

External Administration Declaration Form

PLEASE COMPLETE THIS DECLARATION DIGITALLY, THEN PRINT AND APPEND TO
YOUR APPLICATION.

Checklist

Please tick once you have completed these sections of the Declaration:

- Part 1: is attached to application form
- Part 2: Previous External Administrations
- Part 3: Questions Specific to Liquidations
- Part 4: Questions Specific to Administrations / Deed Administrations

Note: The information provided in an application must be true and correct. It is an offence under s246 of the *Building Act 1993* to give false or misleading information in relation to an application for registration, and this offence carries a maximum penalty of 60 penalty units in the case of a natural person and 300 penalty units in the case of a body corporate. If you provide false or misleading information, we may refuse your application.

How to submit your External Administration Declaration Form

Please fill out your External Administration Declaration Form electronically, then print and sign a hard copy.

Please attach the documents listed above to the **application** and submit to the VBA.

External Administration Declaration

Part 2: Previous External Administrations

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

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

(a) Building industry

(b) Plumbing industry

(c) Other (Please specify below)

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

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

(a) Director

(b) Secretary

(c) Influential person

6. When did the company go into external administration?

7. When were you a director and/or secretary of, and/or influential person in relation to, the company? (provide dates as applicable)

Director between _____ and _____

Secretary between _____ and _____

Influential Person between _____ and _____

8. 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?

(a) Yes

(b) No

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

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

(a) a liquidator(s) was appointed to the company;

(b) an administrator(s) was appointed to the company;

(c) a deed of company arrangement (DOCA) was entered into in relation to the company

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Part 3: Questions Specific to Liquidations

11. If you responded '(a) Liquidator(s) appointed' to question 10, please specify whether the liquidation was?

(a) a solvent liquidation¹; or

(b) an insolvent liquidation².

12. If you answered '(a) Solvent Liquidation' to question 11, **please ensure that you attach form #5603, End of Administration Return (form required by ASIC from your administrator), then complete questions 13 to 17 only.**

If you answered '(b) Insolvent Liquidation' to question 11, please **complete questions 13 to 21.**

13. Name and contact details of the Liquidator(s):

14. The date on which the Liquidator(s) was appointed:

15. Explain the circumstances leading to the company's insolvency and the appointment of the Liquidator(s):

16. Provide a copy of the following documents:

- (a) any reports to creditors from the Liquidator(s);
- (b) the Report on Company Activities and Property (ROCAP) (previously called Report as to Affairs (RATA)) provided to the Liquidator(s); and
- (c) any other document(s) that you consider relevant to the circumstances leading to the appointment of the Liquidator(s).

¹ 'Solvent liquidation' means a liquidation where all creditors received or will receive all that they were owed (paid in full), i.e. 100 cents in the dollar.

² 'Insolvent liquidation' means a liquidation where some or all creditors received or will receive less than what they were owed (not paid in full), i.e. less than 100 cents in the dollar.

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Part 3: Questions Specific to Liquidations (*continued*)

17. What is the current status of the liquidation?

(a) Ongoing

(b) Concluded

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

(a) Priority creditors (employees)

\$

Unknown

(b) Secured creditors; and/or

\$

Unknown

(c) Unsecured creditors.

\$

Unknown

19. If you answered '(b) Concluded' to question 17, please advise the outcome of the liquidation, e.g. how many cents in the dollar received by:

(a) Priority creditors (employees)

Cents in the
dollar

Unknown

(b) Secured creditors; and/or

Cents in the
dollar

Unknown

(c) Unsecured creditors.

Cents in the
dollar

Unknown

20. 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 summonses 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?

(a) Yes

(b) No

21. If you answered '(a) Yes' to question 20, please provide a copy of the following documents:

(a) Demands

(b) Court documents

(c) Court orders or judgments and

(d) any other document(s) setting out the nature of the claims made by the Liquidator(s).

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

If **Yes**, please provide a copy of all relevant documents (including but not limited to any infringement notices or Court documents).

(a) Yes

(b) No

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Part 4: Questions Specific to Administrations / Deed Administrations

23. If you answered '(b) Administrator(s) appointed' or '(c) Subject to Deed of Company Arrangement (DOCA)' to question 10, please answer questions 24 to 35.

24. Name and contact details of the Administrator(s) and Deed Administrator(s):

25. The date on which the Administrator(s) and Deed Administrator(s) were appointed:

26. Explain the circumstances leading to the company's insolvency and the appointment of the Administrator(s) and Deed Administrator(s):

27. Provide a copy of the following documents:

- (a) Any reports to creditors from the Administrator(s) or Deed Administrator(s);
- (b) The Report on Company Activities and Property (ROCAP) (previously called Report as to Affairs (RATA)) provided to the Administrator(s) or Deed Administrator(s);
- (c) Any deed of company arrangement (DOCA) or DOCA proposals; and
- (d) Any other document(s) that you consider relevant to the circumstances leading to the appointment of Administrator(s)

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Part 4: Questions Specific to Administrations / Deed Administrations (*continued*)

28. What is the current status of the administration?

- (a) Ongoing
- (b) Concluded

29. If you answered '(b) Concluded' to question 28, please advise the outcome of the administration:

- (a) The company went into liquidation (*ensure you answer questions 11-22*)
- (b) The administration ended and the company continued to trade
- (c) The company entered into a deed of company arrangement (DOCA)
- (d) Other (specify below)

30. If you answered '(c) The company entered into a DOCA' to question 29, what is the current status of the DOCA:

- (a) Ongoing
- (b) Concluded

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

(a) Priority creditors (employees)	\$		Unknown	
(b) Secured creditors; and/or	\$		Unknown	
(c) Unsecured creditors.	\$		Unknown	

32. If you answered '(b) Concluded' to question 33, please advise the outcome of the DOCA, e.g. how many cents in the dollar received by:

(a) Priority creditors (employees)	Cents in the dollar		Unknown	
(b) Secured creditors; and/or	Cents in the dollar		Unknown	
(c) Unsecured creditors.	Cents in the dollar		Unknown	

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Part 4: Questions Specific to Administrations / Deed Administrations (*continued*)

33. 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 with which you were otherwise associated?

(a) Yes

(b) No

34. If you answered '(a) Yes' to question 33, please provide copies of the following documents:

(a) Demands

(b) Court documents

(c) Court orders or judgments and

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

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

If **Yes**, please provide a copy of all relevant documents (including but not limited to any infringement notices or Court documents).

(a) Yes

(b) No

Part 5: Your 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.

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

Applicant signature:

Date of signature:

/ /

Privacy collection notice

How the VBA uses and discloses your personal information

The Victorian Building Authority (VBA) 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 VBA may be unable to process and subsequently grant your application. The VBA may also use such information for the following purposes:

- (a) To enable the VBA 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 VBA (whether to you personally or a member of the public).
- (c) Law enforcement by the VBA 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 VBA's website).
- (e) Such other purposes as required by law or authorised under the privacy legislation.

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

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

The VBA's full Privacy Policy and information about how to contact the VBA is available at www.vba.vic.gov.au/legal/privacy.