

Professional Engineers Seeking Endorsement External Administration Declaration Form

Please complete this declaration digitally. Print, sign and submit this form with your application in myCAV.

✓ Checklist

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

- Part 1:** Previous External Administrations
- Part 2:** Questions Specific to Liquidations
- Part 3:** Questions Specific to Administrations / Deed Administrations
- Part 4:** Your Signature

Note: The information provided in an application must be true and correct. It is an offence under section 69 of the *Professional Engineers Act 2019* to provide false or misleading information in relation to an application for endorsement as a professional engineer. This offence carries a maximum penalty of 60 penalty units.

How is this information used?

The information collected in this form will be used by the Victorian Building Authority (VBA) to provide a recommendation to the Business Licensing Authority (BLA) about your application for endorsement to practise as a registered professional engineer who is engaged in the building industry.

How to submit your External Administration Declaration Form

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

This form must be submitted with your application in myCAV along with any other supporting information. Do not submit this form by email or post.

External Administration Declaration

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)?

(a) Building industry

(b) Plumbing industry

(c) 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 external administration (i.e., individual(s) who ultimately owned the company whether directly or indirectly through other corporate shareholders)?

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

(a) Director

(b) Secretary

(c) 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? (provide dates as applicable)

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?

(a) Yes

(b) 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 append them to your application.

9. 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

External Administration Declaration

Part 2: Questions Specific to Liquidations

10. If you responded '(a) Liquidator(s) appointed' to question 9, please specify whether the liquidation was?

- (a) a solvent liquidation¹; or
- (b) an insolvent liquidation².

11. If you answered '(a) Solvent Liquidation' to question 10, 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 10, please **complete questions 12 to 20**.

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

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

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

15. 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.

External Administration Declaration

Part 2: Questions Specific to Liquidations *(continued)*

16. What is the current status of the liquidation?

- (a) Ongoing
- (b) Concluded

17. If you answered '(a) Ongoing' to question 16, 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 | |

18. If you answered '(b) Concluded' to question 16, 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 | |

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 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

20. If you answered '(a) Yes' to question 19, 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).

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:

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

External Administration Declaration

Part 3: Questions Specific to Administrations / Deed Administrations

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

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

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

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

26. 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)

External Administration Declaration

Part 3: Questions Specific to Administrations / Deed Administrations (continued)

27. What is the current status of the administration?

- (a) Ongoing
- (b) Concluded

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

- (a) The company went into liquidation (*ensure you answer questions 10-21*)
- (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)

29. If you answered '(c) The company entered into a DOCA' to question 28, what is the current status of the DOCA:

- (a) Ongoing
- (b) Concluded

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

- (a) Priority creditors (employees)
- (b) Secured creditors; and/or
- (c) Unsecured creditors.

\$		Unknown	
\$		Unknown	
\$		Unknown	

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

- (a) Priority creditors (employees)
- (b) Secured creditors; and/or
- (c) Unsecured creditors.

Cents in the dollar		Unknown	
Cents in the dollar		Unknown	
Cents in the dollar		Unknown	

External Administration Declaration

Part 3: Questions Specific to Administrations / Deed Administrations (continued)

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 with which you were otherwise associated?

(a) Yes

(b) No

33. If you answered '(a) Yes' to question 32, 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).

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.

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 4: Your Signature



It is an offence under section 69 of the Professional Engineers Act 2019 to provide false or misleading information in relation to your application for endorsement to practise as a registered professional engineer who is engaged in the building industry. This offence carries a maximum penalty of 60 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 BLA and VBA manage my personal information and the BLA and VBA's Privacy Statement and Privacy Collection notice.

Applicant signature:

Date of signature:

□□ / □□ / □□□□