
- Senior Policy Advisor
- Backbench Liaison Officer

Instructions for the Department:

DEPARTMENT ACTION: DLO to complete

Dept Ref: HPW 03720/13	DLO Received: 9 / 12 / 13	<input type="checkbox"/> Cabinet / Classified
------------------------	---------------------------	---

Concerning:

*(MO ref: 212/BB6/13)*  
 PRIORITY MIN URG: John Hathaway MP re collapse of Walter Construction, & impact on local subcontractors.

**ALLOCATE TO**

**TIMEFRAMES**

- Lead: *OBCC*
- Support:
- DDG/ADG Endorsement:
- Housing Services     Strategic Asset Management
  - Asset Services and Works     Corporate Services
  - Procurement Transformation     Building Industry & Policy

Reply Due to ESU: 16 / 12 / 13

DDG/ADG Office:           

DG Office: 17 / 12 / 13

Mins Office: 19 / 12 / 13

DLO comments:

- Mini response to MP
- Dotpoint briefing

**From:** Matthew Tapsall  
**Sent:** 11/02/2014 8:49:06 AM  
**To:** steve.griffin@qbc.qld.gov.au  
**Cc:** ANDREWS,Janette (Janette.ANDREWS@hpw.qld.gov.au)  
**Subject:** Walton Construction

Hi Steve,

The Minister would like an update ASAP this morning for parliament on the latest with this one.

We would like to know when the inquiry the CSCC is funding will start.

Please give me a call when you are free

**CPI**

Cheers

Matt



**Matthew Tapsall**  
Senior Minister  
Office of the Hon. Tim Mander MP | Minister for Housing and Public Works  
Phone: 07 3719 7270 | Fax: 07 3012 4017  
80 George Street | Brisbane | QLD 4000  
GPO Box 2457 | Brisbane | QLD 4001  
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**From:** Mary Condie  
**Sent:** 11/02/2014 9:31:03 AM  
**To:** matthew.tapsall@ministerial.qld.gov.au  
**Subject:** Walton Constructions Pty Ltd Public Examination

Hi Matt

QBCC has received advice from ASIC that a decision on the Federal Court proceedings about the removal of Draper Dillon as liquidators is due to be delivered this Thursday 13 February 2014 at 9:30am.

The public examination is a matter to be determined by the liquidators. If Draper Dillon are removed as liquidators then the timing of any public examination will be delayed.



---

**Mary Condie**  
*Senior Executive Liaison Officer*  
*Office of the Commissioner*

**P** +61 7 3405 3992 **F** +61 7 3225 2939 **W** [www.qbcc.qld.gov.au](http://www.qbcc.qld.gov.au)

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Released Under RTI

From: Matthew Tapall  
Sent: 11/02/2014 9:38:27 AM  
To: Mary Cordie  
Subject: RE: Walton Constructions Pty Ltd Public Examination

Thanks Mary

---

From: Mary Cordie (mailto:Mary.Cordie@qbcc.qld.gov.au)  
Sent: Tuesday, 11 February 2014 9:31 AM  
To: Matthew Tapall  
Subject: Walton Constructions Pty Ltd Public Examination

Hi Matt

QBCO has received advice from ASIC that a decision on the Federal Court proceedings about the removal of Draper Dillon as liquidators is due to be delivered this Thursday 13 February 2014 at 9.30am.  
The public examination is a matter to be determined by the liquidators. If Draper Dillon are removed as liquidators then the timing of any public examination will be delayed.



**Mary Cordie**  
Senior Executive Liaison Officer  
Office of the Commissioner  
P +61 7 3485 3992 F +61 7 3225 2939 [www.qbcc.qld.gov.au](http://www.qbcc.qld.gov.au)

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**From:** Steve Griffin  
**Sent:** 6/03/2014 7:47:13 AM  
**To:** Lisa Palu;Matthew Tapsall (matthew.tapsall@ministerial.qld.gov.au)  
**Subject:** Meeting with Glen Franklin - Walton Liquidatos from Draper Dillon

Lisa & Matt,

Just wanted to let you know that we met with the Liquidators of Walton late yesterday and they have indicated that they intend to conduct a public examination which we have agreed to fund. I will let you know in advance when they are going to publicly announce the examination.

Kind Regards,

**Steve Griffin**  
*Commissioner*  
*Office of Commissioner*



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---

**From:** Lewis Hayes  
**Sent:** Wednesday, 5 March 2014 5:04 PM  
**To:** Steve Griffin  
**Cc:** Olivia McMahon  
**Subject:** Meeting with Glen Franklin - Walton Liquidatos from Draper Dillon

Steve,

Olivia, Shane Budden and myself met with Glen this afternoon here at QBCC's offices.

Glen confirmed his intention to conduct a public examination subject to finalising a funding agreement with QBCC.

Glen presented a draft Agreement which Shane b is reviewing - it appears to be a standard document.

Glen will forward a detailed draft budget and indicated that the initial budget would be somewhere between \$70,000 and \$120,000.

I expect it will be nearer to \$120,000 than not.

Sch. 3(10)(1)(a)

Upon finalisation of the Agreement Glen would publicly announce the PE and it can get moving quickly.



**Lewis Hayes**  
*Executive Manager Compliance*  
*Recoveries and Legal Services*

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**From:** Matthew Tapall  
**Sent:** 6/03/2014 8:08:10 AM  
**To:** Steve Griffin; Lisa Palu  
**Subject:** RE: Meeting with Glen Franklin - Walton Liquidators from Draper Dillon

Thanks Steve,

Did they indicate when they wanted to hold a, 2 weeks, 3 week's time?

Cheers

---

**From:** Steve Griffin [mailto:Steve.Griffin@qbcc.qld.gov.au]  
**Sent:** Thursday, 6 March 2014 7:43 AM  
**To:** Lisa Palu; Matthew Tapall  
**Subject:** Meeting with Glen Franklin - Walton Liquidators from Draper Dillon

Lisa & Matt,

Just wanted to let you know that we met with the Liquidators of Walton late yesterday and they have indicated that they intend to conduct a public examination which we have agreed to fund. I will let you know in advance when they are going to publicly announce the examination.

Kind Regards,



**Steve Griffin**  
Commissioner  
Office of Commissioner  
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---

**From:** Lewis Hayes  
**Sent:** Wednesday, 5 March 2014 5:04 PM  
**To:** Steve Griffin  
**Cc:** Orla McMahon  
**Subject:** Meeting with Glen Franklin - Walton Liquidators from Draper Dillon

Steve,

Orla, Shane Budden and myself met with Glen this afternoon here at QBCC's offices.

Glen confirmed his intention to conduct a public examination subject to finalising a funding agreement with QBCC.

Glen presented a draft Agreement which Shane is reviewing - it appears to be a standard document.

Glen will forward a detailed draft budget and indicated that the initial budget would be somewhere between \$70,000 and \$120,000.

I expect it will be nearer to \$120,000 than not.

Sch. 3(10)(1)(a)

Upon finalisation of the Agreement Glen would publicly announce the PE and it can get moving quickly.



**Lewis Hayes**  
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Revenues and Legal Services  
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**From:** Steve Griffin  
**Sent:** 6/03/2014 12:26:41 PM  
**To:** Matthew Tapsall, Lisa Palu  
**Subject:** RE: Meeting with Glen Franklin - Walton Liquidators from Draper Dillon

Matt,  
The liquidator will probably start publicly advertising the examination in ten to three weeks. The actual examination would commence a number of weeks after that.  
Kind regards,

**Steve Griffin**  
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Office of Commissioner  
  
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---

**From:** Matthew Tapsall [mailto:Matthew.Tapsall@ministerial.qld.gov.au]  
**Sent:** Thursday, 6 March 2014 8:08 AM  
**To:** Steve Griffin; Lisa Palu  
**Subject:** RE: Meeting with Glen Franklin - Walton Liquidators from Draper Dillon

Thanks Steve,  
Did they indicate when they wanted to hold it, 2 weeks, 3 week's time?  
Cheers

---

**From:** Steve Griffin [mailto:Steve.Griffin@qdcc.qld.gov.au]  
**Sent:** Thursday, 6 March 2014 7:47 AM  
**To:** Lisa Palu; Matthew Tapsall  
**Subject:** Meeting with Glen Franklin - Walton Liquidators from Draper Dillon

Lisa & Matt,  
Just wanted to let you know that we met with the Liquidators of Walton late yesterday and they have indicated that they intend to conduct a public examination which we have agreed to fund. I will let you know in advance when they are going to publicly announce the examination.  
Kind regards,

  
**Steve Griffin**  
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---

**From:** Lewis Hayes  
**Sent:** Wednesday, 5 March 2014 5:04 PM  
**To:** Steve Griffin  
**Cc:** Olivia McMahon  
**Subject:** Meeting with Glen Franklin - Walton Liquidators from Draper Dillon

Steve,  
Olivia, Shane Budden and myself met with Glen this afternoon here at QDCC's offices.  
Glen confirmed his intention to conduct a public examination subject to finalising a funding agreement with QDCC.  
Glen presented a draft Agreement which Shane is reviewing - it appears to be a standard document.  
Glen will forward a detailed draft budget and indicated that the initial budget would be somewhere between \$70,000 and \$120,000.  
I expect it will be nearer to \$120,000 than not.

Sch. 3(10)(1)(a)

Upon finalisation of the Agreement Glen would publicly announce the PE and it can get moving quickly.

  
**Lewis Hayes**  
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Recoveries and Legal Services  
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**From:** Steve Griffin  
**Sent:** 1/04/2014 4:14:19 PM  
**To:** Matthew Tapsall  
**Subject:** RE: Certification review

Matt,

Technically we are engaging the Walton public examination and pay for it. Similar to that the Minister has ownership of our budget as the Minister responsible, so technically he is engaging and paying.

Kind Regards,

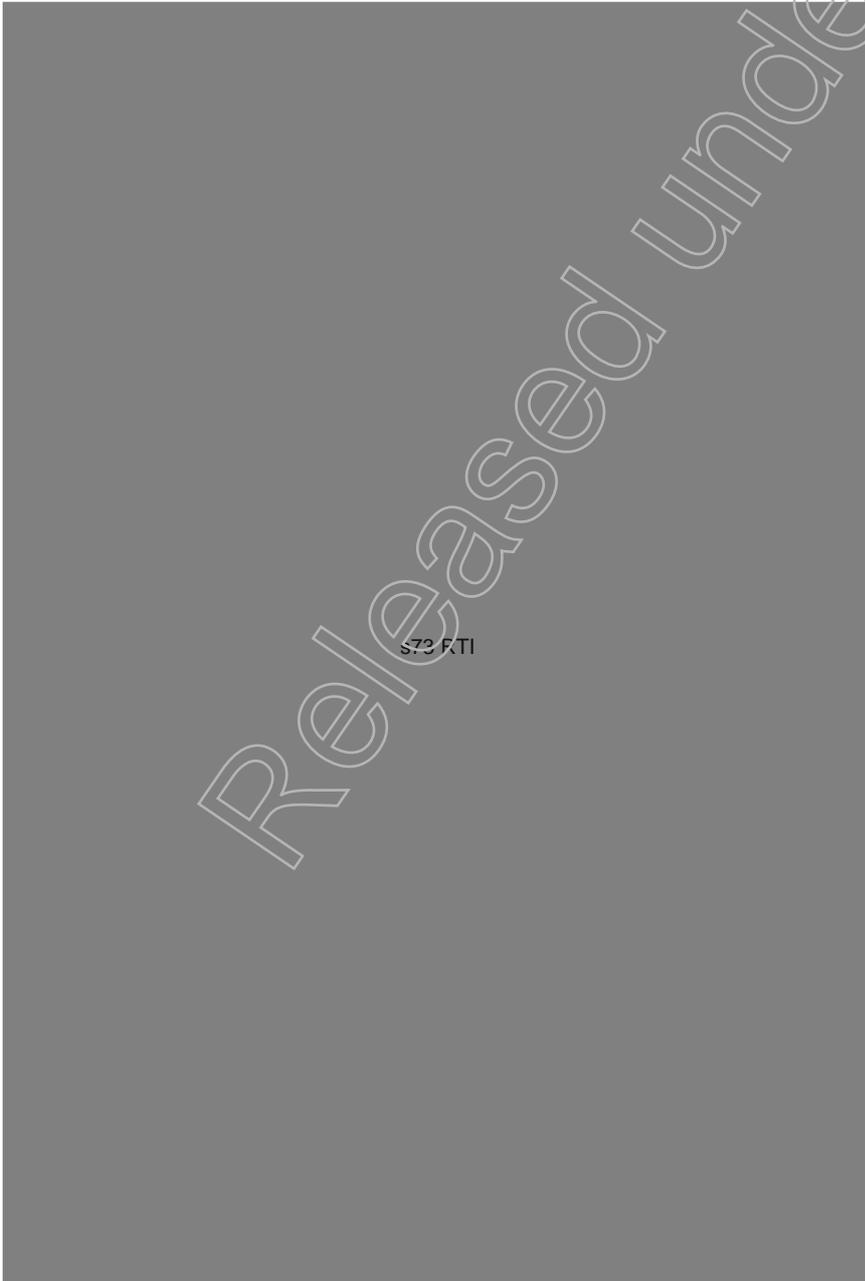
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Office of Commissioner

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-----Original Message-----

From: Matthew Tapsall [<mailto:Matthew.Tapsall@ministerial.qld.gov.au>]  
Sent: Tuesday, 1 April 2014 3:35 PM  
To: Steve Griffin  
Cc: ANDREWS Janette (Janette.ANDREWS@hpw.qld.gov.au)  
Subject: RE: Certification review

Can we look at the Min engaging and the QBCC paying, similar to the BSA review set up?



s73 RTI