

262D. Matters to be disclosed in disclosure statement

- (1) A disclosure statement must—
 - (a) contain a confirmation by the person making the statement—
 - (i) that the person is not disqualified under section 262B; or
 - (ii) if the person would have been disqualified under section 262B(2)(c) or (3) but for the leave of the court, that the leave of the court has been obtained; and
 - (b) disclose—
 - (i) whether any of the relationships set out in subsection (2) exists; and
 - (ii) if such a relationship exists—
 - (A) the details of the relationship; and
 - (B) the person's reasons for believing that the existence of the relationship would not result in the person having a conflict of interest or duty.
- (2) The relationships are—
 - (a) the person making the statement is, or was at any time within 2 years before making the statement—
 - (i) a member of the company, its holding company or its subsidiary;
 - (ii) a creditor or debtor of the company, its holding company or its subsidiary;
 - (iii) a director or company secretary of the company, its holding company or its subsidiary;
 - (iv) an employee of the company, its holding company or its subsidiary;
 - (v) an auditor of the company;
 - (vi) a receiver or manager of the property of the company;
 - (vii) a provisional liquidator or liquidator of the company;
 - (viii) a legal advisor of the company, its holding company or its subsidiary; or
 - (ix) a financial advisor of the company, its holding company or its subsidiary;
 - (b) the person making the statement is an immediate family member of an individual who is, or was at any time within 2 years before the making of the statement, a person mentioned in paragraph (a)(iii), (v), (vi) or (vii);
 - (c) if the person making the statement is a partner in a firm—
 - (i) the firm or any other partner in the firm is, or was at any time within 2 years before the making of the statement, a person mentioned in a subparagraph of paragraph (a);
 - (ii) any other partner in the firm is an immediate family member of an individual who is, or was at any time within 2 years before the making of the statement, a person mentioned in paragraph (a)(iii), (v), (vi) or (vii);
 - (d) if the person making the statement is a director of a body corporate—
 - (i) the body corporate, or any other director or any company secretary of the body corporate, is, or was at any time within 2 years before the making of the statement, a person mentioned in a subparagraph of paragraph (a);
 - (ii) any other director or any company secretary of the body corporate is an immediate family member of an individual who is, or was at any time within 2 years before the making of the statement, a person mentioned in paragraph (a)

(iii), (v), (vi) or (vii).

- (3) For the purposes of subsection (2)(a)(ii), a person is not a creditor of the company only because a debt is owed to the person by the company in the person's capacity as provisional liquidator or liquidator of the company.
- (4) A person who, in a disclosure statement omits to state any relationship required to be disclosed under subsection (1)(b) commits an offence and is liable on conviction to a fine.
- (5) If a person is charged with an offence under subsection (4) for omitting to state a relationship, it is a defence for the person to prove that the person, after having made all reasonable enquiries, had no reasonable grounds for believing that the relationship existed.
- (6) In this section—

firm (商號) means a firm as from time to time constituted;

immediate family member (家人), in relation to an individual, means a spouse, parent, child, sibling, grandparent or grandchild of the individual.