

Was that really a Crisis we just had? **Volume 4, Issue 2, April 2010**

By Schon G Condon RFD

With 2010 well and truly underway, Australia continues to bask in the burgeoning prosperity of a growing and blossoming economy.

It's funny, but around this time last year at a presentation I was doing I suggested that the then current crisis would be over by June 2010. As some of you may know I'm sometimes known for my frank understanding of the downside of commercial life.

However in this instance it was quite surprising that a large number of people in the audience became quite vocal about my optimism, and it was not the cry of support I was hearing, rather that I had not really come to appreciate the severity of the situation.

Recently, I received a collection of classic photos relating to significant moments in history, one of the photos was of a woman and her family taken during the Great Depression, her name was Florence Owens Thompson. Florence was a 32 year old mother of seven who had just sold the family tent to provide food for her children. Contained with the photo were statistics (which I suspect are American) that were extremely enlightening:-

- Stocks fell by 40%
- 9,000 banks went out of business
- 9,000,000 savings accounts were wiped out
- Wages decreased by 60%
- 15,000,000 were made jobless, and
- It effectively lasted from 1929 to 1939.

The jobless figure then was 12.3 percent of the WHOLE US population, with the current GFC the US is currently at 10.4 percent of their EMPLOYABLE population.

Figures and stories such as this do a lot to help us put things into a real perspective when comparing then to now. Mind you, conversations that I have had with many from overseas, particularly in parts of the US and Europe confirms that we do not really appreciate the state of affairs in these countries.

By virtue of the lesser impact that this country has had from the GFC we must appreciate that in Australia we are well and truly removed from things.

So given the above, was it really a crisis? It will be interesting to see how we march forward; interest rates are again mooted to be increased, with discussions in certain quarters seeking overall increases of potentially 2 percent. If this is the case we may well yet be approaching our real crisis and let's hope people have or are planning for these potential occurrences.

Also this month we get some interesting feedback from one of our young staff members who has recently returned from a three month deployment in Malaysia, with the Australian Army Reserve, however, I shall let Nathan tell his own story.

In closing, I would like to welcome Nathan Adams to the team. Nathan joins us to assist with the further development of our existing services and enhancing our Business Development team.

Enjoy the read!

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Anzac Day

By Joseph Russo

Anzac day is more than just a public holiday. It's more than getting up early, going to a dawn service and then heading to the pub for a beer and a game of 2-up.

Anzac Day is also more than just remembering those lives lost at Gallipoli. Today's Anzacs are defending our nation against global terrorism with all of the distinction of their forefathers who scaled the cliffs of Gallipoli 95 years ago, and stopped the Japanese at Milne Bay in 1942.

The History of Anzac Day

The Australian and New Zealand Army Corps (ANZAC) landing at Gallipoli on 25 April 1915 gave us the date and name of Anzac Day. News of the landing saw an outpouring of national pride, and it became clear that its anniversary was the appropriate day for commemoration.

Anzac Day was first observed on 25 April 1916, as people came together to honour those lost at Gallipoli. In Australia, some state governments organised events to commemorate the occasion—but the Commonwealth did not. Acting Prime Minister Senator George Pearce viewed Gallipoli as a failure, and believed that a later battle might prove 'more worthy of remembering'. He clearly misjudged the importance of this day to the people.

Anzac Day during war time was especially important for the bereaved. With so many killed, the pain was palpable. Anzac Day was a moment to recognise and acknowledge the sacrifice with memorial services and simple acts of remembrance, such as women tying ribbons onto the gates of wharves where they last saw their sons, brothers or husbands alive.

Anzac Day was a fixture by the war's end. Politicians (some of whom had served, or lost loved ones and friends) forged bonds with the Returned Soldiers' and Sailors' Imperial League of Australia (now the Returned and Services League of Australia (RSL)), which assumed responsibility for the day. Rituals such as dawn services and the Anzac Day march were developed, and gradually the families of the dead became quite marginalised. While all people were encouraged to remember, the day was in many ways for ex-servicemen to honour their dead.

By the late 1920s, Anzac Day was a public holiday in every state and territory. In the 1930s, there was rhetoric about the need to pass the 'Anzac spirit' down to the next generation. This was partly politically motivated, as there was a feeling that people needed steeling for another war.

During the Second World War, the 'sons of the Anzacs' were welcomed, and the day now honoured veterans of all wars. But despite a greater number of veterans, by the 1960s its popularity had waned, and many wondered if Anzac Day could survive.

The resurgence started in the 1980s and 1990s. The RSL had been slow to welcome 'others'—notably those who did not serve overseas, including most ex-servicewomen, and veterans of the 'small' wars. With a younger leadership, it has relaxed the rules to be more inclusive. Governments have reinforced the day's significance with commemorative programs that reach out to the community. Anzac Day has evolved into a day for Australians to honour our war dead and veterans, and incidentally to show support for serving members of the Australian Defence Force. Dawn services have become a popular event. Time will tell whether, as veteran numbers dwindle, the Anzac Day march will continue in its present form.

The Dawn service

The first commemorative event of Anzac Day is the dawn service at 4.30 am. This is coincidentally about the time the men of the ANZAC approached the beach at Gallipoli. However, the origin is the traditional 'stand-to', in which troops would be woken so that by the first rays of dawn they were in position and alert, in case of an enemy attack in the eerie half-light. It is a ritual and a moment remembered by many veterans.

The first dawn service was in 1923 at Albany in Western Australia. It was conducted by the Reverend Arthur White, Rector of St John's Church, and formerly a padre with the 44th Battalion on the Western Front. The dawn service caught on, and the first official dawn service at Sydney's Cenotaph occurred four years later. The simple ceremony was for veterans to assemble before dawn to 'stand-to' and for two minutes of silence. Nowadays, all are welcome, and the dawn service has grown in popularity and in meaning for the community.

History of the 'gunfire breakfast', held after the dawn service on Anzac Day

Many communities follow the dawn service with a 'traditional' gunfire breakfast.

'Gunfire' is a British tradition and was the usual term for the early cup of tea served out to troops in the morning before going on first parade, whenever possible. In the War (WWI) recruits in training always had 'gunfire' supplied to them, the work before breakfast being found particularly trying. The morning gun in a garrison town suggested the name probably.

The 'gunfire breakfast' seems to have evolved from the above, and comprises whatever is available at the time—it could be 'coffee and rum' or 'stew, sausage and bread', or even 'bacon and eggs' (which is served by the War Memorial for their 'gunfire breakfast' on Anzac Day).

Anzac Day march

From cities to small towns, the march has long been the centrepiece of Anzac Day. Marches were held during the Great War, and became popular with veterans in the 1920s, to honour lost friends and publicly express comradeship. The RSL organises the marches. While it was traditional for veterans who saw active service, it was later relaxed to include those who served in Australia in the armed services or 'land armies', during WWII. It has been relaxed further, with some encouragement or acceptance of children, grandchildren and even great-grandchildren marching, to assist aged veterans or to represent those no longer with us.

Follow-on and Two-up

The march may be followed by reunions and lunches put on by local establishments. This is also the one day that the traditional Australian gambling game of 'two-up', or 'swy', may be legally played at venues. Bets are placed on how two pennies thrown into the air will fall. The 'ringer' (in charge) will explain rules and betting procedures. Any persons of legal gambling age are welcome to participate.

Wearing medals

Only the person awarded or issued medals may claim those medals as his or her own. This is enshrined in law. He or she wears the medals on their left breast. Others (those who did not earn the medals) may honour the service of a relative by wearing medals on the right breast. Some veterans may be seen wearing medals on both breasts—their own on the left, and a relative's on the right.

Wearing rosemary

Rosemary is an emblem of remembrance. It is traditional on Anzac Day to wear a sprig of rosemary pinned to a coat lapel or to the breast (it does not matter which side, but left seems most common), or held in place by medals. Rosemary has particular significance for Australians on Anzac Day as it grows wild on the Gallipoli peninsular.

Laying a wreath or flowers

A wreath or a small bunch of flowers is traditionally laid on memorials or graves in memory of the dead. They might contain laurel, a traditional symbol of honour, and rosemary, or they may be native or other flowers. In recent years, it has also become popular to lay a wreath of red poppies—formerly associated with Remembrance Day, 11 November. Any of these wreaths or flowers is acceptable as a gesture of remembrance.

The Ode

The Ode comes from the fourth stanza of the poem 'For the Fallen' by the English poet and writer, Laurence Binyon. It was published in London in *The Winnowing Fan: Poems of the Great War* in 1914. It was used in association with commemorative services in Australia by 1921.

The Ode

*They shall grow not old, as we that are left grow old;
Age shall not weary them, nor do the years condemn.
At the going down of the sun and in the morning
We will remember them.*

At the Anzac Day ceremony, an invited speaker often recites The Ode and upon his or her completion of the recitation, those present repeat the last words 'We will remember them'. After a short pause this is followed by 'Lest we forget'.

The Last Post

This is one of a number of bugle calls in military tradition to mark phases of the day. Traditionally, it marked the ending of a day. The Last Post was incorporated into funeral and memorial services as a final farewell, and symbolises that the duty of the dead is over and that they can now rest in peace. On Anzac Day, it is followed by one or two minutes of silence, then a second bugle call, Reveille (also known as The Rouse).

We will remember them

Lest we forget

Section 73 Proposal vs. Personal Insolvency Agreement

By Hiteshi Dekhtawala

The intention of this article is to discuss a number of options under the Bankruptcy Act which may be available to a person who has an insolvency problem. For the purposes of this article, this person will be referred to as a Debtor.

For those that may not be aware, a Debtor will have the following options available to them under the Bankruptcy Act:-

- Voluntarily declare themselves Bankrupt i.e. a Debtor's Petition;

- A Creditor may apply to Court for an order for the Debtors Bankruptcy i.e. a Creditor's Petition;
- After entering into Bankruptcy by either a Debtors or Creditors Petition, the Debtor may propose to Creditors an arrangement to settle the debts in the Bankrupt Estate under Section 73 of the Bankruptcy Act. If Creditors resolve to accept the proposal, the Bankruptcy will be annulled.
- In continuing with the above example, should the Estate receive sufficient funds to pay out the claims of all Creditors, and the costs of the Trustee and any statutory charges, the Bankruptcy will be annulled;
- Prior to availing the option of entering into Bankruptcy, the Debtor could approach his/her Creditors to enter into an arrangement with his or her Creditors in accordance with Part X of the Bankruptcy Act, which is referred to as a Personal Insolvency Agreement ("PIA"); and
- The Debtor could also consider utilising an agreement pursuant to Part IX of the act which is called a Debtors Agreement. It is similar in its effect as a PIA, but its intended use is for smaller estates with lesser assets and lesser creditors.

People some times confuse a Section 73 proposal and an Annulment with a Part X Agreement. Here is a bird's eye view of the distinction between these matters:-

Subject	Section 73 Proposal	Annulment	Part X Arrangement i.e. Personal Insolvency Agreement
Point of Occurrence	The Debtor proposes to the Creditors after entering into Bankruptcy.	The Debtor pays out all of his or her debts after entering into Bankruptcy.	The Debtor puts forward a proposal to Creditors instead of entering into Bankruptcy.
Status of the Debtor/ Estate	Is a Bankrupt/Bankrupt Estate	Is a Bankrupt/Bankrupt Estate	Is not a Bankrupt, is only an Insolvent person. i.e. a person with financial difficulty.
Appointee	Is referred to as the Trustee of the Estate.	Is referred to as the Trustee of the Estate.	Is referred to as the Controlling Trustee during the course of the Controlling Trusteeship, and is subsequently referred to as the Trustee of the PIA once the PIA comes into effect.
Satisfaction of Debts	The Debtor submits a proposal to his/her Creditors for settling the debt, and a dividend to Creditors is declared at a rate of XX cents in a dollar, depending on the funds available in the Estate.	Sufficient funds are received into the Estate to enable a return to creditors of 100 cents in a the dollar.	The Debtor submits a proposal to his/her Creditors for settling the debt, and a dividend to Creditors is declared at a rate of XX cents in a dollar, depending on the funds available in the Estate.
Interest on Debts	Creditors are not entitled to seek to claim for interest after the date of Bankruptcy.	Debts are paid in full and the Creditors whose claims are entitled to bear interest are entitled to be paid any interest which has accrued upto the date on which the dividend is declared.	Creditors are not entitled to seek to claim for interest after the date of Bankruptcy.

Please note for the comparison above, a Debt Agreement is similar in its operation to a PIA, except for the scale of the assets and debts involved. For this reason, Debt Agreements have not been provided with their own column.

The most interesting point to note from the above is that a Section 73 Proposal is similar in its outcome to a PIA. That is, a proposal is put forth to creditors, and should they resolve to accept the proposal, the Bankrupt will be released from the Bankruptcy and the terms of the Section 73 Proposal will provide the outline for the future conduct of the Estate.

The main benefit of a Section 73 proposal over a PIA is such that should creditors resolve to accept the Section 73 proposal, the Bankruptcy is "void ab initio". The effect of this is that it means it never happened.

Therefore, for those people who are in careers, or wish to enter into careers in the future whereby you would not be eligible to pursue the career if you were previously Bankrupt an insolvent having been party to a PIA, the Section 73 Proposal may provide a better outcome than a PIA as in theory, the Bankruptcy did not happen, and therefore, the Debtor would still be eligible for that career path in the future.

An adventure in South East Asia

By Nathan Barnstable



A little over 12 months ago I joined Condon Associates as a File Clerk under the Traineeship Programme run by the Federal Government. This opportunity came about as a result of my involvement with the Australian Army Reserve, where I first met LTCOL Schon Condon.

During 2009 I was offered the opportunity to go on an exercise with the Australian Army for a three month deployment as part of the Christmas Rotation (Rotation 88) to Rifle Company Butterworth, located at Butterworth Air Force base in Butterworth, Malaysia.

While the majority of my time was spent around Palau Penang mainland and Palau Penang Island in the North, I also spent a few weeks in the state of Johor Bahru in the country's South.

This exercise comprised of 120 eager Reservists, many of whom like me were on their first deployment. It was a fantastic opportunity to spend almost three months in a foreign country completing an extremely broad range of valuable training exercises.

The training was not just in basic soldierly skills, but also extensive weapons handling, basic and jungle survival courses, leadership courses, adventure training and the genuine opportunity to truly test ones own stamina and commitment as an individual.

While it was in a very different setting, it gave you a real opportunity to really understand yourself, your team and how it can all work together in a variety of different situations.

One of the first things that hits you when you arrive in Malaysia is the need to acclimatise to the country's high level of humidity. Once acclimatised you then have the opportunity to take in the country, the people and their customs.

Malaysia was considered to be a Developing Country in the last decade but now - mainly due to the rapid growth in the tourism sector - the country is quickly moving beyond that label. Yet in spite of this, the majority of the Malaysian people are still very poor. This certainly opened our eyes and reinforced how well we have things here in Australia.

Whether it is from the previous relations established by the Rotations that have been to Malaysia, or by the sacrifices made by Australian Troops during WWII and the Malaysian Intervention, the Malaysian people would do anything they could to help us young "Aussies."

This was a very heartening thing given what they face in their daily lives. While on exercise I was fortunate enough to work with a wide variety of the Malaysian people, be it with the Malaysian Armed Forces, contractors, or to the range of staff that supplied us with meals, linen and other amenities. They always seemed happy to be there, and to help us out even though they worked for only a small wage. Interestingly, most of the time anything extra they provided us with, they would refuse payment for.

While it was certainly a military operation, we were given a fair amount of time to go exploring and soak up as much of the local culture from "The Pearl of the Orient" as we could.

On our travels, we stumbled across a variety of locals, all friendly and eager to please. Whether it was a couple of free ties to go with the suits we purchased or a free round of drinks at a bar! Each time this happened we would always have our payment refused as a handshake or pat on the back would suffice. This was truly an amazing experience to be part of.

There was also an opportunity for formal time off during the three months and while we could have come home (very expensive though), a group of us took the opportunity to explore the culture of Thailand and Singapore - and maybe even a night spot or two!

I started at Condon Associates early last year. During the year I completed the necessary courses to gain entry to the Accounting degree at the University of Western Sydney with my admission being confirmed while I was away in Malaysia.

I left a Filing Clerk, experienced a most wonderful opportunity through the support of my employer Condon Associates, and the Department of Defence, and returned to begin my new professional career.

What a year 2009 was!! What an experience Malaysia was!! Here's to 2010 and what the future holds.

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