# Australian Securities & Investments Commission

# Restructuring plan template

*Corporations Act 2001, s*455B *Corporations Regulations 2001,* reg 5.3B.15 and 5.3B.65

This template should be completed by the company director(s) on behalf of the company.

If you are filling out this template by hand, we suggest printing two copies, one with the blue guidance text retained (for guidance) and the second (to be filled out) with the blue guidance text deleted from the answer areas.

If you are filling out this template in Word, please type your answers over the blue guidance text (and reformatted in another colour if that is your preference).

All questions labelled ‘mandatory’ must be completed. While non-mandatory questions are optional, we strongly encourage you to complete them so creditors can understand the restructuring plan. If you do not wish to complete an optional question, please write or indicate ‘Not applicable’.

Creditors should carefully read the other documents accompanying this plan, ‘Restructuring plan standard terms’ and ‘Restructuring proposal statement’.

## Company details

|  |  |
| --- | --- |
| Company name: | Enter text here |
| Australian Company Number (ACN): | Enter text here |
| Trading name (if any): | Enter text here |
| Is the company a trustee?  *Optional*  *Delete or strike through answers that do not apply.* | Yes  No  Not applicable |
| If the company is a trustee, name of the trust:  *Optional* | Enter text here |
| If the company is a trustee, date of trust deed:  Optional | Enter date here |

## Property to be dealt with under the restructuring plan

### Company property to be dealt with under the restructuring plan (regs 5.3B.15(2)(b), 5.3B.15(4) and 5.3B.15(2)(c))

***This question is mandatory.***

Only provide details of company property that **will** be dealt with under the restructuring plan. Company property that **will not** be dealt with by the restructuring plan may be provided at Question 5.

*When detailing* ***how the company property is to be dealt with under the restructuring plan****, the restructuring plan must* ***not*** *provide for the:*

* transfer of property (other than money) to a creditor; or
* company to make payments under the plan, in respect of an admissible debt or claim, after three years beginning on the day the plan is made.

*Set out below are examples of how company property being dealt with under the restructuring plan could be detailed in this form:*

* ‘Cash is to be paid to the restructuring plan practitioner within X days of the end of the acceptance period.’
* ‘Company trading profits of $X per month for X [timeframe] to be paid to the restructuring plan practitioner.’

| Itemised description of property | Itemised dollar value of property | How the property is to be dealt with under the restructuring plan |
| --- | --- | --- |
| a. Funds from future trading: | Enter amount here | Enter text here |
| b. Cash at bank: | Enter amount here | Enter text here |
| c. Debtors: | Enter amount here | Enter text here |
| d. Sale of plant and equipment: | Enter amount here | Enter text here |
| e. Sale of other assets:  List the other assets | Enter amount here | Enter text here |
| f. Sale of interest in land: | Enter amount here | Enter text here |
| g. Enter text here  Free text. Add more table rows as needed. | Enter amount here | Enter text here |

Total value of company property to be dealt with under the restructuring plan: Enter amount here

### Third-party property (if any) included in the restructuring plan

| Itemised description of third-party property | Itemised dollar value of third-party property |
| --- | --- |
| 1. Third party contributions:   A director foregoing the repayment of their loan is not a third-party contribution. | Enter amount here or write ‘Not applicable’ |
| b. Enter text here  Free text for description of property to be contributed. Add more table rows as needed. | Enter amount here or write ‘Not applicable’ |

Total value of third-party property: Enter amount here

### Total value of all property to be dealt with under the plan

Add the total of Question 1 and 2: Enter amount here

### If asset sales are proposed at Question 1 (reg 5.3B.15(2)(c))

**This question is mandatory if asset sales are proposed.**

|  |  |
| --- | --- |
| a. How will the assets be valued? | Enter text here |
| b. What is the method of sale and any proposed marketing plan? | Enter text here |
| c. Who will undertake the sale process? | Enter text here |
| d. If the sale is to a related party, what is the name of the related party?  *Please also provide a description of the nature of the relationship with the company and/or its directors.* | Enter text here |

### Company property not dealt with under the restructuring plan (if any)

Provide details of company property not disclosed at Question 1.

|  |  |
| --- | --- |
| Company property *not dealt with* under the plan:  Add more items as needed.  Provide high level categories and/or high value categories relevant to the business. This is intended to provide information to assist creditors. | a. Enter text here  b. Enter text here  c. Enter text here  d. Enter text here  or write ‘Not applicable’ |

## Other information

### Restructuring plan practitioner remuneration (reg 5.3B.15(2)(d))

***This question is mandatory.***

*The restructuring practitioner’s remuneration is expressed as a specified percentage of payments made to creditors in accordance with the plan and the plan may specify a method* *to calculate the* *restructuring practitioner’s remuneration for proceedings consented to by the board of directors* *(Insolvency Practice Rule 60-1C(3)*).

|  |  |
| --- | --- |
| Percentage of payments to creditors in accordance with the plan*:*  *The remuneration should be inclusive of GST. You may specify a dollar amount (optional).* | Enter percentage and, optionally, the dollar amount (including GST) |
| Specify the method of calculating the practitioner’s remuneration for work properly performed in relation to any authorised legal proceedings:  *Provide a description of the method for working out remuneration for work performed in relation to any legal proceedings relating to the plan if the board of the company consents in writing for the restructuring plan practitioner to begin or continue the proceedings in the name of the company.* | Enter text here or write ‘Not applicable’ |

### Legal proceedings

|  |  |
| --- | --- |
| Has the board of the company consented in writing for the restructuring plan practitioner to begin or continue legal proceedings in the name of the company?  Delete or strike through answers that do not apply. | Yes  No  Not applicable |

### Specified event (reg 5.3B.15((3)(c))

**This question is mandatory.**

|  |  |
| --- | --- |
| Does the plan require a specified event to occur in order to proceed?  Delete or strike through the answer that does not apply. The specified event can only occur within 10 business days after the day on which the proposal to make the restructuring plan is accepted. | Yes  No |
| If yes, provide a description of the specified event including the date it must occur by: | Enter text here |

### Company property (reg 5.3B.15(3)(a))

|  |  |
| --- | --- |
| Is the restructuring practitioner authorised to deal with any company property in a specific way?  Delete or strike through answers that do not apply. | Yes  No  Not applicable |
| If yes, provide details of the property and how the Restructuring Practitioner is authorised to deal with it: | Enter text here |

### Current status of business

|  |  |
| --- | --- |
| Is the business currently trading?  Delete or strike through the answer that does not apply. | Yes  No |

### Future status of business

|  |  |
| --- | --- |
| Will the business continue to trade after the restructuring plan is completed?  Delete or strike through answers that do not apply. | Yes  No  Uncertain |

### Other information relating to the company’s financial affairs

Provide total estimated value of creditors that will receive a distribution under the restructuring plan

|  |  |
| --- | --- |
| a. Estimated admissible debts and claims: | Enter amount here |
| b. Estimated amount for distribution to creditors with admissible debts and claims:  For example: $X ($Y less $Z (restructuring plan remuneration)). | Enter amount here |
| c. Proposed dividend(s) to creditors:  Provide the number of cents in the dollar. | Enter amount here |
| d. Timing of dividend(s) is/are within:  Delete or strike through answers that do not apply and provide number. | Enter number here day(s)/week(s)/month(s) of acceptance of the restructuring plan  OR  Enter number here week(s)/month(s) of receiving last contribution  OR  Other: Enter contributions over time, multiple payments proposed or other details here |

### Other information (reg 5.3B.15(3)(aa)

|  |  |
| --- | --- |
| Is there any other information about the plan?  For example:   * How will unclaimed monies (from unclaimed dividends) be treated? * How will interest earned on the plan be treated? * What is the treatment of creditors who have been paid in full under guarantee? | Enter text here or write ‘Not applicable’ |

### Date of plan (reg 5.3B.15(2)(e))

**This question is mandatory.**

|  |  |
| --- | --- |
| Date the plan was executed by the company: | Enter date here |

## Signature

Executed by the company: Enter company name

Director name and signature: Enter director name and signature

(Write in multiple directors below)