

# Senior level employment history form

## Instructions for completing this form

Only **one part** of this form needs to be completed.

**Part A** is for applying for registration as a registered liquidator to practise as:

* an external administrator of companies, and as a receiver and a receiver and manager; or
* a receiver and a receiver and manager only.

Note: If the person completes Part A there is no to need to complete Part B.

**Part B** is for applying for registration as a registered liquidator to practise only as a restructuring practitioner for a company and for a restructuring plan.

# Part A

## Applicants for registration to practise as an external administrator of companies, a receiver and receiver and manager, or only as a receiver and receiver and manager

|  |  |
| --- | --- |
| Applicant name |  |

Before completing this information, you should read Regulatory Guide 258 *Registered liquidators: Registration, ongoing obligations, disciplinary actions and insurance requirements* ([RG 258](https://asic.gov.au/regulatory-resources/find-a-document/regulatory-guides/rg-258-registered-liquidators-registration-ongoing-obligations-disciplinary-actions-and-insurance-requirements/)), particularly RG 258.34–RG 258.38 and Table 3 on our requirements for corporate insolvency experience.

Below is an overview of what you will need to provide in the tables on the following pages.

### Table 1

Information to demonstrate that you have been engaged in at least 4,000 hours of relevant employment at a senior level during the five years immediately preceding the day on which your application is made.

### Table 2.1

Details of your relevant experience at a senior level by detailing the corporate insolvency administrations you have been involved with and your role in those administrations.

### Table 2.2

Information describing the actions and responsibilities you had in the corporate insolvency administration.

### Table 3

Information about your direct or indirect exposure to processes (including bankruptcy) under the *Bankruptcy Act 1966* (Bankruptcy Act) during the five years immediately preceding the day on which your application is made.

### Continuing professional education activities

You may be asked by a committee convened under Div 20 of Sch 2 to the *Corporations Act 2001* (Corporations Act) to provide evidence of your continuing professional education activities undertaken during the three years immediately preceding the date on which you lodged your application. Consider providing this information with your application.

Table 1: Total hours relevant employment at a senior level in the past five years

Before completing this table, you should read RG 258.35–RG 258.37 on the meaning of ‘relevant employment’ and RG 258.38 on the meaning of ‘at a senior level’. You need to include information that demonstrates that you have been engaged in at least 4,000 hours of relevant employment at a senior level during the five years immediately preceding the day on which your application is made.

A committee may decide that you should be registered even if the committee is not satisfied that you have the qualifications, experience, knowledge and abilities prescribed—provided you are suitable to be registered as a liquidator: see s20-20(5).

Where you have not engaged in at least 4,000 hours of relevant employment at senior level, you may wish to provide an explanation of your circumstances.

| Information | [Firm name] | [Firm name] | [Firm name] | [Firm name] |
| --- | --- | --- | --- | --- |
| Period of relevant employment at a senior level | DD/MM/YYYY to DD/MM/YYYY | DD/MM/YYYY to DD/MM/YYYY | DD/MM/YYYY to DD/MM/YYYY | DD/MM/YYYY to DD/MM/YYYY |
| Your position in firm  Note: For example, Director, Senior Manager, Manager |  |  |  |  |
| Supervising liquidator(s) |  |  |  |  |
| Total hours of employment at a senior level |  |  |  |  |
| Court liquidations, creditors voluntary liquidations |  |  |  |  |
| Members voluntary liquidations |  |  |  |  |
| Pt 5.3A administrations, deeds of company arrangement |  |  |  |  |
| Pt 5.3B small business restructuring and restructuring plans |  |  |  |  |
| Receiver |  |  |  |  |
| Receiver and manager |  |  |  |  |
| Bankruptcies |  |  |  |  |
| Advice relating to Subdiv C of Div 3 of Part 5.7B of the Corporations Act (‘safe harbour’ advice) |  |  |  |  |
| Advice relating to the restructuring of company debt outside external administration of companies, receivership or receivership and management of companies |  |  |  |  |
| Other relevant employment you may wish to draw to the attention of the committee |  |  |  |  |
| Total hours (sum of all appointments and/or advice) |  | | | |

Note: Add more columns as necessary. If including hours characterised as ‘Other relevant employment’ please provide details with the table of the work undertaken, falling within this category, and an explanation of why you believe the work included in this category is relevant employment for the purposes of your application.

Table 2.1: Relevant employment at a senior level in the past five years—Appointment and/or advice details

Before completing this table, you should read RG 258.35–RG 258.37 on the meaning of ‘relevant employment’ and RG 258.38 on the meaning of ‘at a senior level’.

You need to provide details of insolvency appointments and any other employment you may wish to draw to the attention of the committee where you have been engaged at a senior level to support the information included in Table 1.

If you have worked at a senior level on many external administrations, receiverships or receiverships and management appointments, or undertaken many ‘safe harbour’ assignments or provided advisory and other services to companies relevant to restructuring, you do not need to list every single matter. Select those that best demonstrate your skill, diligence and judgement, particularly in complex matters. You should particularly refer to external administrations or restructuring assignments that you think demonstrate the specific competencies the referee report from a supervising liquidator will address.

| Matter number  (insert additional rows as required) | Company name and ACN | Type of appointment | Period of relevant employment at a senior level in this administration | Your supervising liquidator(s) | Your role | Total hours spent at a senior level on this matter |
| --- | --- | --- | --- | --- | --- | --- |
| 1 |  |  | DD/MM/YYYY to DD/MM/YYYY |  |  |  |
| 2 |  |  | DD/MM/YYYY to DD/MM/YYYY |  |  |  |
| 3 |  |  | DD/MM/YYYY to DD/MM/YYYY |  |  |  |
| 4 |  |  | DD/MM/YYYY to DD/MM/YYYY |  |  |  |

Note: Applicants should consider confidentiality when disclosing specific company details for assignments related to ‘safe harbour’, advisory or other similar services. Further, it is an offence under s50-35 for a person who is or was a member of a committee to use or disclose information or documents that were disclosed to that person for the purposes of exercising powers or performing functions as a member of the committee.

Table 2.2: Relevant employment at a senior level in the past five years—summary of complex matters

In this table, you need to provide information describing your actions and responsibilities in the corporate insolvency administration and restructuring assignments. The details you provide for each matter will need to correspond with the matter number in Table 2.1. You should particularly refer to external administrations or restructuring assignments that you think demonstrate the specific competencies the referee report from a supervising liquidator will address.

For ‘complex matters’, please ensure that you provide enough information to demonstrate why the issues in the external administration or restructuring assignments were complex and your role in how they were resolved. Examples of matters that may be complex in a particular external administration include (but are not limited to):

* trading on a business with a view to selling it as a going concern
* conduct of public examinations
* large litigation matters
* social or environmental issues, or government policy
* investigations into insolvent trading, voidable transactions, fraudulent transactions, etc, and
* listed companies.

Only include the complex issues you faced in the matter and describe what you did to resolve them. This should demonstrate your skill and diligence, and sound judgement in managing the administration or other matter. Do not make general statements about outcomes without drawing the connection to your role in those outcomes. You should not provide details of your direct or indirect exposure to processes (including bankruptcy) under the Bankruptcy Act in this table; instead, include these details in Table 3.

| Matter number  (insert additional rows as required) | Briefly describe the matter | Why was it complex? | What actions and responsibilities did you undertake to resolve the complex tasks? | Total hours spent at a senior level on this matter |
| --- | --- | --- | --- | --- |
| 1 |  |  |  |  |
| 2 |  |  |  |  |
| 3 |  |  |  |  |
| 4 |  |  |  |  |

Table 3: Direct or indirect exposure to processes under the Bankruptcy Act in the past five years

| Matter number  (insert additional rows as required) | Estate name | Type of appointment | Dates between which you worked at a senior level on this matter | Your supervising trustee(s) | Your role  (include your exposure to or experience in the range of bankruptcy processes at a general level) | Total hours spent on this matter |
| --- | --- | --- | --- | --- | --- | --- |
| 1 |  |  | DD/MM/YYYY to DD/MM/YYYY |  |  |  |
| 2 |  |  | DD/MM/YYYY to DD/MM/YYYY |  |  |  |
| 3 |  |  | DD/MM/YYYY to DD/MM/YYYY |  |  |  |
| 4 |  |  | DD/MM/YYYY to DD/MM/YYYY |  |  |  |

# Part B

## Applicants for registration to practise only as a restructuring practitioner for a company and for a restructuring plan

|  |  |
| --- | --- |
| Applicant name |  |

Before completing this information, you should read Regulatory Guide 258 *Registered liquidators: Registration, disciplinary actions and insurance requirements* ([RG 258](https://asic.gov.au/regulatory-resources/find-a-document/regulatory-guides/rg-258-registered-liquidators-registration-ongoing-obligations-disciplinary-actions-and-insurance-requirements/)).

Below is an overview of what you will need to provide in the tables on the following pages.

### Table 1

Information to demonstrate that you have relevant employment and experience in providing advisory and other services relevant to restructuring of companies.

### Table 2.1

Details of your experience providing advisory and other services to companies relevant to restructuring by detailing your experience in providing the relevant services and your role in providing those services.

### Table 2.2

Information describing the actions and responsibilities you had in the matters listed in Table 2.1.

### Continuing professional education activities

You will be asked by a committee convened under Div 20 of Sch 2 to the *Corporations Act 2001* (Corporations Act) to provide evidence of your continuing professional education activities undertaken during the three years immediately preceding the date on which you lodged your application. You should provide this information with your application.

Table 1: Employment experience relevant to restructuring

You need to include information that demonstrates that you have been engaged in providing professional services that demonstrate your capacity to perform the functions and duties of a restructuring practitioner for a company and for a restructuring plan.

This may include relevant experience in external administration and receiverships or receiverships and management appointments to the extent the work performed is relevant to the functions and duties of a restructuring practitioner for a company and for a restructuring plan. It may also include advisory or other accounting service related to restructuring of companies.

Note: Add more columns if required.

| Information | [Firm name] | [Firm name] | [Firm name] | [Firm name] |
| --- | --- | --- | --- | --- |
| Period of senior employment level | DD/MM/YYYY to DD/MM/YYYY | DD/MM/YYYY to DD/MM/YYYY | DD/MM/YYYY to DD/MM/YYYY | DD/MM/YYYY to DD/MM/YYYY |
| Your position in firm  Note: For example, Director, Senior Manager, Manager |  |  |  |  |
| Supervising liquidator(s) if relevant |  |  |  |  |
| Hours of employment undertaking work relevant to the duties and functions of a restructuring practitioner |  |  |  |  |
| Advisory and other services relevant to restructuring |  |  |  |  |
| Court liquidations, creditors voluntary liquidations |  |  |  |  |
| Members’ voluntary liquidations |  |  |  |  |
| Pt 5.3A administrations, deeds of company arrangement |  |  |  |  |
| Pt 5.3B small business restructuring and restructuring plans |  |  |  |  |
| Receiver |  |  |  |  |
| Receiver and manager |  |  |  |  |
| Bankruptcies |  |  |  |  |
| Total hours  (sum of all relevant employment) |  | | | |

Table 2.1: Employment and experience relevant to restructuring—details of relevant experience

Below, give details of your experience in providing advisory and other services to companies relevant to restructuring to support the information included in Table 1.

If you have worked on many advisory and other services to companies relevant to restructuring or external administrations, receiverships or receiverships and management appointments where the work performed is relevant to the functions and duties of a restructuring practitioner for a company and for a restructuring plan, you **do not** need to list every matter.

Select those that best demonstrate your skill, diligence and judgement, particularly in complex matters. You should particularly refer to those matters that demonstrate the specific competencies the referee reports will address.

| Matter number  *Insert additional rows as required* | Name and ACN of company | Type of appointment | Dates between which you worked at a senior level on this administration | Your supervising liquidator(s) (if relevant) | Your role | Total hours spent on this matter |
| --- | --- | --- | --- | --- | --- | --- |
| 1 |  |  | DD/MM/YYYY to DD/MM/YYYY |  |  |  |
| 2 |  |  | DD/MM/YYYY to DD/MM/YYYY |  |  |  |
| 3 |  |  | DD/MM/YYYY to DD/MM/YYYY |  |  |  |
| 4 |  |  | DD/MM/YYYY to DD/MM/YYYY |  |  |  |

Note: Applicants should consider confidentiality when disclosing specific company details for assignments related to ‘safe harbour’, advisory or other similar services. Further, it is an offence under s50-35 for a person who is or was a member of a committee to use or disclose information or documents that were disclosed to that person for the purposes of exercising powers or performing functions as a member of the committee.

Table 2.2: Employment and experience relevant to restructuring of companies—summary describing your roles and responsibilities in providing advisory and other services relevant to restructuring of companies

You need to provide information describing your actions and responsibilities in providing advisory and other services to companies relevant to restructuring. The details you provide will need to correspond with the matter number in Table 2.1.

Please ensure that you provide enough information to demonstrate why the issues are relevant to the duties and functions of a restructuring practitioner for a company, for a plan and your role in how they were resolved. Do not make general statements about outcomes without drawing the connection to your role in those outcomes.

Examples of matters that may be relevant include (but are not limited to):

* conducting a business viability review;
* providing ‘safe harbour’ advice under section 588GA of the Corporations Act;
* preparing short, medium and long term cashflow forecasts;
* developing a restructuring plan;
* advising on the ongoing trading of a business with a view to returning it to solvency or selling it as a going concern;
* providing advice on, or negotiating, the sale of assets or terms of trade by essential suppliers to a business;
* investigating insolvent trading, voidable transactions, fraudulent transactions, etc;
* determining creditor claims for dividend purposes in an external administration; and
* demonstrating skills relevant to restructuring developed from work undertaken on external administrations that would satisfy, or would have satisfied, the ‘liability test’ to be eligible for restructuring under the Corporations Act Pt 5.3B, *Restructuring of a company*.

Only include issues you faced and describe what you did to resolve them. This should demonstrate your skill and diligence, and sound judgement in undertaking advisory and other services for companies relevant to restructuring.

| Matter number  (insert additional rows as required). | Briefly describe the matter | What actions and responsibilities did you undertake in providing the advisory and other services relevant to restructuring of companies? | Total hours spent on this matter |
| --- | --- | --- | --- |
| 1 |  |  |  |
| 2 |  |  |  |
| 3 |  |  |  |
| 4 |  |  |  |