

ADDITIONAL DETAILS FORM 5

EXTERNAL ADMINISTRATION OF A COMPANY



Fair
Trading

13 32 20 www.fairtrading.nsw.gov.au

FAIR TRADING – HOME BUILDING SERVICE

1. When should you complete this form?

You should complete this form if you are an applicant or a licensee in respect of a contractor licence or a qualified supervisor certificate and:

- If you are an individual, that is/was a director of a company that is or has been in external administration (other than external administration resulting from a members' voluntary winding up of the body corporate),
- If you are an individual member of a partnership, that is/was a director of a company that is or has been in external administration (other than external administration resulting from a members' voluntary winding up of the body corporate),
- If you are an individual director of a company, that is/was a director of a company that is or has been in external administration (other than external administration resulting from a members' voluntary winding up of the body corporate).

All of the above statements also relate to any individual who ceased being a director of a company and within 12 months of the resignation, the company became externally-administered (other than external administration resulting from a members' voluntary winding up of the body corporate).

This form is to assist you in providing the required details and allow the prompt assessment of your application and situation. Failure to provide sufficiently detailed information can affect the outcome of your application as Fair Trading will be unable to assess your circumstances.

Tradespersons certificates holders/applicants are not required to complete this additional details form.

2. Note to individuals completing this form

Note: If there is or has been involvement with more than one company, a separate form **MUST** be used to provide specific information in regards to **EACH** external administration.

Current administration

- If you are currently a director of a company that is under external administration (other than external administration resulting from a members' voluntary winding up of the body corporate), Fair Trading cannot issue you a contractor licence in the categories of: Building or Swimming Pool Building.
- In all other cases, following assessment of the relevant information, should Fair Trading determine to grant an authority and it is a contractor licence; it will be conditioned with the following: "Only for contracts up to \$20000".

Previous administration

- Following assessment of the relevant information, should Fair Trading determine to grant an authority for any category and it is a contractor licence it may be subject to conditions.

This information is provided for a:

New application or Renewal application or Update of an existing licence

Licence number or Application number (if known):

3. What type of details are required?

- Your involvement in the externally-administered company.
- The events and reasons leading to the appointment of an administrator, controller or receiver.
- Details of any steps taken by you to avoid the appointment of an administrator, controller or receiver.

Tick here that you are enclosing **the written reports to the creditors** available to date for the company placed in external administration. You may need to contact the liquidator/controller or ASIC to obtain these (*mandatory*).

Tick here that you are enclosing the written report about the company, being the **Report as to Affairs (RATA)** provided to the external administrator for the company. You may need to contact ASIC to obtain these (*mandatory*).

Tick here to indicate that you are applying for or are seeking to retain a **contractor licence** and accordingly are enclosing a statement from your accountant demonstrating your financial viability to complete contracts in the future for residential building or specialist work. This statement must include a **current statement of affairs / balance sheet and a projected income and expenditure** (*mandatory for contractor licences not certificates*).

3.1 Name and ACN of the company placed into external administration (*one company for each additional details form*)

3.2 When did you first become aware that the company was experiencing financial difficulties or that there were any problems with finances for the company?

In accordance with section 12 of the *Licensing and Registration (Uniform Procedures) Act 2002* this additional details form and any supporting attachments are part of the application form submitted by the applicant making application for an authority under the *Home Building Act 1989*.

3. What type of details are required? *(Continued)*

3.3 What were the reasons or circumstances that existed for the financial problems being experienced by the company?

3.4 Once you became aware of the financial difficulties for the company, what actions did you take to address the financial pressures arising?

3.5(a) What steps did you take to avoid the company having to be placed into external administration?

3.5(b) Provide any supporting evidence of steps taken attached to this additional details form.

3.6 Any additional information that you may wish to provide for consideration in assessment of your application in regards the external administration of this company:

4. Declaration

I, *(insert full legal name of the Individual, Member or Director that this additional details form relates to)* born on *(insert Date of Birth)* declare that:

- I have provided true and correct information.
- I understand that the provision of false or misleading information by me may result in proceedings being brought against me under the *Crimes Act, 1900* that could lead to imprisonment for up to 2 years and/or fines of up to \$22,000.
- I understand that the provision of false or misleading information may result in Fair Trading assessing me as not being a fit and proper person under the *Home Building Act, 1989* and may affect the outcome of my application.
- I have read and understand the information required to be provided in this statement.
- I authorise Fair Trading to make the necessary enquiries with any organisation or individual to verify the information I have provided on this form and any organisation or individual to disclose relevant information to Fair Trading for these purposes.

Applicant's Signature

Date / /