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**Deadlines for  
Orders Before  
Christmas**

**ALL  
SUPERANNUATION  
FUND ORDERS  
MUST BE  
SUBMITTED TO US  
NO LATER THAN  
4 pm Friday  
18th December**

**ALL TRUST ORDERS  
MUST BE  
SUBMITTED TO US  
NO LATER THAN  
12 noon Tuesday  
22nd December**

**ALL NEW COMPANY  
ORDERS MUST BE  
SUBMITTED TO US  
NO LATER THAN  
4 pm Tuesday  
22nd December.**

# NCS Newsletter

Welcome to the last NCS Newsletter for 2009.

It has been a challenging year for many businesses and yet others seem to have done very well. Our business was affected for some months by the uncertainty and lack of business confidence, which meant not as many new companies and trusts were ordered over this time. However, orders over the last few months have picked up and we are back to our normal busy rush as the end of the "Calendar Year" is fast approaching.

We take this opportunity to thank you all for your custom and support throughout the year. We wish all our clients a very happy Christmas and New Year.

In this edition of our Newsletter, we seek to inform you of proposed changes relating to Business Names, ASIC Forms relating to Foreign Companies and notification of our office Christmas/New Year Closure.

We look forward to 2010 and working with all of you next year!

## ASIC Set To Take Over Business Name Registration

Back in July 2008, the "Council of Australian Governments" (COAG) agreed on a national system for the registration of business names, which would see the states and territories refer their powers to the Commonwealth, and would also move the Australian Securities and Investments Commission (ASIC) into position to administer the "National Business Names" legislation.

Speaking plainly, ASIC is looking to take over the registration and administration of Australian Business Names in such a way that would create "National Business Names", allowing for greater brand recognition and protection for consumers across the country. This will simplify the process for business owners currently registering business names in various States and Territories in which they wish to be able to trade.

Not to mention the stress-relief it will give to many registry services, like NCS, in the way that we will finally have a "National" system for regulation of Business Names, rather than different rules, regulations and fee structures in each State and Territory.

From the information we've gathered, further enhancements are being planned:

The ABN / Business Names project aims to deliver a single online client service for registration of both an **Australian Business Number (ABN)** and a **National Business Name** in Australia.

ASIC is currently working with the Australian Business Register (ABR) and other project participants to design a service that will provide clients with a seamless online registration of Business Name and ABN.

The National System is currently set to be operational by **31<sup>st</sup> March 2011** – NCS will be in contact with ASIC over the course of the next year to keep up-to-date regarding this and other systems in development.

## NCS Christmas / New Year Closure



Please note, our office will close at

**12.00 noon on Wednesday 23<sup>rd</sup> December 2009**

and re-open on

**Monday 11<sup>th</sup> January 2010.**

*Wishing all our  
clients, customers  
and suppliers  
a safe and happy  
Christmas and  
New Year.*



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## Changes to Foreign Company ASIC Forms

Please note that ASIC have updated all their compliance forms relating to "Foreign Companies". From 11 December, you can download new versions of these forms from ASIC's web site:

- ⇒ **Form 489** Notification of change of registered office or office hours;
- ⇒ **Form 404** Notification of change to agent of a foreign company;
- ⇒ **Form 490** Notification of change to directors of a foreign company.

After 11 December, 2009 old versions of these forms will be returned for completion of new forms.

### New Zealand Companies

New Zealand companies that are registered in Australia as "Foreign Companies" are exempt from the requirements to lodge certain basic information and financial statements with ASIC where that information has already been lodged with the New Zealand Companies Office (NZCO).

The types of changes/information covered under this initiative are:

- ⇒ Changes to the company's registered office address in New Zealand;
- ⇒ Changes to the company's constitution;
- ⇒ Changes to the company's directors – cessations, names & addresses. (A Form 490 must still be lodged with ASIC to advise the Appointment of New Directors, as NZCO does not include birth details for directors);
- ⇒ Notice of winding up, dissolution or deregistration of the company in NZ;
- ⇒ Financial Statements (including profit & loss, balance sheet, cash flow statement) as lodged with NZCO.

All other lodgement requirements continue to apply to New Zealand Companies. This includes the Form 406 Annual Return where the company is not required to prepare and lodge financial statements in NZ and claim exemption from the financial requirements under the Act as set out in Class Order 02/1432 *Registered foreign companies – financial reporting requirements*.

## Ceasing to Act as ASIC Agent

A reminder that a company can lodge a Form 362 appointment or cessation of an ASIC agent and an agent can lodge a Form 361 cessation of an agent. However, what is often forgotten in this process is the change of registered office address. If your office is the registered address and this is not changed, you will still receive any paper correspondence for the company. To change the address, the company must lodge a Form 484 change to company details. However, if your client or their new accountant neglects to lodge this change, you can send a letter to ASIC withdrawing consent of the use of your firm's address as the registered office address. This will stop ASIC correspondence for "No Longer Clients" coming to your address.

If you require any assistance with this, NCS has some standard letters which are accepted by ASIC.



## Staff News

### James and Jenny Tie the Knot!

James and Jenny got married on 1 November 2009 at a lovely ceremony at the amphitheatre at the "Fairfield Boat House" and Reception at the restaurant overlooking the river. It was a beautiful setting and celebrations followed well into the night! The happy couple honeymooned in Byron Bay and then the Gold Coast.