

REINSTATEMENT OF THE REGISTRATION OF A COMPANY

There are only 2 different methods to request the reinstatement of a company:

1. Apply to Australian Securities & Investments Commission (ASIC) if there are grounds to believe that the deregistration was incorrect.

ASIC have to be satisfied that the company should not have been deregistered (s601AH(1))

You must be able to provide proof that will demonstrate that:

- There was a procedural defect or oversight in the deregistration; or
- The company was carrying on business or was in operation at the time it was deregistered.

2. Apply to the Court for an order that ASIC reinstates the company.

If you cannot meet the requirements to apply to ASIC for the reinstatement of the company, you can apply to the Court (s601AH(2)).

People who feel disadvantaged by the deregistration of the company (e.g. creditors, other bodies taking legal action against the company) may also apply to the court for the reinstatement of your company.

If you need to take up this option, you should seek your own legal advice.

What is required before a company can be reinstated?

To apply for the reinstatement of your company you must:

- (a) Lodge a statutory declaration supported by appropriate documentation (where applicable)
- (b) Lodge any outstanding annual returns of other documents with us (ASIC need to consider the documents to be fully completed and correct before any reinstatement action is taken)
- (c) Pay all lodging and late fees arising from the lodging of these documents and any other unpaid documents already on record

- (d) Pay any outstanding penalty issued under a penalty notice to the company or one of its officers
- (e) Pay the prescribed fee for the application for reinstatement

Lodge and pay all of the abovementioned documents with a completed **Application for ASIC Reinstatement and \$66 Application Fee.**

Please note all payments must accompany the above documents and payment must be made by either a Bank Cheque or Money Order.

The Application and supporting documents with payment should be sent to:

**Australian securities & Investments Commission
PO Box 4000
Gippsland Mail Centre VIC 3841**