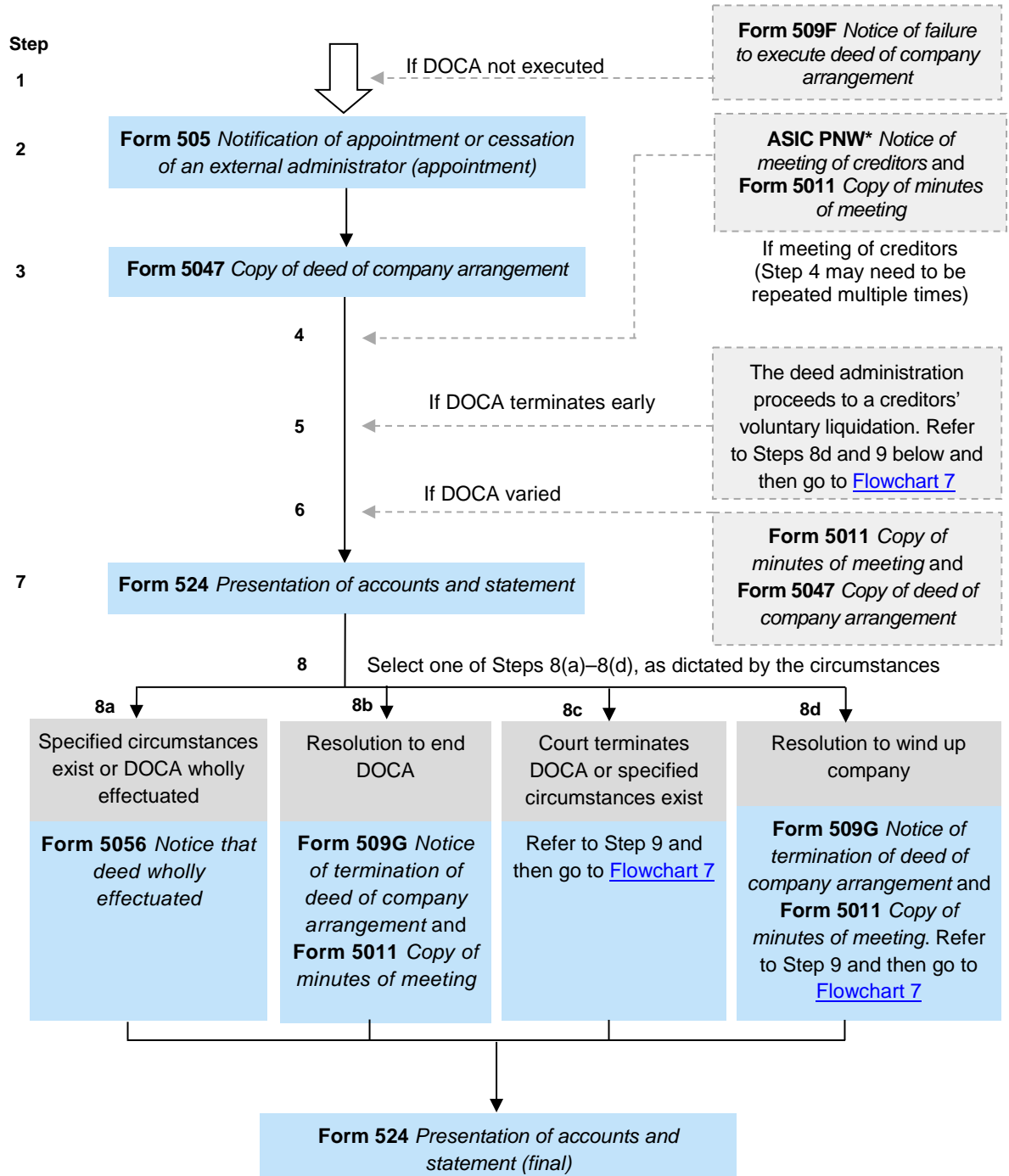


Flowchart 6: Administrator in a deed of company arrangement (DOCA)

This flowchart and the explanatory text should be read with [Information Sheet 29 External administrations: Most commonly lodged forms](#) (INFO 29).

A person must not act as a deed administrator unless they are a registered liquidator: section 448B(2).



* ASIC PNW = ASIC published notices website.

Explanation of Flowchart 6: Administrator in a deed of company arrangement (DOCA)¹

Step	Form or notice	Notes
1 (contingent)	<p>Failure to execute DOCA</p> <p>Form 509F <i>Notice of failure to execute deed of company arrangement</i></p>	<p><i>Legislation:</i> section 450C(a). Form 509F is an ASIC-approved form.</p> <p><i>Requirement:</i> Lodgement is mandatory, contingent on the circumstances arising (if there is a failure to execute the DOCA).</p> <p><i>Lodgement:</i> The proposed deed administrator must lodge as soon as practicable after failure to execute the deed. Online lodgement is preferred.</p> <p>Note: Where there is a failure to execute a DOCA, the appointment will proceed to a creditors' voluntary liquidation. If not already done (following Flowchart 5), lodge final accounts as an administrator and then go to Flowchart 7.</p>
2	<p>Form 505 <i>Notification of appointment or cessation of an external administrator (appointment)</i></p>	<p><i>Legislation:</i> section 444A(2) and regulation 5.3A.03. Form 505 is an ASIC-approved form.</p> <p><i>Requirement:</i> Lodgement is mandatory.</p> <p><i>Tick-a-box choice (Details of appointment):</i> Deed administrator.</p> <p><i>Lodgement:</i> The deed administrator must lodge by the end of the next business day after appointment. Online lodgement is preferred.</p> <p>Note: The first of either Form 505 or Form 5047 (Step 3) will create the DOCA role.</p>
3	<p>Form 5047 <i>Copy of deed of company arrangement</i></p>	<p><i>Legislation:</i> section 450B(c). Form 5047 is an ASIC-approved form.</p> <p><i>Requirement:</i> Lodgement is mandatory.</p> <p><i>Tick-a-box choice (Details of deed of company arrangement):</i> The attached document is a deed of company arrangement.</p> <p><i>Lodgement:</i> The deed administrator must lodge as soon as practicable after the deed is executed. Online lodgement is preferred.</p> <p>Note: Processing of Form 5047 will end the voluntary administrator appointment where they are the same person. The first of either Form 505 (Step 2) or Form 5047 will create the DOCA role.</p>
4 (contingent)	<p>Meeting of creditors convened</p> <p>ASIC published notices website² <i>Notice of meeting of creditors and ...</i></p>	<p><i>Legislation:</i> regulation 5.6.14A.</p> <p><i>Requirement:</i> Lodgement is mandatory, contingent on the circumstances arising (if the deed incorporates relevant regulations and the deed administrator wishes to convene a meeting of creditors).</p> <p><i>Lodgement:</i> The deed administrator must lodge the notice on the ASIC published notices website convening a meeting of creditors not less than 5 business days before the meeting.</p>

FLOWCHART 6: ADMINISTRATOR IN A DEED OF COMPANY ARRANGEMENT (DOCA)

Step	Form or notice	Notes
	Form 5011 <i>Copy of minutes of meeting</i>	<p><i>Legislation:</i> regulation 5.6.27(3). Form 5011 is an ASIC administrative form.</p> <p><i>Requirement:</i> Lodgement is mandatory, contingent on the circumstances arising (if the deed incorporates relevant provisions and the deed administrator wishes to convene a meeting of creditors).</p> <p><i>Tick-a-box choice (Details of minutes of meeting):</i> 'No', the minutes are not being lodged for a meeting convened under s436E, or s439A of the <i>Corporations Act 2001</i>.</p> <p><i>Lodgement:</i> The chairperson must lodge the minutes of the creditors' meeting within 1 month after the end of the meeting. Online lodgement is preferred.</p>
5 (contingent)	DOCA terminates early	If the DOCA terminates early, the deed administration proceeds to a creditors' voluntary liquidation. Refer to Steps 8(c) or (d) and 9 below and then go to Flowchart 7 .
6 (contingent)	Variation to DOCA Form 5011 <i>Copy of minutes of meeting</i>	<p><i>Legislation:</i> section 445F and regulation 5.6.27(1), (3) and (7). Form 5011 is an ASIC administrative form.</p> <p><i>Requirement:</i> Lodgement is mandatory, contingent on the circumstances arising (if a resolution is passed at the meeting to vary the DOCA).</p> <p><i>Tick-a-box choice (Details of minutes of meeting):</i> 'No', the minutes are not being lodged for a meeting convened under s436E, or s439A of the <i>Corporations Act 2001</i>.</p> <p><i>Lodgement:</i> The chairperson must lodge the minutes within 1 month after the end of the meeting. Online lodgement is preferred.</p> <p>Note 1: The meeting is to be adjourned and reconvened if there is no quorum: regulation 5.6.16(4). Minutes of the meeting with no quorum must be lodged: regulation 5.6.27(3) and (7).</p> <p>Note 2: There is no requirement to lodge a notice on the ASIC published notices website: regulation 5.6.14A(2).</p>
	Form 5047 <i>Copy of deed of company arrangement</i>	<p><i>Legislation:</i> section 450B(c). Form 5047 is an ASIC-approved form.</p> <p><i>Requirement:</i> Lodgement is mandatory, contingent on the circumstances arising (if a resolution is passed at the meeting to vary the DOCA).</p> <p><i>Tick-a-box choice (Details of deed of company arrangement):</i> The attached document is a variation to a deed of company arrangement.</p> <p><i>Lodgement:</i> The deed administrator must lodge as soon as practicable after the deed is varied. Online lodgement is preferred.</p>
7	Form 524 <i>Presentation of accounts and statement</i>	<p><i>Legislation:</i> section 445J(1). Form 524 is an ASIC-approved form.</p> <p><i>Requirement:</i> Lodgement is mandatory.</p> <p><i>Tick-a-box choice (Details of appointment):</i> Deed administrator.</p> <p><i>Lodgement:</i> The deed administrator must lodge within 1 month after the end of the period of 6 months from the date of appointment and within 1 month after every subsequent period of 6 months. Online lodgement as structured data is preferred.</p>

FLOWCHART 6: ADMINISTRATOR IN A DEED OF COMPANY ARRANGEMENT (DOCA)

Step	Form or notice	Notes
8 (select one of Steps 8(a)–8(d), as dictated by the circumstances):		
8a (specified circumstances exist or DOCA wholly effectuated)	Form 5056 <i>Notice that deed wholly effectuated</i>	<p><i>Legislation:</i> sections 445C(c) and 444A(5), regulation 5.3A.06 and Schedule 8A (clause 12) to the Corporations Regulations (specified circumstances exist); or sections 445C(d) and 445FA (DOCA wholly effectuated). Form 5056 is an ASIC-approved form.</p> <p><i>Requirement:</i> Lodgement is mandatory, contingent on the circumstances arising (if the deed specified circumstances in which the deed is to terminate, and those circumstances exist; or if the deed administrator executes a notice of termination).</p> <p><i>Tick-a-box choice (Deed wholly effectuated on its terms – s445C(c)):</i> Date the deed of company arrangement was executed and wholly effectuated. Or (<i>Certification by deed administrator – s445C(d), s445FA</i>): Date the deed was wholly effectuated and certification.</p> <p><i>Lodgement:</i> The deed administrator must lodge within 28 days after certification that the deed is wholly effectuated. Online lodgement is preferred.</p> <p><i>Company status:</i>³ If this is the only external administrator appointed to the company, the company status will change from EXAD to REGD after this form is processed.</p>
8b (creditors pass resolution to end DOCA)	Form 509G <i>Notice of termination of deed of company arrangement</i>	<p><i>Legislation:</i> section 450D(a) (and sections 445C(b) and 445F). Form 509G is an ASIC-approved form.</p> <p><i>Requirement:</i> Lodgement is mandatory, contingent on the circumstances arising (if creditors pass a resolution to end the DOCA).</p> <p><i>Tick-a-box choice (Notice to company’s creditors):</i> No, at this meeting the creditors of the company did not also resolve under s445E that the company be wound up.</p> <p><i>Lodgement:</i> The deed administrator must lodge (no time limit is specified). Online lodgement is preferred.</p> <p><i>Company status:</i> If this is the only external administrator appointed to the company, the company status will change from EXAD to REGD after this form is processed.</p>
	<i>and ...</i>	
	Form 5011 <i>Copy of minutes of meeting</i>	<p><i>Legislation:</i> section 445F and regulation 5.6.27(3) and (7)(a). Form 5011 is an ASIC administrative form.</p> <p><i>Requirement:</i> Lodgement is mandatory, contingent on the circumstances arising (if creditors pass a resolution to end the DOCA).</p> <p><i>Tick-a-box choice (Details of minutes of meeting):</i> ‘No’, the minutes are not being lodged for a meeting convened under s436E, or s439A of the <i>Corporations Act 2001</i>.</p> <p><i>Lodgement:</i> The chairperson must lodge the minutes within 1 month after the end of the meeting. Online lodgement is preferred.</p> <p>Note 1: The meeting is to be adjourned and reconvened if there is no quorum: regulation 5.6.16(4). Minutes of the meeting with no quorum must be lodged: regulation 5.6.27(3) and (7).</p> <p>Note 2: There is no requirement to lodge a notice on the ASIC published notices website: regulation 5.6.14A(2).</p>

FLOWCHART 6: ADMINISTRATOR IN A DEED OF COMPANY ARRANGEMENT (DOCA)

Step	Form or notice	Notes
8c (Court terminates DOCA or specified circumstances exist)	<i>DOCA terminates and company is wound up</i>	If the DOCA terminates under section 445C(a) or (c), and the deed administration proceeds to a creditors' voluntary liquidation, refer to Step 9 below and then go to Flowchart 7 .
8d (creditors pass resolution to wind up company)	Form 509G <i>Notice of termination of deed of company arrangement</i>	<p><i>Legislation:</i> section 450D(a) (and sections 445E, 445C(b), 445CA, 445F and 446A(1)(c)(i)). Form 509G is an ASIC-approved form.</p> <p><i>Requirement:</i> Lodgement is mandatory, contingent on the circumstances arising (if creditors pass a resolution to wind up the company).</p> <p><i>Tick-a-box choice (Notice to company's creditors):</i> Yes, at this meeting the creditors of the company did also resolve under s445E that the company be wound up.</p> <p><i>Lodgement:</i> The deed administrator must lodge (there is no specified time limit). Online lodgement is preferred.</p>
	and ...	Note: The DOCA will proceed to a creditors' voluntary liquidation. Refer to Step 9 below and then go to Flowchart 7 .
	Form 5011 <i>Copy of minutes of meeting</i>	<p><i>Legislation:</i> section 445F and regulation 5.6.27(3) and (7). Form 5011 is an ASIC administrative form.</p> <p><i>Requirement:</i> Lodgement is mandatory, contingent on the circumstances arising (if creditors pass a resolution to wind up the company).</p> <p><i>Tick-a-box choice (Details of minutes of meeting):</i> 'No', the minutes are not being lodged for a meeting convened under s436E, or s439A of the <i>Corporations Act 2001</i>.</p> <p><i>Lodgement:</i> The chairperson must lodge the minutes within 1 month after the end of the meeting. Online lodgement is preferred.</p> <p>Note 1: The meeting is to be adjourned and reconvened if there is no quorum: regulation 5.6.16(4). Minutes of the meeting with no quorum must be lodged: regulation 5.6.27(3) and (7).</p> <p>Note 2: There is no requirement to lodge a notice on the ASIC published notices website: regulation 5.6.14A(2).</p>
9	Form 524 <i>Presentation of accounts and statement (final)</i>	<p><i>Legislation:</i> section 445J(2). Form 524 is an ASIC-approved form.</p> <p><i>Requirement:</i> Lodgement is mandatory.</p> <p><i>Tick-a-box choice (Details of appointment):</i> Deed administrator.</p> <p><i>Lodgement:</i> The deed administrator must lodge within 1 month after cessation. Online lodgement as structured data is preferred.</p>

¹ **Types of forms:** Information is lodged with, and received by, ASIC for recording on the company register as 'forms'. Forms fall into one of the following categories:

- a *prescribed form*, which is a form prescribed in Schedule 2 to the Corporations Regulations, or
- an *ASIC-approved form*, which is a form that is not prescribed, but is one that ASIC may approve under section 350 of the Corporations Act, or
- an *ASIC administrative form*, which is a form that is neither prescribed nor approved, but is one that has been given an administrative form number by ASIC for the purpose of identifying the type of information being lodged (e.g. Form 5011).

FLOWCHART 6: ADMINISTRATOR IN A DEED OF COMPANY ARRANGEMENT (DOCA)

² **ASIC published notices website:** An ASIC-hosted website for the publication of notices, including insolvency and external administration-related notices, required to be published in the prescribed manner under Part 5.1, 5.3A, 5.4, 5.4B, 5.4C, 5.5, 5.6, 5.8 or 5A.1 of the Corporations Act or lodged in accordance with regulation 5.6.75 of the Corporations Regulations.

³ **Company status:** Certain form lodgements cause company status changes. These may not apply if a company is subject to another external administration. The status of a company is recorded on ASIC's database as:

- REGD – registered
- EXAD – under external administration and/or controller appointed
- SOFF – strike-off action in progress
- DRGD – deregistered

More information

For more information on external administration, visit www.asic.gov.au/insolvency or contact ASIC on 1300 300 630 or online at www.asic.gov.au/question.