



Notification of change to details of a foreign company or a registered Australian body

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

Foreign company or registered body details	Foreign company or registered body name <input type="text"/>
	ARBN <input type="text"/>

Lodgement details	Who should ASIC contact if there is a query about this form?
	Firm/organisation <input type="text"/>
	Contact name/position description <input type="text"/>
	ASIC registered agent number (if applicable) <input type="text"/>
	Telephone number <input type="text"/>
	Postal address or DX address <input type="text"/> <input type="text"/>

1 Details of change

Tick boxes that apply.

<input type="checkbox"/>	Change of constitution	Date of change <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/>
<input type="checkbox"/>	Change to powers of foreign company directors who are resident in Australia	Date of change <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/>
<input type="checkbox"/>	Change of name	Date of change <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/>
New foreign company or registered body name <input type="text"/>		
Has a name reservation been lodged to reserve the body's name?		
<input type="checkbox"/>	Yes	
	If yes, provide name reservation number <input type="text"/>	
<input type="checkbox"/>	No	
	If no, is the proposed name identical to a registered business name(s) in Australia?	
<input type="checkbox"/>	Yes	<input type="checkbox"/> No
	If yes, provide business name(s) registration details (see following page)	

1 Continued... Further details of change

I declare that I own, or am registering the registered body name for the owner(s) of the identical business name(s), the registration details of which are listed below.

State/Territory business number

State/Territory of registration

Signature

See guide for signature requirements.

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

Name

Capacity

- Director (or equivalent) of the foreign company or registered body
- Secretary of the foreign company or registered body
- 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]

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: Notification of change to details of a foreign company or a registered Australian body

This guide does not form part of the form. It is included by ASIC to assist you in completing and lodging the Form 409.

Signature	<p>Registered Australian body This form must be signed by a director (or equivalent), or secretary.</p> <p>Foreign company This form must be signed by a director (or equivalent), secretary or local agent or a director or secretary of a company appointed as local agent.</p>
Lodgement period	14 days for change of name; 1 month for change of constitution or change to powers of directors resident in Australia.
Late lodgement fee	<p>Late fees will apply if you notify a change outside of the lodgement period.</p> <p>For information on fees refer to www.asic.gov.au/forms.</p> <p>A form is not considered lodged until it is received and accepted by ASIC as being in compliance with s1274(8) of the Corporations Act 2001. A receipt will not be issued unless requested.</p>
Other documents to be lodged	<p>Change of name A certified copy of the current Certificate or a document of similar effect evidencing the change of name. The certification must be dated no more than 3 months before it is received by ASIC.</p> <p>Change of constitution A certified copy of the current constitution or a copy of the instrument effecting the change. The certification must be dated no more than 3 months before it is received ASIC.</p> <p>In both cases a copy can be certified by:</p> <p>For foreign companies</p> <ul style="list-style-type: none">• the governing authority (ASIC's equivalent) in the place of incorporation or• notary public or• a duly witnessed affidavit by a director (or equivalent) or secretary of the foreign company. <p>For registered Australian bodies</p> <ul style="list-style-type: none">• the governing authority (ASIC's equivalent) in the State or Territory of registration or• notary public or• a statement in writing by a director (or equivalent) or secretary of the body (the Form 911 can be used for this purpose). <p>Change to powers An endorsed written memorandum executed by, or on behalf of, the foreign company stating the powers of the resident Australian directors, being members of an Australian board of directors of the foreign company, as altered.</p>

Continued... Other documents to be lodged

If any document is not in English, the document and a certified translation of that document into English must be lodged. 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) 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
- b) a notary public or a translator public duly admitted and sworn in accordance with the law.

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

- a) language teachers or professors at tertiary institutions;
 - b) legal translators with a minimum 12 months experience in certifying translated documents or being an interpreter before the Courts;
 - c) a Level III accredited translator by NAATI (National Accreditation Authority for Translators and Interpreters Ltd);
 - d) an approved translator from the Department of Immigration and Ethnic Affairs - Language Services Section; or
 - e) any other qualified person of a Commonwealth or State Government Department providing accredited translation services.
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Additional requirements

Names

A name is available unless it is identical to a name that is currently reserved or registered under the *Corporations Act 2001* for another body, or is identical to a name that is included on the national business names register in respect of another individual or body who is not the person applying to have the name, or is unacceptable for registration under the Regulations.

If the registered body is notifying a change to its name to a name, which is identical to a registered business name(s), ASIC must be satisfied that the registered body is entitled to the use of the name under s601DC. To assess entitlement to the name, the questions regarding the business name(s) issue shown on the Form 409 must be completed.

Alternatively, that information may be given in a statement attached to the Form 409 (as an annexure) under the heading 'Declaration Regarding Registered Business Name(s)'. Be sure to provide the same information as is required on the Form 409. The statement must also be **dated and signed** by a director, secretary or local agent of the registered body as being 'true and correct' as follows:

'I declare that the information given in this statement is true and correct'.

How to provide additional information

Photocopied Form 409 pages

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Annexures

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

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