



# Schedule B of Regulatory Guide 16 Report to ASIC under s422, s438D or s533 of the Corporations Act 2001 or for statistical purposes

**Form EX01**  
Corporations Act 2001  
s422, 438D, 533

(See Regulatory Guide 16: Section B)

This form applies to a receiver or managing controller, voluntary administrator or liquidator.

If there is insufficient space in any section of the form, you may submit additional copies of the relevant page(s) as part of this lodgement.

## Lodgement details

### Who should ASIC contact if there is a query about this form?

Firm/organisation

Contact name/position description

ASIC registered agent number (if applicable)

Telephone number

Postal address

## Registered liquidator details

Registered liquidator number

Date of appointment

<input type="text"/>	<input type="text"/>	/	<input type="text"/>	<input type="text"/>	/	<input type="text"/>	<input type="text"/>
[D	D]		[M	M]		[Y	Y]

Type of appointment

Name

Office, unit, level, or PO Box number

Street number and Street name

Suburb/City

State/Territory

Postcode

Country (if not Australia)

Telephone number

Facsimile number



## Continued... Information about the company

### Continued... Name of all directors and secretaries

Full names and last known addresses


## Information about external administration

Provide details of all external administrators, i.e. name of external administrator(s) and address(es), appointment type(s) and start date(s)

Name of external administrator	Business Address	Appointment type	Start date

## Information relating to court liquidation only

Provide name(s) and address(es) of petitioning creditor(s)/applicant(s); date of filing; court name and matter number

Name of creditor	Business address	Date of filing	Court name and matter number

## Details of notice

Tick one box only

### 1. Are you completing this form:

- for the purpose of complying with s422 of the Corporations Act 2001 (the Act)? or
- for the purpose of complying with s438D of the Act? or
- for the purpose of complying with s533 of the Act? or
- solely for statistical purposes?

**Where this information is provided for the purposes of a s422, s438D or s533 report (as appropriate), any information provided on possible misconduct will attract qualified privilege pursuant to s426, s442E or s535 of the Act, whichever is applicable.**

This report will not be made available on ASIC's public registers.

ASIC will not make Schedule B information concerning an individual company available to the public except as required by law. Aggregated data for statistical purposes may be published.

## Books and records

A schedule of the books and records required to be kept is found at [www.asic.gov.au/companyrecords](http://www.asic.gov.au/companyrecords)

### 2. Have you obtained or inspected the company's books and records?

- Yes  
 No

If ASIC's assistance is required to obtain compliance, you should write to ASIC separately. See [www.asic.gov.au/liquidatorassistance](http://www.asic.gov.au/liquidatorassistance) for details.

#### If yes, in your opinion are the books and records adequate?

- Yes  
 No – consider and indicate same at question 4 eg. s286/s344  
 Not known

## Causes of failure

Tick all the causes which apply to this company

### 3. What do you consider are the causes of failure?

- Under capitalisation  
 Poor financial control, including lack of records  
 Poor management of accounts receivable  
 Poor strategic management of business  
 Inadequate cash flow or high cash use  
 Poor economic conditions  
 Natural disaster  
 Fraud  
 DOCA failed  
 Dispute among directors  
 Trading losses  
 Industry restructuring  
 Other, please specify

## Possible misconduct

### 4. Are you reporting possible misconduct?

- Yes

Before selecting the form of possible misconduct in questions 4.1 and 4.2 below, please read Schedule D to Regulatory Guide 16 with respect to the sections of the Act listed, what is likely to constitute a breach of the relevant section, and the evidence needed to prove such a breach. Please be aware that ASIC may ask you to provide a supplementary report addressing in detail the possible misconduct reported and we may later require further evidence or statements from you for Court purposes.

Questions 4.1 and 4.2 below cover criminal offences and breaches of civil obligations respectively. Please note that if a relevant criminal offence has been selected at question 4.1, the relevant civil breach can also be selected at question 4.2 if the factual circumstances amount to both a criminal offence and a breach of civil obligations at the same time. However, some misconduct will only amount to a breach of civil obligations and will not constitute a criminal offence.

- No - Go to question 8

## Continued... Possible misconduct

### Criminal offences

Tick the sections which apply

#### 4.1 Does it appear to you that a past or present officer or employee of the company (as applicable) may have been guilty of a criminal offence under any of the following sections of the Act?

**s184 - Good faith, use of position and use of information - Directors', officers' and employees' duties**  
(one or more of the following apply)

- a) A director or other officer failed to exercise their powers and discharge their duties in good faith in the best interests of the corporation or for a proper purpose *in a reckless or intentionally dishonest manner*.
- b) A director, other officer or employee *dishonestly* used their position *with the intention of, or recklessly as to whether the use may result in,* directly or indirectly gaining an advantage for themselves or another, or causing detriment to the corporation.
- c) A past or present director, other officer or employee *dishonestly* obtained information in their position and improperly used the information *with the intention of, or recklessly as to whether the use may result in,* directly or indirectly gaining an advantage for themselves or another, or causing detriment to the corporation

Do you have documentary evidence available to support this allegation?

Yes  No

Are you aware of documentary evidence in the possession of another person that supports this allegation?

Yes  No

**s206A - Disqualified persons not to manage corporations**

A person who is disqualified from managing corporations under Part 2D.6 of the Act (e.g. s206B criminal convictions, bankruptcy, personal insolvency agreement, s206C Court-imposed disqualification, s206F ASIC-imposed disqualification) has engaged in acts of management of a corporation during the period of their disqualification.

Do you have documentary evidence available to support this allegation?

Yes  No

Are you aware of documentary evidence in the possession of another person that supports this allegation?

Yes  No

**s344(2)/s286 - Obligation to keep financial records**

This offence should only be selected if s344(2) applies.

A director has failed to take all reasonable steps to ensure that the company has kept written financial records that correctly record and explain its transactions and financial position and performance and would enable true and fair financial statements to be prepared and audited. *s344(2) applies if the director's failure is dishonest*

Do you have documentary evidence available to support this allegation?

Yes  No

Are you aware of documentary evidence in the possession of another person that supports this allegation?

Yes  No

**s471A - Powers of company officers suspended during winding up**

While a company is being wound up, a person other than the liquidator must not perform or exercise, or purport to perform or exercise, a function or power as an officer of the company, including removal or disposal of property and assets, collection of debts and entering into contracts.

Do you have documentary evidence available to support this allegation?

Yes  No

Are you aware of documentary evidence in the possession of another person that supports this allegation?

Yes  No

**s429, s438B, s446C, s475 - Report as to company's affairs**

If ASIC's assistance is required to obtain compliance, you should write to ASIC separately.

See [www.asic.gov.au/liquidatorassistance](http://www.asic.gov.au/liquidatorassistance) for details

**s530A - Officers to help liquidator**

If ASIC's assistance is required to obtain compliance, you should write to ASIC separately.

See [www.asic.gov.au/liquidatorassistance](http://www.asic.gov.au/liquidatorassistance) for details.

## Continued... Possible misconduct

Continued... Criminal offences

**s530B - Requirement to provide liquidator with company's books**

If ASIC's assistance is required to obtain compliance, you should write to ASIC separately.  
See [www.asic.gov.au/liquidatorassistance](http://www.asic.gov.au/liquidatorassistance) for details

**s588G(3) - Insolvent trading**

In your opinion, one or more directors failed to prevent the company incurring a debt or debts at a time when the director suspected that the company was insolvent or would become insolvent as a result, and the failure to prevent the company incurring the debt(s) was dishonest. Do you have documentary evidence or other to support your opinion?

Yes  No

Are you aware of documentary evidence in the possession of another person that supports this allegation?

Yes  No

If you answered yes to either of the above questions, you must also answer the following questions:

Indicate the period, which, in your opinion, the company became unable to pay all its debts as and when they became due and payable:

- At appointment  
 1 - 3 months prior to appointment  
 4 - 9 months prior to appointment  
 10 - 15 months prior to appointment  
 16 - 24 months prior to appointment  
 Over 2 years prior to appointment

How did you determine the date on which, in your opinion, the company became unable to pay all its debts as and when they became due and payable? (tick one or more):

- Cash flow analysis  
 Trading history analysis  
 Balance sheet analysis  
 Informed by director(s)  
 Other, please specify

Which of the following records, in your possession, did you use to determine the date on which, in your opinion, the company became unable to pay all its debts? (tick one or more):

- Cash flow (actual / forecasts / budgets)  
 Banking records  
 Aged debtors' list  
 Aged creditors' list  
 Profit & loss statements  
 Balance sheets  
 Other, please specify

Continued... **Possible misconduct**

Continued... **Criminal offences**

If you believe the director had reasonable grounds to suspect the company was insolvent or would become insolvent by incurring the debt (or a reasonable person in a like position would have reason to suspect), please identify on which of the following indicators of insolvency you have based your belief (tick one or more):

- Financial statements that disclose a history of serious shortage of working capital, unprofitable trading
- Poor or deteriorating cash flow or evidence of dishonoured payments
- Difficulties paying debts when they fell due (e.g. evidenced by letters of demand, recovery proceedings, increasing age of accounts payable)
- Non-payment of statutory debts (e.g. PAYGW, SGC, GST)
- Poor or deteriorating working capital
- Increasing difficulties collecting debts
- Overdraft and/or other finance facilities at their limit
- Evidence of creditors attempting to obtain payment of outstanding debts
- Other, please specify

Estimate the approximate amount of debts incurred after the date (in your opinion) of insolvency:

- \$0 - \$250,000
- 250,001 - less than \$1 million
- \$1 million to \$5 million
- Over \$5 million
- Unable to determine

Do you have an aged creditors' list as at (tick one or more):

- Date of insolvency
- Date of appointment

If the director/directors was dishonest in failing to prevent the company from incurring the debt, indicate what evidence you have available to support this (tick one or more):

- Evidence showing that the director/directors had an opportunity to prevent the company from incurring the debt and did not. Such evidence could include:
  - documents evidencing discussions with the directors, employees and creditors concerning the circumstances surrounding the incurring of particular debts
  - correspondence or other documents relating to the circumstances surrounding the incurring of the debt
- Evidence showing that the failure was dishonest (ie. the director/directors incurred the debt with the knowledge that it would produce adverse consequences, the failure was intentional, wilful or deliberate, and it included an element of deceit or fraud). Such evidence could include:
  - documents evidencing discussions with the directors, employees and creditors concerning the circumstances surrounding the incurring of particular debts;
  - correspondence or other documents relating to the circumstances surrounding the incurring of the debt

**s590 - Offences by officers or employees**

A past or present officer or employee of the company: failed to disclose the existence or disposal of property of the company within 10 years before the relevant day (usually the appointment date); *fraudulently*: concealed or removed property of the company (\$100 or more); concealed any debt due to or owed by the company; tampered, disposed or prevented production of a company book; obtained on credit, pawned, pledged or disposed of property the company did not pay for; *fraudulently* obtained the consent of one or more creditors to an agreement relating to the affairs of the company, within 10 years next before the relevant day, or at a time after that day.

Do you have documentary evidence available to support this allegation?

- Yes
- No

Are you aware of documentary evidence in the possession of another person that supports this allegation?

- Yes
- No

## Continued... Possible misconduct

### Continued... Criminal offences

**s596AB - Agreements to avoid employee entitlements**

A person entered into a relevant agreement (formal or informal, written or oral) or a transaction, *with an intention of preventing the recovery of the entitlements* (usually includes wages, superannuation contributions, amounts due for injury compensation, leave, termination payments) of employees of the company, or of significantly reducing the amount of the entitlements of employees of the company that can be recovered.

Do you have documentary evidence available to support this allegation?

Yes  No

Are you aware of documentary evidence in the possession of another person that supports this allegation?

Yes  No

**Other criminal offences under the Act**

If so, which section?

Do you have documentary evidence available to support this allegation?

Yes  No

Are you aware of documentary evidence in the possession of another person that supports this allegation?

Yes  No

### Breaches of civil obligations

Tick the sections which apply

**4.2 Does it appear to you that a person who has taken part in the formation, promotion, administration, management or winding up of the company may have committed any negligence, default, breach of duty or breach of trust in relation to the company in breach of any of the following sections of the Act (which impose civil obligations)?**

**s180 - Care and diligence - Directors' and officers' duties**

A director or other officer failed to exercise their powers and discharge their duties with care and diligence

Do you have documentary evidence available to support this allegation?

Yes  No

Are you aware of documentary evidence in the possession of another person that supports this allegation?

Yes  No

From the information you have seen, do you believe that the director or other officer may be able to rely on the Business Judgement Rule (s180(2)) in defence to this allegation?

Yes  No  Not known

**s181 - Good faith - Directors' and officers' duties**

A director or other officer failed to exercise their powers and discharge their duties in good faith in the best interests of the corporation and for a proper purpose

Do you have documentary evidence available to support this allegation?

Yes  No

Are you aware of documentary evidence in the possession of another person that supports this allegation?

Yes  No

**s182 - Use of position - Directors', officers' and employees' duties**

A director, other officer or employee of the corporation improperly used their position to gain an advantage for themselves or another, or to cause detriment to the corporation.

Do you have documentary evidence available to support this allegation?

Yes  No

Are you aware of documentary evidence in the possession of another person that supports this allegation?

Yes  No



---

Continued... **Possible misconduct**

**Breaches of civil obligations**

Tick the sections which apply

**s183 - Use of information - Directors', officers' and employees' duties**

A past or present director, other officer or employee of the corporation obtained information in their position and improperly used the information to gain an advantage for themselves or another, or to cause detriment to the corporation.

Do you have documentary evidence available to support this allegation?

Yes

No

Are you aware of documentary evidence in the possession of another person that supports this allegation?

Yes

No

---

**s286/s344(1) - Obligation to keep financial records**

A director has failed to take all reasonable steps to ensure that the company has kept written financial records that correctly record and explain its transactions and financial position and performance and would enable true and fair financial statements to be prepared and audited.

Do you have documentary evidence available to support this allegation?

Yes

No

Are you aware of documentary evidence in the possession of another person that supports this allegation?

Yes

No

Continued... Possible misconduct

**Breaches of civil obligations**

Tick the sections which apply

**s588G(1)-(2) - Insolvent trading**

In your opinion, one or more directors failed to prevent the company incurring a debt or debts at a time when the director ought reasonably to have suspected that the company was insolvent or would become insolvent as a result. Do you have documentary evidence or other evidence to support your opinion?

Yes  No

Are you aware of documentary or other evidence in the possession of another person that supports this?

Yes  No

If you answered yes to either of the above questions, you must also answer the following questions:

Indicate the period, which, in your opinion, the company became unable to pay all its debts as and when they became due and payable:

- At appointment
- 1 - 3 months prior to appointment
- 4 - 9 months prior to appointment
- 10 - 15 months prior to appointment
- 16 - 24 months prior to appointment
- Over 2 years prior to appointment

How did you determine the date on which, in your opinion, the company became unable to pay all its debts as and when they became due and payable? (tick one or more):

- Cash flow analysis
- Trading history analysis
- Balance sheet analysis
- Informed by director(s)
- Other, please specify

Which of the following records, in your possession, did you use to determine the date on which, in your opinion, the company became unable to pay all its debts? (tick one or more):

- Cash flow (actual / forecasts / budgets)
- Banking records
- Aged debtors' list
- Aged creditors' list
- Profit & loss statements
- Balance sheets
- Other, please specify

Continued... Possible misconduct

Breaches of civil obligations

Tick the sections which apply

If you believe the director had reasonable grounds to suspect the company was insolvent or would become insolvent by incurring the debt (or a reasonable person in a like position would have reason to suspect), please identify on which of the following indicators of insolvency you have based your belief (tick one or more):

- Financial statements that disclose a history of serious shortage of working capital, unprofitable trading
- Poor or deteriorating cash flow or evidence of dishonoured payments
- Difficulties paying debts when they fell due (e.g. evidenced by letters of demand, recovery proceedings, increasing age of accounts payable)
- Non-payment of statutory debts (e.g. PAYGW, SGC, GST)
- Poor or deteriorating working capital
- Increasing difficulties collecting debts
- Overdraft and/or other finance facilities at their limit
- Evidence of creditors attempting to obtain payment of outstanding debts
- Other, please specify

Estimate the approximate amount of debts incurred after the date (in your opinion) of insolvency:

- \$0 - \$250,000
- 250,001 - less than \$1 million
- \$1 million to \$5 million
- Over \$5 million
- Unable to determine

Do you have an aged creditors' list as at (tick one or more):

- Date of insolvency
- Date of appointment

Are you aware of any reasonable defences available to the director/directors (refer to s588H of the Corporations Act):

- Yes
- No

Continued... Possible misconduct

Other criminal offences

Tick any box that is applicable

4.3 Does it appear to you that a past or present officer or employee, or a member or contributory, of the company may have been guilty of a criminal offence under a law of the Commonwealth or a State or Territory not already addressed in question 4.1 above:

- criminal offence under the Corporations Act 2001 (if a member or contributory)
- criminal offence under another Commonwealth statute
- criminal offence under a State or Territory law

If so, which section of the statute?

Do you have documentary evidence available to support this allegation?

- Yes
- No

Are you aware of documentary evidence in the possession of another person that supports this allegation?

- Yes
- No

4.4 Does it appear to you that a person who has taken part in the formation, promotion, administration, management or winding up of the company:

(i) may have misapplied or retained, or may have become liable or accountable for, any money or property of the company, in a way that is not already dealt with in questions 4.1 to 4.3 above?

Yes

(ii) may have been guilty of any negligence, default, breach of duty or breach of trust in relation to the company, not already addressed in questions 4.1 to 4.3 above?

Yes

If so, what was the possible misconduct?

Do you have documentary evidence available to support this allegation?

Yes  No

Are you aware of documentary evidence in the possession of another person that supports this allegation?

Yes  No

4.5 If you answered 'yes' to questions at 4.1 to 4.4, have you referred this, or are you intending to refer this, to any other authority (i.e. apart from ASIC)?

Yes

No

If yes – tick relevant authority:

State Police

Australian Federal Police

Australian Crime Commission

Fair Trading/Consumer Affairs

ATO

ACCC

Other—Name

5. If you did not report insolvent trading (s588(1)-(2) or s588(3)), was it because, in your opinion:

The books and records are insufficient to establish insolvent trading

The company did not incur debts at a time when it was unable to pay its debts (e.g. it ceased to trade)

The directors had reasons to expect the company could pay its debts as they fell due and payable (eg. they obtained independent advice)

Other, please specify

Other possible misconduct

6. Do you recommend that, based on your assessment of the information and documentary evidence available to you, this case warrants inquiry by ASIC?

Yes

No

7. Have you made or are you intending to make an application for funding from the Assetless Administration Fund? See [www.asic.gov.au/aafund](http://www.asic.gov.au/aafund) for details.

This question only applies to liquidations.

Yes

No

**Officers**

**8. In your opinion are there shadow directors?**

- Yes
- No

If yes, please provide full name(s)


**Company information**

Tick one box only

**9. What is the size of the company?**

Please nominate the number of full-time employees, irrespective of whether they are creditors of the company as at the date of the appointment of the external administrator.

- Less than 5 Full Time Equivalent (FTE) employees
- 5 – 19 FTE employees
- 20 – 199 FTE employees
- 200 or more FTE employees
- Not known

**10. Please select an industry from the list below:**

- Accommodation and food services
- Administrative and support services
- Agriculture, forestry and fishing
- Arts and recreation services
- Construction
- Education and training
- Electricity, gas, water and waste services

Financial and insurance services: (tick one sub-category)

- Health care and social assistance
- Information media and telecommunications
- Manufacturing
- Mining
- Other (business and personal) services
- Professional, scientific and technical services
- Public administration and safety
- Rental, hiring and real estate services
- Retail trade
- Transport, postal and warehousing
- Wholesale trade

- Credit provider
- Deposit taking institutions
- Insurance
- Managed investments
- Superannuation
- Other financial services

**11. Please estimate the total realisable assets (subject to your appointment)**

Please nominate the *estimated* value of assets available to the external administrator for realisation as at the date of the appointment of the external administrator. In the case of a liquidator in control of secured assets at the date of appointment, where there was no appointed controller, managing controller or receiver and manager at that date, please include the full *estimated* value of the secured assets. In the case of a liquidator where there was an appointed controller, managing controller or receiver and manager at the date of the liquidator's appointment, the estimated value of the assets subject to the liquidator's appointment is to be reported. This might only be the sum of the *estimated* transactions pursuant to Part 5.7B of the Act. In the case of a Part 5.3A administrator in control of secured assets at the date of appointment, where there was no appointed controller, managing controller or receiver and manager at that date, please include the full *estimated* value of the secured assets.

- Less than \$1
- \$1 – \$10,000
- \$10,001 – \$20,000
- \$20,001 – \$30,000
- \$30,001 – \$50,000
- \$50,001 – \$100,000
- \$100,001 – \$250,000
- \$250,001 – \$5 million
- Over \$5 million

**12. Please estimate the total liabilities (subject to your appointment)**

Please nominate the *estimated* value of all debts subject to the external administrator's appointment, as at the date of that appointment. In the case of a liquidator in control of secured assets as at the date of appointment, where there was no appointed controller, managing controller or receiver and manager at that date, please include the total *estimated* secured liability. In the case of a liquidator where there was an appointed controller, managing controller or receiver and manager at the date of the liquidator's appointment, the *estimated* liabilities (including any estimated shortfall to secured creditors) subject to the liquidator's appointment are to be reported. In the case of a Part 5.3A administrator in control of secured assets at the date of appointment, where there was no appointed controller, managing controller or receiver and manager at that date, please include the total *estimated* secured debt.

- \$1 – \$250,000
  - \$250,001 – less than \$1 million
  - \$1 million – less than \$5 million
  - \$5 million – \$10 million
  - Over \$10 million
-

**13. Please estimate the total deficiency** i.e. "liabilities" as calculated per question 12 less "assets" as calculated per question 11.

- \$0 – \$50,000
- \$50,001 – \$250,000
- \$250,001 – less than \$500,000
- \$500,000 – less than \$1 million
- \$1 million – less than \$5 million
- \$5 million – \$10 million
- Over \$10 million

**Employee entitlements**

Please nominate the *estimated* total amount unpaid to classes of employees who enjoy priority status as at the date of the appointment of the external administrator

**14. Please select the unpaid employee entitlements for wages**

- |  |  |
|--|--|
| <input type="checkbox"/> \$1 – \$1,000                       | <input type="checkbox"/> \$1,001 – \$10,000          |
| <input type="checkbox"/> \$10,001 – \$50,000                 | <input type="checkbox"/> \$50,001 – \$150,000        |
| <input type="checkbox"/> \$150,001 – \$250,000               | <input type="checkbox"/> \$250,001 – \$500,000       |
| <input type="checkbox"/> \$500,001 – less than \$1.5 million | <input type="checkbox"/> \$1.5 million – \$5 million |
| <input type="checkbox"/> Over \$5 million                    | <input type="checkbox"/> Not applicable              |

**15. Please select the unpaid employee entitlements for annual leave**

- |  |  |
|--|--|
| <input type="checkbox"/> \$1 – \$1,000                       | <input type="checkbox"/> \$1,001 – \$10,000          |
| <input type="checkbox"/> \$10,001 – \$50,000                 | <input type="checkbox"/> \$50,001 – \$150,000        |
| <input type="checkbox"/> \$150,001 – \$250,000               | <input type="checkbox"/> \$250,001 – \$500,000       |
| <input type="checkbox"/> \$500,001 – less than \$1.5 million | <input type="checkbox"/> \$1.5 million – \$5 million |
| <input type="checkbox"/> Over \$5 million                    | <input type="checkbox"/> Not applicable              |

**16. Please select the unpaid employee entitlements for pay in lieu of notice**

- |  |  |
|--|--|
| <input type="checkbox"/> \$1 – \$1,000                       | <input type="checkbox"/> \$1,001 – \$10,000          |
| <input type="checkbox"/> \$10,001 – \$50,000                 | <input type="checkbox"/> \$50,001 – \$150,000        |
| <input type="checkbox"/> \$150,001 – \$250,000               | <input type="checkbox"/> \$250,001 – \$500,000       |
| <input type="checkbox"/> \$500,001 – less than \$1.5 million | <input type="checkbox"/> \$1.5 million – \$5 million |
| <input type="checkbox"/> Over \$5 million                    | <input type="checkbox"/> Not applicable              |

**17. Please select the unpaid employee entitlements for redundancy pay**

- |  |  |
|--|--|
| <input type="checkbox"/> \$1 – \$1,000                       | <input type="checkbox"/> \$1,001 – \$10,000          |
| <input type="checkbox"/> \$10,001 – \$50,000                 | <input type="checkbox"/> \$50,001 – \$150,000        |
| <input type="checkbox"/> \$150,001 – \$250,000               | <input type="checkbox"/> \$250,001 – \$500,000       |
| <input type="checkbox"/> \$500,001 – less than \$1.5 million | <input type="checkbox"/> \$1.5 million – \$5 million |
| <input type="checkbox"/> Over \$5 million                    | <input type="checkbox"/> Not applicable              |

Continued ... **Employee entitlement**

**18. Please select the unpaid employee entitlements for long service leave**

- |  |  |
|--|--|
| <input type="checkbox"/> \$1 – \$1,000                       | <input type="checkbox"/> \$1,001 – \$10,000          |
| <input type="checkbox"/> \$10,001 – \$50,000                 | <input type="checkbox"/> \$50,001 – \$150,000        |
| <input type="checkbox"/> \$150,001 – \$250,000               | <input type="checkbox"/> \$250,001 – \$500,000       |
| <input type="checkbox"/> \$500,001 – less than \$1.5 million | <input type="checkbox"/> \$1.5 million – \$5 million |
| <input type="checkbox"/> Over \$5 million                    | <input type="checkbox"/> Not applicable              |

**19. Please select the unpaid employee entitlements for superannuation**

Amounts owed to the Australian Taxation Office for Superannuation Guarantee Charge liabilities should be included at this question.

- |  |  |
|--|--|
| <input type="checkbox"/> \$1 – \$1,000           | <input type="checkbox"/> \$100,001 – \$250,000 |
| <input type="checkbox"/> \$250,001 – \$1 million | <input type="checkbox"/> Over \$1 million      |
| <input type="checkbox"/> Not applicable          |  |

**Secured creditors**

**20. Please select the amount owed to secured creditors**

Please nominate the *estimated* total amount unpaid to classes of creditors who hold an enforceable charge over the assets and undertaking of the company as at the date of the appointment of the external administrator.

- \$0
- \$1 – less than \$500,000
- \$500,000 – less than \$1 million
- \$1 million – less than \$5 million
- \$5 million – \$10 million
- Over \$10 million

**Taxes and other statutory debts**

**21. Please select the amount of taxes and other statutory debts which are unpaid**

Please nominate the *estimated* total amount unpaid to governments from all sources (i.e. "Pay as You Go" tax instalments, Goods & Services Tax (GST) instalments, pay roll taxes etc.) as at the date of the appointment of the external administrator. Superannuation Guarantee Charge liabilities should be included at question 19.

- \$0
- \$1 – \$250,000
- \$250,001 – \$1 million
- Over \$1 million

**Unsecured creditors**

Please nominate the *estimated* number and *estimated* total amount unpaid to creditors who do not hold an enforceable charge over the assets and undertaking of the company as at the date of the appointment of the external administrator

**22. Please select the total number of unsecured creditors (excluding employee entitlements and taxes and other statutory debts)**

- |                                       |  |
|---------------------------------------|--|
| <input type="checkbox"/> Less than 25 | <input type="checkbox"/> More than 200 |
| <input type="checkbox"/> 25 - 50      | <input type="checkbox"/> Unknown       |
| <input type="checkbox"/> 51 -200      |  |



**23. Please select the total \$ owed to unsecured creditors (excluding employee entitlements and taxes and other statutory debts)**

- Less than \$250,000
- \$250,000 – \$500,000
- \$500,001 – less than \$1 million
- \$1 million – less than \$5 million
- \$5 million – \$10 million
- Over \$10 million

**24. Is more than 50% of the total amount owed to unsecured creditors owed to related parties?**  
(For the definition of related parties, please refer to sections 50 and 228 of the Act)

- Yes
- No

**25. Please estimate what may be the 'cents in the \$' dividend to unsecured creditors (excluding priority creditors):**

- 0
- Greater than 0 but less than 11 cents
- 11 – 20c
- 21 – 50c
- 51 – 100c

**Your proposed action**

**26. Have you conducted a public examination of a company officer or any other person?**

- Yes
- No

**27. Do you intend to conduct a public examination of a company officer or any other person?**

- Yes
- No

**28.1 Have you initiated, or are you considering initiating, recovery procedures under Part 5.7B of the Act?**

- Yes
- No

**If yes - please indicate:**

- Unfair preference payments
- Insolvent trading
- Uncommercial transactions
- Other. Please specify

**28.2 Has a creditor commenced, or indicated that they intend to commence, action to recover compensation for loss resulting from insolvent trading?**

- Yes
- No

## Remuneration

Please nominate the estimated collectible amount of your remuneration (including GST) to be drawn from external administration funds by type of external administration. Note that 'Not applicable' is not to be selected for the appointment type to which this form relates.

### 29.1 Voluntary administrator

- \$0
- \$1 – \$50,000
- \$50,001 – \$100,000
- \$100,001 – \$250,000
- Over \$250,000
- Not applicable

### 29.2 Administrator of deed of company arrangement

- \$0
- \$1 – \$50,000
- \$50,001 – \$100,000
- \$100,001 – \$250,000
- Over \$250,000
- Not applicable

### 29.3 Liquidator

- \$0
- \$1 – \$50,000
- \$50,001 – \$100,000
- \$100,001 – \$250,000
- Over \$250,000
- Not applicable

### 29.4 Receiver/managing controller/controller

- \$0
- \$1 – \$50,000
- \$50,001 – \$100,000
- \$100,001 – \$250,000
- Over \$250,000
- Not applicable

## Time to complete

### 30 What is the expected time to complete this external administration from the date of this report?

- 0 – less than 3 months
- 3 – less than 6 months
- 6 months – 1 year
- Over 1 year

## Signature

This form must be signed by the external administrator (ie liquidator, receiver, administrator)

I certify that the information in this form is true and complete.

Name

Capacity

Signature

Date signed

<input type="text"/>	<input type="text"/>	/	<input type="text"/>	<input type="text"/>	/	<input type="text"/>	<input type="text"/>
[D	D]		[M	M]		[Y	Y]

## Lodgement

Send completed and signed forms to:

Australian Securities and Investments Commission,  
PO Box 4000, Gippsland Mail Centre VIC 3841

Or lodge the form online by visiting the ASIC website  
[www.asic.gov.au](http://www.asic.gov.au)

### For more information

Web [www.asic.gov.au](http://www.asic.gov.au)

Need help? [www.asic.gov.au/question](http://www.asic.gov.au/question)

Telephone 1300 300 630

# Guide: Schedule B of Regulatory Guide 16 Report to ASIC under s422, s438D or s533 of the Corporations Act 2001 or for statistical purposes

(See Regulatory Guide 16: Section B)

This form applies to a receiver or managing controller, voluntary administrator or liquidator.

This guide does not form part of the form. It is included by ASIC to assist you in completing and lodging the Form EX01.

<b>Detailed guidelines</b>	Detailed guidelines for the lodgement of this form are in <i>Regulatory Guide 16 External Administrators: Reporting and Lodging</i> . The regulatory guide provides guidance to external administrators on their reporting obligations to ASIC under the Corporations Act 2001 (Act). Schedule B of the regulatory guide sets out a simplified report structure to help external administrators lodge information. In paper this is an administrative form that assists external administrators to provide information in ASIC's preferred format.
<b>Signature</b>	This form must be signed by the external administrator (i.e. liquidator, receiver, administrator etc).
<b>Lodgement fee</b>	There are no fees or late fees.
<b>Lodgement period</b>	We ask external administrators to provide information under Schedule B within 2 months of the date of appointment.  Note: a report under s422, s438D must be lodged as soon as practicable. A report under s533 must be lodged as soon as practicable and in any event within 6 months of the misconduct becoming apparent to the liquidator.
<b>How to provide annexures</b>	<b>Annexures</b> If there is insufficient space in any section of the form, you may alternately submit annexures as part of this lodgement.  To make any annexure conform to the regulations, you must <ol style="list-style-type: none"><li>1. use A4 size paper of white or light pastel colour with the margin of at least 10mm on all sides</li><li>2. show the company/entity name and ACN, ABN, ARBN or ARSN</li><li>3. number the pages consecutively</li><li>4. print or type in BLOCK letters in dark blue or black ink so that the document is clearly legible when photocopied</li><li>5. mark the annexure with an identifying letter or symbol eg a,b,c or 1,2,3 etc</li><li>6. endorse the annexure with the words: This is annexure (mark) of (number) pages referred to in form (form number and title)</li><li>7. sign and date the annexure</li></ol> The annexure must be signed by the same person(s) who signed the form
<b>Privacy</b>	The information provided to ASIC in this form may include personal information. Please refer to our privacy policy ( <a href="http://www.asic.gov.au/privacy">www.asic.gov.au/privacy</a> ) for information about how we handle your personal information, your rights to seek access to and correct personal information, and to complain about breaches of your privacy.
<b>Lodgement</b>	Send completed and signed forms to:  Australian Securities and Investments Commission, PO Box 4000, Gippsland Mail centre VIC 3841  Or lodge the form online by visiting the ASIC website <a href="http://www.asic.gov.au">www.asic.gov.au</a>  <b>For more information</b> Web <a href="http://www.asic.gov.au">www.asic.gov.au</a> Need help? <a href="http://www.asic.gov.au/question">www.asic.gov.au/question</a> Telephone 1300 300 630