**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)

he 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.

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| |  | | --- | | IT TAKES JUST    3 DAYS | |
| to start a business in Victoria |

### 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

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](http://www.firb.gov.au)