

Directors' declaration of eligibility for simplified liquidation process

Corporations Act 2001
498, 500AA
Corporations Regulations 2001
5.5.02, 5.5.06

Do not lodge this form with ASIC. Give the form to the liquidator of the company

Company details

Company name

ACN

1 Date of declaration

 / /

[D D] [M M] [Y Y]

2 Declaration of eligibility for the simplified liquidation process

If there is insufficient space, you may attach further information and submit it as part of this lodgement.

- The directors of the company declare that, in the directors' opinion, there are reasonable grounds to believe that:
- the company has/has not (strike out as applicable) entered into a transaction that would be voidable under section 588FE of the Act, other than a transaction that would be an unfair preference; and
 - on the declaration being given, the eligibility criteria for the simplified liquidation process will be met in relation to the company (reasons set out below)

3 Reason(s) why the eligibility criteria for the simplified liquidation process will be met in relation to the company

If there is insufficient space, you may attach further information and submit it as part of this lodgement.

Please provide details of the reasons for the directors' opinion that, on the declaration being given, the eligibility criteria for the simplified liquidation process will be met in relation to the company:

| Eligibility Criteria | Reason(s) |
|---|-----------|
| A triggering event in section 489F of the <i>Corporations Act 2001</i> has occurred | |
| The requirement to provide a report on company's business affairs (subsection 497(4)) and a declaration of eligibility for simplified liquidation process (section 498) have been complied with, or taken to have been complied with in relation to the company | |
| The company will not be able to pay its debts in full within 12 months after the day on which the triggering event occurred | |
| Total liabilities of the company on the day on which the triggering event occurred did not exceed \$1million | |
| No person who is a director, or has been a director within the 12 months preceding the day on which the triggering event occurred has been a director of another company that has undergone restructuring or been the subject of a simplified liquidation process within the preceding 7 years (unless exempt under regulation 5.5.03(4)) | |
| The company has not undergone restructuring or been the subject of a simplified liquidation process within the preceding 7 years (unless exempt under regulation 5.5.03(5)) | |
| The company has given returns, notices, statements, applications or other documents as required by taxation laws (within the meaning of the <i>Income Tax Assessment Act 1997</i>) | |

4 Details of company director

| | | |
|----------------------|----------------------|----------------------|
| Family name | Given names | |
| <input type="text"/> | <input type="text"/> | |
| Postal address | | |
| <input type="text"/> | | |
| Suburb/City | State/Territory | Postcode |
| <input type="text"/> | <input type="text"/> | <input type="text"/> |

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|----------------------|----------------------|----------------------|
| Family name | Given names | |
| <input type="text"/> | <input type="text"/> | |
| Postal address | | |
| <input type="text"/> | | |
| Suburb/City | State/Territory | Postcode |
| <input type="text"/> | <input type="text"/> | <input type="text"/> |

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| Postal address | | |
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| Suburb/City | State/Territory | Postcode |
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| Suburb/City | State/Territory | Postcode |
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| Family name | Given names | |
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| Postal address | | |
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| Suburb/City | State/Territory | Postcode |
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| Postal address | | |
| <input type="text"/> | | |
| Suburb/City | State/Territory | Postcode |
| <input type="text"/> | <input type="text"/> | <input type="text"/> |

Signature

This form must either be signed by one director on behalf of all directors or by each director

If there is insufficient space in this section for all directors to sign, you may photocopy the relevant page(s) and submit as part of this lodgement

Single director signing on behalf of all other directors

I certify that I am signing on behalf of myself and all other company directors and that the information in this declaration is true and complete.

Name

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] |

All directors signing the declaration

Name

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] |

Name

Signature

Date signed

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

Name

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] |

Name

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] |

Name

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:
The liquidator of the company. Do not lodge this form with ASIC.

For help or more information

Web www.asic.gov.au
Need help? www.asic.gov.au/question
Telephone 1300 300 630

Guide: Directors' declaration of eligibility for simplified liquidation process

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

| | |
|--|---|
| Signature | This form must either be signed by one director on behalf of all directors or by each director. |
| Lodgement period | <p>This form must be given to the liquidator of the company within 5 business days after the day of the meeting of the company at which the resolution for voluntary winding up of the company is passed. Directors are not required to lodge this form with ASIC.</p> <p>If the liquidator adopts the simplified liquidation process on a day, the liquidator then must lodge this form with ASIC within 2 business days after that day. A liquidator may lodge this form attached to Form EX08 <i>Notice of adoption of simplified liquidation process</i>.</p> |
| How to provide additional information | <p>If there is insufficient space in any section of the form, you may photocopy the relevant page(s) and submit as part of this lodgement.</p> <p>Attachments Attachments must be labelled as shown below:</p> <p>Sample</p> <p>Attachment name: _____</p> <p>Number of pages: _____</p> <p>Date prepared: _____</p> |
| Privacy | The information provided in this form may include personal information. Please refer to ASIC's privacy policy (www.asic.gov.au/privacy) for information about how ASIC handles personal information, your rights to seek access to and correct personal information, and to complain about breaches of your privacy. |
| Lodgement | <p>Send completed and signed forms to: The liquidator of the company. Do not lodge this form with ASIC.</p> <p>For more information Web www.asic.gov.au Need help? www.asic.gov.au/question Telephone 1300 300 630</p> |