



# 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

**Intention to offer interests in a foreign passport fund**

Does the company intend to give notification of interest to offer interests in a foreign passport fund in Australia?

Yes

No

## 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](http://www.asic.gov.au)

Need help? [www.asic.gov.au/question](http://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

<b>Signature</b>	<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>
<b>Lodgement period</b>	<p>Nil – to be lodged when required.</p>
<b>Lodging fee</b>	<p>A lodgement fee applies to this form.</p> <p>For information on fees refer to <a href="http://www.asic.gov.au/forms">www.asic.gov.au/forms</a>.</p>
<b>Documents to be lodged with this application</b>	<ol style="list-style-type: none"><li><b>A current certified copy of the entity's certificate of incorporation/registration.</b> The certificate (or similar document) that is copied must have been issued by the governing authority in the place of incorporation that exercises functions similar to those that ASIC exercises ('ASIC equivalent').  The copy must:<ul style="list-style-type: none"><li>• have been certified as a true copy by the governing authority in the place of incorporation, and</li><li>• be dated no more than 3 months before it is received by ASIC — unless we allow a longer period.</li></ul> If a certified copy of a certificate of incorporation/registration cannot be obtained, here are examples of similar documents we accept that may be copied and certified in accordance with the requirements above:<ul style="list-style-type: none"><li>• Certificate of Good Standing</li><li>• Certificate of Status</li><li>• Certificate of Legal Existence</li><li>• Certificate of Current Standing.</li></ul></li><li><b>A certified copy of the company's current constitution.</b> The copy of the constitution must include all amendments that have affected the constitution to the date it is received by ASIC.  The copy must be certified as a true copy no more than 3 months before it is lodged with us by:<ul style="list-style-type: none"><li>• the ASIC equivalent governing authority in the entity's place of incorporation;</li><li>• a notary public; or</li><li>• a duly witnessed affidavit that is sworn in accordance with the legal requirements of the jurisdiction where it is made. If the affidavit is sworn in Australia, it must be made by a director or secretary of the foreign company.</li></ul> If the entity does not have a constitution and/or is bound by some other means of governance, provide a written statement to that effect and, wherever possible, describe the legislation that governs the entity's administration of the company. The statement must be signed by an officeholder of the entity and contain an original signature.</li></ol>

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

For more information about translation of documents, please visit [www.asic.gov.au/translation-of-documents](http://www.asic.gov.au/translation-of-documents)

### 3. Memorandum of appointment of the local agent or a power of attorney in favour of the local agent.

A Form 418 *Memorandum of appointment of local agent* may be used for this purpose. The memorandum or power of attorney must be executed by, or on behalf of, the entity and state the name and address of the local agent who is:

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

If the Form 418 or power of attorney is being lodged by a third party on behalf of the foreign company, they must also provide a copy of the Forms 403 *Verification of copy of document authorising, on behalf of a foreign company, execution of a document appointing a local agent*.

### 4. Memorandum stating the powers of certain directors

If the list of directors on the application includes directors who are resident in Australia and members of a local board of directors, provide a memorandum that outlines their powers.

**Note:** If any document is not in English, it is necessary to provide a translation of the document into English.

Refer to Information Sheet 32 *Foreign companies* 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](http://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](http://www.asic.gov.au)  
Need help? [www.asic.gov.au/question](http://www.asic.gov.au/question)  
Telephone 1300 300 630