



Application for registration as a foreign company

Use this form to apply to ASIC for registration as a foreign company under the Corporations Act 2001.

Related forms

403 - Verification of copy of document authorising on behalf of a foreign company, execution of a document appoint a local agent

418 - Memorandum of appointment of local agent

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

Lodgement details

An image of this form will be available as part of the public register.

Who should ASIC contact if there is a query about this form?

ASIC registered agent number (if applicable)

Firm/organisation

Contact name/position description

Telephone number (during business hours)

Email address (optional)

Postal address

Suburb/City

State/Territory

Postcode

1 Application

I apply for registration of the corporation as a foreign company under the Corporations Act 2001 as it applies under Part 5B.2 (Division 2) of the Corporations Act 2001.

2 Details of current registration

Corporation name

Corporation number in place of origin

Date of incorporation

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

Place of incorporation/origin

Has a name reservation been lodged to reserve the body's name?

 Yes

If yes, provide name reservation number

 No

If no, is the proposed name identical to a registered business name(s) in Australia?

 Yes No

If yes, I declare that I own, or am registering the company for the owner(s) of the identical business name(s), the registration details of which are listed below (see following page).

2 Continued... Provide further details of current registration

State/Territory business number	State/Territory of registration

3 Details of the foreign company

Registered office in Australia
You cannot use a PO Box address

At the office of, C/- (if applicable)

Office, unit, level

Street number and Street name

Suburb/City

State/Territory

Postcode

Office hours

- a. Registered office open to the public each business day from at least 10 am to 12 noon and 2 pm to 4 pm.
 b. Registered office open to the public each business day for at least 3 hours between 9 am and 5 pm.

If b, insert hours open

from am/pm

close

to am/pm

Does the company occupy the premises?

Yes

No

If no, name of occupier

Occupier's consent (Select box to indicate the statement below is correct)

The occupier of the premises has consented in writing to the use of the specified address as the address of the registered office of the company and has not withdrawn that consent.

Registered office in place of incorporation

If no registered office — the principal place of business in place of incorporation

At the office of, C/- (if applicable)

Office, unit, level

Street number and Street name

Suburb/City

State/Territory

Postcode

Country

4 Details of local agent

Enter family and given names or, if a company, name of the company and ACN. Address must be in Australia.

Family name	Given names	
<input type="text"/>	<input type="text"/>	
Company name		
<input type="text"/>		
ACN/ ABN		
<input type="text"/>		
At the office of, C/-, office, unit, level (if applicable)		
<input type="text"/>		
Street number and Street name		
<input type="text"/>		
Suburb/City	State/Territory	Postcode
<input type="text"/>	<input type="text"/>	<input type="text"/>

4 Continued... Details of additional local agent

Enter family and given names or, if a company, name of the company and ACN. Address must be in Australia.

Family name	Given names	
<input type="text"/>	<input type="text"/>	
Company name		
<input type="text"/>		
ACN/ ABN		
<input type="text"/>		
At the office of, C/-, office, unit, level (if applicable)		
<input type="text"/>		
Street number and Street name		
<input type="text"/>		
Suburb/City	State/Territory	Postcode
<input type="text"/>	<input type="text"/>	<input type="text"/>

5 Details of director or equivalent

Family and given names or corporation name. If a corporation give ACN or ARBN if applicable.

Family name	Given names	
<input type="text"/>	<input type="text"/>	
Former name (if any)		
<input type="text"/>		
Company name		
<input type="text"/>		
ACN/ARBN (if applicable)		
<input type="text"/>		
Office, unit, level		
<input type="text"/>		
Street number and Street name		
<input type="text"/>		
Suburb/City	State/Territory	Postcode
<input type="text"/>	<input type="text"/>	<input type="text"/>
Country		
<input type="text"/>		
Office held	Date of appointment	
<input type="text"/>	<input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> [D] [D] / [M] [M] / [Y] [Y]	
Date of birth		
<input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> [D] [D] / [M] [M] / [Y] [Y]		
Place of birth (town/city)	(state/country)	
<input type="text"/>		

If the director is an individual, give their usual residential address.

5 Continued... Details of additional director or equivalent

Family and given names or corporation name. If a corporation give ACN or ARBN if applicable.

Family name	Given names	
<input type="text"/>	<input type="text"/>	
Former name (if any)		
<input type="text"/>		
Company name		
<input type="text"/>		
ACN/ARBN (if applicable)		
<input type="text"/>		
Office, unit, level		
<input type="text"/>		
Street number and Street name		
<input type="text"/>		
Suburb/City	State/Territory	Postcode
<input type="text"/>	<input type="text"/>	<input type="text"/>
Country		
<input type="text"/>		
Office held	Date of appointment	
<input type="text"/>	<input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> [D] [D] [M] [M] [Y] [Y]	
Date of birth		
<input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> [D] [D] [M] [M] [Y] [Y]		
Place of birth (town/city)	(state/country)	
<input type="text"/>		

If the director is an individual, give their usual residential address.

Declaration by applicant

This form must be signed by a director (or equivalent), secretary or local agent or by a director or secretary for a company appointed as local agent.

I certify that the information in this form is true and complete.

Name

Capacity

Director (or equivalent) of the foreign company

Secretary of the foreign company

Duly appointed local agent of the foreign company

Director or secretary of a company which has been duly appointed as local agent of the foreign company

Company name

ACN/ABN

Signature

Date signed

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

Declaration where local agent is an individual

I have been appointed as agent of the foreign company named in this application.

Date of appointment

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

Method of appointment

Memorandum of appointment Power of attorney

Name

Signature

Date signed

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

Declaration where local agent is a company

We have been appointed as agent of the foreign company named in this application.

Date of appointment

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

Method of appointment

Memorandum of appointment Power of attorney

Company name

ACN/ABN

Name

Capacity

Director Secretary

Signature

Date signed

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

Lodgement

Send completed and signed forms to:
Australian Securities and Investments Commission,
PO Box 4000, Gippsland Mail Centre VIC 3841.

For more information

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

Guide:

Application for registration as a foreign company

This guide does not form part of the form. It is included by ASIC to assist you in completing and lodging the Form 402.

Use this form to apply to ASIC for registration as a foreign company under the Corporations Act 2001.

Related forms

Form 403 Verification of copy of document authorising on behalf of a foreign company, execution of a document appoint a local agent

Form 418 Memorandum of appointment of local agent

Signature	<p>Two signatures are required.</p> <p>The declaration by applicant must be signed by a director (or equivalent), secretary or local agent; or by a director or secretary for a company appointed as local agent.</p> <p>The declaration by local agent on page 5 must also be signed by the local agent or by a director or secretary for a company appointed as local agent.</p>
Lodgement period	<p>Nil – to be lodged when required.</p>
Lodging fee	<p>A lodgement fee applies to this form.</p> <p>For information on fees refer to www.asic.gov.au/forms.</p>
Documents to be lodged with this application	<ol style="list-style-type: none">A certificate of registration or incorporation (or similar document) that confirms that the foreign company is currently registered in its place of incorporation. The certificate (or similar document) must be:<ul style="list-style-type: none">issued by the governing authority (equivalent to ASIC) in the place of incorporationan original document, anddated no more than 3 months before it is received by ASIC — unless we allow a longer period.<p>If a certificate of registration cannot be obtained here are examples of similar documents we accept:</p><ul style="list-style-type: none">Certificate of Good StandingCertificate of StatusCertificate of Legal ExistenceCertificate of Current Standing.<p>If you are providing a copy of the original certificate of registration or incorporation, (i.e. the certificate issued to the company upon its incorporation), it must be certified as a true copy by the governing authority (equivalent to ASIC) in the place of incorporation and the certification dated no more than 3 months before it is received by ASIC — unless we allow a longer period. It must be accompanied by confirmation, issued within the same time period by that authority, that the registration or incorporation is still current.</p>A certified copy of the company's current constitution. Certification can be by:<ul style="list-style-type: none">the governing authority (equivalent to ASIC) in the place of incorporation;a notary public; ora duly witnessed affidavit by a director or secretary of the foreign company.<p>The certified copy of the constitution must be dated no more than 3 months before it is received by ASIC.</p><p>If the foreign company is not bound by a written constitution and/or is bound by some other means of governance, provide a statement in writing to that effect and wherever possible include a description of the legislation that governs the administration of the company. The statement must be certified in accordance with requirements for certification as described above.</p>

Continued... **Documents to be lodged with this application**

3. **If any document is not in English, a certified translation of that document into English. The translation must be certified in writing to be a correct translation.**

A translation made outside Australia must be certified as a correct translation into English by one of the following persons in the place where the corporation was formed or incorporated:

- a person who has lawful custody of the original document, that is, a person who exercises under law functions similar to those exercised by ASIC, or
- a notary public or a translator public duly admitted and sworn in accordance with the law.

A translation made inside Australia must be certified as a correct translation into English by a person approved by ASIC such as:

- language teachers or professors at tertiary institutions
- legal translators with a minimum 12 months experience in certifying translated documents or being an interpreter before the Courts
- a Level III accredited translator by NAATI (National Accreditation Authority for Translators and Interpreters Ltd)
- an approved translator from the Department of Immigration and Citizenship - Translating and Interpreting Service, or
- any other qualified person of Commonwealth or State Government Department providing accredited translation services.

4. **A memorandum of appointment or a power of attorney** that is executed by or on behalf of the foreign company, stating the name and address of an agent who is:

- a) an individual or a company,
- b) resident in Australia, and
- c) authorised to accept on behalf of the foreign company, service of process and notices.

A Form 418 *Memorandum of appointment of local agent* can be used .

5. If the memorandum or power of attorney is executed on behalf of the foreign company, the company must also lodge a copy of the document authorising the execution and a Form 403 *Verification of copy of document authorising, on behalf of a foreign company, execution of a document appointing a local agent*. The Form 403 can be signed by:

- a director or secretary of the foreign company
- the person authorised to execute the memorandum of appointment of the local agent, or
- the local agent.

6. If the list of directors includes directors who are:

- a) resident in Australia, and
- b) members of an Australian board of directors of the foreign company,

lodge a **memorandum** executed by, or on behalf of, the foreign company **stating the powers of those directors**.

7. If the foreign company proposes to register a name which is identical to a registered business name(s), we must be satisfied that it is authorised to use the name. The information you provide about the proposed business name in Section 2 of this form allows us to assess entitlement to the name.

Alternatively, that information may be given in a statement attached to the Form 402 (as an annexure) under the heading 'Declaration Regarding Registered Business Name(s)'. You must provide the same information required on the Form 402. The statement must include the declaration 'I declare that the information given in this statement is true and correct' and be dated and signed by the applicant.

Refer to Information Sheet 32 *Foreign companies - registration and post-registration obligations* for more information.

How to provide additional information**Photocopied Form 402 pages**

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.

Annexures

If there is insufficient space in any section of the form, you may alternately submit annexures as part of this lodgement.

To make any annexure conform to the regulations, you must

1. use A4 size paper of white or light pastel colour with a margin of at least 10mm on all sides
2. show the company name and ACN or ARBN
3. number the pages consecutively
4. print or type in BLOCK letters in dark blue or black ink so that the document is clearly legible when photocopied
5. mark the annexure with an identifying letter or symbol eg a,b,c or 1,2,3 etc.
6. endorse the annexure with the words:

This annexure (mark) of (number) pages referred to in form (form number and title)

7. sign and date the annexure

The annexure must be signed by the same person(s) who signed the form.

Privacy

The information provided to ASIC in this form may include personal information. Please refer to our privacy policy (www.asic.gov.au/privacy) for information about how we handle your personal information, your rights to seek access to and correct personal information, and to complain about breaches of your privacy.

Lodgement

Send completed and signed forms to:
Australian Securities and Investments Commission,
PO Box 4000, Gippsland Mail Centre VIC 3841.

For more information

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