



Incorporating a Business

MELBOURNE, VICTORIA, AUSTRALIA

A company in Australia may operate under one of the following structures:

- Company limited by shares
- Company limited by guarantee
- Company with unlimited liability
- A no liability company (but only where the company is established solely for mining purposes)

The most common choice for a foreign investor is a company limited by shares, which may either be a proprietary (private) or a public company or a branch of a foreign company.

Private Company

At least one director of a proprietary company must ordinarily be a resident in Australia. The letters “Pty Ltd” must be used with the company name, and the company must apply and be granted an Australian Business Number (ABN) or an Australian Company Number. The subsidiary will also need a registered office in Australia.

Commonly, private companies are established by a lawyer or accountant. An investor may either incorporate a company or acquire a shelf company, which is an existing company, recently incorporated and available immediately.

Registered Foreign Companies

A foreign company conducting business in Australia, other than an Australian subsidiary, must register as a foreign company with the Australian Securities and Investment Commission (ASIC). This applies to those companies having a place of business in Australia, having a share registration office or dealing with property as an agent or trustee.

The overseas company must:

- Reserve the company name
- Lodge an application form with ASIC and other documents such as a certified copy of its certificate of incorporation
- Appoint a local agent in Australia

If ASIC is satisfied with the documents, registration takes approximately two weeks. Lodgement of financial statements and other on-going obligations also exist.

Acquiring an existing Australian Company

An alternative to establishing a new company is to purchase the shares or assets of an existing Australian company. If considering this option, you need to be aware of take over and competition policy as well as foreign investment policies. See the fact sheet on “The Foreign Investment Review Board” for more information.

Company and Business Names

A company can trade using either its registered name, under which it was created, or a registered business name. Availability of company names can be checked via the web at asic.gov.au

IT TAKES JUST



3 DAYS

to start a business in Victoria

Business names must be registered with the Australian Securities and Investment Commission.

Further Information

Australian Securities and Investment Commission

Enquiries: +61 3 5177 3988
info.enquiries@asic.gov.au
www.asic.gov.au

Consumer Affairs Victoria

Enquiries: +61 3 8684 0735
consumer@justice.vic.gov.au
www.consumer.vic.gov.au

Australian Competition and Consumer Commission

Enquiries: +61 3 9290 1800
www.accc.gov.au



Foreign Investment Review Board

Enquiries: +61 2 6263 3795
firbenquiries@treasury.gov.au
www.firb.gov.au

Invest Victoria is your single point of entry for investment in Melbourne and Victoria. We welcome the opportunity to discuss your business needs and provide services that will allow your company to build a business future in Victoria.

Please contact your local VGBO or visit invest.vic.gov.au

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