

# External Administration Declaration Form

Please complete this declaration and provide it with your application.

## Part 1: Previous External Administrations

1. What was the registered name and ACN of the company?

2. What was the nature of the business conducted by the company (i.e the industry)?

Building industry

Plumbing industry

Other (please specify below)

3. Who was the ultimate beneficial owner / shareholder of the externally administered company during the 2 year period prior to it entering into external administration (i.e individuals who ultimately owned the company whether directly or indirectly through other corporate ownership)?

4. Which of the following roles did you perform within the company? (select one or all as appropriate)

Director

Secretary

Influential person

5. When did the company go into external administration?

6. When were you a director and / or secretary of, and / or influential person in relation to the company?

Director between \_\_\_\_\_ and \_\_\_\_\_

Secretary between \_\_\_\_\_ and \_\_\_\_\_

Influential person between \_\_\_\_\_ and \_\_\_\_\_



7. In the 2 years prior to entering external administration, did the company undergo any restructuring, or dispose of the whole or substantially the whole of its business and / or assets?

Yes

No

8. If you answered 'Yes' to question 7, please provide a copy of the agreement(s) pursuant to which any such restructuring or disposal occurred and submit them with your application.

9. What type of external administration(s) was the company under?

Liquidator(s) appointed to the company

Administrator(s) appointed to the company

Deed of Company Arrangement (DoCA) was entered into in relation to the company

## Part 2: Questions Specific to Liquidations

10. If you responded to 'Liquidator(s) appointed' to question 9, what was the liquidation?

Solvent liquidation

Insolvent liquidation

11. If you answered 'Solvent liquidation' to question 10, please ensure you attach form #5603, End of Administration Return (form required by ASIC from your administrator), when complete questions 12 to 16 only.

if you answered 'Insolvent liquidation' to question 10, please complete questions 12 to 20.

12. What is the name and contact details of the Liquidator(s)?

13. When were the Liquidator(s) appointed?

14. What were the circumstances leading to the company's insolvency and the appointment of the Liquidator(s)?



15. Provide a copy of the following documents:

- Any reports to creditors from the Liquidator(s)
- the Report on Company Activities and Property (RoCaP) (previously called Report as to Affairs (RatA)) provided to the Liquidator(s)
- any other document(s) that you consider relevant to the circumstances leading to the appointment of the Liquidator(s)

16. What is the current status of the liquidation?

- Ongoing
- Concluded

17. If you answered 'Ongoing' to question 16, please specify the value of creditor claims that remain unpaid:

|                                |    |         |
|--------------------------------|----|---------|
| Priority creditors (employees) | \$ | Unknown |
| Secured creditors              | \$ | Unknown |
| Unsecured creditors            | \$ | Unknown |

18. If you answered 'Concluded' to question 16, please specify the outcome of the liquidation. For example, how many cents in the dollar received by:

|                                |    |         |
|--------------------------------|----|---------|
| Priority creditors (employees) | \$ | Unknown |
| Secured creditors              | \$ | Unknown |
| Unsecured creditors            | \$ | Unknown |

19. Were any demands for payment, legal proceedings (e.g. voidable transaction claims, unfair loans, unreasonable director-related transactions, insolvent trading claims, breach of director duties claims), or summons for examination made or issued by the Liquidator(s) against you, or companies of which you were a shareholder or director, or with which you were otherwise associated?

- Yes
- No

20. If you answered 'Yes' to question 19, please provide copies of the following documents:

- Demands
- Court documents
- Court orders or judgements
- Any other documents setting out the nature of the claims made by the Liquidator(s)

21. Specify whether there was an investigation and / or any enforcement action taken by ASIC or any other regulatory body in relation to the company:

- Yes
- No

If yes, please provide a copy of all relevant documents, such as infringement notices or Court documents



## Part 4: Questions Specific to Administrations / Deed Administrations

22. If you answered 'Administrators appointed' or 'Subject to Deed of Company Arrangement (DOCA)' in question 9, please answer questions 23 to 34.

23. What is the name and contact details of the Administrator(s) and Deed Administrator(s)?

24. What was the date on which the Administrator(s) and Deed Administrator(s) were appointed?

25. What were the circumstances leading the company's insolvency and the appointment of the Administrator(s) and Deed Administrator(s)

26. Provide a copy of the following documents:

Any reports to creditors from the Administrator(s) or Deed Administrator(s)

The Report on Company Activities and Property (RoCaP) (previously called Report as to Affairs (RatA)), provided to the Administrator(s) or Deed Administrator(s)

Any deed of company arrangement (DoCA) or DoCA proposals

Any other documents that you consider relevant to the circumstances leading to the appointment of Administrator(s)



27. What is the current status of the administration?

Ongoing

Concluded

28. If you answered 'Concluded' to question 27, please advise the outcome of the administration:

The company went into liquidation (answer questions 10 to 21)

The administration ended and the company continued to trade

The company entered into a Deed of Company Arrangement (DoCA)

Other (specify below)

29. If you answered 'The company entered into a DoCA to question 28, what is the current status of the DoCA?

Ongoing

Concluded

30. If you answered 'Ongoing' to question 29, please specify the value of creditor claims that remain unpaid to:

|                                |    |         |
|--------------------------------|----|---------|
| Priority creditors (employees) | \$ | Unknown |
| Secured creditors              | \$ | Unknown |
| Unsecured creditors            | \$ | Unknown |

31. If you answered 'Concluded' to question 30, please specify the outcome of the DoCA. For example, how many cents in the dollar received by:

|                                |                        |         |
|--------------------------------|------------------------|---------|
| Priority creditors (employees) | Cents in the<br>dollar | Unknown |
| Secured creditors              | Cents in the<br>dollar | Unknown |
| Unsecured creditors            | Cents in the<br>dollar | Unknown |

32. Were any demands for payment or legal proceedings (e.g. breach of director duties claims) made or issued by the Administrator(s) or Deed Administrator(s) against you, or companies of which you were a shareholder or director, or you were otherwise associated to?

Yes

No



33. If you answered 'Yes' to question 32, please provide copies of the following documents:

Demands

Court documents

Court orders or judgements

Any other documents setting out the nature of the claims made by the Administrator(s) or Deed Administrator(s)

34. Specify whether there was an investigation and / or any enforcement action taken by ASIC or any other regulatory body in relation to the company.

Yes

No

If yes, please provide a copy of all relevant documents, such as infringement notices or Court documents

## Part 5: Signature

It is an offence under section 246 of the Building Act 1993 to give false or misleading information in relation to an application for registration. This offence carries a maximum penalty of 120 penalty units.

By signing this:

- I declare that the information contained in this form, including attachments, is true and correct.
- I declare that I have read and understood how the BPC manages my personal information and the **BPC's Privacy Collection notice**, as stipulated on the final page of this document.

Signature

Date of Signature



# Privacy collection notice

## How the BPC uses and discloses your personal information

The Building and Plumbing Commission (BPC) is collecting your personal information (including any images or photographs and any and all details provided in this form), to process your application. If you do not provide all or any part of the information requested in this form, the BPC may be unable to process and subsequently grant your application. The BPC may also use such information for the following purposes:

- (a) To enable the BPC to meet its statutory obligations, functions and perform its operational requirements.
- (b) Researching and assessing the merit and impact of proposed regulatory reforms and to assist in the development and delivery of services by the BPC (whether to you personally or a member of the public).
- (c) Law enforcement by the BPC or other regulatory bodies, including prosecutions or disciplinary action against you if required.
- (d) Maintaining disciplinary and licensing and registration registers for building and plumbing practitioners (published on the BPC's website).
- (e) Such other purposes as required by law or authorised under the privacy legislation.

The BPC may also share your personal information with third parties including, but not limited to, different business units within the BPC, the Building Appeals Board, Consumer Affairs Victoria, your insurer, other regulators (both in Victoria and interstate), your clients or customers and the BPC's staff and/or service providers who need to know such information to perform services for the BPC.

The BPC will only disclose your personal information to a third party claiming to act on your behalf (for example, an agent or interpreter) with your prior written consent, unless it is otherwise apparent that the third party has authority to act on your behalf.

You can request access to the personal information, the BPC holds about you. If you become aware that personal information the BPC holds about you is not accurate, complete or up to date, you can ask the BPC to correct it.

The BPC's full Privacy Policy and information about how to contact the BPC is available at [www.bpc.vic.gov.au/privacy](http://www.bpc.vic.gov.au/privacy).